

THE COUNCIL

Minutes of the Proceedings for the

STATED MEETING

of

Thursday, March 24, 2022, 2:13 p.m.

(held in a hybrid meeting format)

The Majority Leader (Council Member Powers)

presiding as the Acting President Pro Tempore

Council Members

Adrienne E. Adams, Speaker

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

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

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

There were 51 Council Members marked present at this Stated Meeting held in the Council Chambers at City Hall, New York, N.Y.

INVOCATION

The Invocation was delivered by Pastor Rev. Dr. Lynn R. Sexton, Sacred Fellowship Ministries, located at 2519 Atlantic Avenue, Brooklyn, N.Y. 11207.

Gracious God,
here we are your people in your presence again.
You are the source of our strength and the strength of our lives,
and we enter this meeting on today with thanksgiving,
knowing that we are divinely ordered to be here
in this moment in time in history on purpose with a purpose.
We welcome your presence and look to you
for all that we need in this time together.
Lord, please lift us, fill us, prepare and open us
to the diversity of our voices and gifts
which you gave to each of us as a blessing to the universe.
We're also bringing excitement to what will happen today,
because we know that you do all things well.
Therefore, we thank you in advance
for all that will come out of our time together,
and for the blessing that will flow to those whom we serve.
We ask and claim these things in the name of all that is holy.
Amen.

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

ADOPTION OF MINUTES

Council Member Menin moved that the Minutes of the Stated Meeting of February 24, 2022 be adopted as printed.

MESSAGES AND PAPERS FROM THE MAYOR

M-39

Communication from the Mayor - Announcing the appointment of Mr. Kai-Ki Wong as a member of the New York City Districting Commission effective immediately and ending on January 6, 2024, pursuant to Section 50 of the New York City Charter.

March 4, 2022

Kai-KI Wong
[address redacted]

Dear Mr. Wong:

Pursuant to the authority vested in me as Mayor by Section 50 of the New York City Charter, I am pleased to appoint you as a member of the New York City Districting Commission. Your appointment is effective immediately and will end on January 6, 2024.

On behalf of the people of the City of New York, I extend my thanks and appreciation to you for making this commitment to public service.

Sincerely,

Eric Adams Mayor
EA:ml

cc: Adrienne Adams, Speaker, New York City Council
Frank Carone, Chief of Staff, Office of the Mayor
Michael McSweeney, City Clerk, Clerk of the Council, Office of the City Clerk

Received, Ordered, Printed and Filed.

M-40

Communication from the Mayor - Announcing the appointment of Mr. Dennis M. Walcott as a member of the New York City Districting Commission effective immediately and ending on January 6, 2024, pursuant to Section 50 of the New York City Charter.

March 4, 2022

Dennis M. Walcott
[address redacted]

Dear Mr. Walcott:

Pursuant to the authority vested in me as Mayor by Section 50 of the New York City Charter, I am pleased to appoint you as a member of the New York City Districting Commission. Your appointment is effective immediately and will end on January 6, 2024.

On behalf of the people of the City of New York, I extend my thanks and appreciation to you for making this commitment to public service.

Sincerely,

Eric Adams Mayor
EA:ml

cc: Adrienne Adams, Speaker, New York City Council
Frank Carone, Chief of Staff, Office of the Mayor
Michael McSweeney, City Clerk, Clerk of the Council, Office of the City Clerk

Received, Ordered, Printed and Filed.

M-41

Communication from the Mayor - Announcing the appointment of Msgr. Kevin Sullivan as a member of the New York City Districting Commission effective immediately and ending on January 6, 2024, pursuant to Section 50 of the New York City Charter.

March 4, 2022

Msgr. Kevin Sullivan
[address redacted]

Dear Msgr. Sullivan:

Pursuant to the authority vested in me as Mayor by Section 50 of the New York City Charter, I am pleased to appoint you as a member of the New York City Districting Commission. Your appointment is effective immediately and will end on January 6, 2024.

On behalf of the people of the City of New York, I extend my thanks and appreciation to you for making this commitment to public service.

Sincerely,

Eric Adams Mayor
EA:ml

cc: Adrienne Adams, Speaker, New York City Council
Frank Carone, Chief of Staff, Office of the Mayor
Michael McSweeney, City Clerk, Clerk of the Council, Office of the City Clerk

Received, Ordered, Printed and Filed.

M-42

Communication from the Mayor - Announcing the appointment of Ms. Lisa A. Sorin as a member of the New York City Districting Commission effective immediately and ending on January 6, 2024, pursuant to Section 50 of the New York City Charter.

March 4, 2022

Lisa A. Sorin
[address redacted]

Dear Mr. Sorin:

Pursuant to the authority vested in me as Mayor by Section 50 of the New York City Charter, I am pleased to appoint you as a member of the New York City Districting Commission. Your appointment is effective immediately and will end on January 6, 2024.

On behalf of the people of the City of New York, I extend my thanks and appreciation to you for making this commitment to public service.

Sincerely,

Eric Adams Mayor
EA:ml

cc: Adrienne Adams, Speaker, New York City Council
Frank Carone, Chief of Staff, Office of the Mayor
Michael McSweeney, City Clerk, Clerk of the Council, Office of the City Clerk

Received, Ordered, Printed and Filed.

M-43

Communication from the Mayor - Announcing the appointment of Mr. Joshua A. Schneps as a member of the New York City Districting Commission effective immediately and ending on January 6, 2024, pursuant to Section 50 of the New York City Charter.

March 4, 2022

Joshua A. Schneps
[address redacted]

Dear Mr. Schneps:

Pursuant to the authority vested in me as Mayor by Section 50 of the New York City Charter, I am pleased to appoint you as a member of the New York City Districting Commission. Your appointment is effective immediately and will end on January 6, 2024.

On behalf of the people of the City of New York, I extend my thanks and appreciation to you for making this commitment to public service.

Sincerely,

Eric Adams Mayor
EA:ml

cc: Adrienne Adams, Speaker, New York City Council
Frank Carone, Chief of Staff, Office of the Mayor
Michael McSweeney, City Clerk, Clerk of the Council, Office of the City Clerk

Received, Ordered, Printed and Filed.

M-44

Communication from the Mayor - Announcing the appointment of Ms. Maria T. Mateo as a member of the New York City Districting Commission effective immediately and ending on January 6, 2024, pursuant to Section 50 of the New York City Charter.

March 4, 2022

Maria T. Matteo
[address redacted]

Dear Ms. Matteo:

Pursuant to the authority vested in me as Mayor by Section 50 of the New York City Charter, I am pleased to appoint you as a member of the New York City Districting Commission. Your appointment is effective immediately and will end on January 6, 2024.

On behalf of the people of the City of New York, I extend my thanks and appreciation to you for making this commitment to public service.

Sincerely,

Eric Adams Mayor
EA:ml

Received, Ordered, Printed and Filed.

M-45

Communication from the Mayor - Announcing the appointment of Hon. Marilyn D. Go as a member of the New York City Districting Commission effective immediately and ending on January 6, 2024, pursuant to Section 50 of the New York City Charter.

March 4, 2022

Hon. Marilyn D. Go
[address redacted]

Dear Judge Go:

Pursuant to the authority vested in me as Mayor by Section 50 of the New York City Charter, I am

pleased to appoint you as a member of the New York City Districting Commission. Your appointment is effective immediately and will end on January 6, 2024.

On behalf of the people of the City of New York, I extend my thanks and appreciation to you for making this commitment to public service.

Sincerely,

Eric Adams Mayor
EA:ml

cc: Adrienne Adams, Speaker, New York City Council
Frank Carone, Chief of Staff, Office of the Mayor
Michael McSweeney, City Clerk, Clerk of the Council, Office of the City Clerk

Received, Ordered, Printed and Filed.

REPORTS OF THE STANDING COMMITTEES

Reports of the Committee on Finance

Report for Res. No. 79

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

Report of the Committee on Finance in favor of a Resolution authorizing an increase in the amount to be expended annually in the Sutphin Boulevard Business Improvement District, an extension of the boundaries of such district, a change in the method of assessment upon which the district charge in such district is based, and an increase in the maximum total amount to be expended for improvements in such district, and setting the date, time and place for the public hearing of the local law authorizing such changes as set forth in the amended district plan of the Sutphin Boulevard Business Improvement District.

The Committee on Finance, to which the annexed preconsidered resolution was referred on March 24 2022, respectfully

REPORTS:

BACKGROUND

Pursuant to the authority granted by chapter 4 of title 25 of the Administrative Code of the City of New York (hereinafter the “Law”), the Mayor and the Council are authorized to establish and extend Business Improvement Districts (hereinafter “BIDs”) in New York City and thereafter amend each BID’s district plan or authorize an increase in annual expenditures. BIDs, which are specifically established areas, use the City’s property tax collection mechanism to approve a special tax assessment with which to fund additional services that would enhance the area and improve local business. The additional services are normally in the areas of security, sanitation, physical/capital improvements (lighting, landscaping, sidewalks, etc.), seasonal activities (Christmas lighting) and related business services (marketing and advertising). The District Management Association of a BID carries out the activities described in the BID’s District Plan.

Jamaica’s Existing BIDs and SADs

The Sutphin Boulevard BID was established in 2004 and includes properties along a half-mile stretch of Sutphin Boulevard between Hill Side Avenue and 94th Avenue. The Jamaica Station and rail yard are also included in the existing Sutphin Boulevard BID boundary. The Sutphin Boulevard BID is also directly adjacent to two Special Assessment Districts (SADs), which were created by the state legislature under an earlier legal framework, and which are similar to BIDs. The 165th Street Mall SAD was created in 1978 and generally operates along 165th Street between Jamaica Avenue and 89th Avenue. The Jamaica Center SAD was created in 1979, generally operates along Jamaica Avenue between Sutphin Boulevard and 170th Street, and is the largest of the three entities.

The SAD structure was superseded by the BID structure in 1982. For the first time, allowing the City and City Council to decide on the establishment of BIDs instead of the state legislature. The BID model includes more specific governance controls, including that a BID board must have a residential tenant representative and representatives from elected officials making the BID board more accountable to stakeholders.

Consolidation Proposal

There has also been a preference noted by local business owners to move away from the SAD model to a purely BID model for Downtown Jamaica. Outside of downtown Jamaica, there is only one SAD left in New York City.

Since 2014, the Department of City Planning, the Economic Development Corporation, the Queens Borough President's Office, the Department of Small Business, and local Council Members have worked with local stakeholders to articulate an economic development strategy for downtown Jamaica. In 2015, and again in 2019, these agencies and elected officials have articulated a proposal to create a unified BID for downtown Jamaica. The proposal presented to the Council is to absorb the territory covered by the 165th Street Mall SAD and the Jamaica Center SAD into an expanded and renamed Sutphin Boulevard BID.

As detailed in the Amended District Plan, the Sutphin Boulevard BID District Plan would be amended in three main ways.

First, the district plan would expand the Sutphin Boulevard BID boundary to encompass all properties currently in the 165th Street SAD and Jamaica Center SAD. This would significantly increase the size of the Sutphin Boulevard BID eastward to encompass approximately one mile of Jamaica Avenue between Sutphin Boulevard and 170th Street. It would also expand the Sutphin Boulevard BID to a one-block portion of 165th Street between Jamaica Avenue and 89th Avenue. The expanded BID would include approximately 230 tax lots and 590 storefront spaces. No properties currently unassessed by a BID or SAD will be included in the expanded area.

Second, the district plan would rename the Sutphin Boulevard BID to the Downtown Jamaica BID, to better reflect the expanded geography it will serve.

Third, the district plan would alter the formula used to calculate property owner contributions to the BID. The new assessment formula would require commercial and mixed-use properties to pay a share proportional to their property's width and assessed value. Specifically, commercial and mixed-use lots would be assessed at approximately \$61 per linear front foot per year, plus an additional \$0.002 per dollar of assessed value per year. The median annual contribution for a commercial or mixed-use tax lot would be approximately \$3,849, which is 9 percent less than if the three BIDs and SADs remained separated. Solely residential tax lots would be assessed at an annual flat fee of \$1 per lot. Finally, government and not-for-profit-owned property devoted solely to public or not-for-profit use would be exempt from an assessment.

Funded by an assessment on properties within the BID, the estimated first-year BID budget would be \$1,350,000 with the option to increase the assessment budget to \$1,500,000 in future years. A new governance and management structure to run the BID would be established by the local community in coordination with SBS. That District Management Association would determine the exact budget allocation, but proposed services may include street cleaning, beautification projects, and public safety services above and beyond what is already offered by the city. The BID may also coordinate and advocate on behalf of the BID's residents and businesses to deliver marketing, public events, and other economic development activities. The projected budget allocation to supply those services is outlined below:

- Sanitation services (30 percent of the budget), including graffiti removal and sidewalk cleaning;
- Management, administration, and advocacy expenses (28 percent of the budget), including salaried staff and office expenses;
- Public plaza and mall operations (16 percent of the budget);
- Marketing and public events (11 percent of the budget);
- Public safety services (eight percent of the budget); and
- Beautification services (seven percent of the budget).

On January 19, 2022, the City Planning Commission held a hearing on the recommended amendments to the District Plan and on February 16, 2022 (Calendar No. 17) adopted a resolution certifying its unqualified approval of the amended Downtown Jamaica (Sutphin Boulevard) BID District Plan.

Mechanics of SAD Dissolution

The proposed expansion of the Downtown Jamaica (previously Sutphin Boulevard) BID would be contingent upon the successful dissolution of the 165th Street Mall SAD and the Jamaica Center SAD. Section 25-415(a) of Chapter 4 of Title 25 of the Administrative Code of the City of New York provides that the Council may dissolve a SAD by enactment of a local law but must first request and consider the recommendations of the district management association of the SAD proposed to be dissolved, provided that the Council may proceed if the district management association does not provide comment within 60 days of such request.

On March 18, 2022, Speaker Adams sent a letter on behalf of the Council, both by email and by certified mail, to the district management association of both the 165th Street Mall SAD and the Jamaica Center SAD, soliciting recommendations regarding the proposed dissolution of each district management association for the consideration of the Council.

On March 21, 2022, representatives of the Department of Small Business services submitted a notice for publication in the City Record on March 28, 2022, detailing the proposed BID expansion and SAD dissolution, and inviting comments both in writing at in person at the Council's hearing on the proposed local law.

All local Council Members expressed their support of the recommended amendments, either at the hearing held by the City Planning Commission on January 19, 2022 or in letters of support on file with staff to the Committee on Finance -- or both.

PRECONSIDERED RES. 79

This Preconsidered Resolution is required by law to set the public hearing date, time, and place for the consideration of the local law which would amend the district plan of the Sutphin Boulevard BID. The public hearing will be held on April 7, 2022, in the City Council Committee Room, 2nd Floor, City Hall at 10:00 a.m. before the Committee on Finance.

Because the proposal involves an amendment to the BID's District Plan that would increase the amount it expends annually and change the method of assessment, the Preconsidered Resolution directs the Sutphin Boulevard District Management Association to, not less than ten (10) nor more than thirty (30) days before the date of the Public Hearing, mail a copy of this Resolution or a summary thereof to each owner of real property within the proposed extended district at the address shown on the latest City assessment roll, to such other persons as are registered with the City to receive tax bills concerning real property within the proposed extended district, and to the tenants of each building within the proposed extended district.

The Preconsidered Resolution further directs the Sutphin Boulevard District Management Association to publish in a newspaper having general circulation in the BID, not less than ten days prior to the public hearing, a notice stating the time and place of the public hearing and stating the increase in the amount to be expended annually in the BID.

Accordingly, this Committee recommends its adoption.

(The following is the text of Res. No. 79:)

Preconsidered Res. No. 79

Resolution authorizing an increase in the amount to be expended annually in the Sutphin Boulevard Business Improvement District, an extension of the boundaries of such district, a change in the method of assessment upon which the district charge in such district is based, and an increase in the maximum total amount to be expended for improvements in such district, and setting the date, time and place for the public hearing of the local law authorizing such changes as set forth in the amended district plan of the Sutphin Boulevard Business Improvement District.

By Council Member Brannan.

WHEREAS, pursuant to the authority granted by chapter 4 of title 25 of the Administrative Code of the City of New York (the “Law”), the Mayor, by authorization dated November 17, 2021, provided for the preparation of an amended district plan that is for the Sutphin Boulevard Business Improvement District (the “District”) in the Borough of Queens; and

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

WHEREAS, pursuant to authority granted by the Law, the District was established by Local Law No. 72 for the year 2003; and

WHEREAS, pursuant to Section 25-410(b) of the Law, an amendment to the district plan that provides for additional improvements or services or any change in the method of assessment upon which the district charge is based, or an increase in the amount to be expended annually, may be adopted by local law, provided that the City Council determines, after a public hearing, that it is in the public interest to authorize such changes and that the tax and debt limits prescribed in Section 25-412 of the Law will not be exceeded by such changes; and

WHEREAS, pursuant to Section 25-410(c) of the Law, an amendment to the district plan that provides for an increase in the total maximum amount to be expended for improvements in such district may be adopted by local law, provided that the City Council determines, after a public hearing, that it is in the public interest to authorize such increase and that the tax and debt limits prescribed in Section 25-412 of the Law will not be exceeded by such increase; and

WHEREAS, the District wishes to increase the amount to be expended annually in the District to \$1,500,000, to extend the District’s boundaries, and to amend the district plan in order to change the method of assessment upon which the district charge is based and to increase the maximum total amount to be expended for improvements in the District; and

WHEREAS, pursuant to section 25-405(c) of the Law, the New York City Department of Small Business Services (“SBS”) submitted an amended district plan (the “Amended Plan”) for the District to the City Planning Commission (the “CPC”) on November 29, 2021; and

WHEREAS, pursuant to section 25-405(c) of the Law, the CPC submitted the Amended Plan to the City Council on November 30, 2021; and

WHEREAS, pursuant to section 25-405(c) of the Law, the CPC submitted the Amended Plan to the Council Members representing the council districts in which the District is located on November 30, 2021; and

WHEREAS, pursuant to section 25-405(c) of the Law, the CPC submitted the Amended Plan to Queens Community Board 12 (the “Community Board”), in which the proposed extended district is located, on November 30, 2021; and

WHEREAS, pursuant to section 25-405(c) of the Law, the CPC submitted the Amended Plan to the Queens Borough President on November 30, 2021; and

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

WHEREAS, on December 8, 2021, the Community Board voted to recommend disapproval of the Amended Plan; and

WHEREAS, pursuant to section 25-405(c) of the Law, the CPC reviewed the Amended Plan, held a public hearing on January 19, 2022, and prepared a report certifying its unqualified approval of the Amended Plan; and

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

WHEREAS, pursuant to section 25-405(c) of the Law, a copy of the CPC's report, the original district plan and the Amended Plan were transmitted for filing with the City Clerk on February 17, 2022; and

WHEREAS, pursuant to section 25-406(a) of the Law, a copy of the Amended Plan and the CPC's report are annexed hereto and are made part of this Resolution; and

WHEREAS, pursuant to section 25-406(a) of the Law, the Amended Plan is on file for public inspection in the Office of the City Clerk, 141 Worth Street, New York, New York; and

WHEREAS, pursuant to Section 25-406(b) of the Law, any owner of real property, deemed benefited and therefore within the proposed extended district, objecting to the Amended Plan must file an objection at the Office of the City Clerk within thirty days of the conclusion of the hearing held by the City Council, notice of which is provided by this Resolution, on forms made available by the City Clerk; and

WHEREAS, pursuant to Section 25-406(b) of the Law, if owners of at least fifty-one percent of the assessed valuation of all the benefited real property situated within the boundaries of the District proposed for extension, as shown upon the latest completed assessment roll of the City, or at least fifty-one percent of the owners of benefited real property within the area included in the District proposed for extension, file objections to the Amended Plan with the City Clerk within the thirty-day objection period, the District will not be extended; now, therefore, be it

RESOLVED, that the Council of the City of New York, pursuant to Section 25-406 of the Law, hereby directs that:

(i) April 7, 2022 is the date and 10:00 a.m. is the time and the City Council Committee Room, 2nd Floor, City Hall is the place for a public hearing (the "Public Hearing") to hear all persons interested in the legislation that would authorize an increase in the amount to be expended annually in the District, an extension of the District's boundaries, a change in the method of assessment upon which the district charge in the District is based, and an increase in the maximum total amount to be expended for improvements in the District;

(ii) the Sutphin Boulevard District Management Association shall, not less than ten (10) nor more than thirty (30) days before the date of the Public Hearing, mail a copy of this Resolution or a summary thereof to each owner of real property within the proposed extended district at the address shown on the latest City assessment roll, to such other persons as are registered with the City to receive tax bills concerning real property within the proposed extended district, and to the tenants of each building within the proposed extended district;

(iii) SBS shall arrange for the publication of a copy of this Resolution or a summary thereof at least once in the City Record or a newspaper in general circulation in the City, the first publication to be not less than ten (10) nor more than thirty (30) days before the date of the Public Hearing;

(iv) in the event that the Sutphin Boulevard District Management Association mails, or SBS arranges for the publication of, a summary of this Resolution, such summary shall include the information required by section 25-406(c) of the Law; and

(v) on behalf of the City Council and pursuant to Section 25-410(b) of the Law, the Sutphin Boulevard District Management Association is hereby authorized to publish in a newspaper having general circulation in the District, not less than ten (10) days prior to the Public Hearing, a notice stating the time and place of the Public Hearing and stating the increase in the amount to be expended annually in the District.

JUSTIN L. BRANNAN, *Chairperson*: DIANA I. AYALA, FRANCISCO P. MOYA, KEITH POWERS, FARAH N. LOUIS, SELVENA N. BROOKS-POWERS, DAVID M. CARR, CHARLES BARRON, GALE A. BREWER, AMANDA FARIAS, KAMILLAH HARRIS, CRYSTAL HUDSON, ARI KAGAN, CHI. A. OSSÉ, PIERINA ANA SANCHEZ, MARJORIE VELÁZQUEZ; *Maternity Leave*: Julie Won 16-0-0; Committee on Finance, March 24, 2022. *Other Council Members Attending*: *The Speaker (Council Member Adams)* (Remote).

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

Report for L.U. No. 31

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

Report of the Committee on Finance in favor of a Resolution approving Southern & Willis.YR15.FY22, Block 2268, Lot 13, Block 2285, Lots 1, 2, and 3, Block 2683, Lot 90; Bronx, Community Districts No. 1 and 2, Council District No. 8.

The Committee on Finance, to which the annexed preconsidered Land Use item was referred on March 24, 2022 and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

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

March 24, 2022

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

FROM: Stephanie Ruiz, Assistant Counsel, Finance Division
Noah Brick, Assistant Counsel, Finance Division

RE: Finance Committee Agenda of March 24, 2022 – Resolution approving a tax exemption for one Land Use item (Council District 8)

Item 1: Southern & Willis

Southern & Willis is comprised of two rental housing clusters in the Mott Haven and Woodstock neighborhoods of the Bronx, consisting of 76 residential units and five commercial units across five buildings. The residential units include 27 one-bedrooms, 39 two-bedrooms (inclusive of one superintendent unit), and eight three-bedrooms (inclusive of one superintendent unit).

Currently, the two rental housing clusters are owned by Willis Avenue Housing, L.P. and 651 Southern Associates, L.P. (collectively, “Partnership”).

Upon closing, the clusters would be combined under the ownership and management of the Willis Southern Housing Development Fund Corporation (“HDFC”), while the Partnership would remain beneficial owners. The HDFC and Partnership (collectively, “Owner”) would finance the rehabilitation of the properties with loans from the New York City Department of Housing Preservation and Development (“HPD”) and the New York City Housing Development Corporation (“HDC”).

HPD is requesting that the Council approve a full, 40-year Article XI property tax exemption to support affordability. Owner would enter into a regulatory agreement with HPD and HDC that would require that 10 units be leased to households with incomes up to 50 percent of the Area Median Income (“AMI”), including seven units set aside for formerly homeless families, 17 units be leased to households with incomes up to 60 percent of the AMI, 25 units be leased to households with incomes up to 70 percent of the AMI, and that 22 units be leased to households with incomes up to 90 percent of the AMI.

Summary:

- Borough – Bronx
- Block 2268, Lot 13
- Block 2285, Lots 1, 2, and 3
- Block 2683, Lot 90
- Council District – 8
- Council Member – Ayala
- Council Member approval – Yes
- Number of buildings – 5
- Number of units – 76 (including two superintendent units)
- Type of exemption – Article XI, full, 40 year
- Population – affordable rental housing
- Sponsor – Willis Southern HDFC; Willis Avenue Housing, L.P; 651 Southern Associates, L.P; The Lemle & Wolff Companies
- Purpose – preservation
- Cost to the city – \$4.1 million
- Housing Code Violations
 - Class A – 1
 - Class B – 14
 - Class C – 4
- AMI target – 10 units at 50% of AMI; 17 units at 60% of AMI; 25 units at 70% of AMI; 22 units at 90% of AMI.

Accordingly, this Committee recommends its adoption.

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

Res. No. 100

Resolution approving an exemption from real property taxes for property located at (Block 2268, Lot 13; Block 2285, Lots 1, 2, and 3; Block 2683, Lot 90) the Bronx, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 31).

By Council Member Brannan.

WHEREAS, The New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated March 8, 2022 that the Council take the following action regarding a housing project located at (Block 2268, Lot 13; Block 2285, Lots 1, 2, and 3; Block 2683, Lot 90) the Bronx (“Exemption Area”):

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

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

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

RESOLVED:

The Council hereby grants an exemption from real property taxes as follows:

1. For the purposes hereof, the following terms shall have the following meanings:
 - a. “Effective Date” shall mean the later of (i) the date of conveyance of the Exemption Area to the HDFC, or (ii) the date that either (A) HPD and the Owner, or (B) HPD, HDC and the Owner, enter into the Regulatory Agreement.
 - b. “Exemption” shall mean the exemption from real property taxation provided hereunder.
 - c. “Exemption Area” shall mean the real property located in the Borough of the Bronx, City and State of New York, identified as Block 2268, Lot 13, Block 2285, Lots 1, 2, and 3, and Block 2683, Lot 90 on the Tax Map of the City of New York.
 - d. “Expiration Date” shall mean the earlier to occur of (i) a date which is forty (40) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
 - e. “HDFC” shall mean Willis Southern Housing Development Fund Corporation or a housing development fund company that acquires the Exemption Area with the prior written consent of HPD.
 - f. “HPD” shall mean the Department of Housing Preservation and Development of the City of New York.
 - g. “J-51 Benefits” shall mean any tax benefits pursuant to Section 489 of the Real Property Tax Law which are in effect on the Effective Date.
 - h. “Owner” shall mean, collectively, the HDFC and the Partnership.
 - i. “Partnership” shall mean Willis Avenue Housing, L.P. and 651 Southern Associates, L.P. or any other entities that acquire all or a portion of the beneficial interests in the Exemption Area with the prior written consent of HPD.

- j. “Regulatory Agreement” shall mean the regulatory agreement between either (i) HPD and the Owner, or (ii) HPD, HDC and the Owner, that is executed on or after November 1, 2021 and that establishes certain controls upon the operation of the Exemption Area during the term of the Exemption.
- 2. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business, commercial, or community facility use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
- 3. Notwithstanding any provision hereof to the contrary:
 - a. The Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (iv) any interest in the Exemption Area is conveyed or transferred to a new owner without the prior written approval of HPD, or (v) the construction or demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the Exemption shall prospectively terminate.
 - b. The Exemption shall apply to all land in the Exemption Area, but shall only apply to buildings on the Exemption Area that exist on the Effective Date.
 - c. Nothing herein shall entitle the HDPC, the Owner, or any other person or entity to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.
- 4. In consideration of the Exemption, the owner of the Exemption Area shall, for so long as the Exemption shall remain in effect, waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state, or federal law, rule, or regulation. Notwithstanding the foregoing, (a) nothing herein shall prohibit the granting of any real property tax abatement pursuant to Sections 467-b or 467-c of the Real Property Tax Law to real property occupied by senior citizens or persons with disabilities, and (b) the J-51 Benefits shall remain in effect, but the Exemption shall be reduced by the amount of such J-51 Benefits.

JUSTIN L. BRANNAN, *Chairperson*: DIANA I. AYALA, FRANCISCO P. MOYA, KEITH POWERS, FARAH N. LOUIS, SELVENA N. BROOKS-POWERS, DAVID M. CARR, CHARLES BARRON, GALE A. BREWER, AMANDA FARIAS, KAMILLAH HARRIS, CRYSTAL HUDSON, ARI KAGAN, CHI. A. OSSÉ, PIERINA ANA SANCHEZ, MARJORIE VELÁZQUEZ; *Maternity Leave*: Julie Won 16-0-0; Committee on Finance, March 24, 2022. *Other Council Members Attending: The Speaker (Council Member Adams) (Remote).*

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

Report of the Committee on Land Use

Report for L.U. No. 13

Report of the Committee on Land Use in favor of approving Application Number C 220059 ZSM (Castle III 107-111 East 123rd Street) submitted by the Department of Housing Preservation and Development pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-903 of the Zoning Resolution to modify the requirements of Section 24-111 (Maximum floor area ratio for certain community facility uses) to permit the allowable community facility floor area ratio of Section 24-11 (Maximum Floor Area Ration and Percentage of Lot Coverage) to apply to a non-profit institution with sleeping accommodations in an R7-2 District, in connection with a proposed 15-story building on property located at 107-111 East 123rd Street (Block 1772, Lots 4, 7 and 8), Borough of Manhattan, Community District 11, Council District 9.

The Committee on Land Use, to which the annexed Land Use item was referred on February 10, 2022 (Minutes, page 138) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

**MANHATTAN CB-11 – TWO APPLICATIONS RELATED TO CASTLE III 107-111
EAST 123RD STREET**

C 220059 ZSM (L.U. No. 13)

City Planning Commission decision approving an application submitted by the New York City Department of Housing Preservation and Development (HPD), pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-903 of the Zoning Resolution to modify the requirements of Section 24-111 (Maximum floor area ratio for certain community facility uses) to permit the allowable community facility floor area ratio of Section 24-11 (Maximum Floor Area Ration and Percentage of Lot Coverage) to apply to a non-profit institution with sleeping accommodations, in connection with a proposed 15-story building on property located at 107-111 East 123rd Street (Block 1772, Lots 4, 7 and 8), in an R7-2 District.

C 220060 HAM (L.U. No. 14)

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

1. pursuant to Article 16 of the General Municipal Law of New York State for:
 - a. the designation of property located at 107-111 East 123rd Street (Block 1772, Lots 4, 7 and 8) as an Urban Development Action Area; and
 - b. an Urban Development Action Area Project for such area; and

2. pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer to be selected by HPD;

to facilitate the development of a 15-story building containing approximately 81 supportive and affordable housing units.

INTENT

To grant an approval of the special permit pursuant to ZR Section 74-903 to modify the maximum floor area ratio for certain community facility uses and approve the urban development action area designation, project approval, and disposition of city-owned property to facilitate the development of a 15-story building containing 81 supportive and affordable housing units, plus one superintendent's unit, and community facility space for formerly homeless individuals and low-income individuals and households in East Harlem, Manhattan Community District 11.

PUBLIC HEARING

DATE: February 16, 2022

Witnesses in Favor: Six

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: March 3, 2022

The Subcommittee recommends that the Land Use Committee approve the decisions of the City Planning Commission on L.U. Nos. 13 and 14.

In Favor:

Louis
Feliz
De la Rosa
Marte
Nurse
Ung

Against:

None

Abstain:

None

COMMITTEE ACTION

DATE: March 21, 2022

The Committee recommends that the Council approve the attached resolutions.

In Favor:	Against:	Abstain:
Salamanca	None	None
Moya		
Rivera		
Louis		
Riley		
Brooks-Powers		
Bottcher		
Hanks		
Kagan		
Krishnan		
Sanchez		
Borelli		

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

Res. No. 101

Resolution approving the decision of the City Planning Commission on ULURP No. C 220059 ZSM, for the grant of a special permit (L.U. No. 13).

By Council Members Salamanca and Louis.

WHEREAS, the New York City Department of Housing Preservation and Development (HPD), filed an application pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-903 of the Zoning Resolution to modify the requirements of Section 24-111 (Maximum floor area ratio for certain community facility uses) to permit the allowable community facility floor area ratio of Section 24-11 (Maximum Floor Area Ratio and Percentage of Lot Coverage) to apply to a non-profit institution with sleeping accommodations, in connection with a proposed 15-story building on property located at 107-111 East 123rd Street (Block 1772, Lots 4, 7 and 8), in an R7-2 District, which in conjunction with the related action would facilitate the development of a 15-story building containing 81 supportive and affordable housing units, plus one superintendent’s unit, and community facility space for formerly homeless individuals and low-income individuals and households in East Harlem, Manhattan Community District 11 (ULURP No. C 220059 ZSM) (the “Application”);

WHEREAS, the City Planning Commission filed with the Council on February 4, 2022, its decision dated January 31, 2022 (the “Decision”) on the Application;

WHEREAS, the Application is related to application C 220060 HAM (L.U. No. 14), a designation of an Urban development Action Area (UDAA) and project approval (UDAAP), and disposition of city-owned property;

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

WHEREAS, the City Planning Commission has made the findings required pursuant to Section 74-903 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 February 16, 2022;

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 August 23rd, 2021 (CEQR No. 21HPD004M) (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 201 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 220059 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 220059 ZSM) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following approved drawings, prepared by Curtis + Ginsberg Architects, filed with this application and incorporated in this resolution:

<u>Dwg. No.</u>	<u>Title</u>	<u>Last Date Revised</u>
Z-002	Site Plan	06/25/2021
Z-003	Zoning Analysis	06/25/2021
Z-006	Sections	06/25/2021

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. 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, sub-lessee or occupant.
5. 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 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 as stated above, or any alteration in the development that is the subject of this application that departs from any of the conditions listed above, is grounds for the City Planning Commission or the City Council, as applicable, to disapprove any application for modification, cancellation or amendment of the special permit hereby granted.
6. 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*; FRANCISCO P. MOYA, CARLINA RIVERA, FARAH N. LOUIS, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, ERIK D. BOTTCHEER, KAMILLAH HANKS, ARI KAGAN, SHEKAR KRISHNAN, PIERINA ANA SANCHEZ, JOSEPH C. BORELLI; *Absent*: Darlene Mealy; Committee on Land Use, March 21, 2022 (Remote Hearing). *Other Council Members Attending: Council Members Schulman and De La Rosa.*

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

Report for L.U. No. 14

Report of the Committee on Land Use in favor of approving Application Number C 220060 HAM (Castle III 107-111 East 123rd Street) submitted by the Department of Housing Preservation and Development (HPD) pursuant to Article 16 of the General Municipal Law of New York State for the designation of an Urban Development Action Area and an Urban Development Action Area Project for such area, and pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer to be selected by HPD, to facilitate the development of a 15-story building containing approximately 81 supportive and affordable housing units on property located at 107-111 East 123rd Street (Block 1772, Lots 4, 7 and 8), Borough of Manhattan, Community District 11, Council District 9.

The Committee on Land Use, to which the annexed Land Use item was referred on February 10, 2022 (Minutes, page 138) 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. 13 printed in these Minutes)

Accordingly, this Committee recommends its adoption.

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

Res. No. 102

Resolution approving the application submitted by the New York City Department of Housing Preservation and Development (“HPD”) and the decision of the City Planning Commission, ULURP No. C 220060 HAM, approving the designation of an Urban Development Action Area, an Urban Development Action Area Project, and the disposition of city-owned property located at 107-111 East 123rd Street (Block 1772, Lots 4, 7, and 8), Borough of Manhattan, Community District 11, to a developer selected by HPD (L.U. No. 14; C 220060 HAM).

By Council Members Salamanca and Louis.

WHEREAS, the City Planning Commission filed with the Council on February 4, 2022 its decision dated January 31, 2022 (the “Decision”), on the application submitted by the New York City Department of Housing Preservation and Development (“HPD”) regarding city-owned property located at 107-111 East 123rd Street (Block 1772, Lots 4, 7, and 8 (the “Disposition Area”), approving:

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

to facilitate the development of a 15-story building containing 81 supportive and affordable housing units, plus one superintendent’s unit, and community facility space for formerly homeless individuals and low-income individuals and households in East Harlem, Manhattan Community District 11 (ULURP No. C 220060 HAM) (the “Application”);

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

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

WHEREAS, by letter dated January 26, 2022 and submitted to the Council on January 27, 2022, HPD submitted its requests (the “HPD Requests”) respecting the Application including the submission of the project summary for the Project (the “Project Summary”);

WHEREAS, upon due notice, the Council held a public hearing on the Application and Decision and the HPD Requests on February 16, 2022;

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

WHEREAS, the Council has considered the relevant environmental issues, including the Negative Declaration issued August 23rd, 2021 (CEQR No. 21HPD004M) (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 New York City Charter, based on the environmental determination and the consideration described in the report C 220060 HAM and incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission and the HPD Requests.

Pursuant to Article 16 of the General Municipal Law of the New York State, based on the environmental determination, and the consideration described in the report C 220060 HAM and incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission and the HPD Requests.

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

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

The Council approves the Project as an urban development action area project pursuant to Section 694 of the General Municipal Law and subject to the terms and conditions of the Project Summary, a copy of which is attached hereto.

The Council approves the disposition of the Disposition Area under Section 197-d of the New York City Charter, to a developer to be selected by the New York City Department of Housing Preservation and Development for the development of the Project consistent with the Project Summary.

ATTACHMENT:

PROJECT SUMMARY

- | | | | |
|--|---|-------------------------------------|-----------------------------------|
| 1. PROGRAM: | SUPPORTIVE HOUSING LOAN PROGRAM | | |
| 2. PROJECT: | Castle III | | |
| 3. LOCATION: | | | |
| a. BOROUGH: | Manhattan | | |
| b. COMMUNITY DISTRICT: | 11 | | |
| c. COUNCIL DISTRICT: | 9 | | |
| d. DISPOSITION AREA: | <u>BLOCKS</u> | <u>LOTS</u> | <u>ADDRESSES</u> |
| | 1772 | 4 | 111 East 123 rd Street |
| | (FKA 4, 7, 8 | 107-111 East 123 rd St.) | |
| 4. BASIS OF DISPOSITION PRICE: | Nominal. The sponsor will pay one dollar per tax lot in cash and will deliver an enforcement note and mortgage for the remainder of the appraised value ("Land Debt"). For a period of at least thirty (30) years following completion of construction, the Land Debt or the City's capital subsidy may be repayable out of resale or refinancing profits. The remaining balance, if any, may be forgiven at the end of the term. | | |
| 5. TYPE OF PROJECT: | New Construction | | |
| 6. APPROXIMATE NUMBER OF BUILDINGS: | One Not-For-Profit Institution With Sleeping Accommodations | | |
| 7. APPROXIMATE NUMBER OF UNITS:[*] | 81 Rental
1 Superintendent | | |

- 82 Total
8. **HOUSING TYPE:** Rental
9. **ESTIMATE OF INITIAL RENTS** Formerly homeless tenants referred by DHS and other City agencies will pay up to 30% of their income as rent. Other tenants will pay rents set at up to 30% of 60% of the area median income (AMI) on an annual basis.
10. **INCOME TARGETS** Up to 60% of AMI
11. **PROPOSED FACILITIES:** Community Room, Social Service Offices
12. **PROPOSED CODES/ORDINANCES:** None
13. **ENVIRONMENTAL STATUS:** Negative Declaration
14. **PROPOSED TIME SCHEDULE:** Approximately 24 months from closing to completion of construction

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, CARLINA RIVERA, FARAH N. LOUIS, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, ERIK D. BOTTCHEER, KAMILLAH HANKS, ARI KAGAN, SHEKAR KRISHNAN, PIERINA ANA SANCHEZ, JOSEPH C. BORELLI; *Absent:* Darlene Mealy; Committee on Land Use, March 21, 2022 (Remote Hearing). *Other Council Members Attending:* Council Members Schulman and De La Rosa.

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

Report for L.U. No. 15

Report of the Committee on Land Use in favor of approving Application Number C 220102 HUK (ENY URP 5th Amendment) submitted by the Department of Housing Preservation and Development (HPD), pursuant to Section 505 of Article 15 of the New York State General Municipal Law (Urban Renewal) and Section 197-c of the New York City Charter, for the fifth amendment to the East New York I Urban Renewal Plan for the East New York I Urban Renewal Area, Borough of Brooklyn, Community District 5, Council District 42.

The Committee on Land Use, to which the annexed Land Use item was referred on February 10, 2022 (Minutes, page 138) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT**BROOKLYN CB - 5****C 220102 HUK**

City Planning Commission decision approving an application submitted by the New York City Department of Housing Preservation and Development (HPD), pursuant to Section 505 of Article 15 of the General Municipal (Urban Renewal) Law of New York State and Section 197-c of the New York City Charter, for the fifth amendment to the East New York I Urban Renewal Plan for the East New York I Urban Renewal Area.

INTENT

To approve the Fifth Amended Urban Renewal Plan for the East New York I Urban Renewal Area to facilitate the development of a new three-story, approximately 3,400-square-foot residential building with approximately four affordable dwelling units at 303 Hinsdale Street (Block 3767, Lot 5) in the East New York neighborhood of Brooklyn Community District 5.

PUBLIC HEARING**DATE:** February 16, 2022**Witnesses in Favor:** Two**Witnesses Against:** None**SUBCOMMITTEE RECOMMENDATION****DATE:** March 3, 2022

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

In Favor:

Louis
Feliz
De la Rosa
Marte
Nurse
Ung

Against:

None

Abstain:

None

COMMITTEE ACTION**DATE:** March 21, 2022

The Committee recommends that the Council approve the attached resolution.

In Favor:	Against:	Abstain:
Salamanca	None	None
Moya		
Rivera		
Louis		
Riley		
Brooks-Powers		
Bottcher		
Hanks		
Kagan		
Krishnan		
Sanchez		
Borelli		

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

Res. No. 103

Resolution approving the Fifth Amendment to the Urban Renewal Plan for the East New York I Urban Renewal Area and approving the decision of the City Planning Commission on ULURP No. C 220102 HUK (L.U. No. 15).

By Council Members Salamanca and Louis.

WHEREAS, the New York City Department of Housing Preservation and Development (HPD), filed an application pursuant to Section 505 of Article 15 of the General Municipal Law (Urban Renewal) of New York State and Section 197-c of the New York City Charter, for the fifth amendment to the East New York I Urban Renewal Plan for the East New York I Urban Renewal Area to facilitate the development of a new three-story, approximately 3,400-square-foot residential building with approximately four affordable dwelling units at 303 Hinsdale Street (Block 3767, Lot 5) in the East New York neighborhood of Brooklyn, Community District 5, (ULURP No. C 220102 HUK) (the "Application");

WHEREAS, the City Planning Commission filed with the Council on February 4, 2022, its decision dated January 31, 2022 (the "Decision") on the Application;

WHEREAS, the New York City Department of Housing Preservation and Development submitted to the Council on January 25, 2022 its request for approval of the Fifth Amendment to the Urban Renewal Plan for the East New York I Urban Renewal Area, dated January 25, 2022 (the "Plan");

WHEREAS, the City Planning Commission has certified that the Plan for the Area is an appropriate plan for the Area and complies with provisions of Article 15 of the General Municipal Law, and conforms to the comprehensive community plan for the development of the municipality as a whole and is consistent with local objectives;

WHEREAS, the City Planning Commission has certified its unqualified approval of the Plan pursuant to Section 505 of the General Municipal Law;

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

WHEREAS, the Plan is subject to review and action by the Council pursuant to Section 505 of the General Municipal Law;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on February 16, 2022;

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

WHEREAS, the Council has considered the relevant environmental issues, including the Negative Declaration issued September 15, 2021 (CEQR No. 19HPD131K) (the “Negative Declaration”).

RESOLVED:

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

Pursuant to 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 220102 HUK, incorporated by reference herein, and the record before the Council, the Council approves the Decision.

The Council finds that the Area is a substandard or insanitary area, or is in danger of becoming a substandard or insanitary area, and tends to impair or arrest the sound growth and development of the municipality;

The Council finds that the financial aid to be provided to the municipality is necessary to enable the project to be undertaken in accordance with the Plan;

The Council finds that the Plan affords maximum opportunity to private enterprise, consistent with the sound needs of the municipality as a whole, for the undertaking of an urban renewal program;

The Council finds that the Plan conforms to a comprehensive community plan for the development of the municipality as a whole;

The Council finds that there is a feasible method for the relocation of families and individuals displaced from the Area into decent, safe and sanitary dwellings, which are or will be provided in the Area or in other areas not generally less desirable in regard to public utilities and public and commercial facilities, at rents or prices within the financial means of such families or individuals, and reasonably accessible to their places of employment;

The Council finds that the undertaking and carrying out of the urban renewal activities in stages is in the best public interest and will not cause any additional or increased hardship to the residents of the Area;

The Council approves the designation of the Area pursuant to Section 504 of the General Municipal Law; and

The Council approves the amendment of the Plan pursuant to Section 505 of the General Municipal Law and Section 197-d of the Charter.

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, CARLINA RIVERA, FARAH N. LOUIS, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, ERIK D. BOTTCHEER, KAMILLAH HANKS, ARI KAGAN, SHEKAR KRISHNAN, PIERINA ANA SANCHEZ, JOSEPH C. BORELLI; *Absent*: Darlene Mealy; Committee on Land Use, March 21, 2022 (Remote Hearing). *Other Council Members Attending: Council Members Schulman and De La Rosa.*

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

Report for L.U. No. 16

Report of the Committee on Land Use in favor of approving, as modified, Application Number C 210213 ZMQ (97-04 Sutphin Boulevard Rezoning) submitted by BG Sutphin LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 14d, by changing from a C4-5X District to a C6-3 District property bounded by 97th Avenue, 146th Street, a line 100 feet southeasterly of 97th Avenue and Waltham Street, Borough of Queens, Community District 3, Council District 28.

The Committee on Land Use, to which the annexed Land Use item was referred on February 10, 2022 (Minutes, page 139), respectfully

REPORTS:

SUBJECT

QUEENS CB-12 – TWO APPLICATIONS RELATED TO 97-04 SUTPHIN BOULEVARD REZONING

C 210213 ZMQ (L.U. No. 16)

City Planning Commission decision approving an application submitted by BG Sutphin, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 14d, by changing from a C4-5X District to a C6-3 District property bounded by 97th Avenue, 146th Street, a line 100 feet southeasterly of 97th Avenue and Waltham Street, Borough of Queens, Community District 12, as shown on a diagram (for illustrative purposes only) dated August 30, 2021, and subject to the conditions of CEQR Declaration E-639.

N 210214 ZRQ (L.U. No. 17)

City Planning Commission decision approving an application submitted by BG Sutphin, LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Article XI, Chapter 5 (Special Downtown Jamaica District) and related Sections, and modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area.

INTENT

To approve the amendment to rezone the project area from a C4-5X/DJ zoning district to a C6-3/DJ zoning district and amend the zoning text to establish the Project Area as a Mandatory Inclusionary Housing (MIH) area utilizing Options 1 and 2 to facilitate the development of a 15-story mixed-use building with residential and community facility uses located at 97-04 Sutphin Boulevard in the Jamaica neighborhood of Queens, Community District 12.

PUBLIC HEARING

DATE: March 3, 2022

Witnesses in Favor: Four

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: March 21, 2022

The Subcommittee recommends that the Land Use Committee approve the decision of the City Planning Commission on L.U. No. 16 and approve with modifications the decision of the City Planning Commission on L.U. No. 17.

In Favor:

Riley
Moya
Louis
Abreu
Bottcher
Hanks
Schulman
Carr

Against:

None

Abstain:

None

COMMITTEE ACTION

DATE: March 21, 2022

The Committee recommends that the Council approve the attached resolutions.

In Favor:

Salamanca
Moya
Rivera
Louis
Riley
Brooks-Powers
Bottcher

Against:

None

Abstain:

None

Hanks
Kagan
Krishnan
Sanchez
Borelli

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, CARLINA RIVERA, FARAH N. LOUIS, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, ERIK D. BOTTCHEER, KAMILLAH HANKS, ARI KAGAN, SHEKAR KRISHNAN, PIERINA ANA SANCHEZ, JOSEPH C. BORELLI; *Absent*: Darlene Mealy; Committee on Land Use, March 21, 2022 (Remote Hearing). *Other Council Members Attending: Council Members Schulman and De La Rosa.*

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

Report for L.U. No. 17

Report of the Committee on Land Use in favor of approving, as modified, Application Number N 210214 ZRQ (97-04 Sutphin Boulevard Rezoning) submitted by BG Sutphin LLC pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Article XI, Chapter 5 (Special Downtown Jamaica District) and related Sections, and modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of Queens, Community District 3, Council District 28.

The Committee on Land Use, to which the annexed Land Use item was referred on February 10, 2022 (Minutes, page 139), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Land Use for L.U. No. 16 printed in these Minutes)

Accordingly, this Committee recommends its adoption, as modified.

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, CARLINA RIVERA, FARAH N. LOUIS, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, ERIK D. BOTTCHEER, KAMILLAH HANKS, ARI KAGAN, SHEKAR KRISHNAN, PIERINA ANA SANCHEZ, JOSEPH C. BORELLI; *Absent*: Darlene Mealy; Committee on Land Use, March 21, 2022 (Remote Hearing). *Other Council Members Attending: Council Members Schulman and De La Rosa.*

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

Report for L.U. No. 26

Report of the Committee on Land Use in favor of approving, as modified, Application No. C 210161 ZMQ (98-81 QUEENS BOULEVARD REZONING) submitted by Trylon LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 14a, eliminating from within an existing R7-1 District a C1-2 District, changing from an R7-1 District to an R8X District, and establishing within the proposed R8X District a C2-4 District, for property located in the Borough of Queens, Community District 6, Council District 29.

The Committee on Land Use, to which the annexed Land Use item was referred on February 24, 2022 (Minutes, page 265) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:**SUBJECT****QUEENS CB-6 – TWO APPLICATIONS RELATED TO 98-81 QUEENS BOULEVARD REZONING****C 210161 ZMQ (L.U. No. 26)**

City Planning Commission decision approving an application submitted by Trylon, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 14a:

1. eliminating from within an existing R7-1 District a C1-2 District bounded by 66th Avenue, 99th Street, 66th Road and Queens Boulevard;
2. changing from an R7-1 District to an R8X District property bounded by 66th Avenue, 99th Street, 66th Road and Queens Boulevard; and
3. establishing within the proposed R8X District a C2-4 District bounded by 66th Avenue, 99th Street, 66th Road and Queens Boulevard;

as shown on a diagram (for illustrative purposes only) dated October 4, 2021, and subject to the conditions of CEQR Declaration E-634.

N 210162 ZRQ (L.U. No. 27)

City Planning Commission decision approving an application submitted by Trylon, 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 amendment to rezone the project area to change from an R7-1/C1-2 zoning district to an R8X/C2-4 zoning district and amend the zoning text to establish a Mandatory Inclusionary Housing (MIH) area utilizing Option 1 to facilitate the development of a new 15-story mixed-use building with 158 dwelling units at 98-81 Queens Boulevard in the Rego Park neighborhood of Queens, Community District 6.

PUBLIC HEARING**DATE:** March 3, 2022**Witnesses in Favor:** Three**Witnesses Against:** None**SUBCOMMITTEE RECOMMENDATION****DATE:** March 21, 2022

The Subcommittee recommends that the Land Use Committee approve the decision of the City Planning Commission on L.U. No. 26 and approve with modifications the decision of the City Planning Commission on L.U. No. 27.

In Favor:

Riley
Moya
Louis
Abreu
Bottcher
Hanks
Schulman
Carr

Against:

None

Abstain:

None

COMMITTEE ACTION**DATE:** March 21, 2022

The Committee recommends that the Council approve the attached resolutions.

In Favor:

Salamanca
Moya
Rivera
Louis
Riley
Brooks-Powers
Bottcher
Hanks
Kagan
Krishnan
Sanchez
Borelli

Against:

None

Abstain:

None

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, CARLINA RIVERA, FARAH N. LOUIS, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, ERIK D. BOTTCHEER, KAMILLAH HANKS, ARI KAGAN, SHEKAR KRISHNAN, PIERINA ANA SANCHEZ, JOSEPH C. BORELLI; *Absent*: Darlene Mealy; Committee on Land Use, March 21, 2022 (Remote Hearing). *Other Council Members Attending: Council Members Schulman and De La Rosa.*

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

Report for L.U. No. 27

Report of the Committee on Land Use in favor of approving, as modified, Application No. C 210162 ZRQ (98-81 QUEENS BOULEVARD REZONING) submitted by Trylon 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 on property located in Borough of Queens, Community District 6, Council District 29.

The Committee on Land Use, to which the annexed Land Use item was referred on February 24, 2022 (Minutes, page 265) 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. 26 printed in these Minutes)

Accordingly, this Committee recommends its adoption, as modified.

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, CARLINA RIVERA, FARAH N. LOUIS, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, ERIK D. BOTTCHEER, KAMILLAH HANKS, ARI KAGAN, SHEKAR KRISHNAN, PIERINA ANA SANCHEZ, JOSEPH C. BORELLI; *Absent*: Darlene Mealy; Committee on Land Use, March 21, 2022 (Remote Hearing). *Other Council Members Attending: Council Members Schulman and De La Rosa.*

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

Report for L.U. No. 28

Report of the Committee on Land Use in favor of approving Application No. G 220011 CCX (Belmont Cove Technical Correction) submitted by the New York City Department of Housing Preservation and Development pursuant to Section 576-a(2) of the New York State Private Housing Finance Law requesting a technical amendment to Council Resolution 753 for the year 2019 related to the disposition of City owned property located at Block 2945, Lots 65 and 66, Borough of the Bronx, Community District 6, Council District 17.

The Committee on Land Use, to which the annexed Land Use item was referred on March 10, 2022 (Minutes, page 369) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:**SUBJECT****BRONX CB - 6****G 220011 CCX**

Application submitted by the New York City Department of Housing Preservation and Development (HPD), pursuant to Section 576-a(2) of the New York State Private Housing Finance Law requesting a technical amendment to Council Resolution No. 753 for the year 2019 related to the disposition of City owned property located at Block 2945, Lots 65 and 66, Borough of the Bronx, Community District 6, Council District 17.

INTENT

To approve the amendment of a previously approved City Council Resolution dated February 13, 2019 (Resolution No. 753, L.U. No. 316), adding references to Section 576-a(2) of the Private Housing Finance Law to correct a typographical error.

PUBLIC HEARING**DATE:** March 21, 2022**Witnesses in Favor:** None___**Witnesses Against:** None___**SUBCOMMITTEE RECOMMENDATION****DATE:** March 21, 2022

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

In Favor:

Louis
Feliz
Marte
Nurse
Ung
Vernikov

Against:

None

Abstain:

None

COMMITTEE ACTION**DATE:** March 21, 2022

The Committee recommends that the Council approve the attached resolution.

In Favor:	Against:	Abstain:
Salamanca	None	None
Moya		
Rivera		
Louis		
Riley		
Brooks-Powers		
Bottcher		
Hanks		
Kagan		
Krishnan		
Sanchez		
Borelli		

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

Res. No. 104

Resolution amending Resolution 753 of the year 2019 related to the decision of the City Planning Commission on Application No. C 190051 PPX, for the disposition of city-owned property (L.U. No. 316) (L.U. 28).

By Council Members Salamanca and Louis.

Resolution 753 for the year 2019 is hereby amended to read as follows:

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, On January 4, 2019, HPD filed with the Council its letter dated January 4, 2019, requesting approval of a disposition of City-owned real property pursuant to Section 576-a(2) of the Private Housing Finance Law;

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.]

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. Pursuant to Section 576-a(2) of the Private Housing Finance Law, the Council approves the sale of the Disposition Area to a developer to be selected by HPD.

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, CARLINA RIVERA, FARAH N. LOUIS, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, ERIK D. BOTTCHEER, KAMILLAH HANKS, ARI KAGAN, SHEKAR KRISHNAN, PIERINA ANA SANCHEZ, JOSEPH C. BORELLI; *Absent*: Darlene Mealy; Committee on Land Use, March 21, 2022 (Remote Hearing). *Other Council Members Attending: Council Members Schulman and De La Rosa.*

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

GENERAL ORDERS CALENDAR

There were no additional items listed on the General Order Calendar.

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

- | | |
|--|---|
| (1) Preconsidered
Res 79 - | Increase in the amount to be expended annually in the Sutphin Boulevard Business Improvement District, an extension of the boundaries of such district, a change in the method of assessment upon which the district charge in such district is based, and an increase in the maximum total amount to be expended for improvements. |
| (2) L.U. 13 & Res 101 – | App. C 220059 ZSM (Castle III 107-111 East 123rd Street) Borough of Manhattan, Community District 11, Council District 9. |
| (3) L.U. 14 & Res 102 - | App. C 220060 HAM (Castle III 107-111 East 123rd Street) Borough of Manhattan, Community District 11, Council District 9. |
| (4) L.U. 15 & Res 103 – | App. C 220102 HUK (ENY URP 5th Amendment) Borough of Brooklyn, Community District 5, Council District 42. |
| (5) L.U. 28 & Res 104 - | App. G 220011 CCX (Belmont Cove Technical Correction) Borough of the Bronx, Community District 6, Council District 17. |
| (6) Preconsidered
L.U. 31 & Res 100 - | Southern & Willis.YR15.FY22, Bronx , Community Districts No. 1 and 2, Council District No. 8. |

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

Affirmative – Abreu, Ariola, Avilés, Ayala, Barron, Bottcher, Brannan, Brewer, Brooks-Powers, Cabán, Carr, De La Rosa, Dinowitz, Farías, Feliz, Gennaro, Gutiérrez, Hanif, Hanks, Holden, Hudson, Joseph, Kagan, Krishnan, Lee, Louis, Marte, Mealy, Menin, Moya, Narcisse, Nurse, Ossé, Paladino, Restler, Richardson Jordan, Riley, Rivera, Salamanca, Sanchez, Shulman, Stevens, Ung, Velázquez, Vernikov, Williams, Won, Yeger, the Minority Leader (Council Member Borelli), the Majority Leader (Council Member Powers) and the Speaker (Council Member Adams) - **51**.

The General Order vote recorded for this Stated Meeting was 51-0-0 as shown above with the exception of the votes for the following legislative items:

The following was the vote recorded for **Preconsidered Res. No. 79**:

Affirmative – Abreu, Ariola, Avilés, Ayala, Barron, Bottcher, Brannan, Brewer, Brooks-Powers, Cabán, Carr, De La Rosa, Dinowitz, Farías, Feliz, Gennaro, Gutiérrez, Hanif, Hanks, Holden, Hudson, Joseph, Kagan, Krishnan, Lee, Louis, Marte, Mealy, Menin, Moya, Narcisse, Nurse, Ossé, Paladino, Restler, Richardson Jordan, Riley, Rivera, Salamanca, Sanchez, Shulman, Stevens, Ung, Velázquez, Vernikov, Williams, Won, the Minority Leader (Council Member Borelli), the Majority Leader (Council Member Powers) and the Speaker (Council Member Adams) - **50**.

Negative – Yeger - **1**.

The following was the vote recorded for **Preconsidered L.U. No. 31 & Res. No. 100**:

Affirmative – Abreu, Ariola, Avilés, Ayala, Bottcher, Brannan, Brewer, Brooks-Powers, Cabán, Carr, De La Rosa, Dinowitz, Farías, Feliz, Gennaro, Gutiérrez, Hanif, Hanks, Holden, Hudson, Joseph, Kagan, Krishnan, Lee, Louis, Marte, Mealy, Menin, Moya, Narcisse, Nurse, Ossé, Paladino, Restler, Richardson Jordan, Riley, Rivera, Salamanca, Sanchez, Shulman, Stevens, Ung, Velázquez, Vernikov, Williams, Won, Yeger, the Minority Leader (Council Member Borelli), the Majority Leader (Council Member Powers) and the Speaker (Council Member Adams) - **50**.

Abstention – Barron –**1**.

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. 24

Report of the Committee on Civil Service and Labor in favor of approving a Resolution calling upon the State Legislature to pass, and the Governor to sign, S.5374-A/A.6329-A, the Fair Pay for Home Care Act.

The Committee on Civil Service and Labor, to which the annexed resolution was referred on February 24, 2022 (Minutes, page 222), respectfully

REPORTS:

I. INTRODUCTION

On March 23, 2022, the Committee on Civil Service and Labor, chaired by Council Member Carmen De La Rosa, held a hearing on Resolution No. 24 of 2022, sponsored by Council Member Hudson, calling upon the State Legislature to pass, and the Governor to sign, S.5374-A/A.6329-A, the Fair Pay for Home Care Act. This resolution was previously heard at a hearing on March 22, 2022, at which time the Committee received testimony from home care workers, advocates and other interested parties.

II. BACKGROUND

"Home care workers" are workers who provide certain types of services to older adults and individuals with disabilities in their own homes rather than in a nursing home or other group care facility.¹ Home care services can include personal care or health-related services such as assisting a consumer with dressing, grooming and other daily activities as well as tube feeding, injections and other medically related activities.² Home care services also incorporate fellowship and protection such as assisting a consumer with hobbies, games and keeping company.³

Home care workers are commonly referred to by a number of different job titles, such as home health aide, personal care aid, certified nursing assistant (CNA), provider, or caregiver.⁴ Home care workers may be paid with private funds, Medicaid funds, or some other combination.⁵ Medicaid is the primary funder for home care services in New York state, representing 87% of home care and personal care services. Many non-profit home care programs are 100% Medicaid funded.

The New York state home care sector is made up of a variety of organizational models including:⁶ Certified Home Health Agencies (CHHAs); Licensed Home Care Services Agencies (LHCSAs); Programs of All-Inclusive Care for the Elderly (PACE); Long-Term Home Health Care Programs (LTHHCPs); Consumer Directed Personal Assistance Program Fiscal Intermediaries (CDPAP FIs); hospices, independent living centers,

¹ U.S. Dep't of Labor, *Paying Minimum Wage and Overtime to Home Care Workers A Guide for Consumers and their Families to the Fair Labor Standards Act*, at 6 (Revised on March 2016), available online https://www.dol.gov/sites/dolgov/files/WHD/legacy/files/Homecare_Guide.pdf.

² *Id.*

³ *Id.*

⁴ *Id.* at 7; See also N.Y. Pub. Health Law § 3614-c (d) (defining the term "home care aide").

⁵ *Supra* FN 1 at 7.

⁶ New York State Senate Committees on Aging, Health, and Labor, *Addressing the Crisis in the Long-term Care Workforce Report and Findings*, at 7 (July 27, 2021), available at https://www.nysenate.gov/sites/default/files/article/attachment/long-term_care_workforce_hearing_report_2021.pdf.

and community support organizations, among others.⁷ The Expanded In-home Services for the Elderly program (EISEP), administered by the New York State Office for the Aging (NYSOFA) through the State's county-based Area Agencies on Aging, supports non-medical in-home services for older adults who want to remain at home but who need help with everyday activities and do not qualify for Medicaid.⁸ Managed Long Term Care (MLTC) plans are insurance plans that are paid a monthly premium by the New York State Medicaid program to approve and provide home care and other long term care services. Services may include nutrition, meals, physical therapy, medical equipment and/or transportation, depending upon the specific services authorized for an individual.

III. NEW YORK STATE HOME CARE WORKFORCE

In recent years, New York state's aging population and the increasing desire among the elderly and those with disabilities for at-home care have combined to generate explosive growth in demand for home care workers.⁹ According to recent estimates, approximately 3.5 million New Yorkers are currently aged 65 or over, and more than half will need some kind of long-term care in their lifetime.¹⁰ There are also over a million New Yorkers living with disabilities, chronic illnesses or other functional complications.¹¹ Research findings suggest that the aging population will, in turn, dramatically increase the need for long-term care among older residents of the State.¹²

According to a 2021 report published by the CUNY Graduate Center, approximately 223,530 home care workers were employed in New York state in 2019.¹³ Of that total, 72.5% or an estimated 162,800 home care workers were employed in New York City.¹⁴ The report's findings predict that the number of home care worker jobs in New York State is expected to rise from 440,000 in 2018 to over 700,000 by 2028.¹⁵ This increase is largely driven by employment in home care agencies, private households, and public programs like the Medicaid Consumer Directed Personal Assistance Program (CDPAP).¹⁶ However, at the current levels of recruitment and retention the State is already unable to keep pace with demand.¹⁷ According to recent estimates, "approximately 100,000 new home care workers are needed each year, including about 27,000 to meet rising demand and 72,000 to replace departing workers."¹⁸

High turnover rates among home care workers adds to the problem.¹⁹ Since home care work is typically poorly paid, as well as physically and emotionally stressful, it may be difficult for employers across the state to recruit new workers and retain existing ones.²⁰ "Available data suggests that the COVID-19 pandemic has increased demand for home care even more, while further depressing the labor supply," thus widening the gap between care needs and care provision.²¹ According to home care advocates, in-home health care services are

⁷ *Id.*

⁸ *Id.*

⁹ Isaac Jabola-Carolus, Stephanie Luce, Ruth Milkman, *The Case for Public Investment in Higher Pay for New York State Home Care Workers: Estimated Costs and Savings*, at 1, CUNY Graduate Center (2021), available online <https://slu.cuny.edu/wp-content/uploads/2021/03/The-Case-for-Public-Investment-in-Higher-Pay-for-New-York-State-H.pdf>.

¹⁰ New York State Senate Committees on Aging, Health, and Labor, *Addressing the Crisis in the Long-term Care Workforce Report and Findings*, at 1 (July 27, 2021), available at https://www.nysenate.gov/sites/default/files/article/attachment/long-term_care_workforce_hearing_report_2021.pdf.

¹¹ *Id.*

¹² Isaac Jabola-Carolus, Stephanie Luce, Ruth Milkman, *The Case for Public Investment in Higher Pay for New York State Home Care Workers: Estimated Costs and Savings*, at 5, CUNY Graduate Center (March 2021).

¹³ *Id.* at 9.

¹⁴ *Id.*

¹⁵ *Id.* at 5.

¹⁶ *Id.*

¹⁷ *Id.* at 1.

¹⁸ New York State Senate Committees on Aging, Health, and Labor, *Addressing the Crisis in the Long-term Care Workforce Report and Findings*, at 1 (July 27, 2021).

¹⁹ Isaac Jabola-Carolus, Stephanie Luce, Ruth Milkman, *The Case for Public Investment in Higher Pay for New York State Home Care Workers: Estimated Costs and Savings*, at 5, CUNY Graduate Center (March 2021).

²⁰ *Id.* at 1.

²¹ *Id.* at 5.

especially important for immigrant seniors and families because language-accessible and culturally competent home care options are available, while these options are lacking in institutional settings.²²

For New York home care workers, the most pressing issue appears to be inadequate pay and lack of benefits.²³ A significant number of home care workers employed in New York rely on public assistance and lack health insurance coverage despite working full-time or multiple jobs.²⁴ Researchers at the CUNY Graduate Center, as well as labor leaders and advocates have called for large scale improvements in home care worker compensation including public funding for wage increases and health insurance coverage.²⁵ Some other notable issues cited by State home care workers include:

- Stressful, complex, and high-risk work environments;
- Failure to receive full pay for all hours worked;
 - Inconsistent work schedules and fluctuating income due to gaps in employment resulting from a patient's death or hospitalization; and,
 - A lack of opportunities for career advancement, promotions or raises.²⁶

IV. THE FAIR PAY FOR HOME CARE ACT

The Fair Pay for Home Care Act, sponsored by Senator Rachel May and Assemblyman Richard Gottfried, would respond to the home care labor shortage by providing a livable wage to workers,²⁷ thereby ensuring the role of home care worker remains competitive, making it easier to recruit and retain qualified employees.²⁸ The Fair Pay for Home Care Act would establish a minimum base wage and Medicaid provider reimbursement rate for home care workers at 150% of the regional minimum wage.²⁹ The legislation requires the regional minimum hourly base reimbursement rates to be determined by the commissioner of health and to include the costs of overtime, employment taxes, disability insurance, workers compensation, and reasonable administrative costs as well as certain capital costs and allowable profits and reserves.³⁰ The CUNY School of Labor and Urban Studies estimates that in New York City, this would translate to a wage of \$22.50 hourly, and 40,000 annually.³¹ This would be a significant increase over the \$15.93 per hour and \$22,000 annual wage New York City's home care workers currently earn.³² Advocates point to the mounting evidence that improving compensation for home care workers would help to alleviate the existing shortages in the occupation and spur employment growth in other fields.³³

The CUNY study found that increasing the compensation of home care workers would yield net economic benefits.³⁴ Primarily, implementing higher wages would attract more workers to the home care field and would cause some home care aides who currently work part-time to seek more hours.³⁵ The study projects that raising wages would attract approximately 8,390 to 33,090 new home care workers annually³⁶ and could resolve the

²² New York State Senate Committees on Aging, Health, and Labor, *Addressing the Crisis in the Long-term Care Workforce Report and Findings*, at 7 (July 27, 2021), available at https://www.nysenate.gov/sites/default/files/article/attachment/long-term_care_workforce_hearing_report_2021.pdf.

²³ *Id.* at 2.

²⁴ *Id.*

²⁵ See e.g., Isaac Jabola-Carolus, Stephanie Luce, Ruth Milkman, *The Case for Public Investment in Higher Pay for New York State Home Care Workers*, at 6, CUNY Graduate Center (March 2021); New York State Senate Committees on Aging, Health, and Labor, *Addressing the Crisis in the Long-term Care Workforce Report and Findings*, at 17 (July 27, 2021).

²⁶ *Id.* at 2.

²⁷ N.Y.S. Senate Bill No. S5374A, Session 2021-2022, available online <https://www.nysenate.gov/legislation/bills/2021/S5374>.

²⁸ Isaac Jabola-Carolus, Stephanie Luce, Ruth Milkman, *The Case for Public Investment in Higher Pay for New York State Home Care Workers*, at 1, CUNY Graduate Center (March 2021).

²⁹ *Id.*

³⁰ *Id.*

³¹ *Id.* at 2.

³² *Id.*

³³ *Id.*

³⁴ *Id.*

³⁵ *Id.*

³⁶ *Id.*

home care workforce shortage in less than five years.³⁷ Additionally, the combined value of new savings, tax revenues, and economic spillover effects resulting from improved compensation would far exceed the cost of increased wages.³⁸ The study found that increasing health coverage, and payroll taxes would total approximately \$4 billion per year, however the estimated total economic benefit would be \$7.6 billion and approximately 5.4 billion in benefits for New York State.³⁹ Low-income workers spend a disproportionate share of their wages locally on housing, childcare, gas, local grocers and restaurants.⁴⁰ The economic multiplier effects that would result from the wage improvements would create nearly 18,000 jobs in other industries because home care workers would spend their additional earnings on goods and services, stimulating job creation in a range of occupations.⁴¹

New York State Budget Updates: Fiscal Year 2023

Prominent advocates and offices from across the state including 1199 SEIU, AARP,⁴² and offices for the aging from 40 New York counties are calling on Governor Hochul to sign the Fair Pay for Homecare Act into law.⁴³ The Governor did not include the measure in her FY'23 budget proposal released in January.⁴⁴ However, the State did apply for \$2.2 billion in federal pandemic relief aid to fund \$3,000 bonuses for home care workers who remain in their jobs for one year or more.⁴⁵ The measure was criticized by advocates who said this plan does little stave off the collapse of the home care industry.⁴⁶

This month, both the State Senate and State Assembly included plans to raise home care worker wages in their one-house budget proposals.⁴⁷ The State Senate proposal allocated \$625 million while the Assembly proposal allocated \$2.5 billion to worker wages.⁴⁸ Although, both include substantial amounts of funding for home care workers in other ways, including cost of living adjustments and resources for people who make under a certain amount per year.⁴⁹ The Governor and legislative leaders must negotiate and finalize the State budget by April 1, 2022.⁵⁰

V. UPDATE

The Committee on Civil Service and Labor passed this resolution by a vote of 10 in the affirmative, zero in the negative and zero abstentions.

Accordingly, this Committee recommends its adoption.

³⁷ *Id* at 1.

³⁸ *Id* at 2.

³⁹ *Id*.

⁴⁰ *Id*.

⁴¹ *Id*.

⁴² Dennis Slattery, *NY Lawmakers, Advocates Push Hochul on Pay Increases for Home Health Workers*, N.Y. Daily News (Jan. 13, 2022), available at: <https://www.nydailynews.com/news/politics/new-york-elections-government/ny-albany-lawmakers-want-pay-increase-for-home-health-workers-20220113-57bhbd06tvbvjjrowvumrpgm-story.html>

⁴³ Rebecca Lewis, *County Officials Call on Hochul to Increase Wages for Home Health Workers*, City and State (Dec. 7, 2021), available at: <https://www.cityandstateny.com/politics/20f21/12/county-officials-call-hochul-support-increased-wages-home-care-workers/187363/>

⁴⁴ Michelle Del Ray, *Legislature Includes Fair Pay for Home Care In Budget Proposals*, The Albany Times Union (March 14, 2022), available at: <https://www.timesunion.com/state/article/Senate-and-Assembly-include-Fair-Pay-for-Home-17001273.php>

⁴⁵ Governor Hochul Announces Direct Payment to Healthcare Workers as part of \$10 billion Relief Plan (January 5, 2022), available at: <https://www.governor.ny.gov/news/governor-hochul-announces-direct-payments-healthcare-workers-part-10-billion-healthcare-plan>

⁴⁶ *Id* at 18.

⁴⁷ Joshua Solomon, *Democrats Defend Costs to 'Fair Pay for Home Care Act'*, The Albany Times Union (March 15, 2022), available at: <https://www.timesunion.com/state/article/Democratic-leadership-defends-costs-to-pay-for-17004341.php#:~:text=The%20bill%2C%20included%20in%20the,high%20as%20%2422.50%20an%20hour.>

⁴⁸ *Id* at 21.

⁴⁹ *Id*.

⁵⁰ *Id*.

(The following is the text of Int. No. 24:)

Res. No. 24

Resolution calling upon the State Legislature to pass, and the Governor to sign, S.5374-A/A.6329-A, the Fair Pay for Home Care Act.

By Council Members Hudson, Barron, Hanif, Ossé, Brannan, Gutiérrez, Cabán, Ayala, Gennaro, Joseph, Ung, Avilés, Sanchez, Won, Louis, Farías, De La Rosa, Restler, Narcisse, Brewer, Rivera, Williams, Bottcher, Menin, Nurse, Brooks-Powers and Lee.

Whereas, According to a 2021 Mercer report, healthcare labor shortages are projected in every state across the U.S., with New York facing the worst home care worker shortage in the country; and

Whereas, The home care worker industry is one overwhelmingly staffed by women, immigrants, and people of color according to a 2020 report by PHI, a national organization working to strengthen the direct care workforce through research, advocacy, and workforce innovation; and

Whereas, The 2020 report by PHI found that 90 percent of direct care workers are women, 3 in 5 are people of color, and 1 in 4 are immigrants; and

Whereas, New York's population is projected to grow by 3 percent between 2021-2040, while the 65 and older population is expected to grow by 25 percent, and the number of adults over age 85 will grow by 75 percent, according to a City University of New York (CUNY) Graduate Center report on public investment in higher pay for New York State home care workers; and

Whereas, As a result of an aging population in New York, CUNY has also identified the number of home health aides and careers in personal care aide is projected to rise to more than 700,000 by 2028, up from 440,000 in 2018; and

Whereas, Older adults should be able to age at home with dignity, as the vast majority of people prefer, according to the American Association of Retired Persons (AARP), which found that 76 percent of Americans ages 50 or older wanted to remain in their current residence as they age; and

Whereas, In 2019, a statewide survey of homecare agencies from CUNY found that 17 percent of positions went unfilled because of staff shortages, leaving many New Yorkers with unmet home care needs to consequently experience hospitalization or admittance to costly nursing homes to access needed services; and

Whereas, In July 2021, a New York State Senate Aging Committee report found that home care agency staffing shortages meant the agencies had to turn away as many as 30 percent of new cases; and

Whereas, The Aging Committee's report also found that more than 1 in 7 low wage workers in NYC is a home care worker, 1 in 4 home care workers live below the federal poverty level, and over half rely on public assistance; and

Whereas, Data published by the Integrated Public Use Microdata Series (IPUMS USA) found that nationally, home care workers have the lowest median annual earnings of \$17,200, followed by residential care aides with \$21,000, and nursing assistances working in nursing homes who earn \$23,300 annually; and

Whereas, Home healthcare workers in NYC made an average of \$15.93 per hour in 2020, far below the living wage of \$21.77 for a single person in Manhattan, as per the Massachusetts Institute of Technology's living wage calculator for New York; and

Whereas, Realizing the dire working conditions of home care personnel, Senator Rachel May and Assembly Member Richard Gottfried introduced S.5374-A/A.6329-A, entitled the "Fair Pay for Home Care Act," to raise home care wages to 150 percent of the minimum wage, allowing home care workers to make at least \$35,000 a year on average; and

Whereas, Home care workers make up one of the largest and most important sectors of our economy and deserve fair pay for the vital services they are providing to the City's most vulnerable communities; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the State Legislature to pass, and the Governor to sign, S.5374-A/A.6329-A, the Fair Pay for Home Care Act.

CARMEN N. De La ROSA, *Chairperson*; FRANCISCO P. MOYA, ERIC DINOWITZ, OSWALD FELIZ, TIFFANY CABÁN, ERIK D. BOTTCHEER, KAMILLAH HANKS, RITA C. JOSEPH, JULIE MENIN,, SANDY NURSE; 10-0-0; Committee on Civil Service and Labor, March 23, 2022 (Remote Hearing).

Pursuant to Rule 8.50 of the Council, the Majority Leader and Acting President Pro Tempore (Council Member Powers) called for a voice vote. Hearing no objections, the Majority Leader and Acting President Pro Tempore (Council Member Powers) declared the Resolution to be adopted.

Adopted unanimously by the Council by voice-vote.

Report for voice-vote item Res. No. 25

Report of the Committee on Women and Gender Equity in favor of approving a Resolution calling upon the New York State legislature to pass, and the Governor to sign, A.8619A/S.7573, which would expand eligibility for victims and survivors of crime to access victim compensation funds.

The Committee on Women and Gender Equity, to which the annexed resolution was referred on February 24, 2022 (Minutes, page 225), respectfully

REPORTS:

I. INTRODUCTION

On March 23, 2022, the Committee on Women and Gender Equity, chaired by Council Member Tiffany Cabán, held a vote on Resolution No. 25, calling upon the New York State legislature to pass, and the Governor to sign, A.8619A/S.7573, which would expand eligibility for victims and survivors of crime to access victim compensation fund. This resolution was originally heard at a hearing of this Committee on February 22, 2022, at which the Committee received testimony from human rights and social justice advocates, sexual assault victims, advocates, immigrant advocacy organizations, local legal aid organizations, survivors of assault, domestic violence and trafficking, and other interested stakeholders.

UPDATE

On March 23, 2022, the Committee on Women and Gender Equity adopted this legislation by a vote of six in the affirmative, none in the negative and no abstentions. Accordingly, the Committee recommends its adoption.

II. BACKGROUND

In the state of New York, the Office of Victim Services (OVS) provides direct financial assistance and reimbursement to, or on behalf of, victims and survivors of violent crimes for out-of-pocket expenses that result from the crime.¹ This can include medical costs; funeral and burial costs; mental health counseling; and lost wages or loss of support.² OVS is a payer of last resort, which means a victim/survivor of a crime or family member must exhaust all other sources of compensation, such as benefits from health or other insurance policies or workers' compensation, before the agency can provide financial assistance.³

¹ U.S. Department of Justice, Office for Victims of Crime, New York (n.d.), available at <https://ovc.ojp.gov/states/new-york#hv5jr>

² New York State, Office of Victim Services, Services: Compensation (n.d.), available at <https://ovs.ny.gov/victim-compensation>.

³ *Id.*

However, victims and survivors often do not report crimes for a variety of reasons, including fear of retaliation, mistrust in law enforcement, the age and/or other demographics of a victim/survivor, or the dynamics of an intimate partner relationship.⁴ According to the Center for Victim Research, in the United States (U.S.), less than three percent of all victims receive any victim compensation due to restrictive eligibility requirements that make it inaccessible for many BIPOC, members of the LGBTQI+ community, working class people, disabled people, and immigrants.⁵ While Black men under the age of 35 living in urban areas with annual incomes below \$25,000 are more likely to be victimized than any other group, they are least likely to receive victim compensation, per a 2019 Center for Victim Research report.⁶ The largest recipients of victim compensation are white women above the age of 55 living in non-urban areas with annual incomes greater than \$75,000.⁷

Accordingly, this Committee recommends its adoption.

(The following is the text of Int. No. 25:)

Res. No. 25

Resolution calling upon the New York State legislature to pass, and the Governor to sign, A.8619A/S.7573, which would expand eligibility for victims and survivors of crime to access victim compensation funds.

By Council Members Narcisse, Cabán, Hanif, Rivera, Brannan, Hudson, Joseph, Ossé, Nurse, Menin, Won, Louis, Gutiérrez, Schulman, Avilés, Farías, Sanchez, Hanks, De La Rosa, Ung, Krishnan, Barron, Brewer, Marte, Velázquez, Lee, Stevens, Ayala, Williams, Restler, Brooks-Powers, Richardson Jordan, Riley, Gennaro, Bottcher, Abreu and Feliz.

Whereas, The Crime Victims Fund (“Fund”), which was established by the Victims of Crime Act (VOCA) of 1984 as a scheme to compensate victims and survivors of crime, is a major funding source for victim services across the United States (U.S.); and

Whereas, As of December 31, 2021, the Fund has a balance of over \$2.7 billion and includes deposits from criminal fines, forfeited bail bonds, penalties, and special assessments collected by U.S. Attorneys’ Offices, federal courts, and the Federal Bureau of Prisons, paid by convicted federal offenders, as well as from gifts, donations, and bequests by private parties; and

Whereas, The Office for Victims of Crime, established by VOCA, administers the Fund to federal, state, and tribal victim assistance programs in the form of formula grants, discretionary grants, and set-asides according to an established annual allocation process; and

Whereas, The state crime victim compensation program formula grants supplement state funds for directly reimbursing to or on behalf of victims of violent crimes for out-of-pocket expenses that result from the crime, including medical costs; funeral and burial costs; mental health counseling; and lost wages or loss of support; and

Whereas, In New York State (“NYS” or “State”), the Office of Victim Services (OVS) provides financial assistance and reimbursement to victims for crime-related out-of-pocket expenses via subgrants funded, in part, by the VOCA Victim Compensation Program; and

Whereas, OVS is a payer of last resort, which means a victim or survivor of a crime or family member must exhaust all other sources of compensation, such as benefits from health or other insurance policies or workers’ compensation, before the agency can provide financial assistance; and

⁴ American Civil Liberties Union, Responses from the Field: Sexual Assault, Domestic Violence, and Policing (Oct. 2015), available at https://www.aclu.org/sites/default/files/field_document/2015.10.20_report_-_responses_from_the_field.pdf.

⁵ Common Justice, Fair Access to Victim Compensation Campaign (n.d.), available at https://d3n8a8pro7vhnmx.cloudfront.net/commonjustice/pages/457/attachments/original/1639414031/FAIR_ACCESS_TO_VICTIMS_COMPENSATION_CAMPAIGN_two_pager.pdf?1639414031.

⁶ Heather Warnken & Janet L. Lauritsen, *Who Experiences Violent Victimization and Who Accesses Services? Findings From the National Crime Victimization Survey for Expanding Our Reach*, U.S. Department of Justice (Apr. 2019), available at <https://www.ojp.gov/ncjrs/virtual-library/abstracts/who-experiences-violent-victimization-and-who-accesses-services>.

⁷ Id.

Whereas, In order to be eligible for OVS' victim compensation, the victim/survivor must (1) be an innocent victim of the crime; (2) have been physically injured as a result of the crime (if between the ages of 18 and 60); (3) report the crime within one week to police or another criminal justice agency; (4) file a claim with OVS within one year of the crime; and (5) cooperate with police, the district attorney's office and OVS in the investigation of such crime; and

Whereas, According to OVS' October 1, 2019 – September 30, 2019 Victim Compensation Formula Grant Program Annual Performance Measures Report, which is the latest accessible report, nearly 11,000 people applied for victim compensation benefits during the reporting period (October 2018 – September 2019); and, of the victims, the majority (40 percent) identified as white, compared to 29 percent Black, 21 percent Latinx and 4.5 percent Asian; and

Whereas, According to the Center for Victim Research, in the U.S., less than three percent of all victims receive any victim compensation due to restrictive eligibility requirements that make it inaccessible for many Black, Indigenous, People of Color (BIPOC), members of the LGBTQI+ community, working class people, disabled people, and immigrants; and

Whereas, Nationally, Black men under age 35 living in urban areas with annual incomes below \$25,000 are more likely to be victimized than any other group yet are least likely to receive victim compensation, while the largest recipients of victim compensation are white women above the age of 55 living in non-urban areas with incomes greater than \$75,000 a year, per a 2019 Center for Victim Research report; and

Whereas, Victim/survivor advocates report that victims and survivors often do not report crimes for a variety of reasons, including fear of retaliation, mistrust in law enforcement, the age and/or other demographics of a victim/survivor, or the dynamics of an intimate partner relationship; and

Whereas, LGBTQI+ victims/survivors often fear reporting crimes: over 30 percent of LGBTQI+ victims of homophobic and transphobic violence who reported to the police said they were verbally abusive and 16 percent said they were physically abusive, per a 2017 National Coalition of Anti-Violence Programs report; and

Whereas, Immigrant victims/survivors also often avoid reporting crimes due to fear that it may result in the person who harmed them being deported, or that they themselves might be deported or lose their pathway to citizenship, per a 2017 New York Times article; and

Whereas, According to the National Crime Victimization Survey (NCVS), 5,813,410 violent victimizations occurred in 2019 and, of those victimizations, 59 percent were not reported to law enforcement; and

Whereas, NVCS also reported that in 2019, only 7.7 percent of victims/survivors of violent crimes received assistance from victim service agencies, suggesting that more than 90 percent of victims and survivors are not likely to receive necessary services or support due to non-reporting; and

Whereas, A.8619A/S.7573, sponsored by State Assembly Member Demond Meeks and State Senator Zellnor Myrie, respectively, would remove the State's onerous mandated law enforcement reporting requirement by expanding eligibility for victims and survivors of qualifying crimes, via (1) increasing the time a victim/survivor may file a claim with OVS from one year to seven years; (2) removing the requirement that a crime be reported to a law enforcement agency "promptly" and within one week of the occurrence of the crime and instead, allowing for reporting "within a reasonable time considering all the circumstances, including the victim's physical, emotional and mental condition and family situation"; and (3) allowing alternative forms of evidence to be provided to show that a qualifying crime was committed; and

Whereas, Enacting A.8619A/S.7573 would not only refine current law, but provide greater access of funds to many neglected victims and survivors of violence, including LGBTQI+ victims and survivors, immigrant victims and survivors, victims and survivors of color, and victims and survivors of domestic violence, gun violence and police violence; 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, A.8619A/S.7573, which would expand eligibility for victims and survivors of crime to access victim compensation funds.

TIFFANY CABÁN, *Chairperson*; JAMES F. GENNARO, JENNIFER GUITERREZ, KRISTIN RICHARDSON JORDAN, KEVIN C. RILEY, ALTHEA V. STEVENS; 6-0-0; Committee on Women and Gender Equity, March 23, 2022 (Remote Hearing). *Other Council Members Attending: Council Member Narcisse.*

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

The following 6 Council Members formally noted their intent to vote negative on this item
Council Members Ariola, Carr, Holden, Paladino, Vernikov, and the Minority Leader (Council Member Borelli).

Adopted by the Council by voice-vote.

Report for voice-vote item Res. No. 55-A

Report of the Committee on Sanitation and Solid Waste Management in favor of approving, as amended, a Resolution calling upon Governor Kathy Hochul and the New York State Legislature to establish an Extended Producer Responsibility system for packaging and printed paper.

The Committee on Sanitation and Solid Waste Management, to which the annexed amended resolution was referred on March 10, 2022 (Minutes, page 321), respectfully

REPORTS:

I. INTRODUCTION

On March 23, 2022 the Committee on Sanitation and Solid Waste Management (the “Committee”), chaired by Council Member Sandy Nurse, held a hearing on Res. No. 55-A, a Resolution calling upon Governor Kathy Hochul and the New York State Legislature to establish an Extended Producer Responsibility system for packaging and printed paper.

The Committee previously held a hearing on Res. No. 55-A on March 4, 2022, and received testimony from representatives of the New York City Department of Sanitation (“DSNY”), environmental advocates and interested members of the public. More information about this legislation is available with the materials for this hearing, which can be accessed online at <https://on.nyc.gov/3qpEQhG>.

II. RES. NO. 55-A

Res. No. 55-A would call upon Governor Kathy Hochul and the New York State Legislature to establish an Extended Producer Responsibility system for packaging and printed paper, and make producers responsible for their packaging and paper products in order to incentivize such producers to reduce their packaging waste, make it easier to recycle the materials they generate, and design products that can be reduced and recycled.

III. UPDATE

On March 23, 2022, the Committee held a vote on Res. No. 55-A, The Committee passed Res. No. 55-A, 10 in the affirmative, 0 in the negative, and 0 abstentions. Thus, the Committee recommends adoption.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Res. No. 55-A:)

Res. No. 55-A

Resolution calling upon Governor Kathy Hochul and the New York State Legislature to establish an Extended Producer Responsibility system for packaging and printed paper.

By The Speaker (Council Member Adams) and Council Members Nurse, Cabán, Gennaro, Brewer, Won, Restler, Richardson Jordan, Brooks-Powers, Avilés and Riley.

Whereas, printed paper and packaging, which includes plastic, steel, aluminum, glass containers, boxboard, cardboard, cartons, newsprint and magazines, constitutes approximately 40 percent of the materials by weight managed by municipalities and solid waste authorities in New York State; and

Whereas, local municipal governments in New York State are required to fund the management of discarded consumer packaging and printed paper and to take responsibility for achieving waste diversion goals; and

Whereas, the value of recyclable materials does not cover the cost to collect, sort, process, and market these items, causing recycling system ratepayers to pay millions of dollars annually to manage their recycling programs while the State loses an estimated 860,000 tons of potentially recyclable materials to trash each year; and

Whereas, such costs to New York City and recycling system ratepayers in 2021 are estimated at over hundreds of millions; and

Whereas, the State's current recycling system places unreasonable burdens on local governments to collect, manage, and market recyclable materials, when it is the consumer brand owners who have control over which materials are placed on the market; and

Whereas, costs paid by citizens and local governments to manage packaging and printed paper are, in effect, subsidies to producers that enable and encourage producers to design packaging and printed paper materials without regard to end-of-life management; and

Whereas, producers have little incentive to design packaging or printed paper to minimize waste, reduce toxicity, or maximize recyclability, creating a supply chain disconnect with environmentally sound, end-of-life management of these consumer materials; and

Whereas, Extended Producer Responsibility ("EPR") is an environmental policy approach in which producers (brand owners and importers) accept responsibility for the management of post-consumer products and packaging so those who produce these materials help bear the costs of recycling; and

Whereas, EPR programs for packaging and printed paper have existed for up to 30 years in all European Union member states, across Canada, and other parts of the world, achieving recycling rates for packaging and printed papers upwards of 70 percent; and

Whereas, enacting EPR for packaging and printed paper could significantly increase recycling rates for residential materials, reduce consumer confusion and contamination in recycling streams, create green sector jobs, provide millions of dollars in savings for local governments and taxpayers, and lower greenhouse gas emissions by over 2.3 million metric tons annually; and

Whereas, New York State Governor Kathy Hochul has proposed a 2022-23 Executive Budget that includes Part RR, which would establish an EPR system for consumer packaging and printed paper and require producers to reimburse municipalities for recycling the packaging and printed paper they introduce into the marketplace; and

Whereas, Governor Hochul's proposal would incentivize producers to reduce packaging waste, make it easier to recycle the material they generate, invest in modernizing local recycling infrastructure across New York State, ensure that all New Yorkers have access to recycling and upgrade recycling infrastructure to achieve higher recycling rates, and provide clear, consistent consumer education, resulting in less confusion for residents and minimizing contamination in the recycling stream.

Whereas, Senate Bill S1185 seeks to establish an extended producer responsibility act requiring covered materials and product producers to develop and implement strategies to promote recycling, reuse and recovery of packaging and paper products; and

Whereas, Any EPR system enacted in New York State should seek to be further inclusive of community, public health, environmental, and environmental justice organizations' recommendations, including increased representation on the Producer Responsibility Advisory board; and

Whereas, Any EPR system must ensure that it effectively incentivizes waste reduction, does not authorize "chemical recycling," and requires removal of toxic chemicals from packaging materials; and

Whereas, EPR can work in tandem with and supplement New York State's Returnable Container Act; and

Whereas, Making producers responsible for ensuring their materials are reused or recycled responsibly will incentivize them to design for reduction, recyclability, and reduced toxicity; now, therefore be it

Resolved, that the Council of the City of New York calls upon Governor Kathy Hochul and the New York State Legislature to establish an Extended Producer Responsibility system for packaging and printed paper; and

BE IT FURTHER RESOLVED, that the Council of the City of New York shall forward copies of this resolution to Governor Kathy Hochul, the New York State Legislature, and all others deemed necessary and proper.

SANDY NURSE, Chairperson; ERIK D. BOTTCHER, AMANDA FARÍAS, JAMES F. GENNARO, JULIE MENIN, CHI A. OSSÉ, KRISTIN RICHARDSON JORDAN, RAFAEL SALAMANCA, Jr., MARJORIE VELÁZQUEZ, NANTASHA M. WILLIAMS; 10-0-0; Committee on Sanitation and Solid Waste Management, March 23, 2022 (Remote Hearing).

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

The following 6 Council Members formally noted their intent to vote negative on this item:

Council Members Ariola, Carr, Paladino, Vernikov, Yeger, and the Minority Leader (Council Member Borelli).

Adopted by the Council by voice-vote.

INTRODUCTION AND READING OF BILLS

Res. No. 77

Resolution calling upon the State Legislature to pass, and the Governor to sign, legislation reinstating and extending the eviction moratorium.

By Council Members Avilés, Hanif, Hudson, Sanchez, Krishnan, Stevens, Won and Nurse.

Whereas, In March of 2020, former New York State Governor, Andrew Cuomo, implemented an eviction moratorium to protect tenants during the COVID-19 pandemic; and

Whereas, On January 15, 2022, incumbent New York State Governor Kathy Hochul failed to extend the New York Emergency Eviction and Foreclosure Prevention Act of 2020, allowing the most expansive rent relief program in the state to expire; and

Whereas, The rent moratorium prevented evictions during the public health crisis to avert rampant loss of housing and worsen the spread of COVID-19; and

Whereas, Since the beginning of the eviction moratorium in 2020, there have been 82,525 eviction filings in New York City, according to Princeton University's Eviction Lab; and

Whereas, Eviction case data from the Office of Court Administration indicates that 183,565 residential nonpayment cases are currently pending in the five boroughs; and

Whereas, According to Community Housing Improvement Program (CHIP), the average cumulative rent owed during the nearly two-year-long pandemic is about \$20,000, and landlords are not likely to recover the money if they evict their tenants now, according to the executive director of CHIP; and

Whereas, New York City has regained fewer than 6 of every 10 jobs it lost since the pandemic began, while the nation as a whole has regained more than 90 percent of lost jobs, according to The New York Times; and

Whereas, One week after the expiration of New York's rent moratorium in January 2022, the Emergency Rental Assistance Program received roughly 2,000 applications in the first four days, according to its spokesperson, Anthony Farme; and

Whereas, The New York tri-state area has been one of the hardest hit by COVID-19 in the nation, according to the Surgo Foundation's COVID-19 Community Vulnerability Index; and

Whereas, Other cities across of the country, such as Los Angeles, have instituted legislation to extend eviction moratoriums until December of 2022, highlighting the need for legislatures to further protects our most vulnerable communities and assist in the recovery of the COVID-19 pandemic; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the State Legislature to pass, and the Governor to sign, legislation reinstating and extending the eviction moratorium.

Referred to the Committee on Housing and Buildings.

Int. No. 90

By Council Members Ayala, Yeger, Brannan and Restler.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of correction to utilize zero emission vehicles

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 9-163 to read as follows:

§ 9-163 Zero emission vehicles. The department shall not utilize a vehicle that is not zero emission.

§ 2. This local law takes effect on August 31, 2027.

Referred to the Committee on Criminal Justice.

Int. No. 91

By Council Members Ayala, Dinowitz, Riley, Yeger, Stevens, Brannan, Won and Restler.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of education to create an online portal to facilitate the comparison of funding and spending across schools

Be it enacted by the Council as follows:

Section 1. Title 21-A of the administrative code of the city of New York is amended by adding a new chapter 29 to read as follows:

*CHAPTER 29
FUNDING AND SPENDING*

§ 21-2901 Funding and spending. a. Definitions. For purposes of this section, the following terms have the following meanings:

Raw data. The term “raw data” means data that has not been subjected to processing, cleaning, analysis or manipulation.

b. The department shall develop and maintain an online portal on its website for the purpose of facilitating the comparison among schools of expenditures per student. Such online portal shall be designed to permit the user to compare, by school, the amount of funds expended for each student, and to trace such expenditures to their sources of funding and purposes for expenditure.

c. No later than August 1, 2023, the department shall post on its website the online portal required by subdivision b of this section. Such online portal shall be based upon information for the prior academic school year, and shall be updated with current information on a monthly basis. Such information shall include, but need not be limited to:

1. The amount of funds received by each school, disaggregated by the source of such funds; and

2. The amount of funds spent by each school, traced to the source of funding and purpose for expenditure.

d. Student data reported in the online portal required by subdivision b of this section shall be capable of being disaggregated by demographic information including, but not limited to, race, ethnicity and ELL status.

e. No information that is otherwise required to be reported pursuant to this section shall be reported in a manner that would violate any applicable provision of federal, state or local law relating to the privacy of student information or that would interfere with law enforcement investigations or otherwise conflict with the interests of law enforcement.

f. No later than August 1, 2023, and monthly thereafter, the department shall submit to the council in a machine-readable format and post on the city’s open data portal and on MyGalaxy, or any subsequent budgeting application of the department, all raw data, upon which the online portal required by subdivision b of this section is based, that pertains to funds actually expended by schools.

§ 2. This local law takes effect immediately.

Referred to the Committee on Education.

Int. No. 92

By Council Members Ayala, Ung, Stevens, Won and Restler.

A Local Law to amend the administrative code of the city of New York, in relation to the creation of an advisory board for accessibility at shelters

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 21 of the administrative code of the City of New York is amended by adding a new section 21-151 to read as follows:

§ 21-151 Accessibility advisory board. a. There shall be an accessibility advisory board to advise the mayor and the council on issues relating to accessibility in city shelters. The advisory board shall identify and study common issues relating to the activities, concerns and needs of disabled clients, reasonable accommodation requests and complaints, and the physical conditions of shelter facilities, and shall make recommendations, as appropriate, to the mayor and the council on ways to improve laws and policies that impact persons living with a disability in the city's shelters.

b. The advisory board shall consist of nine members including the commissioner of the mayor's office for people with disabilities or a designee, the commissioner of the department of social services or a designee, and seven public members, four of whom shall be appointed by the mayor and three of whom shall be appointed by the speaker of the council. The public members shall include at least two individuals who live with a disability and currently reside in a homeless shelter or have previously resided in a homeless shelter, and at least two who are advocates who specialize in working with individuals living with a disability.

b. The advisory board shall hold its first meeting no later than 30 days from the appointment of all its public members and at such meeting shall elect a chairperson. The advisory board shall meet at least quarterly, keep a record of its proceedings, and determine the rules of its own proceedings with special meetings to be called by the chairperson upon his or her own initiative or upon receipt of a written request signed by at least four members of the board. Written notice of the time and place of such special meetings shall be given to each member at least two weeks before the date fixed by the notice for such special meeting.

c. No later than January 31, 2023, and annually on January 31 thereafter, the advisory committee shall submit a report to the mayor and the speaker of the council, and post on the department's website the results of its review and recommendations pursuant to this section.

§ 2. This local law takes effect immediately.

Referred to the Committee on General Welfare.

Int. No. 93

By Council Members Ayala, Rivera, Hudson, Cabán, Hanif, Sanchez, Avilés, Nurse, Ossé, Joseph, Krishnan, Won, Marte, Gutiérrez, Richardson Jordan, Barron, Abreu, Farías and De La Rosa.

A Local Law to amend the administrative code of the city of New York, in relation to the regulation of commercial rent

Be it enacted by the Council as follows:

Section 1. Title 22 of the administrative code of the city of New York is amended by adding a new chapter 13 to read as follows:

*CHAPTER 13
COMMERCIAL RENT STABILIZATION*

§ 22-1301 Application. This chapter applies to all commercial spaces with a lease or other rental agreement that expires on or after July 1, 2022, whether or not such lease or rental agreement was in effect on such date.

§ 22-1302 Definitions. As used in this chapter, the following terms have the following meanings:

Administering agency. The term “administering agency” means a city agency that the mayor shall designate or establish to implement the provisions of this chapter.

Board. The term “board” means the commercial rent guidelines board established by subdivision a of section 22-1303.

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.

Commercial space. The term “commercial space” means a space used or occupied for non-residential purposes pursuant to a valid commercial lease or other rental agreement. Such term includes only retail stores of 10,000 square feet or less, manufacturing establishments of 25,000 square feet or less, and professional, services or other offices of 10,000 square feet or less.

Commissioner. The term “commissioner” means the head of the administering agency.

Owner. The term “owner” means any owner, lessor, sublessor or other person entitled to receive rent for the use or occupancy of any commercial space, or an agent thereof.

Pass-along. The term “pass-along” means any taxes, sewer, water or utility fee, or operating charges apportioned to a tenant in connection with the use or occupancy of any commercial space.

Rent. The term “rent” means any consideration, including but not limited to pass-alongs, received by the owner in connection with the use or occupancy of any commercial space.

§ 22-1303 Commercial rent guidelines board. a. Composition. There shall be a commercial rent guidelines board consisting of nine members appointed by the mayor as follows:

- 1. One public member to serve as the chairperson of the board, who has had at least eight years of experience in finance or economics;*
- 2. Two members representing commercial tenants that are not chain businesses;*
- 3. Two members representing commercial landlords; and*
- 4. Four public members, each of whom has had at least five years of experience in finance, economics, real property management or community development.*

b. Terms. The members of the board, except the chairperson, shall serve staggered terms of two years. Four members of the board originally appointed, comprising one member representing tenants, one member representing owners and two public members, shall serve until January 1, 2024. The other members of the board originally appointed, excluding the chairperson, shall serve until January 1, 2025. Thereafter, all members shall serve two-year terms on the board until their successors have been appointed and qualified, except the chairperson, who shall serve at the pleasure of the mayor.

c. Removal. The mayor shall fill any vacancy that may occur in the same manner as the original appointment. A member of the board, other than the chairperson, may only be removed by the mayor for cause after an opportunity to be heard in person or by counsel, in the member’s defense, upon at least 10 days’ written notice.

d. Duties of the chairperson. The chairperson shall be the chief administrative officer of the board and, among the chairperson’s powers and duties, the chairperson shall have the authority to employ, assign and supervise the employees of the board and enter into contracts for consultant services. The commissioner shall cooperate with the board and may assign personnel and perform such services in connection with the duties of the board as may reasonably be required by the chairperson.

e. Compensation. The members of the board shall be compensated on a per diem basis for no more than 25 days per year at a rate to be determined by the commissioner, and the chairperson shall be compensated on a per diem basis for no more than 50 days per year at a rate to be determined by the commissioner.

f. Guidelines. The board shall establish initial guidelines for commercial rent adjustments by July 1 next succeeding appointment of the last member of the board. Thereafter, the board shall establish annual guidelines to be filed in accordance with subdivision g of this section. In determining whether to adjust rents for commercial spaces subject to the commercial rent stabilization provisions of this chapter, the board shall consider, among other things:

1. *The economic condition of the commercial real estate industry in the affected area, including such factors as:*

(a) *Commercial real estate taxes and sewer and water rates;*

(b) *Gross operating and maintenance costs (including insurance rates, governmental fees, fuel and labor costs);*

(c) *Costs and availability of financing (including effective rates of interest); and*

(d) *Overall supply of commercial spaces and overall vacancy rates;*

2. *Relevant data from the current and projected market values of commercial rentals in the affected area; and*

3. *Any other relevant data available to the board.*

g. *Annual filing. Not later than July 1 of each year, the board shall file with the city clerk its guidelines for the preceding calendar year, and shall accompany such findings with a statement of the maximum rate or rates of rent adjustment, if any, for all commercial spaces subject to the provisions of this chapter authorized for leases or other rental agreements commencing on the next succeeding October 1 or within 12 months thereafter. Such guidelines and statement shall be published in the City Record.*

h. *Public hearing. Prior to the annual adjustment of the level of rents provided for under subdivision d of this section, the board shall hold at least two public hearings for the purpose of collecting information relating to all factors set forth in subdivision f of this section, and any other relevant information as may be necessary for establishing the annual adjustment guidelines. The board shall provide notice of the date, time and location and a summary of the subject matter of the public hearings, to be published in the City Record daily for the period beginning eight days prior to the hearing date, and at least once in one or more newspapers of general circulation at least eight days immediately preceding the hearing date.*

i. *Limitation on rate adjustment. Maximum rates of rent adjustment shall not be established more than once annually for any commercial space subject to the provisions of this chapter. Once established, no such rate shall, within the one-year period, be adjusted by any surcharge, supplementary adjustment or other modification except as provided in section 22-1308.*

§ 22-1304 *Stabilization provisions. a. Upon renewal of a lease for commercial space, the rent charged for the first year of the new lease shall not exceed the initial legal regulated rent or legal regulated rent adjusted pursuant to section 22-1308 until the end of any lease or other rental agreement in effect on the effective date of the local law that added this chapter until such time as a different legal regulated rent shall be authorized pursuant to guidelines adopted by the board. No owner subject to the provisions of this chapter shall charge or collect any rent that exceeds the initial legal regulated rent or legal regulated rent adjusted pursuant to section 22-1308 until the end of any lease or other rental agreement in effect on the effective date of the local law that added this chapter until such time as a different legal regulated rent has been authorized pursuant to guidelines adopted by the board. For any lease exceeding beyond one year, the rent charged for any subsequent year shall not exceed the legal regulated rent as authorized pursuant to the most recent guidelines adopted by the board. If the rent charged for the first year of the new lease is less than the initial legal regulated rent or the legal regulated rent adjusted pursuant to section 22-1308, the rent charged for any subsequent year shall not exceed the first year rent adjusted by the rate authorized pursuant to the most recent guidelines adopted by the board.*

b. *The initial regulated rent for a commercial space subject to the provisions of this chapter is the rent charged in the lease or other rental agreement for such commercial space in effect on the effective date of the local law that added this chapter.*

c. *The initial regulated rent for a commercial space subject to the provisions of this chapter that is not subject to a lease or other rental agreement on the effective date of the local law that added this chapter shall be the rent charged in the first lease or other rental agreement for such commercial space that becomes effective after the effective date of the local law that added this chapter, provided that such rent shall not include any pass-alongs. However, if a claim alleging commercial tenant harassment pursuant to chapter 9 of this title is brought against the owner by the previous tenant as the means by which the vacancy was effected and such previous tenant's claim is upheld by a court of competent jurisdiction, such owner shall be liable for damages of 10 times the proposed new lease's monthly rent or \$50,000, whichever is greater, to be payable to the previous tenant, in addition to consequential damages and any other remedy available at law or equity.*

d. *Upon a finding of commercial tenant harassment pursuant to chapter 9 of this title, the rent for the new tenant shall be no higher than the rent that could have been charged to the previous tenant pursuant to*

subdivision a of this section, retroactive to the beginning of the new tenancy. All other terms and conditions of the lease shall conform to the provisions of subdivision a of this section.

§ 22-1305 Enforcement and procedures. a. Subject to the conditions and limitations of this section, any owner who, upon the complaint of a tenant, is found by the commissioner, after a reasonable opportunity to be heard, to have collected an overcharge above the rent authorized for a commercial space subject to the provisions of this chapter, is liable to such tenant for a penalty equal to three times the amount of such overcharge. If the owner establishes, by a preponderance of the evidence, that the overcharge was not intentional, the penalty shall be the amount of the overcharge plus interest assessed from the initial date of the overcharge. After a complaint of rent overcharge has been filed and served on an owner, the voluntary adjustment of the rent and/or the voluntary tender of a refund of rent overcharges shall not be considered by the commissioner as evidence that the overcharge was not willful.

b. The legal regulated rent for purposes of determining an overcharge is the rent indicated in the annual registration statement filed and served upon the tenant six years prior to the most recent registration statement, or, if more recently filed, the initial registration statement, plus in each case any subsequent lawful increases and adjustments. The commissioner, in investigating complaints of overcharge and in determining legal regulated rent, shall consider all available rent history that is reasonably necessary to make such determinations. As to complaints filed within 90 days of the initial registration of a commercial space, the legal regulated rent is deemed to be the rent charged on the date six years prior to the date of the initial registration of the commercial space or, if the commercial space was subject to this chapter for less than six years, the initial legal regulated rent, plus in each case, any lawful increases and adjustments. Where the rent charged on the date six years prior to the date of the initial registration of the commercial space cannot be established, such rent shall be established by the commissioner based on, among other things, the factors set forth in paragraph one of subdivision f of section 22-1303.

c. Complaints under this section may be filed with the commissioner at any time but any recovery of overcharge penalties shall be limited to the six years preceding the complaint.

d. An owner found to have overcharged a tenant may be assessed the reasonable costs and attorney's fees of the proceeding and interest from the initial date of the overcharge at the rate of interest payable on a judgment pursuant to section 5004 of the civil practice laws and rules.

e. Upon the expiration of the period in which the owner may institute a proceeding pursuant to article 78 of the civil practice law and rules, a tenant may file and enforce an order of the commissioner awarding penalties in the same manner as a judgment.

f. The commissioner shall enforce the provisions of this section and is authorized to issue rules and regulations pursuant to this section.

§ 22-1306 Rent registration. a. Each owner of a commercial space subject to the provisions of this chapter shall register such space with the administering agency within 120 days of the effective date of the local law that added this chapter using forms prescribed by the commissioner. The information to be provided on such forms shall include the following:

- 1. The name and address of the building or group of buildings or development in which such commercial space is located and the tenant thereof;*
- 2. The number of commercial spaces belonging to such owner in the building or group of buildings or development in which such commercial space is located;*
- 3. The number of commercial spaces in such building or group of buildings or development subject to the provisions of this chapter;*
- 4. The rent for the commercial space charged on the registration date; and*
- 5. The square footage of each commercial space named pursuant to paragraph 1 of this subdivision.*

§ 22-1307 Fees. a. The department of finance shall collect from the owner of each commercial space registered pursuant to section 22-1306 an annual fee in the amount of \$100 per year for each commercial space subject to this law, in order to defray costs incurred in administering this law.

b. Failure to pay the fee imposed by subdivision a of this section constitutes a charge due to the city. All such fees due to the city constitute a debt recoverable from the owner and the city may commence an action or proceeding, file a lien upon the building or take any other lawful action for the recovery of such fees.

§ 22-1308 Application for adjustment of initial rent. Notwithstanding any other provision of this chapter, a tenant or owner may, within 60 days of the effective date of the local law that added this chapter or the

commencement of the first tenancy thereafter, whichever is later, file with the commissioner an application for adjustment of the initial legal regulated rent for such commercial space. The commissioner may adjust such initial legal regulated rent upon a finding that the presence of extraordinary circumstances materially affecting the initial legal regulated rent has resulted in a rent which is substantially different from the rents generally prevailing in the same area for substantially similar commercial spaces.

§ 2. This local law takes effect 120 days after it becomes law, except that the administering agency, as defined in section 22-1303 of the administrative code of the city of New York as added by section one of this local law, 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 Small Business.

Int. No. 94

By Council Member Ayala, the Public Advocate (Mr. Williams) and Council Members Hanif and Restler.

A Local Law in relation to reporting on dress code policies in New York City schools

Be it enacted by the Council as follows:

Section 1. Report. a. For the purposes of this section, the following terms have the following meanings:

School. The term “school” means a school of the city school district of the city of New York.

Dress code. The term “dress code” means any rules or policies pertaining to how students may or may not dress during the school day, including any disciplinary consequences that might result from a violation of said rules or policies.

Gender. The term “gender” includes actual or perceived sex and gender identity, including a person’s actual or perceived gender-related self-image, behavior or other gender-related characteristic, regardless of the sex assigned to that person at birth, and includes a person whose gender identity is not exclusively male or female.

Gender presentation. The term “gender presentation” means the external appearance, dress, mannerism and behavior through which each individual presents their gender identity or the gender they wish to appear as, regardless of the sex assigned to that person at birth, and includes a person whose external gender expression is not exclusively male or female.

b. No later than August 1, 2020, and annually thereafter, the department of education shall submit to the speaker of the council and post on its website a report on the dress code policies, if any, followed by each school. Such report shall include, but not be limited to, the following information:

1. For each school, the school name, school district borough number, whether such school has promulgated a dress code the students must follow and a copy of such dress code;

2. For each dress code reported pursuant to paragraph 1 of subdivision b of this section, whether the dress code is posted on the school’s website; whether the dress code includes disciplinary provisions; whether the dress code explicitly distinguishes between gender and gender presentation; whether the wording of the dress code is gender neutral or whether it explicitly creates different expectations between different genders and whether the wording of the dress code, if gender neutral on its face, effectively creates different expectations between different genders;

3. The total number of schools that have promulgated a dress code and the total number of schools that have no dress code; and

4. The number of disciplinary infractions that the school has issued the previous year based on the dress code, as well as any related consequences or penalties, disaggregated by month and week and further disaggregated by student gender.

§ 2. This local law takes effect immediately and is deemed repealed after five years.

Referred to the Committee on Education.

Res. No. 78

Resolution calling upon the New York State Legislature to pass, and the Governor to sign, S.563/A.1869, legislation to provide that the absence of a minor from school due to mental or behavioral health shall be permitted.

By Council Members Ayala, Hanif, Riley, Stevens, Brannan, Won and Restler.

Whereas, An increasing number of youth in the United States report struggling with their mental health; and

Whereas, Suicide was the second-leading cause of death among individuals between the ages of 10 and 34, according to a 2021 report of the National Center for Health Statistics, part of the Centers for Disease Control and Prevention; and

Whereas, The number of children and teenagers treated in emergency rooms in the United States for suicide attempts and suicidal thoughts nearly doubled between 2007 and 2015, according to a 2019 study published in the Journal of the American Medical Association; and

Whereas, In New York State, more than 4,600 youth, ages 0-19, made emergency department visits for self-harm in 2018, according to the New York State Health Connector; and

Whereas, Approximately 36% of New York City public high school students reported feeling sad or hopeless, and 9% reported attempting suicide, according to the 2019 New York City Youth Risk Behavior Survey; and

Whereas, LGBT youth, particularly LGBT youth of color, experience heightened levels of bullying and discrimination when compared with their heterosexual peers, according to the 2019 National Youth Risk Behavior Survey, which can increase chances of anxiety, depression, and self-harm; and

Whereas, Several states, including Oregon, Utah, and Minnesota, have already enacted laws allowing students to have excused absences for reasons related to mental health; and

Whereas, It is time for New York State to treat mental health in public schools with the same seriousness as physical health; and

Whereas, S.563/A.1869 would move New York toward that goal by amending the state's Education Law to allow mental and behavioral health to be excused absences under rules that the Commissioner of Education shall establish; 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, S.563/A.1869, legislation to provide that the absence of a minor from school due to mental or behavioral health shall be permitted.

Referred to the Committee on Education.

Int. No. 95

By Council Members Brannan, Hanif, Riley, Yeger and Restler.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the commissioner of emergency management to report on the city's preparedness and response to citywide public health emergencies

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 30 of the administrative code of the city of New York is amended by adding a new section 30-117 to read as follows:

§ 30-117 Annual public health emergency preparedness and response report a. No later than 60 days after the effective date of the local law that added this section, and on or before every December 1 thereafter, the commissioner shall submit to the council and make available on the city's website a report describing the city's

preparation for, and response to, any state disaster emergency or local state of emergency declared in relation to an infectious disease that affects the city which occurred during the preceding twelve month period. Such report shall describe any actions taken in preparation for, during and immediately after such incident by the department, city agencies and private entities that were involved in the city's public health emergency preparedness and response efforts.

b. Such report shall include, but need not be limited to, the following:

1. A list of any local public health warnings or declarations issued by the city or state during the reporting period and actions taken pursuant to each such warning or declaration;

2. A description of the city's current public healthcare workforce and its capabilities to improve workforce surge capacity;

3. A list of all city and state agencies or offices and private entities that were involved in the city's public health preparedness and response efforts, including a description of each such agency, office or entity;

4. An assessment of actions taken by each such agency, office or entity for each declared public health emergency during the reporting period, including an assessment of interagency coordination;

5. Guidelines for notifying and communicating with the public and city officials during a local public health emergency; and

6. Recommendations for improving the city's public health emergency preparedness and response efforts including, but not limited to, revisions to emergency preparedness plans and other relevant protocols of city agencies or offices.

§ 2. This local law takes effect immediately.

Referred to the Committee on Fire and Emergency Management.

Int. No. 96

By Council Members Brannan, Hanif, Ung, Riley, Yeger, Stevens, Won and Restler.

A Local Law to amend the administrative code of the city of New York, in relation to providing vision testing and eyeglasses to low-income individuals

Be it enacted by the Council as follows:

Section 1. Title 17 of the administrative code of the city of New York is amended by adding a new section 17-199.19 to read as follows:

§ 17-199.19 *Vision testing and eyeglasses. a. Definitions. For the purposes of this section, the following terms have the following meanings:*

Income-eligible individual. The term "income-eligible individual" means a resident of the city of New York whose annual gross household income is not in excess of 250 percent of the federal poverty guidelines as updated periodically in the federal register by the United States department of health and human services pursuant to subsection (2) of section 9902 of title 42 of the United States code.

Vision testing. The term "vision testing" means an eye examination to determine vision correction and such other procedures as determined by the department.

b. Subject to appropriation, the department shall establish a program to provide to all income-eligible individuals:

1. Vision testing; and

2. Eyeglasses, including lenses and frames.

c. The department shall determine the frequency with which such vision testing and eyeglasses shall be provided to income-eligible individuals. Such vision testing and eyeglasses shall be provided in the manner determined appropriate by the department, including, without limitation, provision by third parties paid by a voucher issued by the department or otherwise reimbursed by the department. The department may establish a

maximum cost for the vision testing and eyeglasses provided to each income-eligible individual pursuant to this section.

d. The department may enter into contracts or agreements with third parties to implement the provisions of this section.

e. The department shall promulgate such rules as may be necessary to carry out the purposes of this section.

§ 2. This local law takes effect 120 days after it becomes law, except that the commissioner of the department of health and mental hygiene 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. 97

By Council Members Brannan and Dinowitz.

A Local Law to amend the administrative code of the city of New York, in relation to the creation of a citywide wildlife management plan

Be it enacted by the Council as follows:

Section 1. Chapter one of title 18 of the administrative code of the city of New York is amended by adding a new section 18-157 to read as follows:

§ 18-157 Wildlife management advisory board. a. There shall be a wildlife management advisory board to develop a citywide wildlife management plan.

b. Such advisory board shall consist of eleven members as follows:

1. Three members shall be appointed by the mayor, provided that at least one such member shall be from academia and have advanced specialized training in the management of wildlife in an urban setting;

2. Four members shall be appointed by the speaker of the council, provided that at least one such member shall have not less than five years' experience working with wildlife in urban settings;

3. The commissioner of parks and recreation, the commissioner of environmental protection, and the commissioner of health and mental hygiene, or the respective designees of such commissioners, shall serve ex officio;

4. The deputy mayor for operations, or his or her designee, shall serve as chairperson of the advisory board; and

5. The advisory board shall invite the New York state department of agriculture and markets, the New York state department of environmental conservation, the United States department of agriculture, the United States department of the interior, the United States environmental protection agency, the federal aviation administration and any other relevant state or federal agency, as identified by such board, to participate in the development of the citywide wildlife management plan.

c. Any vacancies in the membership of the advisory board shall be filled in the same manner as the original appointment.

d. Members of the advisory board shall serve without compensation and shall meet as necessary.

e. At the first meeting of the advisory board, no later than one hundred eighty days after the enactment of the law that added this section, the advisory board shall set dates for public hearings and solicit testimony from the public and from relevant state and federal agencies on the development of a citywide wildlife management plan.

f. The advisory board shall issue a citywide wildlife management plan to the mayor and council no later than twelve months after the final member of the advisory board is appointed. Such plan shall, at a minimum, include:

1. An analysis of significant wildlife management problems;

2. Strategies to promote biological diversity and healthy wildlife distribution;

3. *Proposed policies to ensure that wildlife management initiatives preserve and protect the public health and safety;*
 4. *A description of proposed strategies to address wildlife management problems that use the most humane treatment of wildlife feasible;*
 5. *An assessment of the need for additional wildlife management resources;*
 6. *An analysis of historical, present and projected needs for the management of wildlife;*
 7. *A description of particular actions proposed to be undertaken by each agency in furtherance of the wildlife management plan that use the most humane treatment of wildlife feasible;*
 8. *An estimation of the cost of such proposed initiatives; and*
 9. *Recommendations for further action regarding the management of wildlife.*
- g. The advisory board shall terminate sixty days after the publication of the citywide wildlife management plan.*
- h. Not later than one year after the termination of the wildlife management advisory board, and every one year thereafter, the department shall submit a report to the mayor and the speaker of the council concerning the current status of wildlife management problems and programs in the city. This report shall provide an update on the status of ongoing significant wildlife management problems, including but not limited to those identified in the citywide wildlife management plan and in prior years' reports. The report will provide an update on the impact and progress of any wildlife management proposals adopted by relevant agencies, including but not limited to proposals adopted from the citywide wildlife management plan and proposals adopted from the recommendations made in the reports of prior years. The report shall also provide recommendations for future action regarding the management of wildlife.*
- i. All agencies shall consider the effect that their initiatives, actions, policies and programs have on wildlife in the city of New York.*
- § 2. This local law shall take effect immediately.

Referred to the Committee on Parks and Recreation.

Int. No. 98

By Council Members Brannan, Yeger and Carr.

A Local Law to amend the administrative code of the city of New York, in relation to reimbursing small nonpublic schools for the cost of security guard services

Be it enacted by the Council as follows:

Section 1. Subdivision f of section 10-172 of the administrative code of the city of New York, as added by local law 2 for the year 2016, is amended to read as follows:

f. Except as set forth in subdivision g of this section, the administering agency shall provide reimbursement of the allowable costs for:

1. one security guard at a qualifying nonpublic school that enrolls [from 300] *up* to 499 students;
2. two security guards at a qualifying nonpublic school that enrolls at least 500 students; and
3. an additional security guard at a qualifying nonpublic school for each additional 500 students enrolled.

For purposes of this subdivision, students with respect to whom the city separately provides assistance that includes funding for security shall not be included in the reimbursement determination, and reimbursement for the services of one security guard during periods of school-related instruction or school-related events may include the costs of different individuals providing security services at different times. Further, the term "student" shall be deemed to refer to the full-time equivalent thereof, based upon a six hour and twenty-minute school day for a student.

§ 2. Subdivision j of section 10-172 of the administrative code of the city of New York, as added by local law 2 for the year 2016, is amended to read as follows:

j. Notwithstanding any provision to the contrary in this local law, the total annual amount of reimbursements authorized by this section shall be a maximum of [\$19,800,000] *\$39,300,000* dollars per school year, which shall

be adjusted annually by the administering agency, if such agency anticipates that such maximum will be reached in the subsequent one-year period, to reflect changes in the prevailing wage and supplements, the number of students attending qualifying nonpublic schools, or the number of qualifying nonpublic schools, provided that such reimbursements shall in no event exceed the amounts appropriated for implementation of this section. To the extent the administering agency anticipates that the amount requested for reimbursement will exceed the funds available, the administering agency shall reimburse for allowable costs on an equitable basis until such funds are exhausted.

§ 3. This local law takes effect July 1, 2022.

Referred to the Committee on Public Safety.

Int. No. 99

By Council Members Brannan, Hanif, Dinowitz, Riley, Yeger, Stevens and Restler.

A Local Law to amend the administrative code of the city of New York, in relation to establishing a program to provide public notification of school emergencies

Be it enacted by the Council as follows:

Section 1. Title 10 of the administrative code of the city of New York is amended by adding a new chapter 12 to read as follows:

*CHAPTER 12
SCHOOL EMERGENCY ALERT*

§ 10-1201 Definitions. As used in this chapter, the following terms have the following meanings:

Administering agency. The term “administering agency” means a city agency, office, department, division, bureau or institution of government, the expenses of which are paid in whole or in part from the city treasury, that the mayor designates.

School emergency. The term “school emergency” means a situation involving a threat of harm to students, personnel, or facilities, including but not limited to natural, technological, and human-caused incidents, that require response from law enforcement. Such incidents include but are not limited to school shelter-ins, lockdowns, and evacuations.

§ 10-1202 School emergency alert system. a. The administering agency shall establish a school emergency alert system, pursuant to the provisions of this section, to provide rapid notification to the public when a school emergency occurs.

b. The administering agency shall develop a protocol for notifying parents and legal guardians of students when a school emergency occurs.

c. The administering agency shall issue a school emergency alert within one hour of the determination that a school emergency occurred. The administering agency may use its discretion to refrain from issuing such an alert if the alert is inappropriate under the circumstances or would compromise a law enforcement investigation. The school emergency alert may be issued by any appropriate means, including, but not limited to, email notifications, text messages, telephone calls, television broadcasts, or radio broadcasts. The school emergency alert may be issued at repeated intervals within the discretion of the administering agency until the emergency has been resolved, parent-student reunification is complete, or until the administering agency determines that the issuance of a school emergency alert is no longer appropriate.

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

Referred to the Committee on Public Safety.

Int. No. 100

By Council Members Brannan, Hudson, Lee, Yeger and Stevens.

A Local Law to amend the administrative code of the city of New York, in relation to exempting or partially exempting seniors and certain persons with disabilities from penalties for failing to remove snow or ice from sidewalks, crosswalks, curbs and other locations

Be it enacted by the Council as follows:

Section 1. Subdivision h of section 16-123 of the administrative code of the city of New York, as amended by local law number 1 for the year 2003, is amended to read as follows:

h. 1. Any person violating the provisions of subdivisions [(a)] a or [(b)] b of this section shall be liable and responsible for a civil penalty of not less than [ten dollars] \$10 nor more than [one hundred fifty dollars] \$150 for the first violation, except that for a second violation of subdivision [(a)] a or [(b)] b within any [twelve-month] 12-month period such person shall be liable for a civil penalty of not less than [one hundred fifty dollars] \$150 nor more than [two hundred fifty dollars] \$250 and for a third or subsequent violation of subdivision [(a)] a or [(b)] b within any [twelve-month] 12-month period such person shall be liable for a civil penalty of not less than [two hundred fifty dollars] \$250 nor more than [three hundred fifty dollars] \$350.

2. Notwithstanding paragraph 1, the minimum and maximum civil penalties set forth in this subdivision shall be mitigated by 50 percent where such person establishes the following, to the satisfaction of the office of administrative trials and hearings or the court, as applicable:

(a) The person is at least 65 years old or has a disability that substantially interferes with the person's ability to comply with subdivision a of this section, with such disability defined by rules promulgated by the department, in conjunction with the department of health and mental hygiene and the mayor's office for people with disabilities; and

(b) The building or lot for which the notice of violation was issued is the person's primary residence.

§ 2. Chapter 1 of title 16 of the administrative code of the city of New York is amended by adding a new section 16-124.2 to read as follows:

§ 16-124.2 Snow removal; assistance for seniors and certain persons with disabilities. No later than November 1, 2023, the commissioner shall establish a program, which may include contracting with not-for-profit organizations, for the removal of snow or ice from crosswalks, curb cuts, bus stops and other city property and from sidewalks and gutters abutting residential buildings, where (i) the owner, lessee, tenant, occupant or other person having charge of such building or lot is 65 years or older or has a disability that substantially interferes with such person's ability to comply with subdivision a of section 16-123, as such disability is defined by rules that the department shall promulgate in conjunction with the department of health and mental hygiene and the mayor's office for people with disabilities, and (ii) such person registers with the department for such program. The department, in conjunction with the department for the aging, the department of health and mental hygiene and the mayor's office for people with disabilities, shall develop the procedure for registering for such program. Where snow is removed from curb cuts pursuant to such program, such removal shall provide for a cleared path of at least 40 inches in width to accommodate safe access, by wheelchair or other mobility device, between streets and sidewalks.

§ 3. This local law takes effect immediately.

Referred to the Committee on Sanitation and Solid Waste Management.

Int. No. 101

By Council Members Brannan, Hanif, Yeger and Won.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the placement of temporary priority regulatory signs at intersections within one hour of a report of an inoperable traffic control signal

Be it enacted by the Council as follows:

Section 1. Subdivision e of section 19-128 of the administrative code of the city of New York, as added by local law number 22 for the year 2014, is amended to read as follows:

e. Within [twenty-four hours] *one hour* of receiving notice that a traffic control signal is missing or damaged to the extent that such signal is not operational or visible to a motorist who must obey or rely upon such signal the department shall *place a temporary priority regulatory sign at the location of the missing or damaged traffic control signal. Within 24 hours, the department shall:*

- (i) repair or replace such signal, *at which point the department may remove the temporary sign if applicable,*
- (ii) implement *additional* alternative measures to control traffic if such repair or replacement will take [greater] *more* than [twenty-four] 24 hours, or
- (iii) make a determination that repair or replacement is not warranted, *at which point the department may remove the temporary sign.*

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

Referred to the Committee on Transportation and Infrastructure.

Int. No. 102

By Council Members Brannan, Hanif, Dinowitz, Brewer, Riley, Yeger and Restler (by request of the Queens Borough President).

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of environmental protection to post a map of green roofs online

Be it enacted by the Council as follows:

Section 1. Chapter 5 of title 24 of the administrative code of the city of New York is amended by adding a new section 24-532 to read as follows:

§ 24-532 *Green roof map. a. The commissioner, in collaboration with the department of buildings, shall publish on the department's website a map showing the location of every green roof, as defined in section 24-526.1, in the city.*

b. For each green roof indicated on the map, the map shall at a minimum provide the following information:

- 1. The occupancy group of the building or structure;*
- 2. The area of the roof in square feet;*
- 3. The area of the portion of the roof covered by the green roof system in square feet;*
- 4. The estimated amount of water such green roof has the capacity to absorb; and*
- 5. Any functions of the green roof, which may include, but need not be limited to, aesthetic, water retention, recreational, farming or any other function designated by the department.*

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

Referred to the Committee on Environmental Protection.

Int. No. 103

By Council Member Brannan (by request of the Mayor).

A Local Law to amend the administrative code of the city of New York, in relation to authorizing an increase in the amount to be expended annually in the Sutphin Boulevard business improvement

district, an extension of the boundaries of such district, a change in the method of assessment upon which the district charge in such district is based, and an increase in the maximum total amount to be expended for improvements in such district, and providing for the dissolution of the one hundred sixty-fifth street mall special assessment district, and the dissolution of the Jamaica Center mall special assessment district

Be it enacted by the Council as follows:

§ 1. Subdivision a of section 25-462.1 of the administrative code of the city of New York, as added by local law number 118 for the year 2013, is amended to read as follows:

a. The city council having determined, pursuant to subdivision b of section 25-410 of chapter four of this title, that it is in the public interest to authorize an increase in the amount to be expended annually in the Sutphin Boulevard business improvement district beginning on January 1, [2013] 2023, and the council having determined further that the tax and debt limits prescribed in section 25-412 of chapter four of this title will not be exceeded by such increased expenditure, there is hereby authorized in such district an annual expenditure of [two hundred fifty-two thousand dollars (\$252,000)] *one million five hundred thousand dollars (\$1,500,000)*.

§ 2. Chapter 5 of title 25 of the administrative code of the city of New York is amended by adding a new section 25-462.2 to read as follows:

§ 25-462.2 *Sutphin Boulevard business improvement district; extension of district. a. The city council having determined, pursuant to section 25-407 of chapter four of this title: that notice of hearing for all hearings required to be held was published and mailed as required by law and was otherwise sufficient; that, except as otherwise provided in section 25-403 of chapter four of this title, all the real property within the boundaries of the district will benefit from the extension of the district; that all the real property benefited is included within the limits of the district; and that the extension of the district is in the public interest; and the council having determined further that the requisite number of owners have not objected as provided in section 25-406 of chapter four of this title, the Sutphin Boulevard business improvement district in the borough of Queens is hereby extended. Such district is extended in accordance with the amended district plan of 2022 required to be filed with the city clerk pursuant to subdivision b of this section.*

b. Immediately upon adoption of this local law by the council, the council shall file with the city clerk the amended district plan of 2022 upon which the Sutphin Boulevard business improvement district, and the extension thereof, is based.

c. The amended district plan of 2022 shall not be further amended except in accordance with chapter four of this title.

§ 3. The administrative code of the city of New York is amended by adding a new section 25-462.3 to read as follows:

§ 25-462.3 *Sutphin Boulevard business improvement district; amendment of the district plan. a. The city council having determined, pursuant to subdivision b of section 25-410 of chapter four of this title, that it is in the public interest to authorize a change in the method of assessment upon which the district charge in the Sutphin Boulevard business improvement district is based, and the council having determined further that the tax and debt limits prescribed in section 25-412 of chapter four of this title will not be exceeded by such change, there is hereby authorized in such district such change as is set forth in the amended district plan of 2022 required to be filed with the city clerk pursuant to subdivision c of this section.*

b. The city council having determined, pursuant to subdivision c of section 25-410 of chapter four of this title, that it is in the public interest to authorize an increase in the maximum total amount to be expended for improvements in the district, and the council having determined further that the tax and debt limits prescribed in section 25-412 of chapter four of this title will not be exceeded by such change, there is hereby authorized in the Sutphin Boulevard business improvement district such change as is set forth in the amended district plan of 2022 required to be filed with the city clerk pursuant to subdivision c of this section.

c. Immediately upon adoption of this local law, the council shall file with the city clerk the amended district plan of 2022 containing the change in the method of assessment authorized by subdivision a of this section and the increase in the maximum total amount to be expended for improvements authorized by subdivision b of this section.

§ 4. Chapter 6 of title 25 of the administrative code of the city of New York is amended by adding a new section 25-601.1 to read as follows:

§ 25-601.1 Dissolution of one hundred sixty-fifth street mall special assessment district. The recommendations of the one hundred sixty-fifth street mall improvement association concerning the proposed dissolution of the one hundred sixty-fifth street mall special assessment district having been requested and considered by the city council in accordance with subdivision (a) of section 25-415 of chapter four of this title, pursuant to the authority granted by such subdivision, the one hundred sixty-fifth street mall special assessment district is hereby dissolved as of the end of calendar day December 31, 2022, provided that as of such date there is no indebtedness, outstanding and unpaid, incurred to accomplish any of the purposes of the one hundred sixty-fifth street mall special assessment district.

§ 5 Chapter 6 of title 25 of the administrative code of the city of New York is amended by adding a new section 25-604.1 to read as follows:

§ 25-604.1 Dissolution of Jamaica Center mall special assessment district. The recommendations of the Jamaica Center mall improvement association concerning the proposed dissolution of the Jamaica Center mall special assessment district having been requested and considered by the city council in accordance with subdivision (a) of section 25-415 of chapter four of this title, pursuant to the authority granted by such subdivision, the Jamaica Center mall special assessment district is hereby dissolved as of the end of calendar day December 31, 2022, provided that as of such date there is no indebtedness, outstanding and unpaid, incurred to accomplish any of the purposes of the Jamaica Center mall special assessment district.

§ 6. Sections one, four and five of this local law take effect December 31, 2022; and sections two and three of this local law take effect January 1, 2023, provided that compliance with section 25-408 of chapter 4 of title 25 of the administrative code of the city of New York has occurred on or before such date, provided further, however, that if such compliance occurs after January 1, 2023, sections two and three of this local law shall take effect upon compliance with such section 25-408 and shall be retroactive to and deemed to have been in full force and effect as of January 1, 2023.

Referred to the Committee on Finance.

Preconsidered Res. No. 79

Resolution authorizing an increase in the amount to be expended annually in the Sutphin Boulevard Business Improvement District, an extension of the boundaries of such district, a change in the method of assessment upon which the district charge in such district is based, and an increase in the maximum total amount to be expended for improvements in such district, and setting the date, time and place for the public hearing of the local law authorizing such changes as set forth in the amended district plan of the Sutphin Boulevard Business Improvement District.

By Council Member Brannan.

WHEREAS, pursuant to the authority granted by chapter 4 of title 25 of the Administrative Code of the City of New York (the “Law”), the Mayor, by authorization dated November 17, 2021, provided for the preparation of an amended district plan that is for the Sutphin Boulevard Business Improvement District (the “District”) in the Borough of Queens; and

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

WHEREAS, pursuant to authority granted by the Law, the District was established by Local Law No. 72 for the year 2003; and

WHEREAS, pursuant to Section 25-410(b) of the Law, an amendment to the district plan that provides for additional improvements or services or any change in the method of assessment upon which the district charge is based, or an increase in the amount to be expended annually, may be adopted by local law, provided that the City

Council determines, after a public hearing, that it is in the public interest to authorize such changes and that the tax and debt limits prescribed in Section 25-412 of the Law will not be exceeded by such changes; and

WHEREAS, pursuant to Section 25-410(c) of the Law, an amendment to the district plan that provides for an increase in the total maximum amount to be expended for improvements in such district may be adopted by local law, provided that the City Council determines, after a public hearing, that it is in the public interest to authorize such increase and that the tax and debt limits prescribed in Section 25-412 of the Law will not be exceeded by such increase; and

WHEREAS, the District wishes to increase the amount to be expended annually in the District to \$1,500,000, to extend the District's boundaries, and to amend the district plan in order to change the method of assessment upon which the district charge is based and to increase the maximum total amount to be expended for improvements in the District; and

WHEREAS, pursuant to section 25-405(c) of the Law, the New York City Department of Small Business Services ("SBS") submitted an amended district plan (the "Amended Plan") for the District to the City Planning Commission (the "CPC") on November 29, 2021; and

WHEREAS, pursuant to section 25-405(c) of the Law, the CPC submitted the Amended Plan to the City Council on November 30, 2021; and

WHEREAS, pursuant to section 25-405(c) of the Law, the CPC submitted the Amended Plan to the Council Members representing the council districts in which the District is located on November 30, 2021; and

WHEREAS, pursuant to section 25-405(c) of the Law, the CPC submitted the Amended Plan to Queens Community Board 12 (the "Community Board"), in which the proposed extended district is located, on November 30, 2021; and

WHEREAS, pursuant to section 25-405(c) of the Law, the CPC submitted the Amended Plan to the Queens Borough President on November 30, 2021; and

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

WHEREAS, on December 8, 2021, the Community Board voted to recommend disapproval of the Amended Plan; and

WHEREAS, pursuant to section 25-405(c) of the Law, the CPC reviewed the Amended Plan, held a public hearing on January 19, 2022, and prepared a report certifying its unqualified approval of the Amended Plan; and

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

WHEREAS, pursuant to section 25-405(c) of the Law, a copy of the CPC's report, the original district plan and the Amended Plan were transmitted for filing with the City Clerk on February 17, 2022; and

WHEREAS, pursuant to section 25-406(a) of the Law, a copy of the Amended Plan and the CPC's report are annexed hereto and are made part of this Resolution; and

WHEREAS, pursuant to section 25-406(a) of the Law, the Amended Plan is on file for public inspection in the Office of the City Clerk, 141 Worth Street, New York, New York; and

WHEREAS, pursuant to Section 25-406(b) of the Law, any owner of real property, deemed benefited and therefore within the proposed extended district, objecting to the Amended Plan must file an objection at the Office of the City Clerk within thirty days of the conclusion of the hearing held by the City Council, notice of which is provided by this Resolution, on forms made available by the City Clerk; and

WHEREAS, pursuant to Section 25-406(b) of the Law, if owners of at least fifty-one percent of the assessed valuation of all the benefited real property situated within the boundaries of the District proposed for extension, as shown upon the latest completed assessment roll of the City, or at least fifty-one percent of the owners of benefited real property within the area included in the District proposed for extension, file objections to the Amended Plan with the City Clerk within the thirty-day objection period, the District will not be extended; now, therefore, be it

RESOLVED, that the Council of the City of New York, pursuant to Section 25-406 of the Law, hereby directs that:

(i) April 7, 2022 is the date and 10:00 a.m. is the time and the City Council Committee Room, 2nd Floor, City Hall is the place for a public hearing (the “Public Hearing”) to hear all persons interested in the legislation that would authorize an increase in the amount to be expended annually in the District, an extension of the District’s boundaries, a change in the method of assessment upon which the district charge in the District is based, and an increase in the maximum total amount to be expended for improvements in the District;

(ii) the Sutphin Boulevard District Management Association shall, not less than ten (10) nor more than thirty (30) days before the date of the Public Hearing, mail a copy of this Resolution or a summary thereof to each owner of real property within the proposed extended district at the address shown on the latest City assessment roll, to such other persons as are registered with the City to receive tax bills concerning real property within the proposed extended district, and to the tenants of each building within the proposed extended district;

(iii) SBS shall arrange for the publication of a copy of this Resolution or a summary thereof at least once in the City Record or a newspaper in general circulation in the City, the first publication to be not less than ten (10) nor more than thirty (30) days before the date of the Public Hearing;

(iv) in the event that the Sutphin Boulevard District Management Association mails, or SBS arranges for the publication of, a summary of this Resolution, such summary shall include the information required by section 25-406(c) of the Law; and

(v) on behalf of the City Council and pursuant to Section 25-410(b) of the Law, the Sutphin Boulevard District Management Association is hereby authorized to publish in a newspaper having general circulation in the District, not less than ten (10) days prior to the Public Hearing, a notice stating the time and place of the Public Hearing and stating the increase in the amount to be expended annually in the District.

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

Res. No. 80

Resolution calling on Congress to pass and the President to sign legislation in relation to increasing the supply and affordability of certain housing and to adjust the calculations of area median income for purposes of Federal low-income housing assistance, and for other purposes.

By Council Members Brannan, Hudson, Dinowitz, Brewer, Sanchez, Stevens, Won and Restler.

Whereas, The area median income (AMI) is used in federally funded housing programs to determine if a household meets income eligibility and the amount of rent a household is charged to reside in an apartment; and

Whereas, Every year the United States (U.S.) Department of Housing and Urban Development (HUD) defines AMI for all cities in the United States; and

Whereas, The AMI for the New York City area incorporates not only the median earnings in Manhattan, Brooklyn, Staten Island, Queens and the Bronx but it also includes Westchester and Rockland counties who have higher median incomes than the five boroughs; and

Whereas, The higher housing cost adjustment is one of the five adjustments a jurisdiction applies to the AMI to determine the very low-income limit; and

Whereas, High housing cost adjustments are usually applied in areas where the cost of housing is considerably higher compared to the median income; and

Whereas, HUD increases the income limit requirements in high cost adjustment areas, such as New York City, so that more households can qualify for assistance for affordable housing units that are produced through the Low Income Housing Tax Credit (LIHTC) program; and

Whereas, According to the National Low Income Housing Coalition, if the high housing cost adjustments could be restricted in determining AMI for Low Income Housing Tax Credit Properties, more affordable units could be made available for lower-income households; now, therefore, be it

Resolved, That the New York City Council calls on Congress to pass and the President to sign legislation in relation to increasing the supply and affordability of certain housing and to adjust calculations of area median income for purposes of Federal low-income housing assistance, and for other purposes.

Referred to the Committee on Housing and Buildings.

Res. No. 81

Resolution calling on Congress to pass, and the President to sign, legislation amending the Stafford Act to proactively fund the planning and construction of FEMA and HUD coastal resiliency projects.

By Council Members Brannan, Brewer, Restler and Nurse.

Whereas, The Robert T. Stafford Disaster Relief and Emergency Assistance Act (“the Stafford Act”) gives the president the power to declare a national emergency as a response to a national disaster, thereby allowing the president to access funds set aside by Congress to provide states with federal assistance during and after an emergency or disaster; and

Whereas, The United States (“U.S.”) has a number of agencies that work towards disaster relief, such as the Federal Emergency Management Agency (“FEMA”), the U.S. Department of Housing and Urban Development (“HUD”), and the U.S. Army Corps of Engineers (“USACE”); and

Whereas, Although FEMA and HUD administer federal funding programs for disaster relief and prevention, the USACE is also able to fund, design, and construct large-scale infrastructure projects, provided, however, that all allocations for such programs and projects must be planned for and earmarked in advance by Congress; and

Whereas, The Stafford Act required all funding requests must be in relation to a “major disaster” declaration by the president for a declared disaster that occurred in the past seven years; and

Whereas, The Safeguarding Tomorrow through Ongoing Risk Mitigation Act, or The STORM Act, was passed on January 1, 2021, amending the Stafford Act by adding § 205, which authorizes the FEMA Administrator to enter into agreements with a state or Indian tribal government (“eligible entity”) to make capitalization grants that are not contingent upon prior disaster declarations but are instead based on an application’s ability to detail both recurring major disaster vulnerabilities that show sizable risk and how the application’s plan would achieve resilience in a vulnerable area to establish hazard mitigation so as to help local governments carry out eligible projects to reduce disaster risks and decrease disaster costs, with single hazard mitigation projects having to be less than \$5 million; and,

Whereas, The STORM Act authorizes appropriations of \$100 million for each of Fiscal Year 2022 and Fiscal Year 2023, but has not authorized any appropriations after Fiscal Year 2023; and

Whereas, FEMA and HUD have dedicated disaster relief and mitigation funding programs, particularly FEMA’s Building Resilient Infrastructure and Communities (“BRIC”) and Disaster Relief Fund (“DRF”) and HUD’s Community Development Block Grant Mitigation (“CDBG-MIT”) and Disaster Relief (“CDBG-DR”) programs, all of which provide key frameworks and details for directing federal disaster funding in accordance with the Stafford Act; and

Whereas, While BRIC and CDBG-MIT were formulated with a focus on future disaster prevention and mitigation, they are still mandated by the Stafford Act to require funding allocations to be in relation to recent and past disasters; and

Whereas, The Stafford Act caps BRIC funding at up to 6 percent of the total estimated disaster expenditures associated with each presidential disaster declaration, with annual contributions depending on the number and cost of disasters in the previous year and all funds entering the National Public Infrastructure Pre-Disaster Mitigation Fund, leading to FEMA estimating annual contributions to this fund to be between \$300 and \$500 million nationwide; and

Whereas, For Fiscal Year 2020 (“FY2020”), BRIC was allocated \$500 million, and, in 2018, Congress appropriated \$15.9 billion to HUD for CDBG-MIT for mitigation activities for qualifying disasters in 2015, 2016, and 2017, but has not indicated plans for future CDBG-MIT appropriations or allocations; and

Whereas, In comparison, the New York City Council issued a report entitled “Securing Our Future: Strategies for New York City in the Fight Against Climate Change,” which included a snapshot of New York City’s (“NYC”) current coastal resiliency projects, which cost approximately \$52.87 billion in combined funding from NYC, New York State, USACE, FEMA, and HUD, demonstrating that current federal funding for coastal resiliency will not be sufficient for the future needs of both NYC and the nation at large; and

Whereas, Due to the advance of climate change, more and more national disasters are happening each year, with FEMA reporting more than twice the number of annual billion-dollar events in the U.S. were experienced in the 2010s compared to the 2000s, that 2020 bore witness to the most active Atlantic hurricane season on record, and that severe storms are becoming an increasing contributor to the number of billion-dollar events, with the average frequency of high-tide flooding already up 50 percent when compared to the frequency in 2000; and

Whereas, The National Oceanic and Atmospheric Administration (“NOAA”) found that NYC is under threat from disasters like flooding, sea level rise, and coastal storms due to its 520 miles of coastline, which is more shoreline mileage than the cities of Miami, Los Angeles, San Francisco, and Boston combined, meaning coastal resiliency efforts, which seek to protect against coastal hazardous events, are a necessary aspect of disaster prevention in NYC; and

Whereas, Regular tidal flooding is already occurring in NYC neighborhoods such as Broad Channel, Hamilton Beach, and Howard Beach, with a Lower Manhattan Climate Resilience Study conducted by NYC’s Economic Development Corporation and the Mayor’s Office of Climate & Environmental Justice finding that by 2050, 37 percent of buildings in Lower Manhattan will be at risk from a rise in seawater level caused by a storm, otherwise known as storm surge; and

Whereas, FEMA recorded billions of dollars in National Flood Insurance Program (“NFIP”) payouts in the past decade, with six of the top 10 most significant NFIP payouts occurring in the past decade, and all 10 occurring since 2000, and has paid out \$830 million to NFIP policy holders in 2020 alone; and

Whereas, According to NOAA, coastal resiliency efforts are crucial to protecting against and minimizing the impacts of coastal hazards like flooding and storm surge, as well as coastal disasters like Hurricane Sandy, which cost \$19 billion in citywide damages and lost economic activity while also damaging over 69,000 residential units according to the NYC Mayor’s Office of Management and Budget; and

Whereas, Coastal resiliency efforts are predicated on preparing for, rather than reacting to, coastal hazards and consist of a myriad of different strategies, all of which take time and money to develop, yet, in 2020, FEMA published their “FEMA Mitigation Action Portfolio” which found that natural hazard mitigation saves, on average, \$6 in future disaster costs for every \$1 spent on federal grants; and

Whereas, As currently written, and other than what is authorized by the STORM Act, the Stafford Act only allows for mitigation funding as a reaction to past disasters as declared by the president, rather than a proactive protection against potential future disasters and damages, meaning that potential disasters which, due to climate

change, could impact an area previously not affected by disasters, or wreak damage on an unprecedented level, would not allow an applicant to qualify for federal mitigation funding needed to build resiliency; and

Whereas, Proactive funding of coastal resiliency projects would entail both increased funding and easier access to disaster prevention funding, both of which would enhance and expedite current and future coastal resiliency plans, and which might cost-effectively reduce future needs for post-disaster funding and flood insurance payouts; now, therefore, be it

Resolved, That the Council of the City of New York calls on Congress to pass, and the President to sign, legislation amending the Stafford Act to proactively fund the planning and construction of FEMA and HUD coastal resiliency projects.

Referred to the Committee on Resiliency and Waterfronts.

Res. No. 82

Resolution calling on the Mayor of New York City to permanently staff all Fire Department of New York (FDNY) engine companies with five firefighters and an officer at the outset of each tour.

By Council Members Brannan, Ariola, Brooks-Powers, Riley and Carr.

Whereas, The Uniformed Firefighters Association of Greater New York (UFA) represents over 8,000 FDNY firefighters and personnel; and

Whereas, In labor negotiations between the UFA and the City of New York, whether a FDNY engine company should be staffed with five firefighters and an officer (known as having a “fifth firefighter”) or four firefighters and an officer at the outset of each tour has remained a key bargaining point; and

Whereas, Prior to 1988, FDNY engine companies were staffed with five firefighters, and one officer, which was a higher-ranking FDNY member, such as a Lieutenant, that would supervise over the company; and

Whereas, However, beginning in 1988, the FDNY began to reduce engine company staffing from five firefighters and an officer to four firefighters and an officer, so that, in 2011, no engine company in the city operated with a fifth firefighter; and

Whereas, Notably, the most recently available, although expired, collective bargaining agreement between the UFA and the City looked to change this staffing reduction, allowing the FDNY to designate five engine companies with a fifth firefighter at the outset of each tour, effective February 1, 2016, with an additional five engine companies to be staffed with a fifth firefighter effective February 1, 2017; February 1, 2018; and February 1, 2019; and

Whereas, As per this agreement, a total of 20 engine companies throughout the City are staffed with a fifth firefighter, however, this agreement stipulates that the FDNY, on the first day of each month, can review these engine companies’ firefighter availability for the preceding 365 days and in the event that firefighter average medical leave, including both line-of-duty and non-line-of-duty, exceeds the “designated absence rate” of 7.50%, the FDNY will discontinue that engine company’s staffing of a fifth firefighter for the remainder of that month; and

Whereas, The FDNY defines the role of the fifth firefighter as the “Door” position, meaning that they facilitate the advancement of the hose-line into the fire area and prevent it from getting stuck if turns need to be made; and

Whereas, The UFA, in their support for a fifth firefighter on engine companies, has pointed to a FDNY study done in 1987, where a former division commander for midtown Manhattan concluded that an engine company with only four firefighters is ineffective in service delivery and has a 75 percent increase in hose-stretch time; and

Whereas, Although dated, the UFA still looks to these findings as reliable and, potentially, more true now, as the weight that firefighters now carry has drastically increased since 1987; and

Whereas, Additionally, a National Institute of Standards and Technology 2013 study analyzed 14 high-risk tasks undertaken by firefighters, finding that three-member firefighter crews took almost 21 minutes longer than

five-member crews to complete all tasks, while four-member crews took nine minutes longer than five-member crews to complete those same tasks; and

Whereas, Furthermore, the Daily News reported that the FDNY's own studies show that engine companies equipped with a fifth firefighter can get water on a fire twice as quickly; and

Whereas, Having a fifth firefighter staffed on an engine company drastically improves the effectiveness of that engine company, thus the permanent staffing of a fifth firefighter on all engine companies throughout the City would decrease the time it takes to put out fires, decrease deaths and injuries due to fires, and reduce overall costs of medical leave and fire damage; now, therefore, be it

Resolved, That the Council of the City of New York calls on the Mayor of New York City to permanently staff all Fire Department of New York (FDNY) engine companies with five firefighters and an officer at the outset of each tour.

Referred to the Committee on Fire and Emergency Management.

Int. No. 104

By Council Members Feliz, Ariola, Sanchez, Abreu, Hanif, Brewer, Riley, Yeger, Krishnan, Brannan, Williams, Won, Holden, Farías, Restler, Avilés, Ayala, Menin, Ung, Ossé, Richardson Jordan, Gennaro, Hanks, Schulman, Cabán, Narcisse, Barron and Dinowitz (by request of the Bronx Borough President).

A Local Law to amend the administrative code of the city of New York, in relation to defining the term self-closing door

Be it enacted by the Council as follows:

Section 1. Subdivision a of section 27-2004 of the administrative code of the city of New York is amended by adding a new paragraph 49 to read as follows:

49. The term "self-closing door" means a fireproof door equipped with a device that will ensure closing after having been opened and which does not require a key to open from inside a dwelling.

§ 2. This local law takes effect immediately.

Referred to the Committee on Housing and Buildings.

Int. No. 105

By Council Members Feliz, Ariola, Sanchez, Abreu, Hanif, Hudson, Riley, Krishnan, Stevens, Williams, Won, Holden, Farías, Avilés, Ayala, Menin, Ung, Ossé, Richardson Jordan, Gennaro, Velázquez, Hanks, Schulman, Cabán, Narcisse, Barron and Dinowitz (by request of the Bronx Borough President).

A Local Law to amend the administrative code of the city of New York, in relation to housing and fire safety

Be it enacted by the Council as follows:

Section 1. Section 27-2041.1 of the administrative code of the city of New York, as added by local law number 111 for the year 2018, is amended to read as follows:

§ 27-2041.1 Self-closing doors. a. It shall be the duty of the owner of a multiple dwelling, which is required to be equipped with self-closing doors pursuant to section 28-315.10, or any other applicable law, to keep and maintain such doors in good repair.

b. Any owner required to keep and maintain self-closing doors pursuant to subdivision a of this section who fails to keep or maintain such doors shall be liable for a class C immediately hazardous violation. Notwithstanding any other provision of law to the contrary, the time within which to correct such violation shall be [twenty-one] 10 days after service of the notice of violation.

c. *The department shall conduct an inspection of such violation no later than 14 days after the expiration of the 10-day correction period specified by subdivision b, notwithstanding any submission of a certification of correction.*

§ 2. Subdivision (a) of section 27-2115 of the administrative code of the city of New York, as amended by local law number 65 for the year 1987, is amended to read as follows:

(a) A person who violates any law relating to housing standards shall be subject to a civil penalty of not less than ten dollars nor more than fifty dollars for each non-hazardous violation, not less than twenty-five dollars nor more than one hundred dollars and ten dollars per day for each hazardous violation, fifty dollars per day for each immediately hazardous violation, occurring in a multiple dwelling containing five or fewer dwelling units, from the date set for correction in the notice of violation until the violation is corrected, and not less than *two hundred* fifty dollars nor more than [one] *five hundred* [fifty] dollars and, in addition, [one] *two hundred* [twenty-five] *fifty* dollars per day for each immediately hazardous violation, occurring in a multiple dwelling containing more than five dwelling units, from the date set for correction in the notice of violation until the violation is corrected. A person [wilfully] *willfully* making a false certification of correction of a violation shall be subject to a civil penalty of not less than [fifty] *five hundred* dollars nor more than [two hundred fifty] *one thousand* dollars for each violation falsely certified, in addition to the other penalties herein provided.

§ 3. Section 28-315.10 of the administrative code of the city of New York, as amended by local law number 126 for the year 2021, is amended to read as follows:

§ 28-315.10 Self-closing doors. All doors providing access to interior corridors or stairs in occupancy groups R-1 and R-2 shall be self-closing or equipped with a device that will ensure [closing] *the doors close shut and self-latch* after having been opened by July 31, 2021.

§ 4. This local law takes effect immediately.

Referred to the Committee on Housing and Buildings.

Res. No. 83

Resolution calling upon the Mayor's office and New York City Department of Education to recognize and observe the important Sikh holiday, Vaisakhi, on April 13 each year.

By Council Members Gennaro, Lee, Joseph, Hanif, Ung, Won, Dinowitz, Cabán, Farías, Stevens, Abreu, Ossé, Williams, De La Rosa, Krishnan, Hudson, Gutiérrez, Schulman, Avilés, Rivera, Nurse, Bottcher, Riley, Carr and Vernikov.

Whereas, Sikhism is a religion and philosophy founded in the Punjab region of the Indian subcontinent in the late 15th century; and

Whereas, There are an estimated 25-30 million adherents of Sikhism, called Sikhs, worldwide according to various sources, including the Encyclopedia Britannica and BBC News, making it the world's fifth-largest organized religion; and

Whereas, Sikhs first came to the United States in the late 1800s according to the Sikh Coalition, a national organization based in New York City; and

Whereas, The U.S. Census Bureau does not collect data on religious affiliation, so there is no official U.S. government data on the number of Sikhs in this country, but estimates of the number of Sikhs in the U.S. today range from 500,000 to 700,000, according to the Sikh Coalition and the Sikh American Legal Defense and Education Fund (SALDEF), a national civil rights and educational organization based in Washington, DC; and

Whereas, Although there is no official count of Sikhs in New York City, the Sikh Coalition estimated the City's Sikh population at approximately 50,000 in 2007, while a representative with United Sikhs, a U.N.

affiliated, international non-profit, humanitarian relief, education and advocacy organization headquartered in New York, estimated the number of Sikhs in the City at around 80,000 in 2010, with the largest concentration of 50,000 to 60,000 in Richmond Hill, Queens alone; and

Whereas, Sikh New Yorkers have contributed to this City for many decades but have received very little recognition of their efforts as a group or of their faith; and

Whereas, For example, unlike holidays of other groups, such as the Christian holiday of Easter, the Jewish holiday of Yom Kippur, the Muslim holiday of Eid al-Fitr and the East Asian Lunar New Year, the Sikh holiday of Vaisakhi is not widely known or recognized; and

Whereas, According to the British Broadcasting Corporation, Vaisakhi—the Sikh New Year festival, usually celebrated on April 13 or 14—started as a harvest festival in the Punjabi region of northern India and marks the start of the Punjabi New Year; and

Whereas, Vaisakhi is also a day to celebrate 1699—the year when Sikhism was born as a collective faith—and is one of the most important dates in the Sikh calendar; and

Whereas, In reality, most New Yorkers and other Americans know little to nothing about Sikhs or Sikhism, and this lack of awareness and understanding has contributed to an increase in bias incidents and hate crimes against Sikhs according to the Sikh Coalition; and

Whereas, According to data compiled by the Sikh Coalition, Sikhs are among the nation’s most-targeted religious groups and are hundreds of times more likely than their fellow Americans to experience hate crimes because of their distinct appearance, including the wearing of turbans; and

Whereas, In particular, a wave of hate began in the immediate aftermath of the 9/11 attacks in 2001, with over 300 cases of violence and discrimination against Sikh Americans throughout the U.S. in the first month after 9/11 documented by the Sikh Coalition; and

Whereas, Since then, the Sikh Coalition has received thousands of reports from the Sikh community about hate crimes, workplace discrimination, school bullying, and racial and religious profiling; and

Whereas, More recently, in April 2021, four Sikhs were killed in a mass shooting at a FedEx facility in Indianapolis, as reported by the Associated Press and other media outlets; and

Whereas, Promoting greater awareness and understanding of Sikhs and their religious practices and traditions may help to reduce the number of bias-based incidents and bullying; and

Whereas, New York City has a history of recognizing and celebrating its diverse ethnic communities and the Mayor's office can play a major role in promoting greater awareness and appreciation of Sikhs by designating April 13 to recognize Vaisakhi and celebrate Sikh heritage; and

Whereas, For example, while Sikhs do celebrate Vaisakhi with a parade, it is not widely recognized or televised like the St. Patrick’s, Columbus or Puerto Rican Day parades, nor are alternate side of the street parking regulations suspended as is the case for Lunar New Year, Eid al-Fitr, Diwali and most major Christian and Jewish holidays; and

Whereas, Schools can also play an important role in raising awareness and understanding of Sikhs and helping to reduce bias and bullying; and

Whereas, A 2008 report by the Sikh Coalition based on a survey of Sikhs in New York City found that half of the City’s Sikh students reported being teased or harassed because of their Sikh identity and, among those who wear turbans or patkas, 3 out of 5 Sikh children had been harassed and verbally or physically abused; and

Whereas, Currently, the New York City Department of Education (DOE) permits students to take an excused absence for religious observances such as Vaisakhi and, similarly, allows employees time off for religious observance, but there is no other acknowledgement of Sikh students or employees; and

Whereas, The DOE is shifting to a new educational strategy called “culturally responsive-sustaining education (CR-SE)” which is a cultural view of learning in which multiple forms of diversity, including nationality and religion, “are recognized, understood, and regarded as indispensable sources of knowledge for rigorous teaching and learning”; and

Whereas, Additionally, the DOE is investing \$202 million in FY22 to develop a rigorous, inclusive, and affirming curriculum by fall 2023 called the Universal Mosaic Curriculum; and

Whereas, It is critically important that the DOE include discussion and awareness of the Sikh culture, traditions and religious observances, especially Vaisakhi, into their CR-SE and Universal Mosaic Curriculum, since it is one of the most historically significant days of the year for Sikhs, and it provides an excellent opportunity for education during the month of April; and

Whereas, Both the Mayor's office and the DOE can play a critical role in raising awareness and understanding of Sikhs and helping to reduce bias, bullying and hate crimes against them; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the Mayor's office and New York City Department of Education to recognize and observe the important Sikh holiday, Vaisakhi, on April 13 each year.

Referred to the Committee on Education.

Int. No. 106

By Council Member Hanif, the Public Advocate (Mr. Williams), and Council Members Sanchez, Powers, Feliz, Riley, Yeger, Krishnan, Brannan, Williams, Won, Holden, Farías, Avilés, Ung, Abreu, Richardson Jordan, Gutiérrez, Hanks, De La Rosa, Schulman, Narcisse, Barron and Dinowitz.

A Local Law to amend the administrative code of the city of New York, in relation to the sale of electric space heaters

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 14 to read as follows:

*SUBCHAPTER 14
SPACE HEATERS*

§ 20-699.10 Definitions. For purposes of this subchapter, the following terms have the following meanings: Commissioner. The term “commissioner” means the commissioner of consumer and worker protection.

§ 20-699.11 Sale of electric space heaters. No person, firm, partnership, association or corporation shall distribute, sell or offer for sale an electric space heater unless such electric space heater:

- 1. Is equipped with a thermostat;*
- 2. Is equipped with an automatic shut-off function that disables such space heater upon overheating or tipping over; and*
- 3. Has been certified by a testing and certification body recognized and approved by the United States consumer product safety commission.*

§ 2. This local law takes effect 120 days after it becomes law, except that the commissioner of consumer and worker protection shall take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

Referred to the Committee on Fire and Emergency Management.

Res. No. 84

Resolution calling on the State Legislature to pass, and the Governor to sign, A.880A/S.1572A, to provide coverage for health care services under the basic health program for individuals whose immigration status renders them ineligible for federal financial participation.

By Council Members Hanif, Abreu, Moya, Schulman, Lee, Hudson, Brewer, Ung, Stevens, Brannan, Won, Restler, Avilés, Brooks-Powers, Menin, Joseph, Narcisse, Krishnan and Nurse.

Whereas, About 154,000 low-income New York City residents are ineligible for health insurance coverage because of their immigration status, according to the New York Immigration Coalition; and

Whereas, Uninsured New Yorkers often avoid medical care for fear of costs, resulting in prolonged illness, suffering and even increased risk of death; and

Whereas, According to the Health Care For All New Yorkers Campaign, when people can no longer avoid care, they may incur huge medical bills that result in uncompensated care for providers; and

Whereas, According to Community Service Society and Citizens Budget Commission, insuring 46,000 uninsured people could save New York State \$19 million in uncompensated care costs; and

Whereas, Undocumented New Yorkers have been at the forefront of New York City's fight against COVID-19, representing 31 percent of the state's essential workers and playing a key role in all sectors of our battle against the virus; and

Whereas, According to a 2021 report by Families USA, more than 8,200 individuals in New York state died from COVID-19 due to lack of health coverage, of which an estimated 2,050 were undocumented; and

Whereas, Other states, such as California, Illinois, and Minnesota have taken bold steps to invest in the health of their immigrant residents by establishing state-only funded programs for certain groups of immigrants, such as young people and older people; and

Whereas, Since the enactment of the Affordable Care Act in 2010, the amount of New Yorkers who are uninsured has been reduced considerably from 3 million to 1 million individuals; and

Whereas, In January, 2021, New York State Assembly Member Richard Gottfried introduced A.880A, along with its companion bill S.1572A, which was introduced by New York State Senator Gustavo Rivera, to expand eligibility for the Essential Plan, a health care plan for individuals who do not qualify for Medicaid in New York, to individuals who currently face barriers to health care coverage due to their immigration status; and

Whereas, A.880A/S.1572A aims to improve the overall healthcare system by encouraging people with serious and chronic health conditions to seek care and not delay out of fear for the cost of service; and

Whereas, By expanding coverage under the existing Essential Plan, A.880A/S.1572A will protect New Yorkers from financial hardships related to medical expenses incurred, stabilize our State's healthcare economy, and save lives; and

Whereas, Access to healthcare is an inherent human right, and New York State must ensure health care is accessible for all New Yorkers, regardless of immigration status; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the State Legislature to pass, and the Governor to sign, A.880A/S.1572A, to provide coverage for health care services under the basic health program for individuals whose immigration status renders them ineligible for federal financial participation.

Referred to the Committee on Immigration.

Int. No. 107

By Council Members Holden, Riley, Yeger and Restler.

A Local Law to amend the administrative code of the city of New York, in relation to prohibiting triple tours of duty for department of correction custodial officers

Be it enacted by the Council as follows:

Section 1. Section 9-116 of the administrative code of the city of New York is amended by adding a new subdivision e to read as follows:

e. Custodial officers shall be assigned to not more than two consecutive tours of duty. A tour of duty shall consist of not more than 8 consecutive hours. Assignment of additional hours into a third consecutive tour of duty is prohibited.

§ 2. This local law takes effect immediately.

Referred to the Committee on Criminal Justice.

Int. No. 108

By Council Members Holden, Hanif, Dinowitz and Stevens.

A Local Law to amend the administrative code of the city of New York, in relation to creating an annual report on the performance of department of homeless services providers

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 21-311.1 to read as follows:

§ 21-311.1 *Fiscal year provider reporting requirements. a. Definitions. For the purposes of this section, the following terms have the following meanings:*

Average length of stay. The term “average length of stay” means the average number of days that an individual or family spends in a drop-in center, safe haven or shelter.

Critical incident. The term “critical incident” means (i) a life-threatening assault or injury to a client or employee in a drop-in center, safe haven or shelter or (ii) an environmental concern that results in the evacuation of a drop-in center, safe haven or shelter.

Drop-in center. The term “drop-in center” has the same meaning as is ascribed to such term in section 21-317.

Open violation. The term “open violation” means an open violation identified during an inspection by the department of buildings, the department of housing preservation and development, the fire department or the department of health and mental hygiene.

Per-diem rate. The term “per-diem rate” means the average daily cost to operate a drop-in center, safe haven or shelter.

Rate of housing placements. The term “rate of housing placements” means the percentage of individuals or families relocated from a drop-in center, safe haven or shelter to permanent housing, including subsidized and unsubsidized permanent housing.

Rate of return. The term “rate of return” means the percentage of individuals or families placed into permanent housing who returned to the department within one year.

Safe haven. The term “safe haven” has the same meaning as is ascribed to such term in section 21-317.

Shelter. The term “shelter” has the same meaning as is ascribed to such term in section 21-317.

b. The commissioner shall submit an annual report to the speaker of the council that provides the following information for the prior fiscal year for each provider of homeless services in the city, disaggregated by each drop-in center, safe haven and shelter that such provider operates:

- 1. The rate of return;*
- 2. The per-diem rate;*
- 3. The average length of stay;*
- 4. The rate of housing placements;*
- 5. The number of critical incidents;*
- 6. The number of open violations; and*
- 7. Whether the contract for the prior fiscal year was registered on time.*

c. No more than 30 days after the report is submitted to the speaker of the council, the commissioner shall post the report on the department’s website.

d. Reports required by this section shall not contain any personally identifiable information.

§ 2. This local law takes effect 60 days after it becomes law.

Referred to the Committee on General Welfare.

Int. No. 109

By Council Members Holden, Yeger, Brannan and Restler.

A Local Law to amend the administrative code of the city of New York, in relation to reporting of foreclosing residential properties to council members

Be it enacted by the Council as follows:

Section 1. Subdivision a of section 27-2109.1 of the administrative code of the city of New York is amended by adding a new paragraph 4 to read as follows:

4. The department shall, on a quarterly basis, report to each council member a list of all properties in such member's district, identified by block and lot number, along with the name, mailing address and telephone number of the mortgagee plaintiff that issued the notice pursuant to paragraph 1 of this subdivision.

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

Referred to the Committee on Housing and Buildings.

Int. No. 110

By Council Members Holden, Hanif, Yeger, Stevens and Avilés.

A Local Law to amend the administrative code of the city of New York, in relation to requiring that all public waste receptacles be emptied by the department of sanitation at least once per day

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 16 of the administrative code of the city of New York is amended by adding a new section 16-144 to read as follows:

§ 16-144 Emptying public waste receptacles. Any basket, container or receptacle placed in a public place by the department or its authorized agent for the public disposal of litter shall be emptied by the department at least once per day, except on days when the department has suspended or delayed garbage or recycling collection.

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

Referred to the Committee on Sanitation and Solid Waste Management.

Int. No. 111

By Council Members Holden, Stevens and Won.

A Local Law to amend the New York city charter, in relation to community engagement with individuals who have limited internet access, and to repeal subdivision c of section 1069.2 of such charter relating to meetings of city agencies upon the expiration thereof

Be it enacted by the Council as follows:

Section 1. Chapter 47 of the New York city charter is amended by adding a new section 1069.2 to read as follows:

§ 1069.2. Community engagement for individuals with limited internet access.

a. Definitions. As used in this section, the following terms have the following meanings:

Community engagement. The term “community engagement” means focused interaction by an agency with members of the public, including conducting any survey, in a local community in the city for the purpose of better understanding the experiences and ideas of such members of the public.

Offline method. The term “offline method” means a method of community engagement that does not require a person to have internet access in order to receive information or otherwise participate. Such term includes, but is not limited to, the use of paper-based materials and in-person interactions.

b. Offline methods for community engagement. Whenever an agency is required by law to carry out community engagement, it shall do so using offline methods, in addition to any other methods the agency uses.

c. Exception. Subdivision b does not apply if an agency determines that the relevant population to be addressed by the community engagement does not include any individual with limited internet access.

d. Temporary exception for meetings. 1. This section does not apply with respect to any meeting of an agency.

2. This subdivision expires and is deemed repealed on the date of the expiration of part E of chapter 417 of the laws of 2021.

§ 2. This local law takes effect immediately.

Referred to the Committee on Technology.

Int. No. 112

By Council Members Holden, Riley and Yeger.

A Local Law to amend the New York city charter, in relation to establishing a cable franchise agreements website

Be it enacted by the Council as follows:

Section 1. Chapter 48 of the New York city charter is amended by adding a new section 1077 to read as follows:

§ 1077. Cable franchise agreements website. a. The commissioner of information technology and telecommunications shall create and maintain an online portal containing information related to each franchise agreement for the provision of cable television services. Such portal shall include data on the non-confidential information maintained in connection with each such franchise agreement, including, but not limited to, the following:

1. The best available data on rates for any broadband internet services offered by franchisees, disaggregated by broadband technology, speed, and zip code. Such data shall be updated annually;

2. An interactive map of the geographical coverage areas for each such franchise agreement; and

3. A copy of all such franchise agreements signed on or after 2006, in a searchable, machine readable format.

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

Referred to the Committee on Technology.

Int. No. 113

By Council Members Holden and Riley.

A Local Law in relation to creating a task force to conduct a feasibility study on a digital identification program

Be it enacted by the Council as follows:

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

Digital identification program. The term “digital identification program” means a program providing digital identification that is verified and authenticated across digital platforms, that is unique and is established with individual consent and that protects user privacy and control over personal data.

Financial institution. The term “financial institution” means a company with expertise in technology and financial services.

Task force. The term “task force” means the digital identification program task force established by this local law.

§ 2. Task force established. There is hereby established a task force to be known as the digital identification program task force to conduct a study to assess and determine the feasibility of a pilot digital identification program.

§ 3. Membership. a. The task force shall be composed of the following members:

1. The chief technology officer of the city of New York or such officer’s designee who shall serve as chair of the task force;

2. The commissioner of the department of social services or such commissioner’s designee;

3. The chair of the New York city commission on human rights or such chair’s designee;

4. The chief privacy officer or such officer’s designee;

5. Two experts in the field of cyber security appointed by the mayor;

6. Two experts in the field of privacy protection. One such expert shall be appointed by the mayor, and one by the speaker of the council;

7. Two experts in the field of cryptography appointed by the mayor;

8. Two experts in the field of digital identity verification appointed by the mayor;

9. Two representatives of organizations providing services to homeless individuals and low-income households. The organization representatives shall be appointed by the mayor; and

10. Two representatives of financial institutions. One representative shall be appointed by the mayor, and one by the speaker of the council.

b. The task force shall invite experts and stakeholders, including members of financial institutions, to attend its meetings and to provide testimony and information relevant to the topic.

c. All appointments required by this section shall be made no later than 30 days after the effective date of this local law. In the event of a vacancy on the task force, a successor shall be appointed in the same manner as the original appointment for the remainder of the unexpired term. All members of the task force shall serve without compensation.

§ 4. Meetings. a. The chair shall convene the first meeting of the task force no later than 30 days after the last member has been appointed.

b. The task force shall meet no less than once each month, and hold at least one public hearing before submitting the report required by section five.

§ 5. Feasibility study report. a. No later than 6 months after such task force is established, the task force shall electronically submit to the mayor and the speaker of the council a feasibility study report that shall include:

1. The pilot program’s design, including, but not limited to, the scope, the technology, the staffing and the rationale for such design;

2. Information on participation in the pilot program, including, but not limited to, the criteria to participate and the number of participants;

3. The plan to ensure the privacy of the participants, including, but not limited to, ensuring that transactions between individuals, and government entities are secure and confidential;

4. The plan to administer and conduct public outreach and feedback on the pilot program;

5. The plan to use the digital identification program to determine eligibility for public benefits and access to city services;

6. The risks related to potential criminal exploitation of digital identity and the plan to mitigate these risks;

7. The evaluated options for a decentralized identity pilot program that utilizes block chain technology;

8. The channels that provide better access to financial services;

9. The plan to promote fairness, transparency, and accountability of the digital identification program;
 10. Recommendations on enforcement and oversight mechanisms on the part of entities and organizations designing and deploying the digital identification technology;
 11. Data protection and privacy principles such as data minimization, data use limitations, storage limitations, confidentiality, data integrity, data retention policy, and a framework for collection and access to the data collected beyond the data provided by the user such as data collected through tracking technologies;
 12. The mechanisms and policies to avoid unwanted surveillance and the use of digital identification that can be linked across digital platforms;
 13. Possible effects on civil rights;
 14. The plan to ensure compliance with chapter 126 of title 42 of the United States code and any applicable guidelines or regulations pursuant to such law;
 15. The estimated cost of the digital identification pilot program; and
 16. The metrics used to evaluate the pilot program.
- § 6. Agency support. Each agency affected by this local law shall provide appropriate staff and resources to support the work of such agency related to the task force.
- § 7. Termination. The task force shall terminate 90 days after the date on which it submits its report, as required by section five.
- § 8. No digital identification program shall be established by or on behalf of the city prior to submission of the report required by section five.
- § 9. This local law takes effect immediately.

Referred to the Committee on Technology.

Int. No. 114

By Council Members Holden and Brannan.

A Local Law to amend the administrative code of the city of New York, in relation to street markings indicating locations of fire hydrants

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 19-159.6 to read as follows:

§ 19-159.6 *Fire hydrant markers.* a. *The department shall mark the location of each fire hydrant situated adjacent to a public street using a symbol painted in the middle of the street, directly across from the fire hydrant, and shall maintain such markings so that they remain clearly visible.*

b. *The absence of a marking required by this section shall not constitute a defense to a violation of any law prohibiting the obstruction of a fire hydrant.*

§ 2. This local law takes effect 1 year after it becomes law.

Referred to the Committee on Transportation and Infrastructure.

Res. No. 85

Resolution calling on the United States Congress to pass, and the President to sign, H.R. 4846, the Alternatives to Opioids in the Emergency Department Reauthorization Act of 2021, to combat the opioid crisis.

By Council Members Holden, Hanif and Stevens.

Whereas, Opioid abuse and death are at epidemic levels in the United States, with an estimated 100,306 overdose deaths during the 12 months ending in April 2021, an increase of 28.5 percent from the year prior; and

Whereas, According to a 21-year study published in Journal of American Medicine Network Open, from 1999 to 2019, 79,893 Americans ages 55 and older died from an opioid overdose, nearly eight times the number of people in 2019 alone; and

Whereas, According to the New York State Department of Health, New Yorkers ages 55 to 64 years had the highest rate of overdose death (52.4 per 100,000 residents) in 2020, up from 39.7 per 100,000 residents in 2019; and

Whereas, According to the New York City Department of Health and Mental Hygiene, an estimated 2,062 people died from a drug overdose in 2020, compared to 1,497 in 2019, an increase of 565 deaths; and

Whereas, According to a survey conducted by the Kaiser Family Foundation and the Washington Post, 25 percent of long-term opioid users started taking opioids to alleviate pain after a surgery and another 25 percent to alleviate pain after an accident or injury; and

Whereas, According to the CDC, between July 2016 and September 2017, there was a 32 percent increase of individuals over the age of 55 who received treatment for opioid overdoses in emergency rooms; and

Whereas, According to AARP, the hospitalization rate due to opioid abuse has quintupled for those 65 and older in the past two decades; and

Whereas, H.R.4846, otherwise known as the Alternatives to Opioids (ALTO) in the Emergency Department Reauthorization Act, sponsored by Rep. Bill Pascrell, will help address the opioid crisis by reauthorizing a program of grants to hospitals and emergency departments to develop, implement, enhance or study alternatives to opioids for pain management; now, therefore, be it

Resolved, That the Council of the City of New York calls on the United States Congress to pass, and the President to sign, H.R. 4846, the Alternatives to Opioids in the Emergency Department Reauthorization Act of 2021, to combat the opioid crisis.

Referred to the Committee on Health.

Res. No. 86

Resolution calling on the U.S. Congress to pass, and the President to sign, S.1388, the Prescription Pricing for the People Act of 2021.

By Council Members Holden, Stevens and Yeger.

Whereas, According to a 2019 report by the New York State Health Foundation, per-person prescription drug spending, based on payments made at the point-of-sale, was higher for all drug categories in New York compared with national spending; and

Whereas, Per-person spending for all prescription drug categories was more than 20 percent higher in New York (\$1,300) relative to national spending (\$1,065); and

Whereas, According to a 2018 article by the New York Times, the average cash price for four of the five most commonly used drugs are far more expensive in New York City than they are in other cities; and

Whereas, For example, Metformin, which is used to treat diabetes, cost \$66.23 in New York City; and

Whereas, In comparison, Metformin costs \$49.36 in San Francisco and \$43 in Boston; and

Whereas, For Paroxetine, a generic for Paxil that is used to treat depression, New Yorkers pay \$73.55 while those in San Francisco and Boston only pay \$53.78 and \$47.34, respectively; and

Whereas, At the federal level, the U.S. Senate has been examining the ever increasing price of prescription drugs; and

Whereas, During a 2019 hearing held by the Senate Committee on Finance, the Committee looked at the role that Pharmacy Benefit Managers (PBMs) have in increasing the cost of pharmaceuticals for the consumer; and

Whereas, PBMs are considered ‘middlemen’ in the prescription drug pricing scheme; and

Whereas, PBMs are themselves large corporations, and the three largest – OptumRx, Express Scripts and CVS Caremark – control 80 to 85 percent of the market, according to a 2019 report of the New York State Senate’s Committee on Investigations and Government Operations; and

Whereas, The role of PBMs is to negotiate with the drug manufacturers, using their buying power to get the best deal on medications on behalf of insurance companies and their customers; and

Whereas, However, many have argued that PBMs act only to increase their bottom line and that consumers are paying the price; and

Whereas, The National Community Pharmacists Association, for example, argues that PBMs will select medications for inclusion on a plan according to the rebate that is paid to the PBM rather than the consumers’ best interests; and

Whereas, The Community Oncology Alliance also produced a report, in 2017, on the ways that PBMs drive up prices for consumers; and

Whereas, Part of the difficulty in assessing the actions of PBMs, however, stems from the fact that there is little regulation of the industry and it lacks transparency because the PBMs argue that they need to keep their processes secret to protect their negotiating power; and

Whereas, According to Ted Okon, Executive Director of the Community Oncology Alliance, “we have come to a point where not only are PBMs not doing anything good, they are actually doing the opposite. Delays, problems with access and higher prices are all resulting from how PBMs are operating. They are pushing drug prices higher and placing extreme pressure on pharmacies because they want to steer that business toward themselves”; and

Whereas, The problems identified with PBM operations is a driving force behind the Prescription Pricing for the People Act of 2021; and

Whereas, Introduced by Senator Grassley, S.1388 requires the Federal Trade Commission (FTC) to examine whether the actions of PBMs amounts to anti-competitive behavior; and

Whereas, Given that New Yorkers already pay high amount for their prescription drugs, it is vital that Congress act to drive prices down; now, therefore, be it

Resolved, That the U.S. Congress passes, and the President signs, S.1388, the Prescription Pricing for the People Act of 2021.

Referred to the Committee on Health.

Res. No. 87

Resolution calling on the United States Congress to pass, and the President to sign, a bill which requires expanding access to breakthrough drugs for individuals with all serious diseases.

By Council Members Holden and Stevens.

Whereas, The United States (U.S.) Food and Drug Administration (FDA) defines a serious disease or condition as a disease or condition associated with morbidity that has substantial impact on day-to-day functioning, yet the morbidity need not be irreversible, provided it is persistent or recurrent; and

Whereas, Whether a disease or condition is serious is a matter of clinical judgment, based on its impact on such factors as survival, day-to-day functioning, or the likelihood that the disease, if left untreated, will progress from a less severe condition to a more serious one; and

Whereas, The FDA defines a breakthrough therapy designation as a designation for a drug that treats a serious or life-threatening condition and preliminary clinical evidence indicates that the drug may demonstrate substantial improvement on a clinically significant endpoint(s) over available therapies; and

Whereas, The FDA will expedite the development and review of breakthrough drugs; and

Whereas, As of December 31, 2021, the FDA's Center for Drug Evaluation and Research (CDER) received 21 breakthrough therapy designation requests for Fiscal Year 2022, and has granted 5 applications; and

Whereas, Hundreds of thousands of New Yorkers are living with serious diseases; and

Whereas, According to the American Cancer Society, an estimated 118,830 New Yorkers across the state will be diagnosed with cancer, excluding basal cell and squamous cell skin cancers and in situ carcinomas except urinary bladder, in 2022; and

Whereas, According to the Department of Health (DOH), the annual death rate per 100,000 people from all invasive malignant tumors is 132.5 per 100,000 from 2014-2018 in New York City, averaging 12,537.6 deaths per year; and

Whereas, According to the Department of Health and Mental Hygiene (DOHMH), roughly 1,400 people were diagnosed with HIV in New York City in 2020; and

Whereas, In 2018, Congress passed and the President signed S.204, otherwise known as the Trickett Wendler, Frank Mongiello, Jordan McLinn, and Matthew Bellina Right to Try Act of 2017 or simply the Right to Try Act, which authorized the use of unapproved medical products by patients diagnosed specifically with terminal illnesses in accordance with State law by expanding access specifically to experimental drugs under certain conditions; and

Whereas, Individuals, including those with serious yet not terminal illnesses, should have access to breakthrough drugs; and

Whereas, In 2014, H.R.5805, sponsored by Rep. Michael McCaul, was introduced, and it called for a similar process to be created for breakthrough drugs, which treat individuals with both serious or terminal illnesses; and

Whereas, Under H.R.5805, a covered breakthrough drug refers to breakthrough drugs as well as products designated as fast track products, products which will have accelerated approval under section 506, qualified infectious disease products, or products with sponsors of which are awarded a priority review voucher; and

Whereas, Under Section 2 of H.R.5805, no later than 30 days after the date on which a drug meets the definition of a covered breakthrough drug, the sponsor of the covered breakthrough drug shall submit to the Secretary and make publicly available the policy of the sponsor with respect to requests submitted for use of said medication; and

Whereas, Any person, acting through a physician licensed in accordance with State law, may request from a manufacturer or distributor, and any manufacturer or distributor may, after complying with the provisions of set forth in Section 561 of the Federal Food, Drug, and Cosmetic Act, provide to such physician a breakthrough drug or breakthrough device for the diagnosis, monitoring, or treatment of a serious disease or condition; and

Whereas, Such a bill would expand access to medications which could assist individuals who would otherwise have no choice yet to wait for the medications to be approved; now, therefore, be it

Resolved, That the Council of the City of New York calls on the United States Congress to pass, and the President to sign, a bill which requires expanding access to breakthrough drugs for individuals with all serious diseases.

Referred to the Committee on Health.

Res. No. 88

Resolution calling upon the United States Congress to pass and the President to sign legislation to fully repeal the Institutions for Mental Diseases Exclusion from the Social Security Act to allow states to use federal Medicaid funding to provide mental health and substance use disorder treatment services to adult Medicaid beneficiaries at Institutions for Mental Diseases.

By Council Members Holden and Stevens.

Whereas, The Institutions for Mental Diseases (IMD) Exclusion rule has been in place since the beginning of the Medicaid program in 1965 and prohibits the use of federal Medicaid funds to finance services for adults ages 22-64 residing in institutions for severe mental illness, which include hospitals, nursing homes, or other institutions with more than 16 beds that primarily provide diagnosis, treatment, or care for persons living with severe mental illness; and

Whereas, The New York State Office of Mental Health (OMH) operates inpatient mental health care at 24 state psychiatric centers that are classified by the federal government as IMDs—9 of which are known as “Forensic” facilities and serve justice-involved children and adults—and regulates roughly 100 programs operated within general hospitals, also known as “Article 28” facilities; and

Whereas, According to the New York City Mayor’s Office of Community Mental Health, in 2021 there were approximately 280,000 adults living with serious mental illness in New York City; and

Whereas, Nationwide, the public mental healthcare system has shifted from an inpatient to an outpatient treatment model through a process referred to as “deinstitutionalization” to reduce the number of individuals in psychiatric centers; and

Whereas, Under the Cuomo administration, deinstitutionalization efforts were made through the Transformation Plan, which relies on community-based mental health treatment to reduce the average daily census and total number of beds at state psychiatric centers; and

Whereas, Deinstitutionalization has inadvertently placed a heavy financial burden on general hospitals, homeless shelters and NYC jails, all of which have a limited capacity to provide services to individuals living with mental illness; and

Whereas, In New York state, there are more adult psychiatric-care beds located in general hospitals than in state psychiatric centers, which include 4,676 beds in general hospitals compared to only 2,336 beds in state psychiatric centers; and

Whereas, NYC Health and Hospitals (H+H) is the leading provider of inpatient psychiatric care in NYC with 11 H+H facilities that provide 1,219 beds for adult inpatient psychiatric care; and

Whereas, In 2018, there were a total of 28 mental health shelters in NYC and the number of New Yorkers experiencing homelessness and living with serious mental illness has been on the rise according to ThriveNYC; and

Whereas, As of 2018, Rikers Island jail complex is one of the three largest providers of psychiatric care in the United States, with over 40% of the population having a mental health diagnosis and over 10% having a serious mental health diagnosis; and

Whereas, The Centers for Medicare and Medicaid Services (CMS) updated the IMD managed care rules in 2016 to allow federal reimbursement of short stays only of 15 days or fewer in IMDs in Medicaid managed care systems; and

Whereas, In 2018, Congress partially repealed IMD Exclusion by passing the Substance Use-Disorder Prevention that Promotes Opioid Recovery and Treatment for Patients and Communities Act or the “SUPPORT for Patients and Communities Act,” which provides federal funding for residential substance-use disorder treatment; and

Whereas, A full repeal that extends to all Medicaid beneficiaries and removes inpatient-day limitations, would allow for better outcomes and provide treatment to adults living with acute and chronic serious mental illness at IMDs; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the United States Congress to pass and the President to sign legislation to fully repeal the Institutions for Mental Diseases Exclusion from the Social Security Act to allow states to use federal Medicaid funding to provide mental health and substance use disorder treatment services to adult Medicaid beneficiaries at Institutions for Mental Diseases.

Referred to the Committee on Mental Health, Disabilities and Addiction.

Res. No. 89

Resolution calling on the New York State Legislature to pass, and the Governor to sign, legislation that would amend pretrial detention to include all hate crime charges.

By Council Member Holden.

Whereas, On January 1, 2020, The New York State legislature implemented sweeping reforms to the state's system of pretrial detention, which prohibited judges from setting bail or other forms of pretrial detention for many charges; and

Whereas, By April 2020, the State legislature amended these laws to allow for pretrial detention for expanded types of charges, including two categories of hate crimes: assault as a hate crime in the third degree and arson as a hate crime in the third degree; and

Whereas, A December 2021 CBS News report indicated there was a 100% increase in hate crimes in New York City in 2021 compared to 2020; and

Whereas, Reports indicate dramatic increases in anti-Asian, anti-Semitic and hate crimes regarding sexual orientation; and

Whereas, Permitting pretrial detention provides judges with the option to more meaningfully address hate crimes; and

Whereas, The 2020 amendments to the bail reform laws do not include the types of hate crimes prevalent throughout the city; and

Whereas, New York City is incredibly diverse with over 3 million foreign-born residents, many different faiths, and more than 200 languages spoken; and

Whereas, There can be no tolerance for hate crimes in New York City; and

Whereas, Expanding bail eligibility to all hate crimes underlines the seriousness with which the City takes these types of attacks; now, therefore, be it

Resolved, That the Council of the City of New York calls on New York State Legislature to pass, and the Governor to sign, legislation that would amend pretrial detention to include all hate crime charges.

Referred to the Committee on Public Safety.

Res. No. 90

Resolution calling upon the New York State Legislature to pass, and the Governor to sign, S.5004, to enhance the fitness and safety requirements for certain licensed individuals.

By Council Member Holden.

Whereas, On June 25, 2018, Madeline Sershen, a 17 year-old high school student in Queens was killed when an 88-year-old driver ran a red light at the intersection of Utopia Parkway and 16th Avenue in Whitestone; and

Whereas, Ms. Sershen's tragic death has spurred her family and the community at large to advocate for the way New York State assesses its senior drivers with more than 21,000 people signing an online petition urging New York State to introduce retesting every 2 years once a driver turns 80; and

Whereas, According to the Federal Highway Administration, there were more than 221 million licensed drivers in United States in 2016, including approximately 42 million who are aged 65 and older; and

Whereas, Data obtained from the New York State Open Data Portal reveals that there are approximately 11.7 million licensed drivers in New York State, including roughly 2.7 million drivers 65 years of age or older; and

Whereas, The national automobile membership organization AAA reports that by 2030, 85 to 90 percent of the 70 million Americans older than 65 are projected to have driver's licenses, a substantial increase from the 33 million that was reported in 2009; and

Whereas, AAA also said that while seniors are safe drivers compared to other age groups, they are more likely to be injured or killed in traffic crashes due to age-related vulnerabilities; and

Whereas, The Centers for Disease Control and Prevention indicates that fatal crash rates increase starting at age 75 and increase notably after age 80; and

Whereas, According to the Governors Highway Safety Association, 33 States and the District of Columbia have special provisions for mature drivers, including accelerated renewal frequency; restriction of online or mailed renewals; and required vision and road tests; and

Whereas, An analysis of State license renewal procedures conducted by the Insurance Institute for Highway Safety ("IIHS") found that 18 states require shorter renewal periods for drivers older than a specified age and 18 states require more frequent vision screening/testing for older drivers; and

Whereas, The IIHS analysis further indicates that the District of Columbia requires a physician's approval for drivers 70 and older to renew their licenses, while the State of Illinois requires applicants older than 75 to take a road test at every renewal; and

Whereas, New York State currently does not have any additional mandatory requirements for mature drivers, but only requires a vision test upon the initial application and then at every subsequent renewal which occurs every eight years; and

Whereas, The New York State Department of Motor Vehicles ("DMV") currently administers the Driver Re-evaluation Program which allows the DMV to reevaluate drivers in the state if the Commissioner has "reasonable grounds" to believe that a person holding a license is not qualified to drive a motor vehicle; and

Whereas, In February 2021, New York State Senator Kevin S. Parker introduced S.5004, a bill that would enhance the fitness and safety requirements for certain licensed individuals and establish a state task force on the effects of aging; and

Whereas, S.5004 would require that upon the seventh application submission for the renewal of a driver's license, applicants must submit proof of a physical examination, conducted by a licensed physician, to prove that the licensee is medically fit to operate a motor vehicle; 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, S.5004, to enhance the fitness and safety requirements for certain licensed individuals.

Referred to the Committee on Transportation and Infrastructure.

Res. No. 91

Resolution calling upon the New York State Legislature to introduce and pass, and the Governor to sign, legislation increasing penalties on drivers who improperly register vehicles in another state.

By Council Members Holden, Yeger and Brannan.

Whereas, Drivers are required to register their vehicles with the New York State Department of Motor Vehicles within 30 days of moving into the state; and

Whereas, Many residents of New York choose to illegally register their vehicle in other states, often in an attempt to take advantage of lower insurance rates and lower sales tax rates; and

Whereas, According to a Streetsblog analysis of New York City Police Department collision data, as of September 2021, there were 11,000 people injured (nearly 34% of all people injured in crashes thus far in 2021) and 62 people killed in crashes involving cars registered elsewhere in 2021; and

Whereas, According to the Streetsblog analysis, out-of-state cars make up a growing proportion of vehicles involved in crashes in New York City, with 2021 estimates, as of September of that year, showing that about 19% of total crashes involved out-of-state cars; and

Whereas, A 2017 *Crain's* report, citing a 2011 New York State Senate study, reported that New York residents who drive cars registered out of state cost the city \$73 million in unpaid parking tickets, deprive the state of \$1 million annually in fees for license plates, titles, and vehicle registrations, as well as up to \$93 million in sales tax revenue, and cost insurers \$19 million each year in underpriced premiums; and

Whereas, This number is most likely much higher in 2022, as according to the United States Bureau of Labor Statistics, the Consumer Price Index for All Urban Consumers rose 7.5% from January 2021 to January 2022, with new vehicles seeing a 12.2% increase in price, and used cars and trucks seeing a 40.5% increase, ultimately impacting the revenue that New York would collect on otherwise properly registered vehicles and the premiums required by insurers; and

Whereas, New York residents who improperly avoid taxes, fees, and insurance costs by registering their vehicles in other states unfairly shift that burden to fellow New Yorkers who follow the rules; and

Whereas, Various bills that would enhance enforcement of improper out-of-state registration and increase associated penalties have been introduced in the State Legislature in recent years, including legislation that would make listing a false address on a car insurance or vehicle registration form a felony and legislation that would grant the Superintendent of Financial Services the authority to investigate such fraudulent acts; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to introduce and pass, and the Governor to sign, legislation increasing penalties on drivers who improperly register vehicles in another state.

Referred to the Committee on Transportation and Infrastructure.

Int. No. 115

By Council Members Hudson, Powers, Feliz, Sanchez, Brewer, Hanif, Krishnan, Stevens, Holden, Fariás, Restler, Ayala, Abreu, Richardson Jordan, Gutiérrez, Hanks, De La Rosa, Schulman, Narcisse, Barron, Bottcher and Rivera.

A Local Law to amend the administrative code of the city of New York, in relation to minimum temperatures required to be maintained in dwellings

Be it enacted by the Council as follows:

Section 1. Subdivision a of section 27-2029 of the administrative code of the city of New York, as amended by local law number 86 for the year 2017, is amended to read as follows:

a. During the period from October first through May thirty-first, centrally-supplied heat, in any dwelling in which such heat is required to be provided, shall be furnished so as to maintain, in every portion of such dwelling used or occupied for living purposes:

(1) between the hours of six a.m. and ten p.m., a temperature of at least [sixty-eight] seventy degrees Fahrenheit whenever the outside temperature falls below fifty-five degrees; and

(2) between the hours of ten p.m. and six a.m., a temperature of at least [sixty-two] sixty-six degrees Fahrenheit.

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

Referred to the Committee on Housing and Buildings.

Int. No. 116

By Council Members Menin, Hanif, Williams, Joseph, Brewer, Ung, De La Rosa, Riley, Yeger, Cabán, Abreu, Narcisse, Holden, Velázquez, Gennaro, Farías, Hudson, Schulman, Barron, Krishnan, Feliz, Brooks-Power, Hanks, Stevens, Moya, Powers, Won, Ossé, Dinowitz, Brannan, Avilés, Ayala, Sanchez, Marte, Rivera, Borelli, Ariola and Vernikov.

A Local Law to amend the administrative code of the city of New York, in relation to creating a “One-Stop Shop NYC Business Portal”

Be it enacted by the Council as follows:

Section 1. Section 22-1002 of the administrative code of the city of New York is amended by adding a new subdivision d to read as follows:

d. The commissioner shall create an online portal designated as the “One-Stop Shop NYC Business Portal,” the purpose of which shall be to assist individuals with the procedures to be followed in order to comply with requirements to establish and operate a small business in the city. The One-Stop Shop NYC Business Portal shall be designed based on the findings of the review required by paragraph 2 of this subdivision, including findings regarding methods by which the processes and procedures for establishing and operating a small business in the city could be facilitated and made more efficient through use of the One-Stop Shop NYC Business Portal.

1. No later than December 1, 2022, the One-Stop Shop NYC Business Portal shall:

(a) Be available to use through the department’s website, and also via a mobile application, which shall be developed by the commissioner in coordination with the commissioner of information technology and telecommunications;

(b) Make available all applications, permits, licenses, and related information needed to open and operate a small business in the city and allow such materials to be submitted to agencies, in a single location that is designed to facilitate access and use by the user;

(c) Provide the capability to allow a user to check the status of an application, permit or license associated with the user’s small business; and

(d) Incorporate the searchable and interactive guide required by paragraph 2 of subdivision a of this section.

2. No later than September 1, 2022, the commissioner, in consultation with the commissioner of consumer and worker protection, the commissioner of buildings, the commissioner of health and mental hygiene, the fire commissioner, the commissioner of sanitation, the commissioner of environmental protection, and, as deemed necessary and appropriate by the commissioner of small business services, the head of any other agency who oversees requirements with respect to small businesses, shall conduct a review of:

(a) The applications, permits, licenses, inspections, and other related information from agencies necessary to establish and operate a small business in the city;

(b) The processes and procedures used by individuals in interacting with agencies in establishing and operating a small business in the city; and

(c) Methods by which such processes and procedures could be facilitated and made more efficient through use of the One-Stop Shop NYC Business Portal.

3. No later than January 1, 2024, and January 1 each year thereafter, the commissioner shall, in consultation with the commissioner of consumer and worker protection, the commissioner of buildings, the commissioner of health and mental hygiene, the fire commissioner, the commissioner of sanitation, the commissioner of environmental protection, and, as deemed necessary and appropriate by the commissioner of small business services, the head of any other agency who oversees requirements with respect to small businesses:

(a) Review the efficiency of the One-Stop Shop NYC Business Portal and its effectiveness in facilitating assistance with respect to the establishment and operation of small businesses in the city;

(b) Consider additional information and tools that may be included in the One-Stop Shop NYC Business Portal to facilitate and increase use of the One-Stop Shop NYC Business Portal by business owners and prospective business owners in the city; and

(c) Implement updates and modifications to the One-Stop Shop NYC Business Portal based on the reviews required by subparagraphs (a) and (b) of this paragraph.

4. No later than February 1, 2024, and February 1 each year thereafter, the commissioner shall submit to the mayor and the council a report on the findings of the review conducted pursuant to paragraph 3 of this subdivision, and the updates and modifications implemented or planned to be implemented to the One-Stop Shop NYC Business Portal as a result of such review.

§ 2. This local law takes effect immediately.

Referred to the Committee on Small Business.

Int. No. 117

By the Public Advocate (Mr. Williams) and Council Members Stevens, Restler and Nurse.

A Local Law to amend the administrative code of the city of New York, in relation to prohibiting non-disclosure agreements relating to 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 6-147 to read as follows:

§ 6-147 Non-disclosure agreements relating to city development projects prohibited. a. Definitions. For purposes of this section, the following terms have the following meanings:

City development project. The term “city development project” means a project undertaken by the city 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.

City economic development entity. The term “city economic development entity” means a local development corporation, 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.

Developer. The term “developer” means any person that owns or leases real property that is part of a city development project, or any assignee or successor in interest of such real property.

Project agreement. The term “project agreement” means a legal binding written agreement between the city or city economic development entity and a developer providing for economic development benefits targeted to a city development project.

b. The city or a city economic development entity shall not, at any point during negotiations with a prospective developer regarding a prospective city development project, enter into any agreement or contract containing any provision, clause or language that prevents disclosure of any information or record relating to such city development project. The provisions of this subdivision apply to (i) any agreement or contract relating to a prospective city development project entered into by the city or a city economic development entity prior to the execution of a project agreement and (ii) any project agreement entered into by the city or a city economic development entity.

c. Any provision, clause or language contained in any agreement or contract entered into by the city or a city economic development entity that violates this section has no force and effect.

d. Nothing in this section requires disclosure of information that is otherwise prohibited or exempted from disclosure by applicable federal, state or local law.

e. 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 economic development benefits to a developer shall make such developer subject to the requirements of this local law.

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

Referred to the Committee on Economic Development.

Int. No. 118

By The Public Advocate (Mr. Williams) and Council Member Restler.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the police department to submit to the council reports of services provided to any private entity

Be it enacted by the Council as follows:

Section 1. Title 14 of the administrative code of the city of New York is amended by adding a new section 14-193 to read as follows:

§14-193. Services provided to private entities.

a. Definitions. For the purpose of this section the following terms have the following meanings:

“Police services” means any action taken by a uniformed or plain-clothed off-duty member of the department on behalf of a private entity, as defined in this section, for the purpose of preventing crimes, detecting crimes, enforcing laws that are designed to maintain civil peace and order, or protecting life or property from accidental or willful injury; and

“Private entity” means any entity that is not a unit of government, including but not limited to a natural person, corporation, association, partnership, limited liability company, limited liability partnership, nonprofit organization or other legal entity.

b. Annual Report. The department shall submit to the council on annual basis a report, sorted by month, detailing police services provided in the preceding year by any member of the department to a private entity for a fee payable to the department. Such report shall include, but not be limited to, the police services provided by the department’s Paid Detail Unit, or any similar or successor unit. Such report shall also include:

1. the total number of private entities receiving such police services, disaggregated by entity type, including but not limited to: (i) private citizen; (ii) corporation; (iii) partnership; and (iv) nonprofit organization;

2. a list of the private entities receiving such police services, except where disclosure of such information could compromise the safety of the public or police officers or could otherwise compromise law enforcement operations;

3. the costs, if any, to the department for administering such police services to such private entities;

4. the total number of police personnel providing such police services, disaggregated by rank; and

5. the total amount of revenue, if any, generated by providing such police services.

§ 2. This local law takes effect immediately.

Referred to the Committee on Public Safety.

Res. No. 92

Resolution calling on the United States Congress to pass and President Joseph Biden to sign the Black Maternal Health Mommibus Act of 2021

By the Public Advocate (Mr. Williams) and Council Members Hanif, Brewer, Riley, Sanchez, Stevens, Won, Restler and Nurse.

Whereas, The rate of maternal mortality in the United States more than doubled between 1990 and 2014 and the United States is the only developed country in the world whose rates continue to rise according to studies published in Obstetrics and Gynecology; and

Whereas, Over 700 women a year in the United States die of complications related to pregnancy and two-thirds of those deaths are preventable, with 50,000 women suffering from Severe Maternal Morbidity defined as life threatening complications of pregnancy according to the Centers for Disease Control and Prevention; and

Whereas, Rising maternal mortality and morbidity rates disproportionately impact Black women, who are up to three times more likely to die due to a complication from child birth than white women, regardless of other factors such as their level of educational attainment or income, according to United States Department of Health and Human Services research on maternal mortality disparities; and

Whereas, In New York State, the maternal mortality rate for black women was 51.6 deaths per 100,000 live births, compared to 15.9 deaths per 100,000 live births for white women from 2014-2016, according to the New York State Taskforce on Maternal Mortality and Disparate Racial Outcomes report from March 2019; and

Whereas, In New York City, Black women are three times more likely than white women to suffer from Severe Maternal Morbidity according to a New York City Department of Health and Mental Hygiene report on Severe Maternal Morbidity; and

Whereas, The Black Maternal Mornibus Act of 2021 H.R.959/S.346 sponsored by Rep. Lauren Underwood (D-IL-14) and Sen. Cory Booker (D-NI) is a package that includes nine individual pieces of legislation to address the immense racial and ethnic disparities in maternal healthcare in the United States; and

Whereas, The Social Determinants for Moms Act H.R.943/S.851 sponsored by Rep. Lucy McBath (D-GA-6) and Sen. Richard Blumenthal (D-CT) approves the disbursement of grant funding for further research and study on social determinants of maternal health such as transportation, housing and environmental factors; and

Whereas, The Kira Johnson Act H.R.1212 sponsored by Rep. Alma Adams (D-NC-12) and named for a 39-year-old active, otherwise healthy Black woman who passed away in 2016 from a preventable complication shortly after delivering her second son, would expand funding for community based organizations working to improve maternal health outcomes for Black women; and

Whereas, The Protecting Moms Who Served Act H.R.958/S.796 sponsored by Rep. Lauren Underwood (D-IL-14) and Sen. Tammy Duckworth (D-IL) would commission a study on maternal health outcomes among veterans with an emphasis on ethnic and racial disparity; and

Whereas, The Perinatal Workforce Act H.R.945/S.287 sponsored by Rep. Gwen Moore (D-WI-4) and Tammy Baldwin (D-WI) would establish grant funding under the Public Services Act for accredited schools that educate and train certified nurse-midwives and other perinatal healthcare providers in order to expand and diversify the maternity care workforce; and

Whereas, The Data to Save Moms Act H.R.925/S.347 sponsored by Rep. Sharice Davids (D-KS-3) and Sen. Tina Smith (D-MN) would improve data collection processes and quality measures of maternal health outcomes; and

Whereas, The Moms MATTER Act H.R.909/S.484 sponsored by Rep. Lisa Blunt Rochester (D-DE-At Large) and Sen. Kirsten Gillibrand (D-NY) would address the mental health and substance use disorder needs of mothers through the promotion of evidence-based programs that improve outcomes; and

Whereas, The Justice for Incarcerated Moms Act H.R.948/S.341 sponsored by Rep. Ayanna Presley (D-MA-7) and Sen. Cory Booker (D-NJ) would support incarcerated women by promoting better care in corrections facilities and would help to end the utilization of shackling in state and local prisons by attaching federal funding to prohibitions on the use of restraints on pregnant women; and

Whereas, The Tech to Save Moms Act H.R.937/S.893 sponsored by Rep. Eddie Bernice Johnson (D-TX-30) and Sen. Bob Menendez (D-NJ) would invest in digital tools like telehealth to improve maternal health outcomes in underserved areas; and

Whereas, The IMPACT to Save Moms Act H.R.950/S.334 sponsored by Rep. Janice Schakowsky (D-IL-09) and Sen. Bob Casey (D-PA) would help to promote better access to care through the continuity of health insurance coverage for the duration of labor, delivery and postpartum care; and

Whereas, The Maternal Health Pandemic Response Act H.R.8027/S.4769 sponsored by Rep. Lauren Underwood (D-IL-14) and Sen. Elizabeth Warren (D-MA) would make targeted investments to advance safe and maternity care and improve data collection, monitoring, and research on maternal health outcomes during the COVID-19 pandemic and beyond; and

Whereas, The Protecting Moms and Babies Against Climate Change Act H.R.957/S.423 sponsored by Rep. Lauren Underwood (D-IL-14) and Sen. Ed Markey (D-MA) would address climate change-related risks, make investments to initiatives that aim to reduce levels of and exposure to extreme heat, air pollution, and other environmental threats to pregnant people, new moms, and their infants, and

Whereas, The Maternal Vaccination Act H.R.951/S.345 sponsored by Representative Terri A. Sewell (D-AL-07) and Sen. Tim Kaine (D-VA) would provide funding for programs to increase maternal vaccination rates, protecting both new moms and their babies; and

Whereas, The Black Maternal Health Momnibus Act of 2021 would make critical investments in policies that would help to end preventable maternal mortality and to close the racial and ethnic disparities in maternal healthcare; now, therefore, be it

Resolved, That the Council of the City of New York calls on the United States Congress to pass and President Joseph Biden to sign the Black Maternal Health Momnibus Act of 2021.

Referred to the Committee on Health.

Res. No. 93

Resolution recognizing June as Gun Violence Awareness Month in New York City.

By the Public Advocate (Mr. Williams) and Council Members Hanif, Riley, Stevens and Restler.

Whereas, Gun violence is a national and local problem affecting many Americans and New Yorkers on a daily basis; and

Whereas, According to the Gun Violence Archive, there were 77,943 incidents of gun violence in the United States in 2019, resulting in 15,448 deaths and 30,186 injuries; and

Whereas, National attention is often drawn to large scale tragedies, yet there are gun violence injuries occurring every day throughout many American cities; and

Whereas, In New York City, the number of murders rose to nearly 500 before the close of 2021, the highest amount reported since 2011 where 515 murders were recorded; and

Whereas, While the number of shootings in NYC are reaching new highs in recent years, gun violence has disproportionately impacted certain neighborhoods and populations in the City; and

Whereas, In December 2021, 1,828 people were victims of gun violence, having been struck by a bullet; and

Whereas, Of shooting victims in 2020, 74% were Black and 22% were Hispanic; and

Whereas, It is therefore clear that gun violence is a serious problem in our communities that must be addressed; and

Whereas, Furthermore, gun violence and the resulting injuries and deaths typically increase substantially in the summer months; and

Whereas, It is important for the City of New York to once again work to increase public awareness about guns and the severity of their impact on our communities; and

Whereas, Recognition of the month of June as Gun Violence Awareness Month by local and state officials will increase efforts to protect all New Yorkers, especially those who are disproportionately affected by such violence, by furthering the dialogue with our local, state and federal partners to help examine the causes of gun violence and create meaningful solutions in an effort to prevent the violence from peaking again in the summer; now, therefore, be it

Resolved, That the Council of the City of New York recognizes June as Gun Violence Awareness Month in New York City.

Referred to the Committee on Public Safety.

Res. No. 94

Resolution calling on the New York State Legislature to pass, and the Governor to sign, A1552, which would require MTA police officers to wear body-worn cameras.

By The Public Advocate (Mr. Williams) and Council Members Brewer, Riley, Stevens and Restler.

Whereas, In June 2019, then-Governor Andrew Cuomo announced a plan to hire 500 additional Metropolitan Transportation Authority (MTA) police officers to patrol New York City's subway system; and

Whereas, In December 2019, the MTA board approved the Governor's plan, allocating an estimated \$250 million over four years to expand the MTA's police force by 64 percent to purportedly combat crime, fare evasion, and the system's homelessness population; and

Whereas, The New York Police Department (NYPD) has equipped all uniformed patrol officers with body-worn cameras to record their interactions with community residents; and

Whereas, MTA police are not members of the NYPD, and are not required to wear body-worn cameras; and

Whereas, Research from Arizona State University shows officers with body-worn cameras have fewer complaints lodged against them; and

Whereas, A study conducted with Rialto Police Department in California shows decreases in civilian complaints lodged against officers wearing body-worn camera and decreases in use-of-force incidents by the police; and

Whereas, A1552 introduced by Assemblymember Karines Reyes, would require MTA police to wear body-worn cameras and directs the chief of the MTA Police Department to establish rules and regulations pertaining to body-worn cameras; and

Whereas, The use of body-worn cameras would increase transparency and accountability, which can help improve law enforcement legitimacy at a time when communities lack trust and confidence in law enforcement; and

Whereas, The use of body-worn cameras also offer the opportunity to improve training as law enforcement officials can assess police activities and behaviors captured by body-worn cameras; and 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, A1552, which would require MTA police officers to wear body-worn cameras

Referred to the Committee on Public Safety.

Res. No. 95

Resolution calling on the New York State Legislature to pass, and the Governor to sign, A217/S2736, relating to informing maternity patients about the risks associated with cesarean section.

By Council Members Rivera, Hanif, Riley, Stevens, Won and Nurse.

Whereas, According to the American College of Obstetricians and Gynecologists (ACOG), a cesarean birth is the delivery of a baby through incisions made in the abdomen and uterus; and

Whereas, According to ACOG, a cesarean birth may be performed if there are certain concerns about the fetus, problems with the placenta, if the birthing parent has certain medical conditions, and for other reasons; and

Whereas, While cesarean sections can be medically needed, for low risk pregnancies and those who do not medically require a cesarean section, there are benefits to having a vaginal birth; and

Whereas, According to the Mayo Clinic, cesarean sections include risks for both the birthing parent and baby; and

Whereas, Babies born by scheduled cesarean section are more likely to develop transient tachypnea, a breathing problem marked by abnormally fast breathing during the first few days after birth, and, rarely, babies may experience a surgical injury; and

Whereas, Risks for birthing parents include infection, postpartum hemorrhage, blood clots, wound infection, surgical injury, and other issues; and

Whereas, Individuals who have a cesarean section also require time to recover and additional postpartum care; and

Whereas, Cesarean sections also impact the birthing parent's future maternal health; and

Whereas, Individuals who have a cesarean section face a higher risk of potentially serious complications in a subsequent pregnancy, such as cesarean scar on the uterus rupturing during a future vaginal birth; and

Whereas, According to the New York State Taskforce on Maternal Mortality and Disparate Racial Outcomes, the cesarean delivery rate in the U.S. has risen to over 30 percent, and, when compared to vaginal deliveries, cesarean deliveries carry overall higher rates of maternal mortality; and

Whereas, According to the Task Force's report, from 2012-2014, 66 percent of prenatal related deaths in New York State involved a cesarean section; and

Whereas, According to the New York City 2008-2012 Severe Maternal Morbidity report, maternal morbidity is a continuum from mild adverse effects to life-threatening events or death; and

Whereas, According to the report, the severe maternal morbidity rate was higher among people with a primary or repeat cesarean (474.1 and 492.3 per 10,000 deliveries, respectively), compared to those with a vaginal birth (109.8 per 10,000 deliveries) or vaginal birth after a cesarean (172.7 per 10,000 deliveries); and

Whereas, Although it is difficult to differentiate between morbidity caused by cesarean delivery versus morbidity requiring a cesarean delivery, cesarean sections may have a higher risk of maternal morbidity; and

Whereas, According to the Centers for Disease Control and Prevention, in 2020 the cesarean delivery rate in New York State was 33.6 percent, the twelfth highest rate in the country; and

Whereas, It is increasingly important to ensure that all individuals giving birth are informed of the risks associated with cesarean births; and

Whereas, A217/S2736, sponsored by Senator Julia Salazar and Assembly Member Amy Paulin, amends the public health law, in relation to informing maternity patients about the risks associated with cesarean section; and

Whereas, The bill would require maternal health providers to supply individuals with a planned cesarean and those who undergo an unplanned cesarean with a standardized written communication about cesarean sections; and

Whereas, Such written communication would include, but not be limited to, potential maternal injuries, potential injuries to the fetus, the impact of a cesarean delivery may have on future pregnancies and deliveries, and the circumstances in which cesarean delivery may be necessary to save the life of the parent or fetus; and

Whereas, The information would be developed by the Commissioner based on consultations with appropriate health care professionals, providers, consumers, educators, and patients, including the ACOG and the New York State Association of Licensed Midwives; and

Whereas, Such a law would ensure the universal dissemination of information to improve the health and safety of New York's birthing parents and newborns; now, therefore, be it

Resolved, That the Council of the City of New York calls on the New York State Legislature to pass, and the Governor to sign, A217/S2736, relating to informing maternity patients about the risks associated with cesarean section.

Referred to the Committee on Health.

Res. No. 96

Resolution calling on the State Legislature to pass, and the Governor to sign, S.1411B/A.307B, which would expand Medicaid benefits to one year postpartum.

By Council Members Rivera, Hanif, Riley, Stevens, Won, Restler, Brannan, Avilés and Nurse.

Whereas, According to the Centers for Disease Control and Prevention (CDC), a pregnancy-related death is defined as the death of a person while pregnant or within one year of the end of a pregnancy (regardless of the outcome or duration of the pregnancy) from any cause related to or aggravated by the pregnancy or its management, but not from accidental or incidental causes; and

Whereas, Data from the CDC find that about one-third of all pregnancy-related deaths occur one week to one year after a pregnancy ends; and

Whereas, In a report released in 2019, New York State was ranked 30th in the nation for its maternal mortality rate; and

Whereas, New York State had a maternal mortality rate for Black women of 52 deaths per 100,000 live births, compared to 16 deaths per 100,000 live births for white women during 2014-2016; and

Whereas, According to the American College of Obstetricians and Gynecologists (ACOG), the postpartum period represents a time of increased vulnerabilities; and

Whereas, In addition to monitoring a person's physical wellbeing postpartum, it is important to maintain access to mental health and substance use disorder treatment services during this time; and

Whereas, Those with opioid use disorder relapse far more often in the postpartum period compared with during pregnancy and should have access to and continued use of treatment services; and

Whereas, New York State offers Medicaid to pregnant New York residents who meet income requirements, regardless of immigration status; and

Whereas, In the Medicaid for pregnancy program, babies receive health care services for at least one year after birth, but the pregnant individual only receives care for 60 days after the end of pregnancy; and

Whereas, S.1411B/A.307B, sponsored by Senator Gustavo Rivera and Assembly Member Richard Gottfried, would extend the coverage period for medical assistance to a period of one year beginning on the last day of pregnancy; and

Whereas, In New York State, over 50 percent of births were covered by Medicaid in 2018; and

Whereas, In 2019, about 56 percent of births in New York City were covered by Medicaid; and

Whereas, That year, approximately 77 percent of Hispanic (not of Puerto Rican ancestry), 67.5 percent of Puerto Rican, 66 of Black, and 55 percent Asian/Pacific Islander live births were covered by Medicaid, compared to 37 percent white live births; and

Whereas, According to a 2020 study comparing states that have expanded Medicaid under the Affordable Care Act to nonexpansion states, Medicaid expansion was significantly associated with lower maternal mortality by 7.01 maternal deaths per 100,000 live births relative to nonexpansion states; and

Whereas, Medicaid expansion effects were concentrated among non-Hispanic Black mothers, suggesting that expansion could be contributing to decreasing racial disparities in maternal mortality; and

Whereas, In New York City, Black pregnant people are 8 to 12 times more likely to die due to pregnancy compared to their white counterparts; and

Whereas, According to the New York City Department of Health and Mental Hygiene (DOHMH), Black non-Latina women had the highest severe maternal morbidity rate (three times that of White non-Latina women), with rates also high among Puerto Rican and other Latina women compared to White non-Latina women; and

Whereas, The CDC has found that almost two-thirds of pregnancy-related deaths are preventable; and

Whereas, Extending Medicaid coverage past 60 days postpartum is a commonsense way to save lives and improve parent and child health outcomes and could help reduce stark racial disparities in maternal mortality; 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 S.1411B/A.307B, which would expand Medicaid benefits to one year postpartum.

Referred to the Committee on Health.

Int. No. 119

By Council Members Salamanca, Yeger and Stevens.

A Local Law to amend the administrative code of the city of New York, in relation to the reporting of crime and arrests in facilities under the jurisdiction of the department of correction

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 14-193 to read as follows:

§ 14-193 *Reporting of department of correction crime data. a. Definitions. As used in this section, the term "crime data" means any data or statistics regarding crime complaints or arrests that are made publicly available by the department, including the data and reports required pursuant to subdivisions a and b of section 14-150 and any additional reports of crime complaints or arrests provided on the department's website.*

b. For the purposes of all crime data, crime complaints and arrests occurring in facilities under the jurisdiction of the department of correction shall be reported separately and shall not be reported as occurring within any borough or police precinct.

§ 2. This local law takes effect immediately.

Referred to the Committee on Criminal Justice.

Int. No. 120

By Council Members Salamanca, Hanif, Yeger and Restler.

A Local Law to amend the New York city charter and the New York city building code in relation to luminous egress path markings in schools

Be it enacted by the Council as follows:

Section 1. Subdivision a of section 528 of the New York city charter, as amended by local law 36 for the year 2014, is amended to read as follows:

a. Installation of security cameras, [and] door alarms *and luminous egress path markings*. The department of education, in consultation with the police department, shall install security cameras and door alarms at schools and consolidated school locations operated by the department of education where the chancellor, in consultation with the police department, deems such cameras and door alarms appropriate for safety purposes. *The department of education, in consultation with the department of buildings, shall install luminous egress path markings delineating the exit path in accordance with section 1024.1 of the New York city building code at schools and consolidated school locations operated by the department of education where the chancellor, in consultation with the department of buildings, deems such luminous egress path markings appropriate for safety purposes.* Such cameras may be placed at the entrance and exit doors of each school and may be placed in any area of the school where individuals do not have a reasonable expectation of privacy. The number, type, placement, and location of such cameras within each school shall be at the discretion of the department of education, in consultation with the principal of each school and the police department. Door alarms may be placed at the discretion of the department of education, in consultation with the police department, at the exterior doors of school buildings under the jurisdiction of the department of education, including buildings serving grades pre-kindergarten through five or a district 75 program. Such alarms should provide an audible alert indicating an unauthorized departure from the school building. For the purposes of this section, "district 75 program" shall mean a department of education program that provides educational, vocational, and behavioral support programs for students with severe disabilities from pre-kindergarten through age twenty-one.

§ 2. Section 528 of the New York city charter, as amended by local law 36 for the year 2014, is amended by adding a new subdivision e to read as follows:

e. Schedule of installation for luminous egress path markings. The department of education, in consultation with the department of buildings, shall evaluate and set priorities for the installation of luminous egress path markings, as set forth in subdivision a. By December 1, 2023 the department of education shall complete such evaluation for all schools under its jurisdiction, including buildings serving grades pre-kindergarten through five or a district 75 program. By such date, the department of education shall submit a report to the speaker of the council that describes the results of the evaluation conducted pursuant to this subdivision, including, but not limited to, a list of the school buildings where the installation of luminous egress path markings has been deemed to be an appropriate safety measure and a timeline for such installation.

§ 3. Section BC 1024.1 of the New York city building code, as amended by local law 141 for the year 2013, is amended to read as follows:

1024.1 General. Approved luminous egress path markings delineating the exit path shall be provided in all high-rise buildings subject to [Section] *section* 403.5 having occupied floors located more than 75 feet (22 860 mm) above the lowest level of Fire Department vehicle access in accordance with Sections 1024.1 through 1024.9[.] *and in all educational group E facilities that have two or more stories above grade plane.*

Exceptions:

1. Luminous egress path markings shall not be required on the level of exit discharge in lobbies that serve as part of the exit path in accordance with Section 1027.1, Exception 1.

2. Luminous egress path markings shall not be required in areas of open parking garages that serve as part of the exit path in accordance with Section 1027.1, Exception 3.

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

Referred to the Committee on Education.

Int. No. 121

By Council Members Salamanca, Dinowitz, Riley, Stevens, Brannan and Bottcher.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of education to report annually on the number of teachers, administrators and school staff who have completed therapeutic crisis intervention in schools training

Be it enacted by the Council as follows:

Section 1. Title 21-A of the administrative code of the city of New York is amended by adding a new chapter 29 to read as follows:

Chapter 29

Reporting on Therapeutic Crisis Intervention in Schools Training

§ 21-2901 Annual reporting on therapeutic crisis intervention in schools training. a. For the purposes of this section, the following terms have the following meanings:

School. The term “school” means a school of the city school district of the city of New York.

TCIS training. The term “TCIS training” means training provided by the department that relates to therapeutic crisis intervention in schools and provides training participants with skills, including, but not limited to, preventing or de-escalating behavioral crises with students, safely managing crises situations and helping improve students’ coping strategies.

b. Not later than December 1, 2023, and no later than December 1 annually thereafter, the department shall submit to the mayor, the council and each community education council, and post on the department’s website information regarding TCIS training completion for the preceding school year. Such information shall include, but not be limited to: (i) the total number and percentage of teachers who have completed TCIS training within

the preceding school year; (ii) the total number and percentage of administrators who have completed TCIS training within the preceding school year; and (iii) the total number and percentage of other school staff, including but not limited to guidance counselors and social workers, who have completed TCIS training within the preceding school year.

c. All information required to be reported by this section shall be aggregated citywide, as well as disaggregated by city council district, community school district, and school.

§2. This local law takes effect immediately.

Referred to the Committee on Education.

Int. No. 122

By Council Members Salamanca, Stevens and Restler.

A Local Law to amend the administrative code of the city of New York, in relation to establishing wastewater treatment plant monitoring committees

Be it enacted by the Council as follows:

Section 1. Chapter 5 of title 24 of the administrative code of the city of New York is amended by adding a new section 24-532 to read as follows:

§ 24-532 Wastewater treatment plant monitoring committees. a. Monitoring committees established. There is hereby established a monitoring committee at each wastewater treatment plant in the city.

b. Duties. Each monitoring committee shall review community concerns about such wastewater treatment plant, including the ongoing effects on the health and wellbeing of persons in the wastewater treatment plant's service area, anticipated effects on the community of any proposed or unforeseen changes to the wastewater treatment plant's operations, and any other considerations any such monitoring committee deems relevant.

c. Membership. 1. Each monitoring committee shall be composed of the following members:

(a) Four members employed by such wastewater treatment plant to be appointed by an agreement of the community board(s) overseeing a district in the wastewater treatment plant's service area;

(b) Two members appointed by an agreement of the community board(s) overseeing a district in the wastewater treatment plant's service area; and

(c) The mayor shall invite the borough president(s) and council member(s) overseeing the wastewater treatment plant's service area to each appoint one representative to the committee.

2. Appointments required by this section shall be made within 30 days after the effective date of this local law, and within 30 days of the completion of a prior term.

3. Each member of the committee shall serve for a term of one year, to commence after the appointees in subparagraphs (a) and (b) of paragraph 1 of this subdivision have been appointed.

4. All members of the committee shall serve without compensation.

5. No appointed member of the committee shall be removed except for cause by the appointing authority.

6. In the event of a vacancy on the committee during the term of an appointed member, a successor shall be selected in the same manner as the original appointment to serve the balance of the unexpired term.

d. Meetings. Each committee shall meet no less than once each month.

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

Referred to the Committee on Environmental Protection.

Int. No. 123

By Council Members Salamanca, Stevens and Won.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of homeless services and human resources administration to post shelter, supportive housing and cluster site data

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 21 of the administrative code of the city of New York is amended by adding a new section 21-151 to read as follows:

§ 21-151 a. Definitions. For the purposes of this section, the following terms have the following meanings:

Cluster site. The term “cluster site” means an individual housing unit, which is being utilized as shelter for a homeless family, within a private building.

Scattered-site supportive housing unit. The term “scattered-site supportive housing unit” means a unit of affordable, permanent housing with support services for residents provided by the department or a provider under contract or similar agreement with the department, in an apartment building designated for specific populations.

Shelter. The term “shelter” means temporary emergency housing provided to homeless adults, adult families, and families with children by the department or a provider under contract or similar agreement with the department.

Single-site supportive housing facility. The term “single-site supportive housing facility” means affordable, permanent housing with support services provided by the department or a provider under contract or similar agreement with the department, where each individual or family has private living quarters and may share kitchens and/or common recreational rooms or other facilities.

b. The department shall submit to every council member and community board and post on its website quarterly reports on the number of shelters, single-site supportive housing facilities, scattered-site supportive housing units, and cluster sites in each council district and community board. The first such report shall be due 30 days following the end of the calendar quarter covering October 1, 2022 to December 31, 2022, and all subsequent reports shall be due 30 days following the last day of each succeeding calendar quarter. Such report shall include, but not be limited to the following information:

1. The total number of shelters, disaggregated by community board and council district;

2. The total number of single-site supportive housing facilities, disaggregated by community board and council district;

3. The total number of scattered-site supportive housing units, disaggregated by community board and council district;

4. The total number of cluster sites, disaggregated by community board and council district.

§ 2. This local law shall take effect immediately.

Referred to the Committee on General Welfare.

Int. No. 124

By Council Members Salamanca, Stevens and Restler.

A Local Law to amend the administrative code of the city of New York, in relation to housing specialists within the human resources administration and department of homeless services

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 21 of the administrative code of the city of New York is amended by adding a new section 21-149 to read as follows:

§ 21-149 Definitions. *a. For purposes of this section, the following terms have the following meanings:*

Domestic violence emergency shelter. The term “domestic violence emergency shelter” means time-limited housing for domestic violence survivors managed by or under a contract or similar agreement with the department and subject to section 459-b of the social services law.

Domestic violence tier II shelter. The term “domestic violence tier II shelter” means housing for domestic violence survivors managed by or under a contract or similar agreement with the department and subject to the provisions of part 900 of title 18 of the New York codes, rules, and regulations.

HASA shelter. The term “HASA shelter” means single room occupancy hotels or congregate facilities managed by a provider under contract or similar agreement with the department.

Housing specialist. The term “housing specialist” means department staff assigned to work in domestic violence emergency shelters, domestic violence tier II shelters, or HASA shelters, in order to help clients in those shelters secure appropriate housing.

Temporary shelter. The term “temporary shelter” means domestic violence emergency shelters, domestic violence tier II shelters, and HASA shelters managed, used, owned, operated or contracted for, by or on behalf of the department or under similar agreement with the department.

b. Training and supervision of housing specialists. *Housing specialists shall be designated to serve in temporary shelters. Where housing specialists are placed in temporary shelters and are employed by not-for-profit or for-profit operators of such facilities, the commissioner shall establish a training program for such housing specialists that shall include, but not be limited to, establishing expertise in the various housing programs to which eligible homeless persons may be referred and proper case management techniques. The commissioner shall develop definite program goals and timetables to assess the performance of housing specialists in matching, as expeditiously as possible, eligible homeless persons with available housing resources.*

c. Reporting on housing specialists. No later than January 15, 2023, and no later than January 15 annually thereafter, the department shall submit to the speaker of the council and post on its website an annual report regarding information on housing specialists. Such report shall include, but not be limited to: (i) the number of all temporary shelters, disaggregated by district and type of shelter; (ii) the number of housing specialists within all temporary shelters, disaggregated by district and type of shelter; (iii) the average caseload of housing specialists within each temporary shelter; and (iv) the goals and timetables by which the commissioner shall assess the performance of housing specialists.

§ 2. Section 21-303 of the administrative code of the city of New York, as amended by local law number 75 for the year 1995, is amended to read as follows:

§ 21-303 Definitions. *a. For purposes of this section, the following terms have the following meanings:*

Housing specialist. The term “housing specialist” means department staff assigned to work in transitional housing facilities, in order to help clients in those facilities secure appropriate housing.

Transitional housing facility. The term “transitional housing facilities” means a shelter placement for families with children, adult families, single adult women, single adult men, and veterans managed, used, owned, operated or contracted for, by or on behalf of the department or under similar agreement with the department.

b. Training and supervision of housing specialists. *Housing specialists shall be [available] designated to serve in each transitional housing facility [used, owned, operated, managed or contracted for, by or on behalf of the department]. Where housing specialists are placed in transitional housing facilities and are employed by not-for-profit or for-profit operators of such facilities, the commissioner shall establish a training program for such housing specialists which shall include, but not be limited to, establishing expertise in the various housing programs to which eligible homeless persons may be referred and proper case management techniques. The commissioner shall develop definite program goals and timetables by which he or she shall assess the performance of housing specialists in matching as expeditiously as possible eligible homeless persons with available housing resources [and, on or before December 31, 1995, shall report to the speaker of the city council in writing on such goals and timetables by which he or she shall assess the performance of housing specialists].*

c. Reporting on housing specialists. No later than January 15, 2023, and no later than January 15 annually thereafter, the department shall submit to the speaker of the council and post on its website a report regarding information on housing specialists. Such report shall include, but not be limited to: (i) the number of transitional housing facilities, disaggregated by district and type of transitional housing facility; (ii) the number of housing

specialists within all transitional housing facilities, disaggregated by district and type of transitional housing facility; (iii) the average caseload of housing specialists within each transitional housing facility; and (iv) the goals and timetables by which the commissioner shall assess the performance of housing specialists.

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

Referred to the Committee on General Welfare.

Int. No. 125

By Council Members Salamanca, Jr., Stevens and Bottcher.

A Local Law to amend the New York city charter, in relation to city agency attendance at council hearings

Be it enacted by the Council as follows:

Section 1. Section 29 of the New York city charter is amended by adding a new subdivision c to read as follows:

c. In any case in which an officer or employee of a city agency testifies at a council committee hearing open to the public, at least one officer or employee of such agency shall remain in attendance for the entirety of the hearing. In this subdivision, the term “city agency” means an agency established by the charter and any other agency designated by the mayor.

§ 2. This local law takes effect immediately.

Referred to the Committee on Governmental Operations.

Int. No. 126

By Council Members Salamanca, Hanif, Dinowitz, Ung and Restler.

A Local Law to amend the administrative code of the city of New York, in relation to requiring water bottle-filling stations in city agency offices

Be it enacted by the Council as follows:

Section 1. Chapter 2 of title 4 of the administrative code of the city of New York is amended by adding a new section 4-216 to read as follows:

§ 4-216 *Water bottle-filling stations for city agency offices. a. As used in this section, the following terms have the following meanings:*

Bottle-less water dispenser. The term “bottle-less water dispenser” means a device that is connected to the tap water supply of a building and dispenses tap water and that is not attached to a wall, including such a device that is a component of a refrigerator.

City agency office. The term “city agency office” means an area of an office building, as defined in section FC 402.1 of the New York city fire code, that is owned or maintained by the department and is occupied by a city agency.

Department. The term “department” means the department of citywide administrative services.

Water bottle-filling station. The term “water bottle-filling station” means a water bottle fountain or a bottle-less water dispenser.

Water bottle fountain. The term “water bottle fountain” means a wall-mounted plumbing fixture that is connected to the tap water supply of a building and is designed for filling a container that is 10 inches in height or more, except that such term does not include a sink.

b. The department shall install water bottle-filling stations so that there is at least one water bottle-filling station as follows:

- 1. Per 100 occupants in every city agency office; and*
- 2. On every floor of a city agency office.*

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

Referred to the Committee on Governmental Operations.

Int. No. 127

By Council Members Salamanca and Stevens.

A Local Law to amend the administrative code of the city of New York, in relation to posting signs notifying the public of bacteria discovered in water tanks

Be it enacted by the Council as follows:

Section 1. Section 17-194 of the administrative code of the city of New York is amended by adding a new subdivision k to read as follows:

k. Notice where harmful bacteria are found. Where harmful bacteria are discovered in a water tank, the owner of the building served by such water tank shall, within 24 hours after such owner knows or reasonably should know of such a discovery, post signs on all building entrances, in clear and plain language, notifying the public about the bacteria discovered. The signs shall remain in place for two weeks after the cleaning and disinfection of such water tank.

§ 2. This local law takes effect 90 days after it becomes law, except that the department of health and mental hygiene 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. 128

By Council Members Salamanca, Hanif, Riley, Stevens and Won.

A Local Law to amend the administrative code of the city of New York, in relation to diaper changing accommodations in parks

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 18-158 to read as follows:

§ 18-158 Diaper changing accommodations. Every toilet room in every park shall have at least one safe, sanitary and convenient diaper changing station, deck, table or similar amenity, which shall comply with section 603.5 (Diaper Changing Tables) of ICC A117.1.

§ 2. Section 18-148 of the administrative code of the city of New York, as added by local law number 71 for the year 2018, is redesignated section 18-148.1.

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

Referred to the Committee on Parks and Recreation.

Int. No. 129

By Council Members Salamanca, Hanif, Riley and Yeger.

A Local Law to amend the administrative code of the city of New York, in relation to requiring shooting ranges, dealers in firearms and dealers in rifles and shotguns in the city to display suicide prevention information

Be it enacted by the Council as follows:

Section 1. Section 10-301 of the administrative code of the city of New York is amended by adding a new subdivision 23 to read as follows:

23. *“Shooting range.” Any person, firm, partnership, corporation or company who engages in the business of operating an indoor or outdoor range equipped with targets for use with firearms, rifles or shotguns.*

§ 2. Chapter 3 of title 10 of the administrative code of the city of New York is amended by adding a new section 10-315 to read as follows:

§ 10-315 *Display of suicide prevention information. a. Display of suicide prevention information required. Any shooting range, dealer in firearms and dealer in rifles and shotguns in the city must conspicuously post on the premises, in areas visible to the public, suicide prevention materials, including information on seeking help for a person at risk of suicide and information on safely storing firearms, rifles and shotguns.*

b. Rulemaking. The police commissioner shall promulgate rules necessary to carry out the provisions of this section, and shall prescribe such suicide prevention materials as are necessary to comply with the requirements of this section.

§ 3. This local law takes effect 120 days after it becomes law, except that the police 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 Public Safety.

Int. No. 130

By Council Member Salamanca.

A Local Law to amend the administrative code of the city of New York, in relation to imposing certain record keeping requirements on scrap metal processors

Be it enacted by the Council as follows:

Section 1. Title 20 of the administrative code of the city of New York is amended by adding a new chapter 16 to read as follows:

**CHAPTER 16
SCRAP METAL PROCESSORS**

§ 20-1601 *Definitions.*

§ 20-1602 *Record keeping by scrap metal processors; refusal to provide information.*

§ 20-1603 *Required posting.*

§ 20-1604 *Enforcement.*

§ 20-1601 *Definitions. As used in this chapter, the following terms have the following meanings:*

Scrap metal. The term “scrap metal” means metal that is used for the production of raw material for remelting purposes for steel mills, foundries, smelters, refiners and similar users.

Scrap metal processor. The term “scrap metal processor” means a person who is licensed by the department of consumer and worker protection to operate or maintain a business engaged primarily in the purchase, processing, and shipment of ferrous or non-ferrous scrap metal, but shall not include (i) a redemption center, dealer or distributor as such terms are defined in section 27-1003 of the New York state environmental

conservation law or (ii) an electronic waste collection site, electronic waste consolidation facility or electronic waste recycling facility as such terms are defined in section 27-2601 of the New York state environmental conservation law.

Scrap metal seller. The term “scrap metal seller” means a person who sells scrap metal to a scrap metal processor.

§ 20-1602 Record keeping by scrap metal processors; refusal to provide information. a. Each scrap metal processor shall maintain a written or electronic record that includes the following information with respect to each commercial transaction between such processor and a scrap metal seller:

1. A full and accurate description of the scrap metal involved in such transaction, including the type of scrap metal and the weight of the scrap metal according to a licensed commercial scale;
2. The date and time the scrap metal processor received the scrap metal from the scrap metal seller;
3. The full name and address of the scrap metal seller;
4. If the scrap metal seller visits the scrap metal processor’s place of business in a motor vehicle, the license plate number of such vehicle, the state that issued such plate and a copy of such seller’s driver’s license; and
5. If the scrap metal seller is required to have a license pursuant to section 16-505, a copy of such license.

b. No scrap metal processor may purchase scrap metal from a scrap metal seller who fails to provide information required by this section.

§ 20-1603 Required posting. Each scrap metal processor shall conspicuously post at its place of business, in a form and manner established by the department, a sign that informs scrap metal sellers and potential scrap metal sellers of the requirements of this chapter.

§ 20-1604 Enforcement. a. A scrap metal processor that violates this chapter shall be liable for a civil penalty in the amount of \$500 for the first offense, \$1,000 for a second offense within a 12-month period and \$2,000 dollars for a third or subsequent offense within a 12-month period.

b. A scrap metal seller who knowingly provides false information to a scrap metal processor required pursuant to section 20-1602 shall be liable for a civil penalty in the amount of \$500 for the first offense, \$1,000 for a second offense within a 12-month period and \$2,000 dollars for a third or subsequent offense within a 12-month period.

§ 2. This local law takes effect immediately.

Referred to the Committee on Sanitation and Solid Waste Management.

Res. No. 97

Resolution recognizing April 12th annually as Garifuna Heritage Day in the City of New York

By Council Members Salamanca, Hanif, Stevens and Restler.

Whereas, The Garífuna people are descendants of the indigenous Island Carib people of the Lesser Antilles in the Caribbean and formerly enslaved Central and West Africans, who either escaped plantations or mines on nearby islands or survived Spanish shipwrecks off the coast of St. Vincent in 1635; and

Whereas, Unlike much of the Caribbean archipelago following Christopher Columbus’ arrival in 1492, the Island Carib people were among the most successful Native American groups in resisting European conquest and colonization; and

Whereas, After a time of peaceful coexistence with French settlers, with whom the Garifuna formed an alliance against rival colonial powers, a series of wars erupted among the British, Spaniards and French, out of which the British emerged victorious in 1796; and

Whereas, In 1797, nearly 150 years after Barbados and St. Kitts were settled and successfully controlled by the British, St. Vincent became the last indigenous stronghold in the Caribbean when a few thousand Garífuna were deported to Roatán, an island off the coast of Spanish-controlled Honduras; and

Whereas, Over the next century, the Garífuna spread out along the Central American coastland and became heavily involved in the banana exportation industry until the 1940s, when a deadly epidemic spread among banana plants, forcing companies to shut down and their employees out of work; and

Whereas, Looking for work, many Garífuna men turned to seafaring businesses and during World War II served in the merchant marines for Great Britain and the United States, eventually settling in the port cities of Los Angeles, New York and New Orleans; and

Whereas, In 1823, William Henry Brown, the first American playwright of African descent, wrote “The Drama of King Shotaway,” recognized as the first Black drama of American theater, which has as its subject the 1795 Island Carib peoples’ defense of St. Vincent against colonization by the British; and

Whereas, Born of a fusion of race and ethnicities, and after more than 300 years of contact with British, French and Spanish colonizers, the Garífuna have maintained aspects of their ancestral culture and full use of their ancestral language, both of which are noted for being distinct; and

Whereas, The Garífuna historically were punished for expressing their culture and language in Belize, Guatemala, the Grenadines, Honduras, Nicaragua and St. Vincent, where they remain minorities in their respective countries; and

Whereas, In 2001, in recognition of the importance of preserving traditional and popular culture under threat of disappearing in an era of globalization, the United Nations Educational, Scientific and Cultural Organizations (UNESCO) awarded the title of “Masterpiece of the Oral and Intangibles Heritage of Humanity” to the Garífuna Language, Dance and Music of Belize; and

Whereas, Despite many contributions to the social and economic fiber of New York City, the Garífuna community remained relatively invisible until 1990, when a devastating fire at the Happy Land Social Club in the Bronx claimed the lives of 87 people, of whom more than 70 percent were of Garífuna descent; and

Whereas, Today, the Garífuna community makes a significant contribution to the cultural tapestry that defines New York City, which is home to the largest Garífuna population outside of Honduras, with an estimated 200,000 Garífuna living in the South Bronx, Harlem, Brownsville and East New York; and

Whereas, In observance of the anniversary of the forcible transfer of the Garífuna from St. Vincent and the Grenadines, March 11th through April 12th has been designated as Garífuna-American Heritage Month in the State of New York and April 12, 2018 will mark the 221st Anniversary of the expulsion; now, therefore, be it

Resolved, That the Council of the City of New York recognizes April 12th annually as Garífuna Heritage Day in the City of New York.

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

Int. No. 131

By Council Members Sanchez, Hanif, Riley, Yeger, Williams, Won, Holden, Farías, Restler, Ayala, Ung, Abreu, Richardson Jordan, Gutiérrez, Krishnan, Hanks, De La Rosa, Schulman, Narcisse, Barron, Dinowitz, Bottcher, Rivera and Ariola.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the fire department to conduct residential education and outreach regarding the safe operation of electric space heaters

Be it enacted by the Council as follows:

Section 1. Paragraph a of section 15-132 of the administrative code of the city of New York is amended to read as follows:

§ 15-132 Residential education and outreach. a. The department shall make a good faith effort to directly contact owners and occupants of R-2 multiple dwellings to ensure that appropriate fire safety procedures, resources, and educational materials are in place. These efforts shall include, where appropriate, (i) ensuring

compliance with fire code section 401.6 and applicable department rules relating to owners providing notice to occupants of fire safety measures, (ii) providing fire safety and fire prevention educational materials, and (iii) providing relevant training to staff at such dwellings. *Activities taken pursuant to this section shall include the dissemination of educational materials and outreach relating to the safe operations of electric space heaters in residential settings.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Fire and Emergency Management.

Int. No. 132

By Council Members Ung, Stevens, Won, Restler, Brannan, Nurse and Marte.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the establishment of intake centers for families with children

Be it enacted by the Council as follows:

Section 1. Section 1. Chapter 3 of title 21 of the administrative code of the city of New York is amended by adding a new section 21-328 to read as follows:

§ 21-328 *Establishment of intake centers for families with children. a. Definitions. For the purposes of this section, the following terms have the following meanings:*

Family intake center. The term “family intake center” means a department facility that accepts and processes applications for shelter from families with children.

Shelter. The term “shelter” means housing provided to individuals and families by the department or a provider under contract or similar agreement with the department.

b. Within two years of the effective date of the local law that added this section, and each year thereafter, the department shall establish at least one new family intake center in a borough without an existing family intake center. Each such family intake center shall be located in a geographic area that is easily accessible and in close proximity to public transportation. The department shall not be required to open any additional family intake centers so long as the department maintains at least one operational family intake center in each borough.

§ 2. This local law takes effect immediately.

Referred to the Committee on General Welfare.

Int. No. 133

By Council Members Williams, Riley, Feliz, Restler, Abreu, Richardson Jordan, Gutiérrez, Krishnan, Hanks, De La Rosa, Schulman, Narcisse, Barron, Dinowitz, Nurse, Bottcher, Farías, Stevens, Louis, Velázquez, Avilés, Menin, Joseph, Ayala and Rivera.

A Local Law to amend the New York city fire code, in relation to inspections of sprinkler system and standpipe system fire department connections

Be it enacted by the Council as follows:

Section 1. Subdivision 4 of section 903.5 of the New York city fire code is amended to read as follows:

4. Fire department connections shall be hydrostatically tested at least once every [5] 3 years, in accordance with FC912.6.

§ 2. Subdivisions 4 and 5 of section 903.5.1 of the New York city fire code are amended to read as follows:

4. Fire department connections shall be hydrostatically tested at least once every [5] 3 years in accordance with FC912.6.

5. Upon order of the commissioner, but at least once every year, a flow test of the sprinkler system shall be conducted. Such test shall be conducted at the owner's risk by his or her representative, who shall be a licensed master plumber or licensed master fire suppression contractor. At least one such flow test shall be conducted before a representative of the department at least once every [5] 3 years. A report of each test, on an approved form, shall be certified by such licensed master plumber or licensed master fire suppression contractor and shall be kept for not less than 5 years and made available for inspection by any representative of the department.

§ 3. Subdivisions 4 and 5 of section 903.5.2 of the New York city fire code are amended to read as follows:

4. Fire department connections shall be hydrostatically tested at least once every [5] 3 years in accordance with FC912.6.

5. Upon order of the commissioner, but at least once every year, a flow test of the sprinkler system shall be conducted; provided, however, that where there is a pressure gauge installed at or near the inspector's test location that is checked during the required monthly inspection described in FC903.5.2(1) to make certain the system design pressure is being maintained, a flow test of the sprinkler system shall be conducted upon order of the commissioner, but at least once every 30 months. Such test shall be conducted at the owner's risk by his or her representative, who shall be a plumber or licensed master fire suppression contractor. At least one such test shall be conducted before a representative of the department at least once every [5] 3 years. A report of each test, on a form prepared by the department, shall be certified by such plumber or licensed master fire suppression contractor and shall be kept for not less than 5 years and made available for inspection by any representative of the department.

§ 4. Section 905.2.1 of the New York city fire code, as amended by local law number 148 for the year 2013, is amended to read as follows:

905.2.1. Standpipe hydrostatic pressure and flow tests. Upon order of the commissioner, but at least once every [5] 3 years, the standpipe system shall be subjected to a hydrostatic pressure test and a flow test to demonstrate its suitability for department use. These tests shall be conducted in compliance with the requirements of the rules and shall be conducted at the owner's risk, by his or her representative before a representative of the department.

§ 5. Section 912.6 of the New York city fire code, as amended by local law number 148 for the year 2013, is amended to read as follows:

912.6. Maintenance. Sprinkler system and standpipe system fire department connections shall be periodically inspected, tested, serviced and otherwise maintained in accordance with FC901.6 and NFPA 25. Upon order of the commissioner, but at least once every [5] 3 years, such fire department connections shall be subjected to a hydrostatic pressure test to demonstrate their suitability for department use. The test shall be conducted in accordance with the rules and at the owner's risk, by his or her representative before a representative of the department.

§ 6. This local law takes effect immediately.

Referred to the Committee on Fire and Emergency Management.

Int. No. 134

By Council Members Williams and Brannan.

A Local Law to amend the administrative code of the city of New York, in relation to the employers required to post minimum and maximum salary information

Be it enacted by the Council as follows:

Section 1. Section 8-102 of the administrative code of the city of New York, as amended by local law 32 of 2022, is amended to read as follows:

Employer. For purposes of subdivisions 1, 2, 3, 10, 11-a, and 22, 23, [32,] subparagraph 1 of paragraph a of subdivision 21, and paragraph e of subdivision 21 of section 8-107, the term "employer" does not include any employer that has fewer than four persons in the employ of such employer at all times during the period beginning twelve months before the start of an unlawful discriminatory practice and continuing through the end of such unlawful discriminatory practice[, provided however that]. *For purposes of subdivision 32 of section 8-107, the term "employer" does not include any employer that has fewer than fifteen persons in the employ of such employer at all times during the period beginning twelve months before the start of an unlawful discriminatory practice and continuing through the end of such discriminatory practice. The foregoing notwithstanding, in an action for unlawful discriminatory practice based on a claim of gender-based harassment pursuant to subdivision one of section 8-107, the term "employer" shall include any employer, including those with fewer than four persons in their employ. For purposes of this definition, (i) natural persons working as independent contractors in furtherance of an employer's business enterprise shall be counted as persons in the employ of such employer and (ii) the employer's parent, spouse, domestic partner or child if employed by the employer are included as in the employ of such employer.*

§ 2. Subdivision 32 of section 8-107 of the administrative code of the city of New York, as added by local law 32 for the year 2022, is amended to read as follows:

32. Employment; minimum and maximum salary in job listings. a. It shall be an unlawful discriminatory practice for an employment agency, employer, employee or agent thereof to advertise a job, promotion or transfer opportunity without stating the minimum and maximum *hourly or salary compensation* for such position in such advertisement. In stating the minimum and maximum [salary] *compensation* for a position, the range may extend from the lowest to the highest *hourly or salary compensation* the employer in good faith believes at the time of the posting it would pay for the advertised job, promotion or transfer opportunity.

b. This subdivision does not apply to:

(1) A job advertisement for temporary employment at a temporary help firm as such term is defined by subdivision 5 of section 916 of article 31 of the labor law[.];

(2) *General notices that an employer is hiring without reference to any particular position; and*

(3) *Positions that are not required to be performed, at least in part, in the city of New York.*

§ 3. Section 3 of local law 32 for the year 2022 is amended to read as follows:

This local law takes effect [120 days after it becomes law] *on November 1, 2022*, except that the commission may take such actions as are necessary to implement this local law, including the promulgation of rules, before such date.

§ 4. Sections 1 and 2 of this local law takes effect on the same date as local law 32 for the year 2022. Section 3 of this local law takes effect immediately.

Referred to the Committee on Civil and Human Rights.

Int. No. 135

By Council Members Williams, Hanif, Yeager, Riley, Nurse, Farías, Stevens, Louis, Velázquez, Avilés, Menin, Narcisse, Barron, Dinowitz, Joseph, Gutiérrez and Richardson Jordan (by request of the Queens Borough President).

A Local Law to amend the administrative code of the city of New York, in relation to creating a new parking permit for expectant mothers experiencing a difficult or complicated pregnancy

Be it enacted by the Council as follows:

Section 1. Chapter one of title 19 of the administrative code of the city of New York is amended by adding a new section 19-162.6 to read as follows:

§ 19-162.6 Permissible parking for expectant mothers experiencing a difficult or complicated pregnancy. a. Definitions. For purposes of this section, the term “difficult or complicated pregnancy” means any pregnancy which results in impaired mobility.

b. The commissioner shall issue a parking permit for a vehicle owned or operated by an individual who has been certified by a physician as experiencing a difficult or complicated pregnancy. Such parking permit shall be issued within 30 days of the department receiving an application and shall expire 30 days after the expected delivery date.

c. Such parking permit shall only be used for the purpose of parking a vehicle where parking is prohibited by sign or rule or allowing a vehicle to stand where standing is prohibited by sign or rule.

d. Notwithstanding any other provision of law, such parking permit shall not authorize the parking of a vehicle in a bus stop, a taxi-stand, within 15 feet of a fire hydrant, a fire zone, a driveway, a crosswalk, a no stopping zone, a no standing zone, or where the vehicle would be double-parked.

e. Any misuse of a parking permit, as determined by the commissioner, issued pursuant to this section shall be sufficient cause for revocation of such parking permit.

f. Notwithstanding any other provision of law, no vehicle bearing a permit issued pursuant to this section may be towed when such vehicle is being used in accordance with the purpose for which such permit was issued, except in public safety emergencies to be determined by the police department.

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

Referred to the Committee on Transportation and Infrastructure.

Res. No. 98

Resolution calling on the State Legislature to pass, and the Governor to sign, A. 8681/S. 7527, to prohibit prosecutors from using creative expression as evidence against a criminal defendant without clear and convincing proof that there is a literal, factual nexus between the creative expression and the facts of the case.

By Council Members Williams, Hanif, Stevens, Riley, Restler, Brannan, Farías, Louis, Avilés, Narcisse, Joseph, Ayala, Rivera and Richardson Jordan.

Whereas, A. 8681, introduced by Assembly Member Catalina Cruz and pending in the New York State Assembly, and companion bill S. 7527, introduced by State Senator Brad Hoylman and pending in the New York State Senate, seek to amend the Criminal Procedure Law by prohibiting prosecutors from using creative expression as evidence against a criminal defendant without clear and convincing proof that there is a literal and factual nexus between the creative expression and the facts of the case, in an effort to protect freedom of expression in New York State; and

Whereas, Article I, Section 8 of the New York State Constitution protects the right to freely express oneself, whether through speaking, writing or other creative outlets, enhancing protection of free expression guaranteed in the First Amendment of the United States Constitution; and

Whereas, According to the New York State Court of Appeals, New York State is “a cultural center for the Nation” that has “long provided a hospitable climate for the free exchange of ideas”; and

Whereas, In criminal proceedings in the United States, courts have perpetrated a disturbing trend of admitting creative expression into evidence as proof of wrongdoing; and

Whereas, Admitting creative expression into evidence to convict criminal defendants has a chilling effect on fundamental rights which the Federal and New York State Constitutions safeguard, and exacerbates bias against black and brown defendants who exercise their rights in particular forms of expression, like rap music, that are the subject of discriminatory associations linking black and brown people with criminal conduct; and

Whereas, Standards for the admissibility of evidence in New York State criminal proceedings do not adequately protect a defendant’s creative expression from being used against them; and

Whereas, An enhanced standard demanding clear and convincing proof that creative expression has a literal and factual nexus to the facts of the case would provide stronger protection of fundamental rights and would mitigate the risk such evidence poses for exacerbating racial biases that judges and juries show against black and brown criminal defendants, especially; 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, A. 8681/S. 7527, to prohibit prosecutors from using creative expression as evidence against a criminal defendant without clear and convincing proof that there is a literal, factual nexus between the creative expression and the facts of the case.

Referred to the Committee on Public Safety.

Int. No. 136

By Council Members Won, Hudson, Brewer, Ung, Lee, Joseph, Ossé, Velázquez, Gennaro, Nurse, Schulman, Menin, Krishnan, Avilés, Narcisse, Dinowitz, Louis, Farías, De La Rosa, Restler, Brannan, Ayala, Bottcher, Riley, Rivera and Vernikov.

A Local Law to amend the administrative code of the city of New York, in relation to requiring agencies to develop and utilize a preferred vendor list to provide community-integrated translation services and reporting in relation thereto

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 6 of the administrative code of the city of New York is amended to add a new section 6-147 to read as follows:

§ 6-147 Preferred vendor list to provide for community-integrated translation services. a. Definitions. For the purposes of this section, the following terms have the following meanings:

Community-integrated translation services. The term “community-integrated translation services” means translation services that community-based organizations provide and does not include telephonic interpretation services.

Covered agency. The term “covered agency” means every city agency that provides direct public services or emergency services.

b. Each covered agency shall develop a preferred vendor list of providers of community-integrated translation services for at least 100 languages, including both common and esoteric languages as identified by the office of the language services coordinator, and utilize such list to procure translation services not in excess of the small purchase limit provided in section 3-08 of title 9 of the rules of the city of New York.

c. Reporting required. No more than 180 days after the effective date of the local law that added this section, and quarterly thereafter, the city chief procurement officer shall submit to the mayor and the speaker of the council and publish on the mayor’s office of contract services website a report regarding the city’s procurement of translation services during the prior quarter. Such quarterly report shall include the following information regarding procurements for translation services, disaggregated by covered agency:

- 1. The number of procurements for translation services, disaggregated by language;*
- 2. The number of small purchase procurements for translation services, disaggregated by language;*
- 3. The number of small purchase procurements for translation services in which the city used a vendor that appears on a preferred vendor list as required by subdivision b, disaggregated by language;*
- 4. The total dollar value of procurements for translation services that utilized telephonic interpretation services;*
- 5. The total dollar value of small purchase procurements that utilized a vendor that appears on a preferred vendor list as required by subdivision b; and*
- 6. The total dollar value of small purchase procurements that did not utilize a vendor that appears on any such preferred vendor list.*

§ 2. This local law takes effect 120 days after it becomes law, except that the city chief procurement officer shall take such measures as are necessary for the implementation of this local law, including the promulgation of any rules, before such date.

Referred to the Committee on Contracts.

Int. No. 137

By Council Members Won, Hanif, Hudson, Brewer, Ung, Krishnan, Stevens, Joseph, Ossé, Velázquez, Gennaro, Cabán, Nurse, Schulman, Williams, Menin, Avilés, Narcisse, Dinowitz, Louis, Farías, De La Rosa, Restler, Brannan, Ayala, Bottcher, Riley, Marte, Rivera and Vernikov.

A Local Law to amend the administrative code of the city of New York, in relation to requiring agencies to translate and distribute to community-based organizations emergency information in the designated citywide languages

Be it enacted by the Council as follows:

Section 1. Paragraph 5 of subdivision b of section 23-1102 of the administrative code of the city of New York, as added by local law number 30 for the year 2017, is amended to read as follows:

5. incorporate planning to address language access needs in the agency's emergency preparedness and response, *including considering providing emergency notifications in the designated citywide languages;*

§ 2. Section 23-1102 of the administrative code of the city of New York is amended to add a new subdivision e to read as follows:

e. Each covered agency shall translate into the designated citywide languages and distribute to relevant community-based organizations any document that the federal and state government provides to such agency that relates to a declaration of emergency affecting the city.

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

Referred to the Committee on Governmental Operations.

Int. No. 138

By Council Members Yeger and Restler.

A Local Law to amend the administrative code of the city of New York, in relation to resource and training assistance to New York City's community-based volunteer ambulance companies.

Be it enacted by the Council as follows:

Section 1. Chapter one of title 15 of the administrative code of the city of New York is amended by adding a new paragraph (3) to subdivision a of section 15-101 to read as follows:

(3) "*Voluntary ambulance service*" shall mean a voluntary ambulance service as such term is defined in section three thousand one of the public health law that is registered or certified in compliance with section three thousand five of the public health law.

§2. Chapter one of title 15 of the administrative code of the city of New York is amended by adding a new section 15-132 to read as follows:

§ 15-132 *Volunteer ambulance service resources.*

a. The department shall provide vehicle insurance and access to medical supplies for any volunteer ambulance service operating within the city of New York.

b. The department shall provide ambulance driver training for any person who intends to become a driver for

any volunteer ambulance service operating within the city of New York, provided that a volunteer ambulance service shall certify to the department that the person is or will become a driver for such service.

c. Nothing in this chapter shall be construed to require any person or any voluntary ambulance service to accept or utilize the resources described herein.

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

Referred to the Committee on Fire and Emergency Management.

Res. No. 99

Resolution calling on the New York State Legislature to include safety to others and the community as factors to consider in recognizance and bail determinations.

By Council Members Yeger, Borelli, Holden, Vernikov, Kagan and Ariola.

Whereas, New York Criminal Procedure Law §510.30 details the factors and criteria to be considered in determining whether a defendant may be granted release on recognizance or bail; and

Whereas, Under New York State law, the safety of others and the community are not factors which a judge may consider in determining whether a defendant may be granted release on recognizance or bail; and

Whereas, Under the Bail Reform Act of 1984, the safety of others and the community are factors which may be considered in determining whether a defendant charged with committing federal crimes may be granted release on recognizance or bail; and

Whereas, New York is the only state which does not allow public safety to be a consideration in determining whether a defendant may be granted release on recognizance or bail; and

Whereas, Mayor Eric Adams, former Mayor Bill de Blasio and numerous district attorneys from across New York State have called on the legislature to include public safety amongst the factors to be considered; and

Whereas, Permitting judges to consider the safety of others and the community in determining whether a defendant may be released is necessary to ensure public safety; be it

Resolved, that the Council of the City of New York calls upon the New York State Legislature to include the safety of others and the community as factors in determining whether a defendant may be granted release on recognizance or bail.

Referred to the Committee on Public Safety.

Preconsidered L.U. No. 31

By Council Member Brannan:

Southern & Willis.YR15.FY22, Block 2268, Lot 13, Block 2285, Lots 1, 2, and 3, Block 2683, Lot 90; Bronx, Community Districts No. 1 and 2, Council District No. 8.

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

Preconsidered L.U. No. 32

Application No. C 220111 ZMK (3285 Fulton Street Rezoning) submitted by MHANY Management, Inc. and Cypress Hills Local Development Corporation, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 17c, eliminating from within an existing R5 District a C2-3 District, changing from an R5 District to an R7A District, establishing within the proposed R7A District a C2-4 District, and establishing a Special Enhanced Commercial District (EC-6), Borough of Brooklyn, Community District 5, Council District 37.

Adopted by the Council (preconsidered and approved by Committee on Land Use and the Subcommittee on Zoning & Franchises).

Preconsidered L.U. No. 33

Application No. N 220112 ZRK (3285 Fulton Street Rezoning) submitted by MHANY Management, Inc. and Cypress Hills Local Development Corporation, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Article XIII, Chapter 2 (Special Enhanced Commercial District), and modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of Brooklyn, Community District 5, Council District 37.

Adopted by the Council (preconsidered and approved by Committee on Land Use and the Subcommittee on Zoning & Franchises).

NEW YORK CITY COUNCIL

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

**New York City Council Budget and Oversight Hearings on
The Preliminary Budget for Fiscal Year 2023
The Preliminary Capital Plan for Fiscal Years 2023-2026 and
The Fiscal 2022 Preliminary Mayor’s Management Report**

Friday, March 25, 2022

10:00 a.m. Environmental Protection Committee – Remote Hearing (Virtual Room 1)
10:00 a.m. Department of Environmental Protection
11:30 a.m. Public

Monday, March 28, 2022

Committee on Criminal Justice Carlina Rivera, Chairperson
Oversight - Reducing Violence among Young Adults in City Jails.
Remote Hearing (Virtual Room 3).....10:00 a.m.

Committee on Fire and Emergency Management Joann Ariola, Chairperson
Int 29 - By Council Members Powers, Velázquez and Restler - **A Local Law** to amend the New York city fire code, in relation to outdoor gas fueled heating devices.
Remote Hearing (Virtual Room 1).....10:00 a.m.

Committee on Consumer and Worker Protection Marjorie Velázquez, Chairperson
Oversight - Consumer protections during COVID-19.
Remote Hearing (Virtual Room 2).....10:30 a.m.

Wednesday, March 30, 2022

Committee on Public Safety Kamillah Hanks, Chairperson
Oversight - Mayor’s Blueprint to End Gun Violence.
Remote Hearing (Virtual Room 1).....10:00 a.m.

Monday, April 4, 2022

Subcommittee on Landmarks, Public Sitings and Dispositions Farah N. Louis, Chairperson
See Land Use Calendar
Remote Hearing (Virtual Room 2).....10:00 a.m.

Committee on Contracts jointly with the Julie Won, Chairperson
Committee on Small Business and the Julie Menin, Chairperson
Subcommittee on Covid Recovery and Resiliency Francisco P. Moya, Chairperson
Oversight - The Impact of COVID-19 on M/WBEs.
Int 14 - By Council Members Brannan, Mealy, Menin, Louis, Won, Williams, Joseph, Riley, Restler and Brewer - **A Local Law** to amend the administrative code of the city of New York, in relation to including the most recent data available in the citywide M/WBE disparity study
Remote Hearing (Virtual Room 3).....10:30 a.m.

[Committee on Land Use](#)

Rafael Salamanca, Jr., Chairperson

All items reported out of the Subcommittees

AND SUCH OTHER BUSINESS AS MAY BE NECESSARY

Remote Hearing (Virtual Room 2).....11:30 a.m.

[Committee on Veterans](#) jointly with the
[Committee on General Welfare](#)

Robert F. Holden, Chairperson
Diana I. Ayala, Chairperson

Oversight - Update on the City's Efforts to End Veterans' Homelessness.

Res 41 - By the Public Advocate (Mr. Williams) and Council Members Hanif, Yeger and Louis - Resolution calling on Congress to pass, and the President to sign, legislation that allows service members, veterans and eligible surviving spouses to use the United States Department of Veteran Affairs home loans to purchase cooperative apartments.

Remote Hearing (Virtual Room 1).....1:00 p.m.

Wednesday, April 6, 2022

[Twin Parks Citywide Taskforce on Fire Prevention](#) jointly with the
[Committee on Fire and Emergency Management](#) and the
[Committee on Housing and Buildings](#)

Oswald Feliz, Chairperson
Joann Ariola, Chairperson
Pierina Ana Sanchez, Chairperson

Oversight - Agency Enforcement and the Twin Parks Fire.

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

[Committee on Aging](#) jointly with the
[Subcommittee on Senior Centers and Food Insecurity](#) and the
[Subcommittee on Covid Recovery and Resiliency](#)

Crystal Hudson, Chairperson
Darlene Mealy, Chairperson
Francisco P. Moya, Chairperson

Oversight - Protecting Older Adults at Older Adult Centers During the Continued COVID-19 Pandemic & Reopening Older Adults Centers.

Remote Hearing (Virtual Room 2).....1:00 p.m.

Thursday, April 7, 2022

[Stated Council Meeting](#)

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

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

The Speaker (Council Member Adams) acknowledged the Senate confirmation hearings that were taking place regarding Judge Ketanji Brown Jackson's nomination to the U.S. Supreme Court. She complimented Judge Jackson's poise, composure, and grace during the confirmation process. In celebration of her nomination, the Speaker (Council Member Adams) noted that she herself was wearing the same colors of black and blue worn by Judge Jackson on the last day of her hearing.

The Speaker (Council Member Adams) acknowledged the March 25th anniversaries of two horrific tragedies which changed the city: the March 25, 1911 Triangle Shirtwaist Company Factory fire in Greenwich Village that killed 146 individuals, many of whom were young immigrant women working in sweatshops; and the March 25, 1990 Happy Land Social Club fire in The Bronx that killed 87 immigrant New Yorkers. She noted that the Council would continue in its efforts to keep homes, businesses, and buildings in New York City safe from preventable fires. The Speaker (Council Member Adams) acknowledged the Council's creation of a Twin Parks Citywide Taskforce in the wake of the tragic January 9, 2022 Twin Parks fire in Council Member Feliz's district. She also noted that legislation was being introduced at this Stated Meeting by Council Member Feliz in response to the Twin Parks tragedy which would help protect New Yorkers from such fires in the future.

Whereupon on motion of the Speaker (Council Member Adams), the Majority Leader and Acting President Pro Tempore (Council Member Powers) adjourned these hybrid proceedings to meet again for the Stated Meeting on Thursday, April 7, 2022.

MICHAEL M. McSWEENEY, City Clerk
Clerk of the Council

Editor's Note: The scheduled April 7, 2022 Stated Meeting was subsequently deferred and a Stated Meeting was scheduled for April 14, 2022 instead.

