

THE COUNCIL

Minutes of the Proceedings for the

STATED MEETING

of

Thursday, October 27, 2022, 2:14 p.m.

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

Council Members

Adrienne E. Adams, *Speaker*

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

Absent: Council Member Salamanca.

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

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

There were 50 Council Members marked present at this Stated Meeting held in the Council Chambers at City Hall, New York, N.Y. (Council Members Ariola, Hanks, Menin, Moya, and Sanchez participated remotely).

INVOCATION

The Invocation was delivered by Pastor M. Zidde Hamatheite, Wayside Baptist Church, located at 1746-60 Broadway, Brooklyn, NY 11207.

Let us bow our heads.

Most gracious and everlasting God of a Father,
we thank you as we have gathered together
in this august body for our City Council meeting.
Thank you for all the participants,
the Council Members that are present;
and God as they have come to be able to gather together
the information required to help move this city forward,
we pray that you continue to shower them
with wisdom, knowledge, and understanding.
Give them the insight, the foresight, and testicular fortitude
to continue to keep striving
that we have a better city in times like this.
This we pray in the name of he who died and rose again.
Amen.

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

During the Communication from the Speaker segment of this meeting, the Speaker (Council Member Adams) acknowledged the death of a New Yorker who lost his life during the course of his employment: tow truck driver Carlos Santiago, 47, was killed on October 8, 2022 in a traffic accident on a shoulder of the Long Island Expressway in Queens. She noted that Mr. Santiago had been helping a fellow motorist with a disabled car when both individuals were struck by a drunk driver. Mr. Santiago was killed in the accident. On behalf of the Council, the Speaker (Council Member Adams) offered her thoughts and condolences to Mr. Santiago's friends, family, and community for their loss.

* * *

ADOPTION OF MINUTES

Council Member Stevens moved that the Minutes of the Stated Meeting of September 29, 2022 be adopted as printed.

LAND USE CALL-UPS

M-100

By The Chair of the Land Use Committee (Council Member Salamanca):

Pursuant to Sections 11.20(b-d) of the Council Rules and Section 197-d(b)(3) of the New York City Charter, the Council hereby resolves that the actions of the City Planning Commission on Application Nos. C 220311 ZSK and C 220314 ZSK (Innovative Urban Village (ENY CCC)) shall be subject to Council review. These items are related to Application Nos. C 220312 ZMK and N 220313 ZRK.

Coupled on Call-up vote.

The Majority Leader and the Acting President Pro Tempore (Council Member Powers) put the question whether the Council would agree with and adopt such motion which was 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, Sanchez, Schulman, Stevens, Ung, Velázquez, Vernikov, Williams, Won, Yeger, the Minority Leader (Council Member Borelli), the Majority Leader (Council Member Powers) and the Speaker (Council Member Adams) - **50**.

At this point, the Majority Leader and the Acting President Pro Tempore (Council Member Powers) declared the aforementioned item **adopted** and referred this item to the Committee on Land Use and to the appropriate Land Use subcommittee.

REPORTS OF THE STANDING COMMITTEES

Report of the Committee on Finance

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 for Res. No. 363

Report of the Committee on Finance in favor of a Resolution approving a Resolution approving the new designation and changes in the designation of certain organizations to receive funding in the Expense Budget.

The Committee on Finance, to which the annexed preconsidered resolution was referred on October 27, 2022, respectfully

REPORTS:

Introduction. The Council of the City of New York (the “Council”) annually adopts the City’s budget covering expenditures other than for capital projects (the “expense budget”) pursuant to Section 254 of the Charter. On June 30, 2020, the Council adopted the expense budget for fiscal year 2021 with various programs and initiatives (the “Fiscal 2021 Expense Budget”). On June 30, 2021, the Council adopted the expense budget for fiscal year 2022 with various programs and initiatives (the “Fiscal 2022 Expense Budget”). On June 13, 2022, the Council adopted the expense budget for fiscal year 2023 with various programs and initiatives (the “Fiscal 2023 Expense Budget”).

Analysis. In an effort to continue to make the budget process more transparent, the Council is providing a list setting forth new designations and/or changes in the designation of certain organizations receiving funding in accordance with the Fiscal 2023, Fiscal 2022, and Fiscal 2021 Expense Budgets and amendments to the description for the Description/Scope of Services of certain organizations receiving funding in accordance with the Fiscal 2023 (the “Charts”).

This Resolution, dated October 27, 2022, approves the new designation and the changes in the designation of certain organizations receiving local, youth, anti-poverty, aging, boroughwide needs and Speaker’s initiative to address citywide needs and community safety and victims’ services discretionary funding and funding for certain initiatives in accordance with the Fiscal 2023 Expense Budget; approves the changes in designation of certain organizations receiving funding for boroughwide needs, Speaker’s initiative to address citywide needs, local, youth, and anti-poverty discretionary funding and certain initiatives in accordance with the Fiscal 2022 Expense Budget, approves the changes in designation of certain organizations receiving local, youth, and Speaker’s initiative to address citywide needs funding in accordance with the Fiscal 2021 Expense Budget; and amends the description for the Description/Scope of Services of certain organizations receiving local and aging discretionary funding in accordance with the Fiscal 2023 Expense Budget. All new designations and changes in designations are as described in the attached Charts and Resolution.

It is to be noted that organizations identified in the attached Charts with an asterisk (*) have not yet completed or began the prequalification process conducted by the Mayor’s Office of Contract Services (for organizations to receive more than \$10,000) by the Council (for organizations to receive \$10,000 or less total), or other government agency. Organizations identified without an asterisk have completed the appropriate prequalification review.

It should also be noted that funding for organizations in the attached Charts with a double asterisk (**) will not take effect until the passage of a budget modification.

It should also be noted that changes to funding for organizations in the attached Charts with a triple asterisk (***) are corrections to designations listed in Schedule C and/or a subsequent Transparency Resolution.

Description of Above-captioned Resolution. In the above-captioned Resolution, the Council would approve the new designation and changes in the designation of certain organizations to receive funding in the Fiscal 2023, Fiscal 2022, and Fiscal 2021 Expense Budgets. Such Resolution would take effect as of the date of adoption.

Accordingly, this Committee recommends its adoption.

(The following is the text of Res. No. 363:)

Preconsidered Res. No. 363

Resolution approving the new designation and changes in the designation of certain organizations to receive funding in the Expense Budget.

By Council Members Brannan and Louis.

Whereas, On June 13, 2022, the Council of the City of New York (the “City Council”) adopted the expense budget for Fiscal Year 2023 with various programs and initiatives (the “Fiscal 2023 Expense Budget”); and

Whereas, On June 30, 2021, the Council of the City of New York (the “City Council”) adopted the expense budget for Fiscal Year 2022 with various programs and initiatives (the “Fiscal 2022 Expense Budget”); and

Whereas, On June 30, 2020 the Council adopted the expense budget for Fiscal Year 2021 with various programs and initiatives (the “Fiscal 2021 Expense Budget”); and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2023, Fiscal 2022, and Fiscal 2021 Expense Budgets by approving the new designation and changes in the designation of certain organizations receiving local, youth, aging, and anti-poverty discretionary funding, and by approving the new designation and changes in the designation of certain organizations to receive funding pursuant to certain initiatives in accordance therewith; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2023 Expense Budget by approving new Description/Scope of Services for certain organizations receiving local, youth and anti-poverty discretionary funding and certain organization receiving funding pursuant to certain initiatives; now, therefore, be it

Resolved, That the City Council approves the changes in the designation of certain organizations receiving local discretionary funding pursuant to the Fiscal 2023 Expense Budget, as set forth in Chart 1; and be it further

Resolved, That the City Council approves the changes in the designation of certain organizations receiving youth discretionary funding in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 2; and be it further

Resolved, That the City Council approves the changes in the designation of certain organizations receiving funding pursuant to the anti-poverty discretionary funding in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 3; and be it further

Resolved, That the City Council approves the change in the designation of a certain organization receiving aging discretionary funding in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 4; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the Speaker's Initiative to Address Citywide Needs Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 5; and be it further

Resolved, That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Community Safety and Victim Services Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 6; and be it further

Resolved, That the City Council approves the new designations and the changes in designation of certain organizations receiving funding pursuant to the A Greener NYC Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 7; and be it further

Resolved, That the City Council approves the new designation and the changes in designation of certain organizations receiving funding pursuant to the Cultural After-School Adventure (CASA) Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 8; and be it further

Resolved, That the City Council approves the new designations and the changes in designation of certain organizations receiving funding pursuant to the Cultural Immigrant Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 9; and be it further

Resolved, That the City Council approves the new designations and the changes in designation of certain organizations receiving funding pursuant to the Digital Inclusion and Literacy Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 10; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the Neighborhood Development Grant Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 11; and be it further

Resolved, That the City Council approves the new designations and the changes in designation of certain organizations receiving funding pursuant to the NYC Cleanup Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 12; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the Parks Equity Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 13; and be it further

Resolved, That the City Council approves the new designation and the changes in designation of certain organizations receiving funding pursuant to the Support Our Seniors Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 14; and be it further

Resolved, That the City Council approves the new designations and the change in designation of certain organizations receiving funding pursuant to Food Pantries Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 15; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the Domestic Violence and Empowerment (DoVe) Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 16; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the SU-CASA Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 17; and be it further

Resolved, That the City Council approves the changes in designation of certain organization receiving funding pursuant to the Viral Hepatitis Prevention Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 18; and be it further

Resolved, That the City Council approves the change in designation of a certain organization receiving funding pursuant to the Community Development Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 19; and be it further

Resolved, That the City Council approves the new designation of a certain organization receiving funding pursuant to the Mental Health Workforce Retention and Development Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 20; and be it further

Resolved, That the City Council approves the new designation of a certain organization receiving funding pursuant to the Social and Emotional Supports for Students Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 21; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the Support for Immigrant Women Workers Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 22; and be it further

Resolved, That the City Council approves the new designation of a certain organization receiving funding pursuant to the Job Training and Placement Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 23; and be it further

Resolved, That the City Council approves the changes of designation of certain organizations receiving funding pursuant to the Opioid Prevention and Treatment Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 24; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the Crisis Management Systems Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 25; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the Afterschool Enrichment Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 26; and be it further

Resolved, That the City Council approves the new designation and the change of designation of a certain organization receiving funding pursuant to Ending the Epidemic Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 27; and be it further

Resolved, That the City Council approves the change of designation of a certain organization receiving funding pursuant to the Adult Literacy Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 28; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the Senior Centers for Immigrant Populations Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 29; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the Naturally Occurring Retirement Communities (NORCs) Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 30; and be it further

Resolved, That the City Council approves the new designations of certain organizations receiving funding pursuant to the Senior Centers, Programs, and Enhancements Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 31; and be it further

Resolved, That the City Council approves the change in designation of a certain organization receiving funding pursuant to the Support for Arts Instruction Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 32; and be it further

Resolved, That the City Council approves the changes in designation of certain organizations receiving local discretionary funding pursuant to the Fiscal 2022 Expense Budget, as set forth in Chart 33; and be it further

Resolved, That the City Council approves the change in designation of a certain organization receiving funding pursuant to the Youth Discretionary Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 34; and be it further

Resolved, That the City Council approves the change in designation of a certain organization receiving funding pursuant to the Anti-Poverty Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 35; and be it further

Resolved, That the City Council approves the change in designation of a certain organization receiving funding pursuant to the Speaker's Initiative to Address Citywide Needs Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 36; and be it further

Resolved, That the City Council approves the change in designation of certain organizations receiving funding pursuant to the Cultural After-School Adventure (CASA) Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 37; and be it further

Resolved, That the City Council approves the changes in designation of certain organizations receiving funding pursuant to the Food Pantries Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 38; and be it further

Resolved, That the City Council approves the changes in designation of certain organizations receiving funding pursuant to the Pandemic Support for Human Service Providers Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 39; and be it further

Resolved, That the City Council approves the change in designation of a certain organization receiving funding pursuant to the Cancer Services Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 40; and be it further

Resolved, That the City Council approves the changes in designation of certain organizations receiving funding pursuant to the Viral Hepatitis Prevention Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 41; and be it further

Resolved, That the City Council approves the changes in designation of certain organizations receiving funding pursuant to the Opioid Prevention and Treatment Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 42; and be it further

Resolved, That the City Council approves the change in designation of a certain organization receiving funding pursuant to the Ending the Epidemic Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 43; and be it further

Resolved, That the City Council approves the changes in the designation of certain organizations receiving local discretionary funding pursuant to the Fiscal 2021 Expense Budget, as set forth in Chart 44 and be it further

Resolved, That the City Council approves the change in the designation of a certain organization receiving youth discretionary funding in accordance with the Fiscal 2021 Expense Budget, as set forth in Chart 45; and be it further

Resolved, That the City Council approves the change in designation of a certain organization receiving funding pursuant to the Speaker's Initiative to Address Citywide Needs Initiative in accordance with the Fiscal 2021 Expense Budget, as set forth in Chart 46; and be it further

Resolved, That the City Council amends the Purpose of Funds for certain organizations receiving funding in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 47.

(For text of the Exhibit Charts, please refer to the attachments section of [the Res. No. 363 of 2022 file](#) in the legislation section of the New York City Council website at <https://council.nyc.gov>)

JUSTIN L. BRANNAN, *Chairperson*: DIANA I. AYALA, FRANCISCO P. MOYA, KEITH POWERS, FARAH N. LOUIS, DAVID M. CARR, CHARLES BARRON, GALE A. BREWER, AMANDA FARÍAS, CHI A. OSSÉ, PIERINA ANA SANCHEZ, MARJORIE VELÁZQUEZ; 12-0-0; *Absent*: Selvena N. Brooks-Powers, Crystal Hudson, Ari Kagan, and Julie Won; *Medical*: Kamillah Hanks; Committee on Finance, October 27, 2022.

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

Report of the Committee on Land Use

Report for L.U. No. 110

Report of the Committee on Land Use in favor of approving, as modified, Application number C 210348 ZMK (Ninth Street Rezoning) submitted by Angelina Gatto Trust, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 16c, changing from an M2-1 District to an M1-4/R7A District and establishing a Special Mixed Use District (MX-25), Borough of Brooklyn, Community District 6, Council District 39.

The Committee on Land Use, to which the annexed Land Use item was referred on September 14, 2022 (Minutes, page 2197), respectfully

REPORTS:

(For text of the updated report, please see the Report of the Committee on Land Use for L.U. No. 110 & Res. No. 378 printed in the General Orders Calendar section of these Minutes)

Accordingly, this Committee recommends its adoption, as modified.

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, FARAH N. LOUIS, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, ERIK D. BOTTCHEER, ARI KAGAN, SHEKAR KRISHNAN, JOSEPH C. BORELLI; 9-0-0; *Absent*: Darlene Mealy and Pierina Ana Sanchez; *Conflict*: Carlina Rivera; *Medical*: Kamillah Hanks; Committee on Land Use, October 25, 2022.

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. 111

Report of the Committee on Land Use in favor of approving, as modified, Application number N 210349 ZRK (Ninth Street Rezoning) submitted by Angelina Gatto Trust, 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 XII, Chapter 3 (Special Mixed Use District) for the purpose of establishing a new Special Mixed Use District (MX-25) and modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of Brooklyn, Community District 6, Council District 39.

The Committee on Land Use, to which the annexed Land Use item was referred on September 14, 2022 (Minutes, page 2197), respectfully

REPORTS:

(For text of the updated report, please see the Report of the Committee on Land Use for L.U. No. 111 & Res. No. 379 printed in the General Orders Calendar section of these Minutes)

Accordingly, this Committee recommends its adoption, as modified.

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, FARAH N. LOUIS, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, ERIK D. BOTTCHER, ARI KAGAN, SHEKAR KRISHNAN, JOSEPH C. BORELLI; 9-0-0; *Absent*: Darlene Mealy and Pierina Ana Sanchez; *Conflict*: Carlina Rivera; *Medical*: Kamillah Hanks; Committee on Land Use, October 25, 2022.

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. 112

Report of the Committee on Land Use in favor of approving, as modified, Application number C 210350 ZSK (Ninth Street Rezoning) submitted by Angelina Gatto Trust, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-533 of the Zoning Resolution to waive all required accessory off-street parking spaces, for dwelling units in a development within a Transit Zone, that includes at least 20 percent of all dwelling units as income-restricted housing units, in connection with a proposed mixed use development, on property located at 153-157 9th Street and 124 8th Street (Block 1002, Lots 48, 49, 50 & 16), in M1-4/R7A* and M2-1 Districts, partially within a Special Mixed Use District (MX-25)*, Borough of Brooklyn, Community District 6, Council District 39.

The Committee on Land Use, to which the annexed Land Use item was referred on September 14, 2022 (Minutes, page 2198), respectfully

REPORTS:

(For text of the updated report, please see the Report of the Committee on Land Use for L.U. No. 112 & Res. No. 380 printed in the General Orders Calendar section of these Minutes)

Accordingly, this Committee recommends its adoption, as modified.

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, FARAH N. LOUIS, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, ERIK D. BOTTCHER, ARI KAGAN, SHEKAR KRISHNAN, JOSEPH C. BORELLI; 9-0-0; *Absent*: Darlene Mealy and Pierina Ana Sanchez; *Conflict*: Carlina Rivera; *Medical*: Kamillah Hanks; Committee on Land Use, October 25, 2022.

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. 113

Report of the Committee on Land Use in favor of approving Application No. C 220405 HAK (Gateway Site 26A and Phase 5) submitted by the New York City 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, 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, for property located at Erskine Street (Block 4586, p/o Lot 1), Borough of Brooklyn, Community District 5, Council District 42.

The Committee on Land Use, to which the annexed Land Use item was referred on September 29, 2022 (Minutes, page 2338) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:**SUBJECT****BROOKLYN CB-5 – TWO APPLICATIONS RELATED TO GATEWAY SITE 26A AND PHASE 5****C 220405 HAK (Pre. L.U. No. 113)**

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

1. pursuant to Article 16 of the General Municipal Law of New York State for:
 - a. the designation of property located at Erskine Street (Block 4586, p/o Lot 1) 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 an eight-story mixed-use building with approximately 190 affordable housing units and community facility space.

C 220406 HUK (Pre. L.U. No. 114)

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

INTENT

To approve the urban development action area designation, project approval, and disposition of city-owned property; and the Fourth Amended Urban Renewal Plan for the Fresh Creek Urban Renewal Area (FCURA) to facilitate the development a mixed-use building with approximately 190 affordable dwelling units for seniors and ground floor community facility use in the East New York neighborhood of Brooklyn, Community District 5.

PUBLIC HEARING

DATE: September 20, 2022

Witnesses in Favor: Three

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: October 19, 2022

The Subcommittee recommends that the Land Use Committee approve the decisions of the City Planning Commission on Pre. L.U. Nos. 113 and 114.

In Favor:

Louis
Feliz
De La Rosa
Marte
Nurse
Ung

Against:

None

Abstain:

None

COMMITTEE ACTION

DATE: October 25, 2022

The Committee recommends that the Council approve the attached resolutions.

In Favor:

Salamanca
Moya
Louis
Riley
Brooks-Powers
Bottcher
Kagan
Krishnan
Borelli

Against:

None

Abstain:

None

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

Res. No. 369

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 220405 HAK, approving the designation of an Urban Development Action Area, an Urban Development Action Area Project, and the disposition of city-owned property located at Erskine Street (Block 4586, p/o Lot 1), Borough of Brooklyn, Community District 5, to a developer selected by HPD (Preconsidered L.U. No. 113; C 220405 HAK).

By Council Members Salamanca and Louis.

WHEREAS, the City Planning Commission filed with the Council on September 16, 2022 its decision dated September 7, 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 Erskine Street (Block 4586, p/o Lot 1) (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;

which in conjunction with the related action would facilitate the development a mixed-use building with approximately 190 affordable dwelling units for seniors and ground floor community facility use in the East New York neighborhood of Brooklyn, Community District 5 (ULURP No. C 220405 HAK) (the “Application”);

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

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

WHEREAS, by letter dated September 9, 2022 and submitted to the Council on September 9, 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 September 20, 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 Technical Memorandum (003) issued March 24th, 2022 (CEQR No 07HPD121K) which concludes that the proposed modifications to the development program would not result in any new or different significant adverse environmental impacts as compared to the impacts identified in the 2009 Gateway Estates II Final Environmental Impact Statement (FEIS) and the prior technical memoranda.

RESOLVED:

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

Pursuant to Section 197-d of the New York City Charter, based on the environmental determination and the consideration described in the report C 220405 HAK and incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission and the HPD Requests.

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 220405 HAK and incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission and the HPD Requests.

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

The Council approves the designation of the 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:** SENIOR AFFORDABLE RENTAL APARTMENTS PROGRAM
- 2. **PROJECT:** Gateway Site 26a
- 3. **LOCATION:**
 - a. **BOROUGH:** Brooklyn
 - b. **COMMUNITY DISTRICT:** 5
 - c. **COUNCIL DISTRICT:** 42
 - d. **DISPOSITION AREA:** BLOCKS LOTS
4586 p/o 1

- 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:** 1
- 7. APPROXIMATE NUMBER OF UNITS:** 188 dwelling units, plus one unit for superintendent
- 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:** Approximately 3,493 sq. ft. of Community Facility Space
- 12. PROPOSED CODES/ORDINANCES:** None
- 13. ENVIRONMENTAL STATUS:** Environmental Impact Statement
- 14. PROPOSED TIME SCHEDULE:** Approximately 36 months from closing to completion of construction

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, FARAH N. LOUIS, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, ERIK D. BOTTCHEER, ARI KAGAN, SHEKAR KRISHNAN, JOSEPH C. BORELLI; 9-0-0; *Absent*: Darlene Mealy and Pierina Ana Sanchez; *Conflict*: Carlina Rivera; *Medical*: Kamillah Hanks; Committee on Land Use, October 25, 2022.

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

Report for L.U. No. 114

Report of the Committee on Land Use in favor of approving Application Number C 220406 HUK (Gateway Site 26A and Phase 5) submitted by the New York City 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 fourth amendment to the Fresh Creek Urban Renewal Plan, Borough of Brooklyn, Community District 5, Council District 42.

The Committee on Land Use, to which the annexed Land Use item was referred on September 29, 2022 (Minutes, page 2338) 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. 113 printed in these Minutes)

Accordingly, this Committee recommends its adoption.

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

Res. No. 370

Resolution approving the Fourth Amendment to the Fresh Creek Renewal Plan for the Fresh Creek Urban Renewal Area (FCURA) and approving the decision of the City Planning Commission on ULURP No. C 220406 HUK (Preconsidered L.U. No. 114).

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 fourth amendment to the Fresh Creek Urban Renewal Plan for the Fresh Creek Urban Renewal Area (FCURA), which in conjunction with the related action would facilitate the development of a mixed-use building with approximately 190 affordable dwelling units for seniors and community facility uses, and nine four-story buildings totaling approximately 560 affordable dwelling units, within the Fresh Creek Urban Renewal Area (FCURA) in the East New York neighborhood of Brooklyn, Community District 5 (ULURP No. C 220406 HUK) (the "Application");

WHEREAS, the City Planning Commission filed with the Council on September 16, 2022, its decision dated September 7, 2022 (the "Decision") on the Application;

WHEREAS, the New York City Department of Housing Preservation and Development submitted to the Council on September 9, 2022 its request for approval of the Fourth Amendment to the Fresh Creek Renewal Plan for the Fresh Creek Urban Renewal Area (FCURA), dated September 9, 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 September 20, 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 Technical Memorandum (003) issued March 24th, 2022 (CEQR No 07HPD121K) which concludes that the proposed modifications to the development program would not result in any new or different significant adverse environmental impacts as compared to the impacts identified in the 2009 Gateway Estates II Final Environmental Impact Statement (FEIS) and the prior technical memoranda.

RESOLVED:

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

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 220237 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, FARAH N. LOUIS, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, ERIK D. BOTTCHEER, ARI KAGAN, SHEKAR KRISHNAN, JOSEPH C. BORELLI; 9-0-0; *Absent*: Darlene Mealy and Pierina Ana Sanchez; *Conflict*: Carlina Rivera; *Medical*: Kamillah Hanks; Committee on Land Use, October 25, 2022.

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

Report for L.U. No. 116

Report of the Committee on Land Use in favor of approving, as modified, Application number C 220414 ZMQ (79-18 164th Street Rezoning) submitted by Mikhail Kantius, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 14c, eliminating from within an existing R4 District a C1-3 District, eliminating from within an existing R5D District a C1-3 District, establishing within an existing R4 District a C2-3 District and establishing within an existing R5D District a C2-3 District, Borough of Queens, Community District 8, Council District 24.

The Committee on Land Use, to which the annexed Land Use item was referred on September 29, 2022 (Minutes, page 2339), respectfully

REPORTS:

SUBJECT

QUEENS CB - 8

C 220414 ZMQ

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

1. eliminating from within an existing R4 District a C1-3 District bounded by a line 100 feet southerly of Union Turnpike, 164th Street, the westerly centerline prolongation of 81st Avenue, and a line midway between 162nd Street and 164th Street;
2. eliminating from within an existing R5D District a C1-3 District bounded by Union Turnpike, 164th Street, a line 100 feet southerly of Union Turnpike, and 162nd Street;
3. establishing within an existing R4 District a C2-3 District bounded by a line 100 feet southerly of Union Turnpike, 164th Street, the westerly centerline prolongation of 81st Avenue, and a line midway between 162nd Street and 164th Street; and
4. establishing within an existing R5D District a C2-3 District bounded by Union Turnpike, 164th Street, a line 100 feet southerly of Union Turnpike, and 162nd Street;

as shown on a diagram (for illustrative purposes only) dated May 9, 2022, and subject to the conditions of CEQR Declaration E-678.

INTENT

To approve the amendment to rezone the project area eliminating from within an existing R4 District a C1-3 District; eliminating from within an existing R5D District a C1-3 District; establishing within an existing R4 District a C2-3 District; and establishing within an existing R5D District a C2-3 District to facilitate the legalization of an existing medical research laboratory located on the second story of a two-story building at 79-18 164th Street (Block 6857, Lot 62) in the Hillcrest neighborhood of Queens, Community District 8.

PUBLIC HEARING

DATE: September 22, 2022

Witnesses in Favor: Three

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: October 6, 2022

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

In Favor:

Riley
Moya
Louis
Abreu
Bottcher
Hanks
Schulman
Carr

Against:

None

Abstain:

None

COMMITTEE ACTION

DATE: October 6, 2022

The Committee recommends that the Council approve the attached resolution (original resolution no. 356 has been amended and re-attached as 356-A).

In Favor:

Salamanca
Moya
Louis
Riley
Bottcher

Against:

None

Abstain:

None

Hanks
Kagan
Krishnan
Mealy
Sanchez
Borelli

COUNCIL ACTION

DATE: October 12, 2022

At the Stated Council meeting of October 12, 2022, the Council, by a vote of 44-0-0, passed a motion to recommit L.U. 116 and accompanying Resolution 356 to the Land Use Committee.

In Favor:	Against:	Abstain:
44	0	0

COMMITTEE ACTION

DATE: October 25, 2022

The Land Use Committee considered the application and voted to recommend approval with modifications of the decision by the City Planning Commission. The Committee recommends that the Council approve the attached resolution.

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

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

Res. No. 356-A

Resolution approving with modifications the decision of the City Planning Commission on ULURP No. C 220414 ZMQ, a Zoning Map amendment (Preconsidered L.U. No. 116).

By Council Members Salamanca and Riley.

WHEREAS, Mikhail Kantius, filed an application pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 14c, eliminating from within an existing R4

District a C1-3 District, eliminating from within an existing R5D District a C1-3 District, establishing within an existing R4 District a C2-3 District, and establishing within an existing R5D District a C2-3 District, in the Hillcrest neighborhood of Queens, Community District 8 (ULURP No. C 220414 ZMQ) (the "Application");

WHEREAS, the City Planning Commission filed with the Council on September 21, 2022 its decision dated September 21, 2022 (the "Decision") on the Application;

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on September 22, 2022;

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

WHEREAS, the Council has considered the relevant environmental issues, including the Negative Declaration issued May 6th, 2022 (CEQR No. 22DCP130Q), which includes an (E) designation to avoid the potential for significant adverse impacts related to noise (E-678) (the "Negative Declaration").

RESOLVED:

The Council finds that the action described herein will have no significant impact on the environment as set forth in the (E) Designation (E-678) and Negative Declaration.

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, C 220414 ZMQ incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission with the following modification.

Matter ~~double struck out~~ is old, deleted by the City Council;
Matter double-underlined is new, added by the City Council

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section No. 14c:

1. eliminating from within an existing R4 District a C1-3 District bounded by a line 100 feet southerly of Union Turnpike, 164th Street, the westerly centerline prolongation of 81st Avenue, and a line midway between 162nd Street and 164th Street; and
2. ~~eliminating from within an existing R5D District a C1-3 District bounded by Union Turnpike, 164th Street, a line 100 feet southerly of Union Turnpike, and 162nd Street;~~
3. establishing within an existing R4 District a C2-3 District bounded by a line 100 feet southerly of Union Turnpike, 164th Street, the westerly centerline prolongation of 81st Avenue, and a line midway between 162nd Street and 164th Street; ~~and~~
4. ~~establishing within an existing R5D District a C2-3 District bounded by Union Turnpike, 164th Street, a line 100 feet southerly of Union Turnpike, and 162nd Street;~~

as shown on a diagram (for illustrative purposes only) dated May 9, 2022, and subject to the conditions of CEQR Declaration E-678, Borough of Queens, Community District 8.

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, FARAH N. LOUIS, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, ERIK D. BOTTCHER, ARI KAGAN, SHEKAR KRISHNAN, JOSEPH C. BORELLI; 9-0-0; *Absent*: Darlene Mealy and Pierina Ana Sanchez; *Conflict*: Carlina Rivera; *Medical*: Kamillah Hanks; Committee on Land Use, October 25, 2022.

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. 119

Report of the Committee on Land Use in favor of approving Application number C 220380 HAX (Morrisania Open Door) submitted by the New York City 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, 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, for property located at 1312-1314 Chisholm Street (Block 2972, Lots 15 and 16), Borough of the Bronx, Community District 3, Council District 16.

The Committee on Land Use, to which the annexed Land Use item was referred on September 29, 2022 (Minutes, page 2340) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

BRONX CB-3 - TWO APPLICATIONS RELATED TO MORRISANIA OPEN DOOR

C 220380 HAX (L.U. No. 119)

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 1312-1314 Chisholm Street (Block 2972, Lots 15 and 16) 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 six-story building containing approximately 23 affordable housing units.

G 220020 XAX (L.U. No. 120)

Application submitted by the New York City Department of Housing Preservation and Development (HPD), pursuant to Section 577 of Article XI of the Private Housing Finance Law, for approval of an exemption

from real property taxation for property located at 1312-1314 Chisholm Street (Block 2972, Lots 15 and 16), Borough of the Bronx, Community District 3, Council District 16.

INTENT

To approve the Project as an urban development action area designation, project approval, and disposition of city-owned property; and a real property tax exemption pursuant to Section 577 of Article XI of the Private Housing Finance Law for property located at 1312-1314 Chisholm Street (Block 2972, Lots 15 and 16) to facilitate the development of a new residential building with 23 dwelling units with approximately 20,600 square feet of residential floor area in the Morrisania neighborhood of the Bronx, Community District 3.

PUBLIC HEARING

DATE: October 6, 2022

Witnesses in Favor: Five

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: October 19, 2022

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

In Favor:
Louis
Feliz
De La Rosa
Marte
Nurse
Ung

Against:
None

Abstain:
None

COMMITTEE ACTION

DATE: October 25, 2022

The Committee recommends that the Council approve the attached resolutions.

In Favor:
Salamanca
Moya
Louis
Riley
Brooks-Powers

Against:
None

Abstain:
None

Bottcher
Kagan
Krishnan
Borelli

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

Res. No. 371

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 220380 HAX, approving the designation of an Urban Development Action Area, an Urban Development Action Area Project, and the disposition of city-owned property located at 1312-1314 Chisholm Street (Block 2972, Lots 15 and 16), Borough of the Bronx, Community District 3, to a developer selected by HPD (L.U. No. 119; C 220380 HAX).

By Council Members Salamanca and Louis.

WHEREAS, the City Planning Commission filed with the Council on September 16, 2022 its decision dated August 24, 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 1312-1314 Chisholm Street (Block 2972, Lots 15 and 16), (the “Disposition Area”), approving:

- a) pursuant to Article 16 of the General Municipal Law of New York State the designation of the Disposition Area as an Urban Development Action Area;
- d) 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
- e) 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;

which in conjunction with the related action would facilitate the development of a new residential building with 23 dwelling units with approximately 20,600 square feet of residential floor area on a site located at 1312-1314 Chisholm Street in the Morrisania neighborhood of the Bronx, Community District 3 (ULURP No. C 220380 HAX) (the “Application”);

WHEREAS, the Application is related to Non-ULURP application G 220020 XAX (L.U. No. 120), a real property tax exemption pursuant to Section 577 of the Private Housing Finance Law;

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 September 23, 2022 and submitted to the Council on September 23, 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 October 6, 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 on May 2, 2022 (CEQR No. 20HPD048X) (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 220380 HAX 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 New York State, based on the environmental determination and the consideration described in the report C 220380 HAX 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 Disposition Area tends to impair or arrest the sound growth and development of the City of New York and that a designation of the Project as an urban development action area project is consistent with the policy and purposes stated in Section 691 of the General Municipal Law.

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

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

ATTACHMENT:

PROJECT SUMMARY

- 1. **PROGRAM:** OPEN DOOR PROGRAM
- 2. **PROJECT:** Morrisania Open Door
- 3. **LOCATION:**
 - a. **BOROUGH:** Bronx
 - b. **COMMUNITY DISTRICT:** 3
 - c. **COUNCIL DISTRICT:** 16

**d. DISPOSITION AREA
/EXEMPTION AREA:**

BLOCK
2972

LOTS
15 and 16

- 4. BASIS OF DISPOSITION PRICE:** Nominal. Sponsor will pay one dollar per tax lot and deliver an enforcement note and mortgage for the remainder of the appraised value (“Land Debt”).
- 5. TYPE OF PROJECT:** New Construction
- 6. APPROXIMATE NUMBER OF BUILDINGS:** One
- 7. APPROXIMATE NUMBER OF UNITS:** 22 plus one super’s unit
- 8. HOUSING TYPE:** Cooperative Units. If homes remain unsold at the end of the Marketing Period and HPD determines in writing that (i) sale is not feasible within a reasonable time, and (ii) a rental fallback is the best available alternative, then the unsold homes may be rented in accordance with the written instructions of HPD.
- 9. ESTIMATE OF INITIAL PRICE:** Sales prices will be affordable to families with annual household incomes between 80% and 130% of the area median income (AMI).
- 10. LIENS FOR LAND DEBT/CITY SUBSIDY:** Each of the Land Debt and the amount of any construction financing provided through loans from the City ("City Subsidy") will be secured by a mortgage on the Disposition Area. Upon conversion to a cooperative, the cooperative corporation will repay the Land Debt and City Subsidy, if any, attributable to the property by delivering a note and mortgage and/or conditional grant agreement to the City. At such time, HPD may unsecure or forgive all or a portion of the Land Debt, and unsecure, but not forgive, all or a portion of the City Subsidy, based on the appraised value of a homeownership unit and/or, in the case of forgiveness of Land Debt, if HPD determines that the forgiveness is necessary to reduce the taxable consideration for a unit. The sum evidenced by the note and secured by the mortgage will be reduced to zero upon maturity of the Land Debt and City Subsidy, respectively, if the owner has complied with the program’s restrictions.
- 11. INCOME TARGETS:** Families with annual household incomes between 80% and 130% of AMI.
- 12. PROPOSED FACILITIES:** None
- 13. PROPOSED CODES/ORDINANCES:** None

- 14. ENVIRONMENTAL STATUS:** Negative Declaration
- 15. PROPOSED TIME SCHEDULE:** Approximately 24 months from closing to completion of construction.

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, FARAH N. LOUIS, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, ERIK D. BOTTCHEER, ARI KAGAN, SHEKAR KRISHNAN, JOSEPH C. BORELLI; 9-0-0; *Absent*: Darlene Mealy and Pierina Ana Sanchez; *Conflict*: Carlina Rivera; *Medical*: Kamillah Hanks; Committee on Land Use, October 25, 2022.

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

Report for L.U. No. 120

Report of the Committee on Land Use in favor of approving Application number G 220020 XAX (Morrisania Open Door Article XI) submitted by the New York City Department of Housing Preservation and Development (HPD), pursuant to Section 577 of Article XI of the Private Housing Finance Law, for approval of an exemption from real property taxation for property located at 1312-1314 Chisholm Street (Block 2972, Lots 15 and 16), Borough of the Bronx, Community Districts 3, Council Districts 16.

The Committee on Land Use, to which the annexed Land Use item was referred on September 29, 2022 (Minutes, page 2340) 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. 119 printed above in these Minutes)

Accordingly, this Committee recommends its adoption.

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

Res. No. 372

Resolution approving a tax exemption pursuant to Article XI of the Private Housing Finance Law for property located at Block 2972, Lots 15 and 16, Community District 3, Borough of the Bronx (L.U. No. 120; Non-ULURP No. G 220020 XAX).

By Council Members Salamanca and Louis.

WHEREAS, the New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council on September 23, 2022 its request dated September 23, 2022 that the Council approve a real property tax exemption pursuant to Section 577 of the Private Housing Finance Law (the “Tax Exemption Request”) for property located at 1312-1314 Chisholm Street (Block 2972, Lots 15 and 16), Community District 3, Borough of the Bronx, Council District 3 (the “Exemption Area”);

WHEREAS, the Tax Exemption Request is related to application C 220380 HAX (L.U. No. 119), an Urban Development Action Area Project (UDAAP) designation, project approval, and disposition of City-owned property;

WHEREAS, upon due notice, the Council held a public hearing on the Tax Exemption Request on October 6, 2022; and

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

RESOLVED:

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

- a. For the purposes hereof, the following terms shall have the following meanings:
 - (1) “Company” shall mean Neighborhood Infill Partners LLC or any other entity that acquires the beneficial interest in the Exemption Area with the prior written consent of HPD.
 - (2) “Effective Date” shall mean the later of (i) the date of conveyance of the Exemption Area to the HDFC, or (ii) the date that HPD and the Owner enter into the Regulatory Agreement.
 - (3) “Exemption” shall mean the exemption from real property taxation provided hereunder.
 - (4) “Exemption Area” shall mean the real property located in the Borough of the Bronx, City and State of New York, identified as Block 2972, Lots 15 and 16 on the Tax Map of the City of New York.
 - (5) “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.
 - (6) “HDFC” shall mean Restored Homes Housing Development Fund Corporation or a housing development fund company that acquires the Exemption Area with the prior written consent of HPD.
 - (7) “HPD” shall mean the Department of Housing Preservation and Development of the City of New York.
 - (8) “Owner” shall mean, collectively, the HDFC and the Company.
 - (9) “Regulatory Agreement” shall mean the regulatory agreement between HPD and the Owner establishing certain controls upon the operation of the Exemption Area during the term of the Exemption.
- b. 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.

- c. Notwithstanding any provision hereof to the contrary:
- (1) 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 60 days. If the noncompliance specified in such notice is not cured within the time period specified therein, the Exemption shall prospectively terminate.
 - (2) The Exemption shall apply to all land in the Exemption Area but shall only apply to a building on the Exemption Area that has a permanent certificate of occupancy or a temporary certificate of occupancy for all of the residential areas on or before five years from the Effective Date.
 - (3) Nothing herein shall entitle the HDFC, 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.
- d. 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, 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.

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, FARAH N. LOUIS, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, ERIK D. BOTTCHER, ARI KAGAN, SHEKAR KRISHNAN, JOSEPH C. BORELLI; 9-0-0; *Absent*: Darlene Mealy and Pierina Ana Sanchez; *Conflict*: Carlina Rivera; *Medical*: Kamillah Hanks; Committee on Land Use, October 25, 2022.

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

Report for L.U. No. 121

Report of the Committee on Land Use in favor of approving Application number C 220381 HAX (Morris Heights NCP) submitted by the New York City 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, 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, for property located at 30 West 182nd Street (Block 3195, Lot 21) and 1647 Popham Avenue (Block 2877, Lot 278), Borough of the Bronx, Community District 5, Council Districts 14 and 16.

The Committee on Land Use, to which the annexed Land Use item was referred on September 29, 2022 (Minutes, page 2340) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

BRONX CB-5 - TWO APPLICATIONS RELATED TO MORRIS HEIGHTS NCP

C 220381 HAX (L.U. No. 121)

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 30 West 182nd Street (Block 3195, Lot 21) and 1647 Popham Avenue (Block 2877, Lot 278) 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 two buildings containing an approximate total of 28 affordable housing units.

G 220019 XAX (L.U. No. 122)

Application submitted by the New York City Department of Housing Preservation and Development (HPD), pursuant to Section 577 of Article XI of the Private Housing Finance Law for approval of a new real property tax exemption for property located at Block 2762, Lot 89; Block 2877, Lot 278; Block 3195, Lot 21; and Block 3225, Lot 77; and termination of the prior exemption for a portion of the Exemption Area previously approved by the New York City Council Resolution No. 526 dated September 12, 2018, Borough of the Bronx, Community Districts 2, 5, 7, Council Districts 14, 16, and 17.

INTENT

To approve the Project as an urban development action area designation, project approval, and disposition of city-owned property; and a new real property tax exemption pursuant to Section 577 of Article XI of the Private Housing Finance Law for property located at Block 2762, Lot 89; Block 2877, Lot 278; Block 3195, Lot 21; and Block 3225, Lot 77; and termination of the prior exemption for a portion of the Exemption Area previously approved by the New York City Council Resolution No. 526 dated September 12, 2018.

PUBLIC HEARING

DATE: October 6, 2022

Witnesses in Favor: Five

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: October 19, 2022

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

In Favor:

Louis
Feliz
De La Rosa
Marte
Nurse
Ung

Against:

None

Abstain:

None

COMMITTEE ACTION

DATE: October 25, 2022

The Committee recommends that the Council approve the attached resolutions.

In Favor:

Salamanca
Moya
Louis
Riley
Brooks-Powers
Bottcher
Kagan
Krishnan
Borelli

Against:

None

Abstain:

None

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

Res. No. 373

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 220381 HAX, approving the designation of an Urban Development Action Area, an Urban Development Action Area Project, and the disposition of city-owned property located at 30 West 182nd

Street (Block 3195, Lot 21) and 1647 Popham Avenue (Block 2877, Lot 278), Borough of the Bronx, Community District 5, to a developer selected by HPD (L.U. No. 121; C 220381 HAX).

By Council Members Salamanca and Louis.

WHEREAS, the City Planning Commission filed with the Council on September 16, 2022 its decision dated August 24, 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 30 West 182nd Street (Block 3195, Lot 21) and 1647 Popham Avenue (Block 2877, Lot 278), (the “Disposition Area”), approving:

- a) pursuant to Article 16 of the General Municipal Law of New York State the designation of the 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;

which in conjunction with the related action would facilitate the development of two new residential buildings with a total of 28 dwelling units on two sites in the Morris Heights section of the Bronx, Community District 5 (ULURP No. C 220381 HAX) (the “Application”);

WHEREAS, the Application is related to Non-ULURP application G 220019 XAX (L.U. No. 122), a real property tax exemption pursuant to Section 577 of the Private Housing Finance Law;

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 September 23, 2022 and submitted to the Council on September 23, 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 October 6, 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 on May 2, 2022 (CEQR No. 20HPD048X) (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 220381 HAX 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 New York State, based on the environmental determination and the consideration described in the report C 220381 HAX 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 Disposition Area tends to impair or arrest the sound growth and development of the City of New York and that a designation of the Project as an urban development action area project is consistent with the policy and purposes stated in Section 691 of the General Municipal Law.

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

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

ATTACHMENT:

PROJECT SUMMARY

- 1. **PROGRAM:** NEIGHBORHOOD CONSTRUCTION PROGRAM
- 2. **PROJECT:** Morris Heights NCP
- 3. **LOCATION:**
 - a. **BOROUGH:** Bronx
 - b. **COMMUNITY DISTRICT:** 5
 - c. **COUNCIL DISTRICT:** 14 and 16
 - d. **DISPOSITION AREA:**

<u>BLOCK</u>	<u>LOT(S)</u>	<u>ADDRESS(ES)</u>
2877	278	1647 Popham Avenue
3195	21	30 West 182 nd Street
- 4. **BASIS OF DISPOSITION PRICE:** Nominal. Sponsor will pay one dollar per lot and 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 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:** Two
- 7. **APPROXIMATE NUMBER OF UNITS:** 27 dwelling units plus one superintendent unit
- 8. **HOUSING TYPE:** Rental
- 9. **ESTIMATE OF INITIAL RENTS** Rents will be affordable to families with incomes between 30% and 80% of area median income (AMI). Formerly homeless tenants referred by DHS and other City agencies will pay up to 30% of their income as rent. All units will be subject to rent stabilization.
- 10. **INCOME TARGETS** Up to 80% of AMI.
- 11. **PROPOSED FACILITIES:** None
- 12. **PROPOSED CODES/ORDINANCES:** None
- 13. **ENVIRONMENTAL STATUS:** Negative Declaration
- 14. **PROPOSED TIME SCHEDULE:** Approximately 24 months from closing to completion of construction

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, FARAH N. LOUIS, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, ERIK D. BOTTCHEER, ARI KAGAN, SHEKAR KRISHNAN, JOSEPH C. BORELLI; 9-0-0; *Absent:* Darlene Mealy and Pierina Ana Sanchez; *Conflict:* Carlina Rivera; *Medical:* Kamillah Hanks; Committee on Land Use, October 25, 2022.

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

Report for L.U. No. 122

Report of the Committee on Land Use in favor of approving Application number G 220019 XAX (Morris Heights NCP Article XI) submitted by the New York City Department of Housing Preservation and Development (HPD), pursuant to Section 577 of Article XI of the Private Housing Finance Law, for approval of an exemption from real property taxation for property located at Block 2762, Lot 89, Block 2877, Lot 278, Block 3195, Lot 21, and Block 3225, Lot 77, Borough of the Bronx, Community Districts 2, 5, and 7, Council Districts 14, 16, and 17.

The Committee on Land Use, to which the annexed Land Use item was referred on September 29, 2022 (Minutes, page 2341) 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. 121 printed above in these Minutes)

Accordingly, this Committee recommends its adoption.

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

Res. No. 374

Resolution approving a new tax exemption pursuant to Article XI of the Private Housing Finance Law and termination of the prior tax exemption for property located at Block 2762, Lot 89; Block 2877, Lot 278; Block 3195, Lot 21; and Block 3225, Lot 77; , Community Districts 2, 5, and 7, Borough of the Bronx, (L.U. No. 122; Non-ULURP No. G 220019 XAX).

By Council Members Salamanca and Louis.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on September 23, 2022 its request dated September 23, 2022 that the Council approve a new real property tax exemption pursuant to Section 577 of Article XI of the Private Housing Finance Law (the "Tax Exemption Request") for property located at Block 2762, Lot 89; Block 2877, Lot 278; Block 3195, Lot 21; and Block 3225, Lot 77; and termination of the prior exemption for property located at Block 2762, Lot 89 and Block 3225, Lot 77, Community Districts 2, 5, and 7, Borough of the Bronx, Council Districts 14, 16, and 17 (the "Exemption Area");

WHEREAS, the Tax Exemption Request is related to application C 220381 HAX (L.U. No. 121), an Urban Development Action Area Project (UDAAP) designation, project approval, and disposition of City-owned property;

WHEREAS, the request made by the New York City Department of Housing and Development is related to a previously approved City Council Resolution No. 526 (L.U. No. 181) dated September 12, 2018 (the "Original Resolution");

WHEREAS, upon due notice, the Council held a public hearing on the Tax Exemption Request on October 6, 2022; and

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

RESOLVED:

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

1. For the purposes hereof, the following terms shall have the following meanings:
 - a. "Company" shall mean Morris Heights NCP LLC or any other entity that acquires the beneficial interest in the Exemption Area with the prior written consent of HPD.
 - b. "Effective Date" shall mean the later of (i) the date of conveyance of the Exemption Area to the HDFC, or (ii) the date that HPD and the Owner enter into the Regulatory Agreement.

- c. “Exemption Area” shall mean the real property located in the Borough of the Bronx, City and State of New York, identified as Block 2762, Lot 89, Block 2877, Lot 278, Block 3195, Lot 21, and Block 3225, Lot 77 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 HP Morris Heights NCP Housing Development Fund Company, Inc. 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. “New Exemption” shall mean the exemption from real property taxation provided hereunder with respect to the Exemption Area.
 - h. “Owner” shall mean, collectively, the HDFC and the Company.
 - i. “Prior Exemption” shall mean the exemption from real property taxation pursuant to Section 577 of the Private Housing Finance Law for a portion of the Exemption Area approved by the New York City Council on September 12, 2018 (Resolution No. 526).
 - j. “Regulatory Agreement” shall mean the regulatory agreement between HPD and the Owner that is executed on or after August 1, 2022 and that establishes certain controls upon the operation of the Exemption Area during the term of the New Exemption.
- 2. The Prior Exemption shall terminate with respect to the Exemption Area upon the Effective Date.
 - 3. 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.
 - 4. Notwithstanding any provision hereof to the contrary:
 - a. The New 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 New Exemption shall prospectively terminate.

- b. The New Exemption shall apply to all land in the Exemption Area, but shall only apply to buildings on the Exemption Area that have a new permanent certificate of occupancy or a temporary certificate of occupancy for all of the residential areas on or before five years from the Effective Date.
 - c. Nothing herein shall entitle the HDFC, 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.
 - d. All previous resolutions, if any, providing an exemption from or abatement of real property taxation with respect to the Exemption Area are hereby revoked as of the Effective Date.
5. In consideration of the New 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, 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.

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, FARAH N. LOUIS, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, ERIK D. BOTTCHEER, ARI KAGAN, SHEKAR KRISHNAN, JOSEPH C. BORELLI; 9-0-0; *Absent*: Darlene Mealy and Pierina Ana Sanchez; *Conflict*: Carlina Rivera; *Medical*: Kamillah Hanks; Committee on Land Use, October 25, 2022.

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

Report for L.U. No. 123

Report of the Committee on Land Use in favor of approving Application number G 220022 NUX (Morrisania Claremont Village Open Door) submitted by the New York City Department of Housing Preservation and Development (HPD), pursuant to Article 16 of the General Municipal Law for the approval of an urban development action area project and real property tax exemption for properties located at 3341 Third Avenue (Block 2370, Lot 143), 1325 Chisholm Street (Block 2971, Lot 35), 1319A Chisholm Street (Block 2971, Lot 38), 1319 Chisholm Street (Block 2971, Lot 39), 1234 East 223rd Street (Block 4897, Lot 63), 1316 Findlay Avenue (Block 2782, Lot 13), 294 East 164th Street (Block 2423, Lot 33), Borough of the Bronx, Community District 3, 4, and 12, Council Districts 12 and 16.

The Committee on Land Use, to which the annexed Land Use item was referred on September 29, 2022 (Minutes, page 2341) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT**BRONX CBs-3, 4, and 12 - TWO APPLICATIONS RELATED TO MORRISANIA
OPEN DOOR****G 220022 NUX (L.U. No. 123)**

Application submitted by the New York City Department of Housing Preservation and Development (HPD), pursuant to Article 16 of the General Municipal Law for the approval of an Urban Development Action Area Project, the waiver of the area designation requirements, the waiver of the requirements of Section 197-c and 197-d of the Charter, and an exemption from real property taxes for property located at 3341 Third Avenue (Block 2370, Lot 143), 1325 Chisholm Street (Block 2971, Lot 35), 1319A Chisholm Street (Block 2971, Lot 38), 1319 Chisholm Street (Block 2971, Lot 39), 1234 East 223rd Street (Block 4897, Lot 63), 1316 Findlay Avenue (Block 2782, Lot 13), and 294 East 164th Street (Block 2423, Lot 33), Borough of the Bronx, Community Districts 3, 4, and 12, Council Districts 12 and 16.

G 220021 XAX (L.U. No. 124)

Application submitted by the New York City Department of Housing Preservation and Development (HPD), pursuant to Section 577 of Article XI of the Private Housing Finance Law, for approval of an exemption from real property taxation for property located at Block 2370, Lot 143; Block 2782, Lot 13; Block 2971, Lots 35, 38, and 39; and Block 4897, Lot 63, Borough of the Bronx, Community Districts 3, 4, and 12, Council Districts 12 and 16.

INTENT

To approve the Project pursuant to Article 16 of the General Municipal Law as an Urban Development Action Area Project and a real property tax exemption pursuant to Section 577 of Article XI of the Private Housing Finance Law for property located at Block 2370, Lot 143; Block 2782, Lot 13; Block 2971, Lots 35, 38, and 39; and Block 4897, Lot 63 to facilitate the development of a new construction of approximately seven two-family homes containing a total of approximately 14 dwelling units in the Morrisania neighborhood of the Bronx, Community Districts 3, 4, and 12.

PUBLIC HEARING

DATE: October 6, 2022

Witnesses in Favor: Five

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: October 19, 2022

The Subcommittee recommends that the Land Use Committee approve the proposal and grant the requests made by the Department of Housing and Preservation (HPD).

In Favor:

Louis
Feliz
De La Rosa
Marte
Nurse
Ung

Against:

None

Abstain:

None

COMMITTEE ACTION

DATE: October 25, 2022

The Committee recommends that the Council approve the attached resolutions.

In Favor:

Salamanca
Moya
Louis
Riley
Brooks-Powers
Bottcher
Kagan
Krishnan
Borelli

Against:

None

Abstain:

None

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

Res. No. 375

Resolution approving an Urban Development Action Area Project and real property tax exemption request pursuant to Article 16 of the General Municipal Law for property located at 3341 Third Avenue (Block 2370, Lot 143), 1325 Chisholm Street (Block 2971, Lot 35), 1319A Chisholm Street (Block 2971, Lot 38), 1319 Chisholm Street (Block 2971, Lot 39), 1234 East 223rd Street (Block 4897, Lot 63), 1316 Findlay Avenue (Block 2782, Lot 13), and 294 East 164th Street (Block 2423, Lot 33), Borough of the Bronx; and waiving the urban development action area designation requirement and the Uniform Land Use Review Procedure, Community Districts 3, 4, and 12, Borough of the Bronx (L.U. No. 123; G 220022 NUX).

By Council Members Salamanca and Louis.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on September 23, 2022 its request dated September 23, 2022 that the Council take the

following actions regarding the proposed Urban Development Action Area Project (the "Project") located at 3341 Third Avenue (Block 2370, Lot 143), 1325 Chisholm Street (Block 2971, Lot 35), 1319A Chisholm Street (Block 2971, Lot 38), 1319 Chisholm Street (Block 2971, Lot 39), 1234 East 223rd Street (Block 4897, Lot 63), 1316 Findlay Avenue (Block 2782, Lot 13), and 294 East 164th Street (Block 2423, Lot 33), Community Districts 3, 4, and 12, Borough of the Bronx (the "Project Area"):

1. Find that the present status of the Project Area tends to impair or arrest the sound growth and development of the municipality and that the proposed Urban Development Action Area Project is consistent with the policy and purposes of Section 691 of the General Municipal Law;
2. Waive the area designation requirement of Section 693 of the General Municipal Law pursuant to Section 693 of the General Municipal Law;
3. Waive the requirements of Sections 197-c and 197-d of the Charter pursuant to Section 694 of the General Municipal Law;
4. Approve the project as an Urban Development Action Area Project pursuant to Section 694 of the General Municipal Law; and
5. Approve the exemption of the project from real property taxes pursuant to Section 696 of the General Municipal Law.

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

WHEREAS, the Application is related to application G 220021 XAX (L.U. 124), a real property tax exemption pursuant to Section 577 of Article XI of the Private Housing Finance Law;

WHEREAS, upon due notice, the Council held a public hearing on the Project on October 6, 2022; and

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

RESOLVED:

The Council finds that the present status of the Project Area tends to impair or arrest the sound growth and development of the municipality and that the proposed Urban Development Action Area Project is consistent with the policy and purposes of Section 691 of the General Municipal Law.

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

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

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

The Project shall be developed in a manner consistent with the Project Summary that HPD has submitted to the Council on September 19, 2022, a copy of which is attached hereto.

The Tax Exemption of the Exemption Area from real property taxes pursuant to Section 696 of the General Municipal Law is approved as follows:

- a. All of the value of the buildings, structures, and other improvements situated on the Exemption Area shall be exempt from local and municipal taxes, other than assessments for local improvements and land value, for a period of 20 years commencing on the date of reconveyance of the Exemption Area to an owner which is not a housing development fund company ("UDAAP Commencement Date"); provided, however, that such exemption shall decrease in ten equal annual decrements commencing upon the July 1st immediately preceding the tenth anniversary of the UDAAP Commencement Date.
- b. In consideration of the tax exemption pursuant to Section 696 of the General Municipal Law provided hereunder ("UDAAP Exemption"), the owner of the Exemption Area shall waive the benefits, if any, of any Alternative Tax Benefit for so long as the UDAAP Exemption shall remain in effect.
- c. The UDAAP Exemption shall terminate with respect to all or any portion of the Exemption Area if the Department of Housing Preservation and Development ("HPD") determines that such real property has not been, or is not being, developed, used, and/or operated in compliance with the requirements of all applicable agreements made by the transferee or any subsequent owner of such real property with, or for the benefit of, the City of New York. HPD shall deliver written notice of any such determination of noncompliance to the owner of such real property and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than 90 days. If the noncompliance specified in such notice is not cured within the time period specified therein, the UDAAP Exemption shall prospectively terminate with respect to the real property specified therein.
- d. Notwithstanding any other provision to the contrary, the combined duration of the Article XI Exemption and the UDAAP Exemption shall not exceed 25 years.
- e. The provisions of the UDAAP Exemption shall apply separately to each individual property comprising the Exemption Area, and a sale or other event which would cause the expiration, termination, or revocation of the UDAAP Exemption with respect to one property in the Exemption Area shall not affect the continued validity of the UDAAP Exemption with respect to other properties in the Exemption Area.

ATTACHMENT:

PROJECT SUMMARY

- 1. **PROGRAM:** OPEN DOOR PROGRAM
- 2. **PROJECT:** Morrisania Claremont Village Open Door (Fee Simple)
- 3. **LOCATION:**
 - a. **BOROUGH:** Bronx
 - b. **COMMUNITY DISTRICT:** 3, 4, & 12
 - c. **COUNCIL DISTRICT:** 12 & 16

d. DISPOSITION AREA:	<u>BLOCKS</u>	<u>LOTS</u>
	2370	143
	2971	35, 38, and 39
	4897	63
	2782	13

e. PROJECT AREA:	<u>BLOCKS</u>	<u>LOTS</u>
	2370	143
	2971	35, 38, and 39
	4897	63
	2782	13
2423	33	

- 4. BASIS OF DISPOSITION PRICE:** Nominal. Sponsor will pay one dollar per tax lot and deliver a note and mortgage for the remainder of the appraised value (“Land Debt”).
- 5. TYPE OF PROJECT:** New Construction
- 6. APPROXIMATE NUMBER OF BUILDINGS:** Seven 2-Family Homes
- 7. APPROXIMATE NUMBER OF UNITS:** 14
- 8. HOUSING TYPE:** Two-Family Homes. If homes remain unsold at the end of the Marketing Period and HPD determines in writing that (i) sale is not feasible within a reasonable time, and (ii) a rental fallback is the best available alternative, then the unsold homes may be rented in accordance with the written instructions of HPD.
- 9. ESTIMATE OF INITIAL PRICE:** Sales prices will be affordable to families with annual household incomes between 80% and 130% of the area median income (AMI).
- 10. LIENS FOR LAND DEBT/CITY SUBSIDY:** Each of the Land Debt and the amount of any construction financing provided through loans from the City ("City Subsidy") will be secured by a mortgage on the Disposition Area. Upon the sale of each homeownership unit to an initial purchaser, the Land Debt and City Subsidy, if any, will be apportioned pro rata to each unit. At such time, HPD may unsecure or forgive all or a portion of the Land Debt, and unsecure, but not forgive, all or a portion of the City Subsidy, based on the appraised value of a homeownership unit and/or, in the case of forgiveness of Land Debt, if HPD determines that the forgiveness is necessary to reduce the taxable consideration for a unit. The sum evidenced by the note and secured by the mortgage will be reduced to zero upon maturity of the Land Debt and City Subsidy, respectively, if the owner has complied with the program’s restrictions.

- | | |
|---------------------------------------|---|
| 11. INCOME TARGETS: | Families with annual household incomes between 80% and 130% of AMI. |
| 12. PROPOSED FACILITIES: | None |
| 13. PROPOSED CODES/ORDINANCES: | None |
| 14. ENVIRONMENTAL STATUS: | Negative Declaration |
| 15. PROPOSED TIME SCHEDULE: | Approximately 24 months from closing to completion of construction. |

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, FARAH N. LOUIS, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, ERIK D. BOTTCHER, ARI KAGAN, SHEKAR KRISHNAN, JOSEPH C. BORELLI; 9-0-0; *Absent*: Darlene Mealy and Pierina Ana Sanchez; *Conflict*: Carlina Rivera; *Medical*: Kamillah Hanks; Committee on Land Use, October 25, 2022.

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

Report for L.U. No. 124

Report of the Committee on Land Use in favor of approving Application number G 220021 XAX (Morrisania Claremont Village Open Door Article XI) submitted by the New York City Department of Housing Preservation and Development (HPD), pursuant to Section 577 of Article XI of the Private Housing Finance Law, for approval of an exemption from real property taxation for property located at Block 2370, Lot 143, Block 2782, Lot 13, Block 2971, Lots 35, 38, and 39, Block 4897, Lot 63, Borough of the Bronx, Community Districts 3, 4, and 12, Council Districts 12 and 16.

The Committee on Land Use, to which the annexed Land Use item was referred on September 29, 2022 (Minutes, page 2341) 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. 123 printed above in these Minutes)

Accordingly, this Committee recommends its adoption.

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

Res. No. 376

Resolution approving a tax exemption pursuant to Article XI of the Private Housing Finance Law for property located at Block 2370, Lot 143; Block 2782, Lot 13; Block 2971, Lots 35, 38, and 39; Block 4897, Lot 63, Community Districts 3, 4, and 12, Borough of the Bronx (L.U. No. 124; Non-ULURP No. G 220021 XAX).

By Council Members Salamanca and Louis.

WHEREAS, the New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council on September 23, 2022 its request dated September 23, 2022 that the Council approve a real property tax exemption pursuant to Section 577 of the Private Housing Finance Law (the “Tax Exemption Request”) for property located at Block 2370, Lot 143; Block 2782, Lot 13; Block 2971, Lots 35, 38, and 39; and Block 4897, Lot 63, Borough of the Bronx, Community Districts 3, 4, and 12, Council Districts 12 and 16 (the “Exemption Area”);

WHEREAS, the Application is related to application G 220022 NUX (L.U. No. 123), an Urban Development Action Area Project (UDAAP) and a real property tax exemption pursuant to Section 696 of the General Municipal Law;

WHEREAS, upon due notice, the Council held a public hearing on the Tax Exemption Request on October 6, 2022; and

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

RESOLVED:

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

1. For the purposes hereof, the following terms shall have the following meanings:
 - a. “Company” shall mean Neighborhood Infill Partners LLC or any other entity that acquires the beneficial interest in the Exemption Area with the prior written consent of HPD.
 - b. “Effective Date” shall mean the later of (i) the date of conveyance of the Exemption Area to the HDFC, or (ii) the date that HPD and the Owner enter into the Regulatory Agreement.
 - c. “Exemption” shall mean the exemption from real property taxation provided hereunder.
 - d. “Exemption Area” shall mean the real property located in the Borough of the Bronx, City and State of New York, identified as Block 2370, Lot 143, Block 2782, Lot 13, Block 2971, Lots 35, 38, and 39, and Block 4897, Lot 63 on the Tax Map of the City of New York.
 - e. “Expiration Date” shall mean the earlier to occur of (i) a date which is five (5) 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.
 - f. “HDFC” shall mean Restored Homes Housing Development Fund Corporation or a housing development fund company that acquires the Exemption Area with the prior written consent of HPD.
 - g. “HPD” shall mean the Department of Housing Preservation and Development of the City of New York.
 - h. “Owner” shall mean, collectively, the HDFC and the Company.

- i. “Regulatory Agreement” shall mean the regulatory agreement between HPD and the Owner establishing 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 PHFL, (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 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 have a permanent certificate of occupancy or a temporary certificate of occupancy for all of the residential areas on or before five years from the Effective Date.
 - c. Nothing herein shall entitle the HDFC, 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, 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.

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, FARAH N. LOUIS, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, ERIK D. BOTTCHEER, ARI KAGAN, SHEKAR KRISHNAN, JOSEPH C. BORELLI; 9-0-0; *Absent*: Darlene Mealy and Pierina Ana Sanchez; *Conflict*: Carlina Rivera; *Medical*: Kamillah Hanks; Committee on Land Use, October 25, 2022.

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

Report for L.U. No. 125

Report of the Committee on Land Use in favor of approving Application No. G 220023 NUK (Gateway) submitted by the New York City Department of Housing Preservation and Development pursuant to Article 16 of the General Municipal Law for an amendment of a previously approved Resolution No. 1907 of April 2, 2009, relating to property including Block 4444, p/o Lot 1, Block 4445, p/o Lot 1, Block 4446, p/o Lot 1, Block 4448, Lot 1, and Block 4452, p/o Lot 170, Borough of Brooklyn, Community District 5, Council District 42.

The Committee on Land Use, to which the annexed Land Use item was referred on October 12, 2022 (Minutes, page 2492) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

BROOKLYN CB - 5

G 220023 NUK

Application submitted by the New York City Department of Housing Preservation and Development (HPD), pursuant to Article 16 of the General Municipal Law for an amendment of a previously approved Resolution No. 1907 of April 2, 2009, relating to property including Block 4444, p/o Lot 1, Block 4445, p/o Lot 1, Block 4446, p/o Lot 1, Block 4448, Lot 1, and Block 4452, p/o Lot 170, Borough of Brooklyn, Community District 5, Council District 42.

INTENT

To approve the Amended Project as an Urban Development Action Area Project pursuant to Section 694 of the General Municipal Law.

PUBLIC HEARING

DATE: October 19, 2022

Witnesses in Favor: One

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: October 19, 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
 De La Rosa
 Marte
 Nurse
 Ung

Against:
 None

Abstain:
 None

COMMITTEE ACTION

DATE: October 25, 2022

The Committee recommends that the Council approve the attached resolution.

In Favor:
 Salamanca
 Moya
 Louis
 Riley
 Brooks-Powers
 Bottcher
 Kagan
 Krishnan
 Borelli

Against:
 None

Abstain:
 None

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

Res. No. 377

Resolution approving an Amended Project as an Urban Development Action Area Project pursuant to Article 16 of the General Municipal Law, for property located at Block 4444, p/o Lot 1; Block 4445, p/o Lot 1; Block 4446, p/o Lot 1; Block 4448, Lot 1; and Block 4452, p/o Lot 170, Borough of Brooklyn, Community District 5 (L.U. No. 125; G 220023 NUK).

By Council Members Salamanca and Louis.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council September 9, 2022 its request dated September 8, 2022, pursuant to Article 16 of the General Municipal Law, that the Council approve an Amended Project as an Urban Development Area Project (the "Amended Project") for property located at Block 4444, p/o Lot 1; Block 4445, p/o Lot 1; Block 4446, p/o Lot 1; Block 4448, Lot 1; and Block 4452, p/o Lot 170, Community District 5, Borough of Brooklyn (the "Project Area");

WHEREAS, the request made by the New York City Department of Housing and Development is related to a previously approved City Council Resolution No. 1907 (L.U. No. 1012) dated April 2, 2009 (the "Original Resolution");

WHEREAS, upon due notice, the Council held a public hearing on the Amended Project on October 19, 2022; and

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

RESOLVED:

The Council approves the Amended Project as an Urban Development Action Area Project pursuant to Article 16 of the General Municipal Law.

The Amended Project shall be developed upon the terms and conditions in the Amended Project Summary that HPD has submitted to the Council on September 9, 2022, a copy of which is attached hereto.

ATTACHMENT:

PROJECT SUMMARY

- 1. **PROGRAM:** Gateway Estates Large Scale Development
- 2. **PROJECT:** Gateway Estates II
- 3. **LOCATION:**
 - a. **BOROUGH:** Brooklyn
 - b. **COMMUNITY DISTRICT:** 5
 - c. **COUNCIL DISTRICT:** 42
 - d. **DISPOSITION AREA*:**

<u>BLOCK</u>	<u>LOT(S)</u>
Block 4444	p/o Lot 1
Block 4445	Lot 1
Block 4446	Lot 1
Block 4447	p/o Lot 1
Block 4448	Lot 1
Block 4449	Lot 1
Block 4452	Lots 600, 700, p/o 170 and p/o 400
Block 4586	p/o Lot 1
 - e. **PROJECT AREA*:**

<u>BLOCK</u>	<u>LOT(S)</u>
Block 4444	p/o Lot 1
Block 4445	Lot 1
Block 4446	Lot 1
Block 4447	p/o Lot 1
Block 4448	Lot 1

* Blocks and Lots listed under Disposition Area, Project Area, and Exemption Area do not reflect tax lot apportionments after April 2, 2009.

Block 4449	Lot 1
Block 4452	p/o Lot 170, Lot 400, 600 and 700
Block 4586	p/o Lot 1

f. EXEMPTION AREA*:

<u>BLOCK</u>	<u>LOT(S)</u>
Block 4444	p/o Lot 1
Block 4445	p/o Lot 1
Block 4446	p/o Lot 1
Block 4448	p/o Lot 1
Block 4452	p/o Lot 170 and p/o Lot 400
Block 4586	p/o Lot 1

4. BASIS OF DISPOSITION PRICE:

Negotiated (commercial portion of the project) and nominal (residential portions of the project).

Sponsors for the residential portions of the project will deliver enforcement notes and mortgages for the difference between the appraised value and negotiated cash price (“Land Debt”). The Land Debt will be allocated proportionately among the phases and the buildings and units within each phase.

For a period of fifteen (15) years following completion of construction, the portion of the Land Debt that encumbers the cooperative buildings will be repayable out of resale or refinancing profits, with the remaining balance, if any, forgiven in the 15th year.

For a period of fifteen (15) years following completion of construction, the portion of the Land Debt that encumbers the one- to three- family homes will be repayable out of resale or refinancing profits and will evaporate over 15 years of owner occupancy in accordance with a formula determined by HPD.

For a period of at least thirty (30) years following completion of construction, the Land Debt or the City’s capital subsidy that encumbers the rental buildings may be repayable out of resale or refinancing profits. The remaining balance, if any, may be forgiven at the end of the term.

For a period of fifteen (15) years following completion of construction, the portion of the land Land Debt that encumbers the condominium units will be repayable out of resale or refinancing profits and will evaporate over 15 years of owner occupancy in accordance with a formula determined by HPD.

5. TYPE OF PROJECT:

New Construction

- 6. APPROXIMATE NUMBER OF RESIDENTIAL BUILDINGS:** 540 residential buildings, consisting of approximately up to (i) 451 1-3 family homes, (ii) 70 8-unit buildings, and (iii) 19 6- to 8-story multiple dwellings
- 7. APPROXIMATE NUMBER OF RESIDENTIAL UNITS:** 2,477
- 8. HOUSING TYPE:** One to Three-family Homes, Condominiums, Cooperative, and Rental. If homes or condominium units remain unsold at the end of the Marketing Period and HPD determines in writing that (i) sale is not feasible within a reasonable time, and (ii) a rental fallback is the best available alternative, then the unsold homes or units may be rented in accordance with the written instructions of HPD. If cooperative units remain unsold at the end of the Marketing Period and HPD determines in writing that (i) sale is not feasible within a reasonable time and (ii) a rental fallback is the best alternative, then the cooperative building(s) may be operated as rental housing in accordance with the written instructions of HPD.
- 9. ESTIMATE OF INITIAL PRICE OF HOMEOWNERSHIP UNITS:** Prices of cooperative units, condominium units, and homes shall be affordable to households earning up to 130% of Area Median Income (AMI). Purchasers must also repay the Land Debt attribute to their units or homes by delivering case and/or notes and appropriate security instruments to the City. A portion of the Land Debt for such units or homes may be forgiven or unsecured based on the unit's or home's post-rehabilitation appraised value. The Land Debt attributable to a unit or home evaporates over 15 years of owner-occupancy in accordance with a formula determined by HPD. Initial purchasers and subsequent owners of restricted homes or restricted units are also required to make payments to the City out of resale or refinancing profits to the extent of the Land Debt on such home or unit.
- 10. ESTIMATE OF INITIAL RENTS FOR RESIDENTIAL UNITS:** Rents for the rental units shall be affordable to households earning up to 90% of AMI. All rental units will be subject to rent stabilization. Formerly homeless tenants referred by DHS and other City agencies will pay up to 30% of their income as rent.
- 10. INCOME TARGETS** Condominium units, cooperative units and one- to three-family homes will be sold to families earning up to 130% AMI. Rental units will be rented to families earning up to 90% AMI.

- 11. PROPOSED FACILITIES:** Approximately 688,000 square feet of commercial space (of which approximately 620,000 square feet comprises the commercial portion of the project and approximately 68,000 square feet comprises the ground floor retail space in the residential portions of the project).
- Daycare facility, Intermediate/High School, public parks, and additional community/public facility to be determined
- 12. PROPOSED CODES/ORDINANCES:** None
- 13. ENVIRONMENTAL STATUS:** Environmental Impact Statement
- 14. PROPOSED TIME SCHEDULE:** Approximately 48 months from closing to completion of construction

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, FARAH N. LOUIS, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, ERIK D. BOTTCHEER, ARI KAGAN, SHEKAR KRISHNAN, JOSEPH C. BORELLI; 9-0-0; *Absent*: Darlene Mealy and Pierina Ana Sanchez; *Conflict*: Carlina Rivera; *Medical*: Kamillah Hanks; Committee on Land Use, October 25, 2022.

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

Report of the Committee on Sanitation and Solid Waste Management

Report for Int. No. 414-A

Report of the Committee on Sanitation and Solid Waste Management in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to rat mitigation progress in rat mitigation zones.

The Committee on Sanitation and Solid Waste Management, to which the annexed proposed amended local law was referred on May 19, 2022 (Minutes, page 1110), respectfully

REPORTS:

I. INTRODUCTION

On October 26, 2022, the Committee on Sanitation and Solid Waste Management (the “Committee”), chaired by Council Member Sandy Nurse, will hold a hearing on Proposed Int. No. 414-A, in relation to rat mitigation progress in rat mitigation zones; Proposed Int. No. 442-A, in relation to abating rodents as a requirement for the issuance of certain construction permits; Proposed Int. No. 459-A, in relation to rat mitigation

zones; and Proposed Int. No. 460-A, in relation to receptacles in a building or dwelling that has a high concentration of rodent infestation. The Committee previously heard these bills at a hearing on June 21, 2022, where it 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 in the materials for this hearing, which can be accessed online at <https://on.nyc.gov/3STNgdg>.

II. LEGISLATION

Proposed Int. No. 414-A

Proposed Int. No. 414-A would require the Department of Health and Mental Hygiene (the “DOHMH”) to issue an annual report on the success of rat mitigation measures in rat mitigation zones. Additionally, DOHMH would report on current and planned rat mitigation measures in each such zone, public outreach measures carried out by DOHMH regarding rat mitigation in each such zone, the creation or elimination of such zones, and changes to rat mitigation measures used in each such zone. This local law would take effect immediately.

Proposed Int. No. 442-A

Proposed Int. No. 442-A would require that, before a permit authorizing certain construction work that is subject to rodent extermination is issued, the applicant certify that a licensed exterminator was retained to effectively treat the premises for rodent extermination. This local law would take effect 180 days after it becomes law.

Proposed Int. No. 459-A

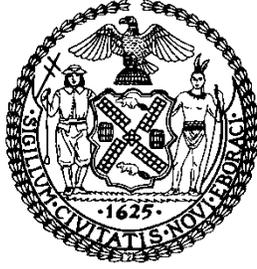
Proposed Int. No. 459-A would require DOHMH to designate one or more rat mitigation zones no later than April 1, 2023. The criteria to be used in designating such rat mitigation zones is to include, among other criteria: the number of inspections for rat activity, the number of certain rat-related notices of violation issued, the number of rat exterminations executed by DOHMH, and the number of 311 service requests related to rat activity in a given sanitation or community district. Such designated rat mitigation zones can later be amended, or new zones established, based on such criteria.

This bill would also provide that the Department of Sanitation may determine by rule the times during which buildings must set out their garbage and recycling for collection. In doing so, the Department of Sanitation would be required to prioritize the minimizing of rodent harborage and the amount of time such garbage and recycling is at the curb awaiting collection. If such a rule is promulgated, then a rule establishing an alternative requirement for the set-out of materials by multiple dwellings containing nine or more dwelling units would be required to be promulgated. Such alternative requirements would be opt-in for such buildings, established in temporal proximity to the start of the scheduled collection shift and mandated to further the same rodent minimization goals as the set-out rule. This local law would take effect immediately.

Proposed Int. No. 460-A

Proposed Int. No. 460-A would require buildings that receive either two or more rodent-specific housing maintenance code violations or two or more rodent-specific health code violations to place their refuse in rodent-proof containers for at least two years. The bill would provide that the Department of Sanitation may waive this container requirement where it would cause an undue hardship or public safety hazard. This local law would take effect on April 1, 2023.

(The following is the text of the Fiscal Impact Statement for Int. No. 414-A:)



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

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

FISCAL IMPACT STATEMENT

PROPOSED INTRO. NO: 414-A

**COMMITTEE: Sanitation and Solid Waste
Management**

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to rat mitigation progress in rat mitigation zones.

SPONSOR(S): By Council Members Ossé, Nurse, Botcher, Menin, Farías, Williams, Richardson Jordan, Avilés, Hanif, Brewer, Cabán, Hudson, Gutiérrez, Dinowitz, Louis, Brooks-Powers, Schulman, Ung, Barron, Riley, Krishnan, Narcisse, Lee, Brannan, Sanchez, Moya, Ayala, Abreu, Restler, Marte, Powers, Gennaro, Joseph, De La Rosa, Holden, Hanks and Vernikov (by request of the Brooklyn Borough President).

SUMMARY OF LEGISLATION: The bill would require the Department of Health and Mental Hygiene (DOHMH) to issue an annual report by November 1st to the mayor and speaker of the City Council on the success of rat mitigation measures in rat mitigation zones. The report shall include the metrics used to determine efficacy, an overview of current and planned measures with benchmarks and timelines in each mitigation zone, a description of public outreach measures undertaken by the department, an explanation of how the boundaries of the current rat mitigation zones have changed since the last report, and an explanation of which rat mitigation measures were eliminated or limited in rat mitigation zones since the last report. Also, the report shall be made available online for the public.

EFFECTIVE DATE: This local law takes immediate effect.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal Year 2023

FISCAL IMPACT STATEMENT:

	Effective FY23	FY Succeeding Effective FY24	Full Fiscal Impact FY24
Revenues	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0
Net	\$0	\$0	\$0

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

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

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: Office of the Mayor of New York City, City Legislative Affairs

ESTIMATE PREPARED BY: Andrew Lane-Lawless, Financial Analyst, NYC Council Finance Division

ESTIMATE REVIEWED BY: Masis Sarkissian, Unit Head, NYC Council Finance Division
 Crilhien Francisco, Assistant Director, NYC Council Finance Division
 Jonathan Rosenberg, Managing Deputy Director, NYC Council Finance Division

LEGISLATIVE HISTORY: The legislation was introduced to the full Council on May 19, 2022, as Intro. 414 and referred to the Committee on Sanitation and Solid Waste Management. The legislation was considered by the Committee on Sanitation and Solid Waste Management and Committee on Public Housing at a hearing held on June 21, 2022, and was Laid Over by Committee. It was subsequently amended, and the amended version Proposed Intro. No. 414-A will be considered by the Committee on Sanitation and Solid Waste Management on October 26, 2022. Upon successful vote by the Committee on Sanitation and Solid Waste Management, Proposed Intro No. 414-A will submitted to the full Council for a vote on October 27, 2022.

DATE PREPARED: 10/20/2022.

(For text of Int. Nos. 442-A, 459-A, and 460-A, and their Fiscal Impact Statements, please see the Report of the Committee on Sanitation and Solid Waste Management for Int. Nos. 442-A, 459-A, and 460-A, respectively, printed in these Minutes; for text of Int. No. 414-A, please see below)

Accordingly, this Committee recommends the adoption of Int. Nos. 414-A, 442-A, 459-A, and 460-A.

(The following is the text of Int. No. 414-A:)

Int. No. 414-A

By Council Members Ossé, Nurse, Bottcher, Menin, Farías, Williams, Richardson Jordan, Avilés, Hanif, Brewer, Cabán, Hudson, Gutiérrez, Dinowitz, Louis, Brooks-Powers, Schulman, Ung, Barron, Riley, Krishnan, Narcisse, Lee, Brannan, Sanchez, Moya, Ayala, Abreu, Restler, Marte, Powers, Gennaro, Joseph, De La Rosa, Holden, Hanks, Won, Velázquez, Kagan, Mealy, Salamanca and Vernikov (by request of the Brooklyn Borough President).

A Local Law to amend the administrative code of the city of New York, in relation to rat mitigation progress in rat mitigation zones

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 17 of the administrative code of the city of New York is amended by adding a new section 17-133.3 to read as follows:

§ 17.133.3 *Rat mitigation reporting.* a. *No later than November 1, 2023, and by November 1 annually thereafter, the department shall submit to the mayor and the speaker of the council, and make publicly available online, a report that details rat mitigation efforts in the rat mitigation zones designated by the department pursuant to subdivision a of section 17-133.2.*

b. *Such report shall include, but not be limited to:*

1. *The metrics that the department is using to measure the efficacy of rat mitigation in such zones, including a description of whether the department has seen improvement, as measured by such metrics, and, if so, how such improvement has been achieved;*

2. *An overview of current and planned rat mitigation measures, including goals and specific benchmarks and timelines, in each such zone;*

3. *A description of the public outreach measures undertaken by the department in relation to rat mitigation in each such zone;*

4. Explanations of the creation or elimination of rat mitigation zones, or any change of boundaries of such zone, since the previous report, if applicable; and

5. Explanations of any changes to the rat mitigation measures used in each such zone since the previous report, if applicable.

§ 2. This local law takes effect immediately.

SANDY NURSE, *Chairperson*; ERIK D. BOTTCHEER, 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, October 26, 2022.

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

Report for Int. No. 442-A

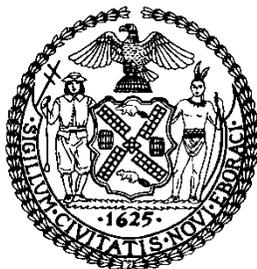
Report of the Committee on Sanitation and Solid Waste Management in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York and the New York city building code, in relation to abating rodents as a requirement for the issuance of certain construction permits.

The Committee on Sanitation and Solid Waste Management, to which the annexed proposed amended local law was referred on May 26, 2022 (Minutes, page 1191), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Sanitation and Solid Waste Management for Int. No. 414-A printed in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 442-A:



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

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

FISCAL IMPACT STATEMENT

PROPOSED INTRO. NO: 442-A

**COMMITTEE: Sanitation and Solid Waste
Management**

TITLE: A Local Law to amend the administrative code of the city of New York and the New York city building code, in relation to abating rodents as a requirement for the issuance of certain construction permits.

SPONSOR(S): By Council Members Bottcher, Nurse, Ossé, Louis, Marte, Williams, Krishnan, Hanif, Narcisse, Brooks-Powers, Cabán, Gutiérrez, Avilés, Brannan, Schulman, Hudson, Richardson Jordan, Barron, Sanchez, Joseph, Farías, Abreu, Restler, Riley, Ayala, Powers, Gennaro, De La Rosa, Holden, Hanks and Dinowitz.

SUMMARY OF LEGISLATION: This proposed legislation would require that, before a permit authorizing certain construction work that is subject to rodent extermination is issued, the applicant certify that a licensed exterminator has been retained to treat the premises per Department of Health and Mental Hygiene guidelines.

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

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal Year 2024

FISCAL IMPACT STATEMENT:

	Effective FY23	FY Succeeding Effective FY24	Full Fiscal Impact FY24
Revenues	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0
Net	\$0	\$0	\$0

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

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

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: Not Applicable

SOURCE OF INFORMATION: Office of the Mayor of New York City, City Legislative Affairs

ESTIMATE PREPARED BY: Andrew Lane-Lawless, Legislative Financial Analyst, NYC Council Finance Division

ESTIMATE REVIEWED BY: Masis Sarkissian, Unit Head, NYC Council Finance Division
 Crilhien Francisco, Assistant Director, NYC Council Finance Division
 Jonathan Rosenberg, Managing Deputy Director, NYC Council Finance Division

LEGISLATIVE HISTORY: The legislation was introduced to the full Council on May 26, 2022, as Intro. 442 and referred to the Committee on Sanitation and Solid Waste Management. The legislation was considered by the Committee on Sanitation and Solid Waste Management and the Committee on Public Housing at a hearing held on June 21, 2022, and was subsequently amended. The amended version of Proposed Intro. 442-A will go before the Committee on Sanitation and Solid Waste Management for a vote on October 26, 2022. Upon successful vote by the Committee on Sanitation and Solid Waste Management, Proposed Intro. No. 442-A be submitted to the full Council for a vote on October 27, 2022.

DATE PREPARED: 10/20/2022.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 442-A:)

Int. No. 442-A

By Council Members Bottcher, Nurse, Ossé, Louis, Marte, Williams, Krishnan, Hanif, Narcisse, Brooks-Powers, Cabán, Gutiérrez, Avilés, Brannan, Schulman, Hudson, Richardson Jordan, Barron, Sanchez, Joseph, Fariás, Abreu, Restler, Riley, Ayala, Powers, Gennaro, De La Rosa, Holden, Hanks, Dinowitz, Mealy, Won, Velázquez, Kagan, Lee and Salamanca (in conjunction with the Brooklyn Borough President) (by request of the Manhattan Borough President).

A Local Law to amend the administrative code of the city of New York and the New York city building code, in relation to abating rodents as a requirement for the issuance of certain construction permits

Be it enacted by the Council as follows:

Section 1. Article 105 of chapter 1 of title 28 of the administrative code of the city of New York is amended by adding a new section 28-105.2.3 to read as follows:

§ 28-105.2.3 Rodent abatement during certain construction work. For work that is subject to rodent extermination pursuant to section 3306.9.13 of the New York city building code, prior to the issuance of a permit authorizing work, the applicant shall certify that a licensed exterminator has been retained to effectively treat the premises for rodent extermination as per the requirements of the department of health and mental hygiene.

§ 2. Section 3306.9.13 of the New York city building code is amended to read as follows:

3306.9.13 Rodent extermination. A licensed exterminator shall effectively treat the premises for rodent extermination as per the requirements of the Department of Health and Mental Hygiene for the following work:

1. Where the proposed construction work involves 50% or more of the floor area of a building;
2. Where the proposed vertical or horizontal enlargement increases the amount of building floor area by more than 25% over the amount of existing floor area of the building;
3. Where the proposed demolition involves more than 50% of the floor area of a building;
4. Where full demolition work is proposed.

[**Exception:** Partial demolition operations.]

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

SANDY NURSE, *Chairperson*; ERIK D. BOTTCHEER, AMANDA FARIÁS, 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, October 26, 2022.

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

Report for Int. No. 459-A

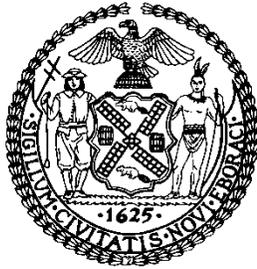
Report of the Committee on Sanitation and Solid Waste Management in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to rat mitigation zones.

The Committee on Sanitation and Solid Waste Management, to which the annexed proposed amended local law was referred on June 2, 2022 (Minutes, page 1288), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Sanitation and Solid Waste Management for Int. No. 414-A printed in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 459-A:



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

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

FISCAL IMPACT STATEMENT

PROPOSED INTRO. NO: 459-A

**COMMITTEE: Sanitation and Solid Waste
Management**

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to rat mitigation zones.

SPONSOR(S): By Council Members Abreu, Nurse, Louis, Hudson, Brewer, Joseph, Gutiérrez, Narcisse, Avilés, Restler, Schulman, Marte, Ossé, Velázquez, Williams, Richardson Jordan, Riley, Ayala, Hanif, Powers, Cabán, Gennaro, De La Rosa, Holden, Hanks and Dinowitz (in conjunction with the Brooklyn Borough President).

SUMMARY OF LEGISLATION: The proposed legislation would require that the Department of Health and Mental Hygiene (DOHMH) designate one or more rat mitigation zones by April 1, 2023 and to periodically review the need to modify, eliminate or add rat mitigation zones. The proposed legislation would also provide that the Department of Sanitation (DSNY) set rules for what times buildings are allowed to set out their garbage and recycling for collection.

EFFECTIVE DATE: This local law takes effect immediately.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal Year 2024

FISCAL IMPACT STATEMENT:

	Effective FY23	FY Succeeding Effective FY24	Full Fiscal Impact FY24
Revenues (+)	\$0	\$0	\$0
Expenditures (-)	\$0	\$0	\$0
Net	\$0	\$0	\$0

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

IMPACT ON EXPENDITURES:

It is estimated that there would be no fiscal impact on expenditures resulting from the enactment of this legislation as DSNY would use existing resources to fulfill its requirements.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: General Fund

SOURCE OF INFORMATION: New York City Department of Sanitation

ESTIMATE PREPARED BY: Andrew Lane-Lawless, Financial Analyst, NYC Council Finance Division

ESTIMATE REVIEWED BY: Masis Sarkissian, Unit Head, NYC Council Finance Division
Cirilhen Francisco, Assistant Director, NYC Council Finance Division
Jonathan Rosenberg, Managing Deputy Director, NYC Council Finance Division.

LEGISLATIVE HISTORY: The legislation was introduced to the full Council on June 2, 2022, as Intro. 459 and referred to the Committee on Sanitation and Solid Waste Management. The legislation was considered by the Committee on Sanitation and Solid Waste Management and the Committee on Public Housing at a hearing held on June 21, 2022, and was subsequently amended, and the amended version of Proposed Intro. No. 459-A will be considered by the Committee on Sanitation and Solid Waste Management on October 26, 2022. Upon Successful vote by the Committee on Sanitation and Solid Waste Management, Proposed Intro. No. 459-A will be submitted to the full Council for a vote on October 27, 2022.

DATE PREPARED: 10/20/2022.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 459-A:)

Int. No. 459-A

By Council Members Abreu, Nurse, Louis, Hudson, Brewer, Joseph, Gutiérrez, Narcisse, Avilés, Restler, Schulman, Marte, Ossé, Velázquez, Williams, Richardson Jordan, Riley, Ayala, Hanif, Powers, Cabán, Gennaro, De La Rosa, Holden, Hanks, Dinowitz, Won, Farías, Kagan, Lee, Mealy and Salamanca (in conjunction with the Brooklyn Borough President).

A Local Law to amend the administrative code of the city of New York, in relation to rat mitigation zones

Be it enacted by the Council as follows:

Section 1. Subdivision c of section 16-120 of the administrative code of the city of New York, as amended by local law number 6 for the year 2006, is amended to read as follows:

c. 1. Incinerator[,] residue, ashes, refuse and liquid waste shall be stored in the building or dwelling or at the rear of the building or dwelling as may be required by the department of health and mental hygiene or the department of housing preservation and development until time for removal and kept in tightly covered metal receptacles or containers made of other materials of a type and grade acceptable to the department, the department of health and mental hygiene, and the department of housing preservation and development. After the contents have been removed by the department or other collection agency any receptacles remaining shall be removed from the front of the building or dwelling before 9:00 p.m. on the day of collection, or if such collection occurs after 4:00 p.m., then before 9:00 a.m. on the day following collection. The receptacles shall at all times be kept covered or closed and kept in a manner satisfactory to the department, the department of health and mental hygiene, and in the case of residential premises, the department of housing preservation and development. No receptacles, refuse, incinerator residue or ashes, or liquid waste shall be kept so as to create a nuisance. Yard sweepings, hedge cuttings, grass, leaves, earth, stone or bricks shall not be mixed with household wastes.

2. *Notwithstanding paragraph 1 of this subdivision, the department may set by rule requirements for the set-out of solid waste or recyclable material for collection by the department. Such requirements shall prioritize:*

(a) *Minimizing rodent harborage associated with such waste or material set-out; and*

(b) *Minimizing the amount of time that such waste or material is placed at the curb prior to collection by the department.*

3. *Notwithstanding paragraphs 1 and 2 of this subdivision, if the department sets by rule requirements for the set-out of solid waste or recyclable material pursuant to paragraph 2 of this subdivision, the department shall set by rule alternative requirements for the set-out of solid waste or recyclable material for collection by the department for multiple dwellings containing nine or more dwelling units, in furtherance of the goals identified in subparagraphs (a) and (b) of paragraph 2 of this subdivision, provided that any such requirements allow such multiple dwellings to opt in to such requirements and provided further that any such requirements allow for solid waste or recyclable material to be set out for collection by the department no more than four hours prior to the start of the scheduled collection shift. Such four hour time shall not apply to solid waste or recyclable material that is stored in a receptacle that is kept covered or closed in a manner to prevent rodent harborage and in a manner satisfactory to the department, the department of health and mental hygiene and the department of housing preservation and development. Any multiple dwelling that does not opt in to such requirements, or that opts out of such requirements, shall be subject to the requirements set by rule pursuant to paragraph 2 of this subdivision.*

§ 2. Chapter 1 of title 17 of the administrative code of the city of New York is amended by adding a new section 17-133.2 to read as follows:

§ 17-133.2 *Rat mitigation zones. a. No later than April 1, 2023, the department shall designate, by rule, one or more rat mitigation zones. In designating such zones, the department shall consider the following criteria:*

1. *The number and percentage of inspections for rat activity for properties within a given sanitation district or community district that resulted in the issuance of an order pursuant to section 151.02 of the New York city health code or an agency referral letter related to rat activity, and the location of such properties within such sanitation or community district;*

2. *The number and percentage of inspections for rat activity for properties within a given sanitation district or community district that have resulted in the issuance of a notice of violation pursuant to section 3.05 or section 151.02 of the New York city health code, and the location of such properties within such sanitation or community district;*

3. *The number of rat exterminations at properties within a given sanitation district or community district executed by the department pursuant to section 17-147, following a failure to comply with an order issued pursuant to section 151.02 of the New York city health code, and the location of such properties within such sanitation or community district;*

4. *The number and nature of 311 requests for service or complaints related to rat activity within any 12-month period within a given sanitation district or community district; and*

5. *The susceptibility of any properties managed by the department of parks and recreation within a given sanitation district or community district to rat infestation.*

b. *The department shall periodically review the criteria set forth in subdivision a of this section and may, by rule, and in accordance with such review, eliminate existing rat mitigation zones, change the boundaries of existing rat mitigation zones, or designate new rat mitigation zones.*

c. The department may, in conjunction with any action taken pursuant to subdivision a or b of this section, and in consultation with the department of sanitation, review the boundaries of sanitation districts, or sections within sanitation districts, and may establish boundaries of rat mitigation zones that are, in whole or in part, coterminous with sanitation districts, or sections within sanitation districts.

d. The department may, in conjunction with any action taken pursuant to subdivision a or b of this section, consider the availability of resources to implement rat mitigation measures and, in designating rat mitigation zones, eliminating existing rat mitigation zones, or changing the boundaries of existing rat mitigation zones, exercise its discretion to maximize the efficient use of such resources.

e. If the department, following any review of a rat mitigation zone conducted pursuant to subdivision b of this section, determines, in consultation with the department of sanitation, that any rat mitigation measure applicable pursuant to law or rule only within a rat mitigation zone should be continued, then the department need not eliminate or change the boundaries of a rat mitigation zone, even if such review otherwise indicates that such rat mitigation zone should be eliminated, or its boundaries changed.

§ 3. This local law takes effect immediately.

SANDY NURSE, *Chairperson*; ERIK D. BOTTCHEER, AMANDA FARIÁS, 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, October 26, 2022.

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

Report for Int. No. 460-A

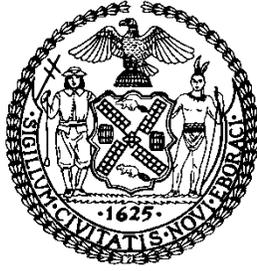
Report of the Committee on Sanitation and Solid Waste Management in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to receptacles in a building or dwelling that has a high concentration of rodent infestation.

The Committee on Sanitation and Solid Waste Management, to which the annexed proposed amended local law was referred on June 2, 2022 (Minutes, page 1289), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Sanitation and Solid Waste Management for Int. No. 414-A printed in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 460-A:



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

TANISHA S. EDWARDS, ESQ., CHIEF FINANCIAL OFFICER, AND DEPUTY CHIEF OF STAFF TO THE SPEAKER

FISCAL IMPACT STATEMENT

PROPOSED INTRO. NO: 460-A

COMMITTEE: Sanitation and Solid Waste Management

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to receptacles in a building or dwelling that has a high concentration of rodent infestation.

SPONSOR(S): By Council Members Abreu, Nurse, Bottcher, Louis, Hudson, Hanif, Brewer, Joseph, Gutiérrez, Avilés, Restler, Schulman, Marte, Ossé, Velázquez, Williams, Won, Krishnan, Richardson Jordan, Riley, Ayala, Cabán, Menin, Powers, Gennaro, Narcisse, De La Rosa, Holden, Sanchez, Farías, Hanks, and Dinowitz (in conjunction with the Brooklyn Borough President).

SUMMARY OF LEGISLATION: This bill would require buildings that receive two or more notices of violation for either 27-2017.4 of the housing maintenance code or 151.02 of the health code, to place their refuse in rodent-proof containers for at least two years. The bill would provide that the Department of Sanitation (DSNY) may waive this container requirement where it would cause an undue hardship or public safety hazard.

EFFECTIVE DATE: This local law would take effect on April 1, 2023.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal Year 2024

FISCAL IMPACT STATEMENT:

	Effective FY23	FY Succeeding Effective FY24	Full Fiscal Impact FY24
Revenues	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0
Net	\$0	\$0	\$0

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

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

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: Not Applicable

SOURCE OF INFORMATION: New York City Department of Sanitation

ESTIMATE PREPARED BY: Andrew Lane-Lawless, Financial Analyst, NYC Council Finance Division

ESTIMATE REVIEWED BY: Masis Sarkissian, Unit Head, NYC Council Finance Division
 Crilhien Francisco, Assistant Director, NYC Council Finance Division
 Jonathan Rosenberg, Managing Deputy Director, NYC Council Finance Division

LEGISLATIVE HISTORY: The legislation was introduced to the full Council on June 2, 2022, as Intro. 460 and referred to the Committee on Sanitation and Solid Waste Management. The legislation was considered by the Committee on Sanitation and Solid Waste Management and the Committee on Public Housing at a hearing held on June 21, 2022, and was subsequently amended, and the amended version of Proposed Intro. No. 460-A will be considered by the Committee on Sanitation and Solid Waste Management on October 26, 2022. Upon Successful vote by the Committee on Sanitation and Solid Waste Management, Proposed Intro. No. 460-A will be submitted to the full Council for a vote on October 27, 2022.

DATE PREPARED: 10/20/2022.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 460-A:)

Int. No. 460-A

By Council Members Abreu, Nurse, Bottcher, Louis, Hudson, Hanif, Brewer, Joseph, Gutiérrez, Avilés, Restler, Schulman, Marte, Ossé, Velázquez, Williams, Won, Krishnan, Richardson Jordan, Riley, Ayala, Cabán, Menin, Powers, Gennaro, Narcisse, De La Rosa, Holden, Sanchez, Farías, Hanks, Dinowitz, Kagan, Lee and Salamanca (in conjunction with the Brooklyn Borough President).

A Local Law to amend the administrative code of the city of New York, in relation to receptacles in a building or dwelling that has a high concentration of rodent infestation

Be it enacted by the Council as follows:

Section 1. Subdivision a of section 16-120 of chapter 1 of title 16 of the administrative code of the city of New York, as amended by local law number 22 for the year 2002, is amended to read as follows:

§ 16-120 Receptacles for the removal of waste material. a. *1.* The owner, lessee, agent, occupant or other person who manages or controls a building or dwelling shall provide and maintain in accordance with this section separate receptacles for the deposit of incinerator residue and ashes; refuse, and liquid waste. The receptacles shall be provided for the exclusive use of each building or dwelling and shall be of sufficient size and number to contain the wastes accumulated in such building or dwelling during a period of [seventy-two] 72 hours. The receptacles shall be made of metal or other material of a grade and type acceptable to the department, the department of health and mental hygiene and the department of housing preservation and development. Receptacles used for liquid waste shall be constructed so as to hold their contents without leakage. Metal containers shall be provided with tight fitting metal covers.

2. *(a)* Where the conditions precedent and requirements set forth in subparagraphs (b) and (c) of this paragraph are satisfied and apply, respectively, the receptacles used to meet the requirements set forth in paragraph 1 of this subdivision shall be of a material or design approved by the department, department of health and mental hygiene and department of housing preservation and development to minimize rodent access and harborage.

(b) (1) The requirements set forth in subparagraph (a) of this paragraph apply to a building or dwelling to which two or more notices of violation have been issued pursuant to section 151.02 of the New York city health code within a 12-month period, provided that such a notice of violation that has been dismissed by the office of administrative trials and hearings shall not be counted in determining whether such requirements apply, and such a notice of violation for which an appeal is pending at such office shall not be counted unless and until such office has upheld such notice of violation.

(2) *The requirements set forth in subparagraph (a) of this paragraph begin to apply on the date that the department notifies the owner of record of such building or dwelling that any combination of the following has occurred that amounts to two violations: (i) the owner has admitted the violation, (ii) the owner has defaulted on the violation, and the time to reopen the case has expired, or (iii) the office of administrative trials and hearings has upheld the notice of violation.*

(3) *The requirements set forth in subparagraph (a) of this paragraph continue to apply until two years have elapsed following such notification by the department, provided that the occurrence of a new violation that may be counted in accordance with clause (1) of this subparagraph extends the duration of applicability until two years have elapsed following the date of the new violation as indicated in the corresponding new notice of violation.*

(c) (1) *The requirements set forth in subparagraph (a) of this paragraph apply to a building or dwelling to which two or more notices of violation relating to the presence of rats have been issued pursuant to section 27-2017.4 of the housing maintenance code, provided that a violation that the owner of record of such building or dwelling has certified as corrected within the correction period indicated on the notice of violation shall not be counted in determining whether such requirements apply unless the department of housing preservation and development has identified such certification as false.*

(2) *The requirements set forth in subparagraph (a) of this paragraph begin to apply on the date that the department notifies the owner of record of such building or dwelling that the two violations triggering such requirements have occurred.*

(3) *The requirements set forth in subparagraph (a) of this paragraph continue to apply until two years have elapsed following such notification by the department, provided that the occurrence of a new violation that may be counted in accordance with clause (1) of this subparagraph extends the duration of applicability of such requirements until two years have elapsed following the date of such new violation as indicated in the corresponding new notice of violation.*

(d) *The department may waive the requirements set forth in subparagraph (a) of this paragraph for a building or dwelling if the owner of record or managing agent of such building or dwelling demonstrates to the satisfaction of the department that compliance with such provisions would (i) create an undue burden on such owner of record or managing agent or (ii) create a public safety hazard because the sidewalk on which a receptacle is placed would be substantially obstructed by such receptacle during the time it is set out for purposes of removal of waste material. The department shall make such waiver in writing and share such waiver with the owner of record or managing agent of such building or dwelling, the relevant community board, the department of health and mental hygiene and the department of housing preservation and development.*

§ 2. This local law takes effect on April 1, 2023, and applies with respect to violations of the New York city health code and the housing maintenance code that are issued on or after this effective date.

SANDY NURSE, *Chairperson*; ERIK D. BOTTCHEER, AMANDA FARIÁS, 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, October 26, 2022.

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

Report of the Committee on Transportation and Infrastructure

Report for Int. No. 258-A

Report of the Committee on Transportation and Infrastructure in favor of approving and adopting, as amended, a Local Law in relation to a report on suitable locations for installing public bathrooms.

The Committee on Transportation and Infrastructure, to which the annexed proposed amended local law was referred on April 28, 2022 (Minutes, page 797), respectfully

REPORTS:

INTRODUCTION

On October 13, 2022, the Committee on Transportation and Infrastructure (Committee), Chaired by Majority Whip Selvena N. Brooks-Powers, held a hearing to vote on Int. No. 258-A, sponsored by Council Member Rita Joseph, in relation to a report on suitable locations for installing public bathrooms, and Int. No. 291-A, sponsored by Council Member Carlina Rivera and Majority Whip Brooks-Powers, to amend the administrative code of the city of New York in relation to a citywide greenway plan. This was the second hearing that the Committee has held on these legislative items. The first hearing on Int. Nos. 258 and 291 was held on June 28, 2022. At that hearing, the Committee received testimony from the New York City (NYC or the City) Department of Transportation (DOT), the NYC Department of Parks and Recreation (DPR), transportation advocates, environmental advocates, and other interested stakeholders.

BACKGROUND

NYC has 12,750 miles of sidewalks, 74 pedestrian plazas, and more than 30,000 acres of parkland.¹ The City also boasts 592 Privately Owned Public Spaces (otherwise known as “POPS”) in or adjacent to 389 buildings primarily located in Manhattan,² and this year will have over 150 open street locations covering more than 300 City blocks as part of the Open Streets Program (car-free streets).³

Additionally, NYC has a 400-mile network of greenways, described further below.⁴ The availability of these open and public spaces, all of which are described in greater detail below, has often led the City to be cited as one of the most walkable cities in the world.⁵ All of these open or public spaces also play a pivotal role in the City’s goal of ensuring that New Yorkers live within a 10-minute walk of a quality open space.⁶

¹ “Let’s Go: A Case for Municipal Control and a Comprehensive Transportation Vision for the Five Boroughs,” New York City Council, March 5, 2019, available for download at http://council.nyc.gov/wp-content/uploads/2019/07/LetsGo_TransitReport_05.pdf.

² New York City’s Privately Owned Public Spaces, NYC Department of City Planning at <https://www1.nyc.gov/site/planning/plans/pops/pops.page>.

³ NYC Department of Transportation Press Release, “Earth Week: NYC DOT Commissioner Rodriguez Announces 2022 Citywide Open Streets Program to Include Over 150 Street Locations Totaling More Than 300 City Blocks,” April 22, 2022, available at <https://www1.nyc.gov/html/dot/html/pr2022/commissioner-rodriguez-announce-2022-open-streets-program.shtml>.

⁴ Connecting the NYC Greenway Network, Brooklyn Greenway Initiative, available at <https://www.brooklyngreenway.org/greenways4nyc/>.

⁵ Charis Atlas Heelan, “The World’s Most Walkable Cities,” FROMMER’S, available at <https://www.frommers.com/slideshows/819366-the-world-s-most-walkable-cities> (last accessed October 28, 2019); Laura Laker, “Where Is the World’s Most Walkable City?,” GUARDIAN, Sep. 12, 2017, available at <https://www.theguardian.com/cities/2017/sep/12/walkable-city-worlds-most-new-york-melbourne-fes-el-bali>;

NYC Department of Transportation, Plaza Program - List of Plazas, available at <https://www1.nyc.gov/html/dot/downloads/pdf/list-of-plazas.pdf>; and NYC Department of Parks and Recreation, About the New York City Department of Parks & Recreation, available at <https://www.nycgovparks.org/about> (last accessed October 28, 2019).

⁶ See NYC Plaza Program, available at <https://www1.nyc.gov/html/dot/html/pedestrians/nyc-plaza-program.shtml#:~:text=The%20NYC%20Plaza%20Program%20is,through%20a%20competitive%20application%20process.>

Over the past two years, the COVID-19 pandemic has shown the important role that public spaces play in the lives of New Yorkers. They allow New Yorkers to enjoy the outdoors and engage in physical activity, which can contribute to their overall well-being and health as well as lead to lower levels of obesity.⁷ Open and public places on street corridors also contribute to the economic vitality of the City, as investments and improvements in these spaces can be beneficial to small businesses by attracting more people to these areas, thereby increasing foot traffic and retail patronage.⁸

Public Restrooms

Public restrooms are an important feature of public space, supporting the public's use of that space.⁹ There are over 1,100 public restrooms in the City, as of December 2021.¹⁰ DPR is the largest provider of public restrooms throughout NYC, with 662 parks featuring public bathrooms known as "comfort stations."¹¹ Additionally, there are another 78 accessible bathrooms located in the City's 472 subway stations.¹² Nevertheless, for years, there has been a significant need in the City for easily accessible, clean, and safe public restrooms.¹³

One of the earliest public bathrooms in the United States was built in Astor Place in NYC in 1869.¹⁴ To many, this was regarded as a luxury, but it began the eventual increase in public bathrooms throughout the City.¹⁵ In the 1970s and 1980s, NYC was facing budget shortfalls and began to make budget cuts, which included the closure of many public bathrooms.¹⁶ Also during this time, New Yorkers began to have changing perceptions of just what exactly public bathrooms actually were.¹⁷ Bathrooms were no longer seen as desired amenities and instead became viewed as magnets for crime, vandalism, sexual activity, and drug use.¹⁸ Despite the growth in the City's population, the economy, and the number of tourists coming into the City, bathroom availability has changed very little, with the number of public restrooms not having increased significantly since the 1970s.¹⁹

Lack of proper access to restrooms can lead to negative quality-of-life issues, such as public urination.²⁰ In addition, public restrooms mitigate the spread of contagious diseases, including COVID-19 and Hepatitis A.²¹ Advocates believe that increasing the number of public restroom facilities around the City will help bolster public space and make it accessible for everyone, regardless of race, ethnicity, or socioeconomic status.

Greenways

Greenways are outdoor spaces that provide safe and accessible corridors for active recreation and non-motorized transportation through parks and on City streets.²² They provide a path or a trail that links parks and communities around the City so that New Yorkers and tourists can have access to green spaces and the

7 See Public Spaces, Safety, and Security: Boosting Our Wellbeing, Arup, available at <https://www.arup.com/perspectives/public-spaces-safety-and-security-boosting-our-wellbeing>

8 See NYC Department of Transportation, NYC Streets Plan, December 1, 2021, <https://www1.nyc.gov/html/dot/downloads/pdf/nyc-streets-plan.pdf>.

9 See Urban Design Forum, Report, "The Need for Public Bathrooms," July 4, 2020, available at <https://urbandesignforum.org/the-need-for-public-bathrooms-in-new-york-city/>

10 See "How New York City can improve bathroom access," CITY AND STATE, December 15, 2021, available at <https://www.cityandstateny.com/policy/2021/12/how-new-york-city-can-improve-bathroom-access/359812/>.

11 Julie Chou, Kevin Gurley, and Boyeong Hong, *Where Are the Public Bathrooms in New York City?*, URBAN OMNIBUS, Feb 06, 2020, available at <https://urbanomnibus.net/2020/02/where-are-the-public-bathrooms-in-nyc/>.

12 *Id.*

13 Urban Design Forum, Report, "The Need for Public Bathrooms," July 4, 2020, available at <https://urbandesignforum.org/the-need-for-public-bathrooms-in-new-york-city/>

14 *Id.*

15 *Id.*

16 *Id.*

17 *Id.*

18 *Id.*

19 *Id.*

20 "How New York City can improve bathroom access," CITY AND STATE, December 15, 2021, available at <https://www.cityandstateny.com/policy/2021/12/how-new-york-city-can-improve-bathroom-access/359812/>.

21 "Bill aims to address NYC's 'notorious' lack of public bathrooms," SPECTRUM NEWS NY1, April 28, 2022, available at <https://www.nyl.com/nyc/all-boroughs/news/2022/04/28/bill-aims-to-address-nyc-s-lack-of-public-bathrooms>

22 NYC Department of Transportation, Projects and Initiatives: Greenways at <https://nycdotprojects.info/greenways>

waterfront.²³ Greenways expand recreational opportunities for walking, jogging, biking, and in-line skating.²⁴ DOT is responsible for the planning, design and implementation of greenways on City streets.²⁵ DPR has jurisdiction over greenways that are found in parks.²⁶

As noted above, NYC has a 400-mile network of greenways, with about 300 miles running through every part of the City.²⁷ However, according to the Brooklyn Greenway Initiative, the City's greenways rarely connect to each other today.²⁸ In an effort to help address this lack of connectivity, on May 5, 2022, the City announced a commitment of \$47.6 million in funding earmarked for DPR and DOT to connect greenways located in Brooklyn and Queens.²⁹ This funding seeks to connect communities, especially those that have been historically underserved, to the City's park system, bike paths, and shorelines.³⁰ This funding was the result of two studies undertaken by DPR that focused on creating an improved greenway experience within City parks.³¹

LEGISLATIVE ANALYSIS

Analysis of Int. No. 258-A

Int. No. 258-A would require that the Mayor designate an agency/office, in coordination with DPR and DOT, to report on feasible locations for public bathroom facilities in each of the City's Zip Code Tabulation Areas (ZCTAs), except in ZCTAs where the agency/office determines bathroom installation would not be suitable because the ZCTA contains only a single commercial building, education facility, or residential complex, or the ZCTA is comprised entirely of industrial zones. The report would also identify the number of currently operational public bathroom facilities in each ZCTA, accessibility and safety measures necessary for bathroom installation, and potential barriers to installation and maintenance. The bill would also require that the agency/office consider public and community board input and provide recommendations for overcoming any identified barriers regarding locations suitable for public bathrooms. If enacted, the provisions found in Int. No. 258-A would take effect immediately.

Analysis of Int. No. 291-A

Int. No. 291-A would require DOT and DPR, in conjunction with other relevant City agencies and entities, to develop a plan that details the development of greenways in the City, involving the identification of locations feasible for development into a greenway, the identification of opportunities for integrating green infrastructure, and the creation of a map that displays the status of greenways. It would also require DOT and DPR to annually report to the Mayor, Speaker and public on the implementation and updating of this plan. Additionally, this bill would require DOT and DPR to regularly engage with community boards that contain locations potentially suitable for greenway development. DOT or DPR would have to provide notice of, and an opportunity to request a presentation on, future greenway development proposals to affected community boards. If enacted, the provisions found in Int. No. 291-A would take effect immediately.

²³ NYC Department of Transportation, Adopt A Greenway Guidelines at <https://nycdotprojects.info/content/adopt-greenway-guidelines-0>

²⁴ *Id.*

²⁵ NYC Department of Transportation, Projects and Initiatives: Greenways – Overview at <https://nycdotprojects.info/project/18/overview>

²⁶ See NYC Department of Parks and Recreation, Brooklyn-Queens Greenway Guide, available at https://www.nycgovparks.org/sub_things_to_do/facilities/images/Brooklyn_Queens_GreenwayGuide.pdf

²⁷ Connecting the NYC Greenway Network, Brooklyn Greenway Initiative available at <https://www.brooklyngreenway.org/greenways4nyc/>.

²⁸ *Id.*

²⁹ See Press Release, "Mayor Adams Commits \$47.6 Million in Funding for NYC Parks and NYC DOT to Connect Greenways Across Brooklyn and Queens," May 5, 2022, available at <https://www1.nyc.gov/office-of-the-mayor/news/277-22/mayor-adams-commits-47-6-million-funding-nyc-parks-nyc-dot-connect-greenways-across>

³⁰ *Id.*

³¹ See NYC Department of Parks & Recreation, Destination: Greenways!, available at <https://www.nycgovparks.org/planning-and-building/planning/conceptual-plans>

UPDATE

On October 13, 2022, the Committee on Transportation and Infrastructure passed: Int. No. 258-A by a vote of 12 in the affirmative, zero in the negative, with zero abstentions; and Int. No. 291-A by a vote of 12 in the affirmative, zero in the negative, with zero abstentions.

(The following is the text of the Fiscal Impact Statement for Int. No. 258-A:)



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

**TANISHA EDWARDS, ESQ., CFO & DEPUTY CHIEF OF
STAFF TO THE SPEAKER**

FISCAL IMPACT STATEMENT

PROPOSED INT. NO: 258-A

COMMITTEE: Transportation & Infrastructure

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to a report on suitable locations for installing public bathrooms.

SPONSORS: Council Members Joseph, Hanif, Hudson, Sanchez, Stevens, Ung, Restler, Nurse, The Speaker (Council Member Adams), Narcisse, Oss , Menin, Brewer, Abreu, Dinowitz, Cabán, Krishnan, Ayala, Louis, Riley, Gutiérrez, Williams, De La Rosa, Won, Barron, Richardson Jordan, Schulman, Avilés, Farías, Brooks-Powers, Kagan, Powers and Bottcher (by request of the Manhattan Borough President).

SUMMARY OF LEGISLATION: Proposed Int. No. 258-A would require that the Mayor designate an agency or office, in coordination with the Department of Parks and Recreation and the Department of Transportation, to report on feasible locations for public bathroom facilities in each of the City’s Zip Code Tabulation Areas (ZCTAs), except in ZCTAs where the agency or office determines bathroom installation would not be suitable because the ZCTA contains only a single commercial building, education facility, or residential complex, or the ZCTA is comprised entirely of industrial zones. The report would also identify the number of currently operational public bathroom facilities in each ZCTA, accessibility and safety measures necessary for bathroom installation, and potential barriers to installation and maintenance. In addition, the bill would require that the agency or office consider public and community board input and provide recommendations for overcoming any identified barriers regarding locations suitable for public bathrooms.

EFFECTIVE DATE: Immediately

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2024

FISCAL IMPACT STATEMENT:

	Effective FY23	FY Succeeding Effective FY24	Full Fiscal Impact FY24
Revenues	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0
Net	\$0	\$0	\$0

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

IMPACT ON EXPENDITURES: It is estimated that there would be no impact on expenditures resulting from the enactment of this legislation because the department would utilize existing resources to implement the requirements of this legislation.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

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

ESTIMATE PREPARED BY: John Basile, Principal Financial Analyst

ESTIMATE REVIEWED BY: Chima Obichere, Deputy Director
Eisha Wright, Deputy Director
Jonathan Rosenberg, Managing Deputy Director
Kathleen Ahn, Finance Division Counsel

LEGISLATIVE HISTORY: This legislation was first introduced to the full Council as Intro. No. 258 on April 28, 2022 and the bill was referred to the Committee on Transportation & Infrastructure (Committee). A hearing was held by the Committee on June 28, 2022 and the bill was laid over. The legislation has been amended and the amended version, Proposed Intro. No. 258-A, will be considered by the Committee on October 13, 2022. Upon a successful vote by the Committee, Proposed Intro. No. 258-A will be submitted to the full Council for a vote on October 27, 2022.

DATE PREPARED: October 7, 2022.

(For text of Int. No. 291-A and its Fiscal Impact Statement, please see the Report of the Committee on Transportation and Infrastructure for Int. No. 291-A, respectively, printed in these Minutes; for text of Int. No. 258-A, please see below)

Accordingly, this Committee recommends the adoption of Int. Nos. 258-A and 291-A.

(The following is the text of Int. No. 258-A:)

Proposed Int. No. 258-A

By Council Members Joseph, Hanif, Hudson, Sanchez, Stevens, Ung, Restler, Nurse, The Speaker (Council Member Adams), Narcisse, Ossé, Menin, Brewer, Abreu, Dinowitz, Cabán, Krishnan, Ayala, Louis, Riley, Gutiérrez, Williams, De La Rosa, Won, Barron, Richardson Jordan, Schulman, Avilés, Farías, Brooks-Powers, Kagan, Powers, Bottcher, Velázquez, Lee, Gennaro, Rivera, Mealy and Brannan (by request of the Manhattan Borough President).

A Local Law in relation to a report on suitable locations for installing public bathrooms

Be it enacted by the Council as follows:

Section 1. Report. a. Definition. For purposes of this local law, the term “zip code tabulation area” means an approximate generalized areal representation of a United States postal service zip code service area, as such areal representation is determined by the United States census bureau.

b. No later than December 31, 2023, an agency or office designated by the mayor, in coordination with the department of parks and recreation and the department of transportation, shall submit to the mayor and to the speaker of the council a report identifying the number of operational public bathroom facilities in each zip code

tabulation area in the city. Such report shall also identify at least one location in each zip code tabulation area where such designated agency or office deems it feasible and appropriate to install a public bathroom facility, except that such identification will not be required for any zip code tabulation area in which the designated agency or office determines the installation of a public bathroom facility would not be suitable because such zip code tabulation area contains a single commercial building, education facility or residential complex, or is entirely comprised of industrial zones. The designated agency or office shall consider input provided by community boards and the public when identifying such location for a public bathroom facility. Such report shall also include, but need not be limited to, the following information:

1. The factors considered in determining whether an identified location is appropriate for installing a public bathroom facility;
2. Features necessary for compliance with the Americans with disabilities act and any other accessibility requirement, and proposed safety measures that may be considered for such identified locations;
3. The process required to install and maintain a public bathroom facility and implement such accessibility and safety measures;
4. Any challenges identified with the installation and maintenance of public bathroom facilities, including any known community opposition; and
5. Any additional recommendations for the installation of a public bathroom facility in each identified location to address the challenges associated with such installation.

§ 2. This local law takes effect immediately.

SELVENA N. BROOKS-POWERS, *Chairperson*; CARLINA RIVERA, FARAH N. LOUIS, AMANDA FARIAS, ARI KAGAN, LINDA LEE, MERCEDES NARCISSE, LINCOLN RESTLER, ALTHEA V. STEVENS, NANTASHA M. WILLIAMS, DAVID M. CARR, JOANN ARIOLA; 12-0-0; *Absent*: Julie Won and Kalman Yeger; Committee on Transportation and Infrastructure, October 13, 2022. *Other Elected Official Attending: The Public Advocate (Mr. Williams)*.

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

Report for Int. No. 291-A

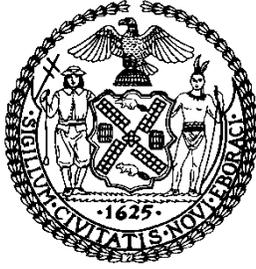
Report of the Committee on Transportation and Infrastructure in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to a citywide greenway plan.

The Committee on Transportation and Infrastructure, to which the annexed proposed amended local law was referred on April 28, 2022 (Minutes, page 833), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Transportation and Infrastructure for Int. No. 258-A printed above in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 291-A:



THE COUNCIL OF THE CITY OF NEW YORK

FINANCE DIVISION

TANISHA EDWARDS, ESQ., CFO & DEPUTY CHIEF OF STAFF TO THE SPEAKER

FISCAL IMPACT STATEMENT

PROPOSED INT. NO: 291-A

COMMITTEE: Transportation & Infrastructure

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to a citywide greenway master plan.

SPONSORS: Council Members Rivera, Brooks-Powers, Hudson, Sanchez, Stevens, Williams, Ung, Ayala, Restler, Abreu, Krishnan, Nurse, Won, Joseph, Menin, De La Rosa, Narcisse, Brannan, Avilés, Powers, Velázquez, Farías, Schulman, Richardson Jordan, Hanif, Riley, Cabán, Gutiérrez, Dinowitz, Lee and Paladino (in conjunction with the Brooklyn Borough President).

SUMMARY OF LEGISLATION: Proposed Int. No. 291 would require the Department of Transportation (DOT) and the Department of Parks and Recreation (DPR), in conjunction with other relevant City agencies and entities, to prepare a master plan on the City's Greenways, defined as linear open space developed as a multi-use pathway on which motor vehicles are prohibited, except as authorized by any law enforcement agency or authority or by any federal, state, local or non-governmental agency, authority or other entity with jurisdiction over such greenway. The goal of the plan would be to achieve a comprehensive citywide network of greenways, including identification of locations feasible for development into a greenway, the identification of opportunities for integrating green infrastructure, and the creation of a map that displays the status of the greenways. It would also require DOT and DPR to regularly engage with affected communities regarding proposed changes, updates or other repair work on greenways. DOT or DPR would have to provide notice of and an opportunity to request a presentation on future greenway development proposals to affected community boards. In addition this bill would require the creation of an internal working group to draft the citywide greenway plan no later than March 23, 2023. The plan would be required to be completed by December 1, 2024, and would be updated by December 1, 2026 and by December 1 of every fifth year thereafter. This bill would also require that no later than February 1, 2025 and by February 1 of each year thereafter, that DOT and DPR submit to the Mayor and Speaker of the Council and post on the websites of the agencies a greenway development report that provides a summary of the implementation of the citywide greenway plan.

EFFECTIVE DATE: Immediately.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2024

FISCAL IMPACT STATEMENT:

	Effective FY23	FY Succeeding Effective FY24	Full Fiscal Impact FY24
Revenues	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0
Net	\$0	\$0	\$0

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

IMPACT ON EXPENDITURES: It is estimated that there would be no impact on expenditures resulting from the enactment of this legislation because the department would utilize existing resources to implement the requirements of this legislation.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

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

ESTIMATE PREPARED BY: John Basile, Principal Financial Analyst

ESTIMATE REVIEWED BY: Chima Obichere, Deputy Director
Eisha Wright, Deputy Director
Jonathan Rosenberg, Managing Deputy Director
Kathleen Ahn, Finance Division Counsel

LEGISLATIVE HISTORY: This legislation was first introduced to the full Council as Intro. No. 291 on April 28, 2022 and the bill was referred to the Committee on Transportation & Infrastructure (Committee). A hearing was held by the Committee on June 28, 2022 and the bill was laid over. The legislation has been amended and the amended version, Proposed Intro. No. 291-A, will be considered by the Committee on October 13, 2022. Upon a successful vote by the Committee, Proposed Intro. No. 291-A will be submitted to the full Council for a vote on October 27, 2022.

DATE PREPARED: October 7, 2022.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 291-A:)

Proposed Int. No. 291-A

By Council Members Rivera, Brooks-Powers, Hudson, Sanchez, Stevens, Williams, Ung, Ayala, Restler, Abreu, Krishnan, Nurse, Won, Joseph, Menin, De La Rosa, Narcisse, Brannan, Avilés, Powers, Velázquez, Farías, Schulman, Richardson Jordan, Hanif, Riley, Cabán, Gutiérrez, Dinowitz, Lee, Bottcher, Kagan, Gennaro and Mealy (in conjunction with the Brooklyn Borough President).

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

Be it enacted by the Council as follows:

Section 1. Title 19 of the administrative code of the city of New York is amended by adding a new chapter 11 to read as follows:

CHAPTER 11
CITYWIDE GREENWAY PLAN

§ 19-1100 Citywide greenway plan. a. Definitions. As used in this section, the following terms have the following meanings:

Greenway. The term “greenway” means a linear open space developed as a multi-use pathway on which motor vehicles are prohibited, except as authorized by any law enforcement agency or authority or by any federal, state, local or non-governmental agency, authority or other entity with jurisdiction over such greenway.

Motor vehicle. The term “motor vehicle” has the meaning ascribed to such term by section 125 of the vehicle and traffic law.

b. The department and the department of parks and recreation, in consultation with the department of city planning, the department of design and construction, the department of environmental protection and a contracted entity, as defined in section 22-821, shall develop a citywide greenway plan that details the development of greenways throughout the city, with the goal of achieving a comprehensive citywide network of greenways.

c. No later than March 30, 2023, the department and the department of parks and recreation shall create an internal working group to draft the citywide greenway plan required pursuant to subdivision b of this section. Such citywide greenway plan shall:

1. Identify locations throughout the city that are feasible for development into a greenway or connection to the existing greenway network, including a description of the necessary steps associated with the completion of such development or connection;

2. Include a list of early action greenway projects prioritized for implementation, with priority given to proposed projects in low- and moderate-income communities;

3. Identify opportunities for integrating green infrastructure, such as permeable surfaces and other flood mitigation interventions; and

4. Include a map that shall be posted on the website of the department and to which a link shall be provided on the website of the department of parks and recreation. Such map shall be updated no less than annually. Such map shall display greenways currently available for public use as well as greenway projects and future greenways identified in such citywide greenway plan and their current status. Such map shall include, for any section of a greenway that is fully closed for public use for a period of at least three months, a description of the reason for such closure, a description of the alternate route designated in response to such closure, and the estimated timeline associated with reopening such section for public use. Such map shall also indicate the federal, state, local or non-governmental agency, authority or other entity with jurisdiction over greenway projects and future greenways identified in such citywide greenway plan and any such section of an existing greenway that is closed for public use.

d. The citywide greenway plan required pursuant to subdivision b of this section shall be completed by December 1, 2024, and shall be updated by December 1 of 2026 and by December 1 of every fifth year thereafter. The initial citywide greenway plan required pursuant to subdivision b of this section and all subsequent versions of such plan shall be posted on the websites of the department and the department of parks and recreation within 30 days after completion.

e. No later than February 1, 2025, and by February 1 of each year thereafter, the department and the department of parks and recreation shall submit to the mayor and the speaker of the council, and post on the websites of the department and the department of parks and recreation, respectively, a greenway development report that provides a summary of the implementation of the citywide greenway plan required pursuant to subdivision b of this section and the updating of such plan pursuant to subdivision d of this section.

f. For the purposes of implementing the citywide greenway plan required pursuant to subdivision b of this section and submitting the report required pursuant to subdivision e of this section, the department and the department of parks and recreation shall regularly engage with community boards in community districts that contain thoroughfares or other locations that are potentially suitable for development into a section of greenway, and, where feasible, consult with any federal, state, local or non-governmental agency, authority or other entity that has jurisdiction over any respective aspect of greenway development.

g. For any greenway that is proposed for future development in the citywide greenway plan required pursuant to subdivision b of this section, within seven days after such plan containing such proposal is posted

on the websites of the department and the department of parks and recreation pursuant to subdivision d of this section, the department or the department of parks and recreation shall provide notice and an opportunity to request a presentation on such proposal to the community board for each affected community district.

h. The citywide greenway plan required pursuant to subdivision b of this section shall not be construed as a plan for the purposes of section 197-a of the charter.

§ 2. This local law takes effect immediately.

SELVENA N. BROOKS-POWERS, *Chairperson*; CARLINA RIVERA, FARAH N. LOUIS, AMANDA FARIAS, ARI KAGAN, LINDA LEE, MERCEDES NARCISSE, LINCOLN RESTLER, ALTHEA V. STEVENS, NANTASHA M. WILLIAMS, DAVID M. CARR, JOANN ARIOLA; 12-0-0; *Absent*: Julie Won and Kalman Yeger; Committee on Transportation and Infrastructure, October 13, 2022. *Other Elected Official Attending: The Public Advocate (Mr. Williams).*

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 Women and Gender Equity

Report for Int. No. 153-A

Report of the Committee on Women and Gender Equity in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to establishing a housing stability program for survivors of domestic and gender-based violence.

The Committee on Women and Gender Equity, to which the annexed proposed amended local law was referred on April 14, 2022 (Minutes, page 565), respectfully

REPORTS:

I. INTRODUCTION

On October 25, 2022, the Committee on Women & Gender Equity, chaired by Council Member Tiffany L. Cabán, will consider the Support Survivor’s package of legislation, which includes Proposed Introduction Number (Proposed Int. No.) 153, co-sponsored by Council Members Cabán and Shahana Hanif, in relation to establishing a housing stability program for survivors of domestic and gender-based violence, Proposed Int. No. 154, sponsored by Council Member Cabán, in relation to requiring the Office to End Domestic and Gender-based Violence (“ENDGBV”) to create an online services portal and guide, and Resolution Number (Res. No.) 111, also sponsored by Council Members Cabán, which calls on New York State to pass legislation that would provide domestic violence survivors and their families with job-protected, paid leave, similar to that of New York State’s Paid Family Leave law, to be used for any activities relating to their actual or perceived status as a domestic violence survivor or family member of a domestic violence survivor. This legislation was originally heard at an oversight hearing of this Committee on June 14, 2022, at which the Committee heard testimony from ENDGBV, as well as survivors of domestic and gender-based violence, local legal service providers, community-based service providers, advocates, and experts in the field of domestic violence, gender-based violence and gender equity, and other interested stakeholders.

II. BACKGROUND

Domestic and Gender-Based Violence

Gender-based violence (GBV) refers to any type of violence that is rooted in exploiting unequal power relationships between genders.¹ This can include gender norms and role expectations specific to a society, as well as situational power imbalances and inequities.² More specifically, GBV can include sexual, physical, mental and economic harm, as well as threats of violence, coercion and manipulation.³ It can take many forms such as intimate partner and family violence, elder abuse, sexual violence, stalking and human trafficking.⁴

Domestic violence (DV) is a pattern of economic, emotional, physical, and sexual abuse and other behaviors intended to exert power and control, committed against members of the same family or household or individuals who are or have been in an intimate relationship.⁵

GBV, DV and intimate partner violence (IPV)⁶ occur in all settings and among all cultural, religious and socioeconomic groups, but disproportionately affect women, racial and ethnic minorities⁷ and members of the LGBTQ+⁸ community.⁹ Victims¹⁰ of GBV and DV often feel stuck in abusive relationships, as any action they take may have immediate and disruptive consequences for them and their family.¹¹ According to the United States (U.S.) Bureau of Justice Statistics, between 2006 and 2015, police were not notified in nearly half (46 percent) of the 1.3 million nonfatal DV victimizations that occurred each year.¹²

Moreover, survivors in certain potentially vulnerable communities and populations, including, but not limited to, youth and older adult survivors, communities of color, deaf survivors and survivors with disabilities, immigrant survivors, survivors with limited English proficiency, LGBTQ+ survivors, criminalized survivors,

1 NYC Mayor's Office to End Domestic and Gender-Based Violence (hereinafter "ENDGBV"), *Introduction to Domestic Violence & GBV* (n.d.), available at <https://www1.nyc.gov/site/ocdv/services/introduction-to-domestic-violence-and-gender-based-violence.page>.

2 *Id.*

3 *Id.*

4 *Id.*

5 Domestic violence is one part of a larger continuum of issues related to gender-based violence, which includes intimate partner violence, family violence, sexual assault, stalking and human trafficking. See ENDGBV, *Introduction to Domestic Violence & GBV* (n.d.), available at <https://www1.nyc.gov/site/ocdv/services/introduction-to-domestic-violence-and-gender-based-violence.page>; see also Mayo Clinic, *Domestic Violence against Women: Recognize Patterns, Seek Help* (Feb. 25, 2020), available at <https://www.mayoclinic.org/healthy-lifestyle/adult-health/in-depth/domestic-violence/art-20048397>.

6 IPV is the specific subset of DV involving individuals who are married, formerly married, have a child in common or have been involved in an intimate relationship. See Centers for Disease Control and Prevention, *Intimate Partner Violence* (n.d.), available at <https://www.cdc.gov/violenceprevention/intimatepartnerviolence/index.html>; World Health Organization, *Understanding and Addressing Domestic Violence: Intimate Partner Violence* (n.d.), available at http://apps.who.int/iris/bitstream/handle/10665/77432/WHO_RHR_12.36_en.

7 World Health Organization, *Understanding and Addressing Violence Against Women* (2012), available at http://apps.who.int/iris/bitstream/handle/10665/77432/WHO_RHR_12.36_eng.pdf?sequence=1.

8 LGBTQ+ is an acronym for lesbian, gay, bisexual, transgender and queer or questioning. Other variations of the acronym include but are not limited to other sexualities such as asexual, demisexual, genderqueer, gender fluid, graysexual, intersex, pansexual and unassigned at birth. See Michael Gold, *The ABCs of L.G.B.T.Q.I.A.+*, THE NEW YORK TIMES (Jun. 21, 2018, updated Jun. 7, 2019), available at <https://www.nytimes.com/2018/06/21/style/lgbtq-gender-language.html>.

9 VAWnet: A project of the National Resource Center on Domestic Violence, "The Problem: DV in LGBTQ Communities & Barriers to Safety" (n.d.), available at <https://vawnet.org/sc/rates-and-prevalence-dv-lgbtq-communities>; see also Ashley Abramson, *How COVID-19 may increase domestic violence and child abuse*, AMER. PSYCH. SOCIETY (Apr. 8, 2020), available at <https://www.apa.org/topics/covid-19/domestic-violence-child-abuse>.

10 This Committee Report utilizes both the terms "victim" and "survivor" to reflect that both are used in the field and the context with which they are used by the source being cited. These terms, however, can take on similar but different meanings based on the jurisdiction or organization using them. See e.g., RAINN, *Key Terms or Phrases* (n.d.), available at <https://www.rainn.org/articles/key-terms-and-phrases>.

11 ENDGBV, *Introduction to Domestic Violence & GBV* (n.d.), available at <https://www1.nyc.gov/site/ocdv/services/introduction-to-domestic-violence-and-gender-based-violence.page>; NYC Department of Health and Mental Hygiene, *Intimate Partner Violence (IPV)* (n.d.), available at <https://www1.nyc.gov/site/doh/providers/resources/public-health-action-kits-ipv.page>; See also *Intimate Partner Violence Against Women in New York City* (Sept. 8, 2008), available at <https://www1.nyc.gov/assets/doh/downloads/pdf/public/ipv-08.pdf>.

12 U.S. Department of Justice, Bureau of Justice Statistics, "Police Response to Domestic Violence, 2016-2015" (May 2017), available at https://bjs.ojp.gov/content/pub/pdf/prdv0615_sum.pdf.

survivors who are veterans, and survivors with mental health or substance use challenges,¹³ may face additional barriers in accessing resources and support.¹⁴

Mayor’s Office to End Domestic and Gender-Based Violence and Family Justice Centers

ENDGBV develops policies and programs, provides training and prevention education, conducts research and evaluations and performs community outreach around domestic and gender-based violence.¹⁵ Additionally, ENDGBV operates the NYC Family Justice Centers (FJCs), which are multi-disciplinary service centers co-located with District Attorney (DA) Offices in each borough, providing social services, civil, legal and criminal justice assistance for victims and survivors of DV and GBV and their children.¹⁶ Through collaboration with City agencies and community stakeholders, ENDGBV works to ensure access to inclusive services for victims and survivors of domestic and gender-based violence.¹⁷

According to ENDGBV’s 2021 Annual Report on Domestic Violence Initiatives, Indicators and Factors, at each FJC, individual clients utilized a variety of services, including safety planning, civil legal services, counseling, criminal justice services, housing/shelter advocacy, economic empowerment, health and mental health services and practical assistance.¹⁸ Regarding contracted legal service provider staff, each borough FJC has two family law attorneys and one immigration attorney, apart from Manhattan, which has four family law attorneys and two immigration attorneys.¹⁹ Additionally, concerning housing attorneys, there are three legal service providers who rotate coverage across all FJCs.²⁰ The below table shows the languages spoken by contracted legal service provider staff by borough.

Table 1. 2021 Contracted Legal Service Provider Staff by Languages Spoken for Each Family Justice Center number of contracted staff who speak each language is in ()²¹

Bronx	Brooklyn	Manhattan	Queens	Staten Island
Spanish (8)	Arabic (1)	Mandarin (1)	Korean (1)	Spanish (4)
	French (1)	Portuguese (1)	Spanish (2)	
	Polish (1)	Russian (1)		
	Spanish (1)	Spanish (5)		

In 2021, FJCs recorded 13,272 individual clients with a total of 42,706 client visits.²² By borough, Queens recorded the highest number of individual clients (4,558) and client visits (11,955), while Staten Island recorded the fewest number of individual clients (1,650) and client visits (6,754).²³ Across the five boroughs, safety planning and civil legal services were the most popular service types utilized by individual clients.²⁴ ENDGBV also reported that in 2021 it had conducted 261 outreach events, including 139 community events, 90 community meetings or trainings, 26 presentations and six other events.²⁵

13 See Domestic Violence and Housing Technical Assistance Consortium, *Working with Underserved or Marginalized Survivors* (n.d.), available at <https://safehousingpartnerships.org/key-approaches/survivor-centered-services/working-with-underserved>.

14 ENDGBV, *COVID-29 RESPONSE WORK GROUP SUMMARY REPORT: Supporting Survivors of Domestic and Gender-Based Violence from Crisis through Recovery* 1, 4-5 (July 2020), available at <https://www1.nyc.gov/assets/ocdv/downloads/pdf/crwg-summary-report-july-2020.pdf>; Futures without Violence, *The Facts on Immigrant Women and Domestic Violence* (n.d.), available at http://www.futureswithoutviolence.org/userfiles/file/Children_and_Families/Immigrant.pdf (explaining that immigrant women, for example, may face a more difficult time escaping abuse due to their immigration status, or feel trapped in abusive relationships due to language barriers, social isolation, and lack of financial resources).

15 ENDGBV, *About ENDGBV* (n.d.), available at <https://www1.nyc.gov/site/ocdv/about/about-endgbv.page>.

16 ENDGBV, *Family Justice Centers* (n.d.), available at <https://www1.nyc.gov/site/ocdv/programs/family-justice-centers.page>.

17 ENDGBV, 2021 Annual Report on Domestic Violence Initiatives, Indicators and Factors (Jan. 2022), available at <https://www1.nyc.gov/assets/ocdv/downloads/pdf/2021-Local-Law-38-Report.pdf>.

18 *Id.*
 19 *Id.*
 20 *Id.*
 21 *Id.*
 22 *Id.*
 23 *Id.*
 24 *Id.*
 25 *Id.*

III. BARRIERS TO ACCESSING SURVIVOR SERVICES

Victims and survivors face many barriers to healing along their journey to recovery.²⁶ The trauma of experiencing DV and/or GBV can cause devastating, with lifelong psychological and/or physical impacts, especially without timely and effective support services.²⁷ Unaddressed trauma can lead to chronic emotional distress, relationship problems, and substance use disorders, all of which can lead to challenges with maintaining employment or housing.²⁸ Ultimately, untreated trauma has costly consequences for survivors, their families, and communities.²⁹ Additionally, domestic violence is one of the leading causes of homelessness in New York City, ahead of evictions and overcrowding in shelters.³⁰

While DV and GBV have devastating consequences, research indicates that few survivors receive the supports they need to heal and move past the trauma they experienced.³¹ According to the U.S. Department of Justice's Office for Victims of Crime, only about one in ten survivors receive direct assistance from a victim service agency, and as previously referenced in this Report, nearly half of all such crimes are not even reported.³² When it comes to sexual assault, only a quarter of survivors ever report to the police.³³

IV. ANALYSIS OF PROPOSED INT. NO. 153-A

Proposed Int. no. 153-A would require the Office to End Domestic and Gender-Based Violence (ENDGBV), in consultation with the Department of Social Services (DSS) and community-based organizations, to establish a program to provide survivors of domestic and gender-based violence with a low-barrier grant and supportive services that would help survivors with expenses related to maintaining housing. The bill would require ENDGBV to report on the program on an annual basis. The legislation also updates the definitions section used in this section of the code.

Since introduction, this bill was amended to clarify who would be eligible for the grant, the information available to applicants, the timing required to set up the grant program, when ENDGBV would begin its outreach, to address how this grant program might affect other benefits and to reorganize and expand the definition section for ENDGBV's section of the code.

If passed, this local law would take effect immediately.

V. ANALYSIS OF PROPOSED INT. NO. 154-A

Proposed Int. 154-A would require the Mayor's Office to End Domestic and Gender-Based Violence (ENDGBV) to establish an online portal and a written resource guide of available services for survivors of domestic or gender-based violence in New York City. Pursuant to the legislation, the portal and guide would be available in the designated citywide languages, while the guide would also be available in Braille. The legislation would also require that the agency include a clear and conspicuous link to any other relevant City-run websites and portals that provide information on survivor services located within the city, and a description of the types of such resources. Finally, the legislation would require ENDGBV to conduct outreach on the portal and guide and ensure the portal is secure and confidential to protect the privacy of survivors.

26 National Alliance of Trauma Recovery Centers, *Trauma Recovery Centers: Addressing the Needs of Underserved Crime Survivors* (Jan. 2020), available at <https://allianceforsafetyandjustice.org/wp-content/uploads/2020/10/TRAUMA-RECOVERY-CENTERSAddressing-the-Needs-of-Underserved-Crime-Survivors.pdf>.

27 U.S. Department of Health & Human Services, Substance Abuse and Mental Health Services Administration, *Trauma and Violence* (Aug. 2019), available at <https://www.samhsa.gov/trauma-violence>.

28 *Id.*

29 *Id.*

30 Stewart, N., "New York Adding Shelter Options for Homeless Victims of Domestic Abuse," *The New York Times* (June 14, 2017) available at <https://www.nytimes.com/2017/06/14/nyregion/new-york-domestic-violence-homeless-shelters.html> (last visited Sep. 19, 2019).

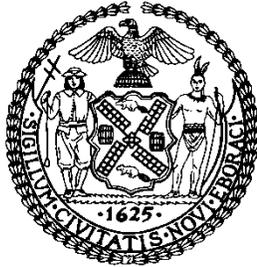
31 U.S. Department of Justice, Office for Victims of Crime, *Vision 21: Transforming Victim Services Final Report* (May 2013), available at https://ovc.ojp.gov/sites/g/files/xyckuh226/files/media/document/Vision21_Report.pdf.

32 *Id.*

33 Rachel E. Morgan, Ph.D., and Barbara A. Oudekerk, Ph.D., *Criminal Victimization*, 2018, Bureau of Justice Statistics (Sept. 2019), available at <https://www.bjs.gov/content/pub/pdf/cv18.pdf>.

Since introduction, this bill was amended to clarify language around the need to establish a website or portal, and language was added about including a link to other city resources.
 If passed, this local law would take effect immediately.

(The following is the text of the Fiscal Impact Statement for Int. No. 153-A:)



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

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

FISCAL IMPACT STATEMENT

PROPOSED INTRO. NO: 153-A

COMMITTEE: Women and Gender Equity

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to establishing a housing stability program for survivors of domestic and gender-based violence.

SPONSOR(S): Cabán, Hanif, Louis, Ayala, Ung the Public Advocate (Mr. Williams), Stevens, Won, Restler, Krishnan, Abreu, Marte, Hudson, Nurse, Williams, Gutiérrez, Narcisse, Menin, Lee, De La Rosa, Richardson Jordan, Schulman, Avilés, Bottcher, Brewer, Velázquez, Rivera, Sanchez, Farías and Riley.

SUMMARY OF LEGISLATION: This bill would require the Office to End Domestic and Gender-Based Violence (ENDGBV), in consultation with the Department of Social Services (DSS) and community-based domestic violence organizations, to establish a program to provide survivors of domestic and gender-based violence with a low-barrier grant for expenses and supportive services. ENDGBV, DSS and community-based domestic violence organizations will conduct outreach ahead of accepting applications and ENDGBV will produce an initial and annual reports on the program. The report will be posted on ENDGBV’s website and submitted to the mayor and speaker no later than 180 days after the program is established.

EFFECTIVE DATE: This local law takes immediate effect.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal Year 2024

FISCAL IMPACT STATEMENT:

	Effective FY23	FY Succeeding Effective FY24	Full Fiscal Impact FY24
Revenues	\$0	\$0	\$0
Expenditures	TBD	TBD	TBD
Net	TBD	TBD	TBD

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

IMPACT ON EXPENDITURES: The fiscal impact on expenditures resulting from the enactment of this legislation is unclear at this time because the program participation rate could not be estimated.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: General Fund

SOURCE OF INFORMATION: Office of the Mayor of New York City, Office of Management and Budget

ESTIMATE PREPARED BY: Masis Sarkissian, Unit Head, NYC Council Finance Division

ESTIMATE REVIEWED BY: Crilhien Francisco, Assistant Director, NYC Council Finance Division
Jonathan Rosenberg, Managing Deputy Director, NYC Council Finance Division

LEGISLATIVE HISTORY: The legislation was introduced to the full Council on April 14, 2022, as Intro. 513 and referred to the Committee on Women and Gender Equity. The legislation was considered by the Committee on Women and Gender Equity at a hearing held on June 14, 2022, and was Laid Over by Committee. It was subsequently amended, and the amended version Proposed Intro. No. 513-A will be considered by the Committee on Women and Gender Equity on October 25, 2022. Upon successful vote by the Committee on Women and Gender Equity, Proposed Intro No. 513-A will be submitted to the full Council for a vote on October 27, 2022.

DATE PREPARED: 10/24/2022.

(For text of Int. No. 154-A and its Fiscal Impact Statement, please see the Report of the Committee on Women and Gender Equity for Int. No. 154-A printed in these Minutes; for text of Res. No. 111, please see the Report of the Committee on Women and Gender Equity for Res. No. 111 printed in the voice-vote Resolutions section of these Minutes; for text of Int. No. 153-A, please see below)

Accordingly, this Committee recommends the adoption of Int. Nos. 153-A, 154-A, and Res. No. 111.

(The following is the text of Int. No. 153-A:)

Int. No. 153-A

By Council Members Cabán, Hanif, Louis, Ayala, Ung the Public Advocate (Mr. Williams), Stevens, Won, Restler, Krishnan, Abreu, Marte, Hudson, Nurse, Williams, Gutiérrez, Narcisse, Menin, Lee, De La Rosa, Richardson Jordan, Schulman, Avilés, Bottcher, Brewer, Velázquez, Rivera, Sanchez, Farías, Riley, Gennaro, Hanks, Kagan and Mealy.

A Local Law to amend the administrative code of the city of New York, in relation to establishing a housing stability program for survivors of domestic and gender-based violence

Be it enacted by the Council as follows:

Section 1. Section 3-180 of the administrative code of the city of New York, as added by local law number 38 for the year 2019 and renumbered by local law 109 for the year 2021, is amended to read as follows:

§ 3-180 Definitions. For the purposes of this subchapter, the following terms have the following meanings:

Domestic violence. The term “domestic violence” means acts or threats of violence, not including acts of self-defense, committed by a family or household member against another family or household member.

Family justice center. The term “family justice center” means the centers and any successor locations through which the office or successor entity provides criminal justice, civil legal, and social services to victims of domestic violence and gender-based violence.

Family or household member. The term “family or household member” means the following individuals: (i) persons related by consanguinity or affinity; (ii) persons legally married to one another; (iii) persons formerly

married to one another regardless of whether they still reside in the same household; (iv) persons who have a child in common regardless of whether such persons have been married or have lived together at any time; (v) persons not legally married, but currently living together in a family-type relationship; and (vi) persons not legally married, but who have formerly lived together in a family-type relationship.

Gender-based violence. The term “gender-based violence” means acts or threats of violence directed against a person because of their gender or perceived gender, including, but not limited to, family violence, intimate partner violence, sexual violence, sex or labor trafficking, elder abuse, and stalking.

Office. The term “office” means the office to end domestic and gender-based violence.

Relevant organization. The term “relevant organization” means an organization that provides services to a survivor, which include, but are not limited to, child and youth, education, employment, health, housing, immigration, income, legal, safety planning, and transportation services.

Survivor. The term “survivor” means an individual who has experienced or reported domestic or gender-based violence.

§ 2. Subchapter 8 of chapter 1 of title 3 of the administrative code of the city of New York is amended by adding a new section 3-185 to read as follows:

§ 3-185 Domestic violence and gender-based violence survivor housing stability program. a. Definitions. For the purposes of this section, the following terms have the following meanings:

Covered individual. The term “covered individual” means an individual who meets the following criteria:

1. A survivor, as defined in section 3-180, whose status as such is established by a self-attestation, documentation from an agency or community-based organization, or an order of a court of competent jurisdiction;

2. Income-eligible;

3. A resident of the city of New York; and

4. Any other criteria deemed appropriate by the office to further the purposes of the program, except that, to the extent allowed under applicable law, such criteria shall be irrespective of such individual’s consumer credit history, criminal history, or immigration status.

Designated organizations. The term “designated organizations” means one or more community-based, relevant organizations designated by the office to participate in the program established pursuant to subdivision b of this section.

Income-eligible. The term “income-eligible” means an individual whose annual gross income is not in excess of 300 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.

Low-barrier grant. The term “low-barrier grant” means a grant of financial assistance, free from as many requirements as possible that might deter or exclude a recipient, which may be used to cover any expense that would help a covered individual maintain housing including, but not limited to, the costs of a safety plan, housing costs, legal services costs, medical bills, mobile phone costs, moving costs, and transportation costs.

Program participant. The term “program participant” means a covered individual who has received a low-barrier grant and connection to supportive services pursuant to the program established by subdivision b of this section.

Supportive service. The term “supportive service” means a service that will help a survivor maintain housing, including, but not limited to, counseling, health services, housing services, and legal services.

b. Low-barrier grant and services program established. 1. Subject to appropriation, within nine months of the effective date of the local law that added this section, the office, in consultation with the department of social services and the designated organizations, shall establish a program to provide program participants with a low-barrier grant and connection to supportive services to help such individuals maintain housing.

2. The office, in consultation with the designated organizations, shall administer such program and coordinate the following:

(a) The application for such program, which shall be made available on the office’s website;

(b) The process for the disbursement of the low-barrier grant to program participants; and

(c) The connection to supportive services for program participants.

3. The office shall coordinate with the office of information privacy, the office of cyber command and any other relevant agency or office regarding the privacy and security of covered individuals and the information that such individuals provide to access information about, apply for, and participate in such program.

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

c. *Outreach.* Prior to accepting applications for the program required by subdivision b of this section, and continuing thereafter, the office, the department of social services, and the designated organizations shall conduct culturally appropriate outreach to spread awareness of such program. Such outreach shall include, but need not be limited to, written materials, which shall be made available to survivors in the designated citywide languages, as defined in section 23-1101, and in Braille.

d. *Report.* No later than 180 days after the office establishes the program required by subdivision b of this section, and annually thereafter, the office, in consultation with the department of social services and the designated organizations, shall issue a report on such program, which the office shall submit to the mayor and the speaker of the council and post on the office's website. The information in such report shall be reported in the aggregate and include, but need not be limited to, the following, to the extent such information is provided to the office:

1. The initial report shall include, but not be limited to, the following:

(a) For program applicants, aggregate data shall include the covered individuals' age group, community district, disability status, ethnicity, gender identity, household size, housing status, income, primary language, race, and sexuality;

(b) For program participants, aggregate data shall include the program participants' age group, community district, disability status, ethnicity, gender identity, household size, housing status, income, primary language, race, and sexuality;

(c) The range, average, and median amount of every low-barrier grant provided to each program participant;

(d) The range, average, and median amount of time that it took each program participant to receive and use such low-barrier grant;

(e) A broad list of categories of expenses for which such program participants used such low-barrier grant;

(f) A description of the supportive services that program participants were connected to and how such services helped them maintain housing;

(g) A description of any changes in the housing status of program participants; and

(h) A description of any challenges the office had in implementing such program and any efforts the office took to address such challenges; and

2. The annual report shall include, but need not be limited to, the following:

(a) The information in the initial report, updated for such annual report;

(b) A description of any barriers that prevented survivors from qualifying for and participating in the program established pursuant to subdivision b of this section and any efforts the office took to address them;

(c) A description of how such program does or does not help the program participants to maintain housing;

(d) Any recommendations on how to improve such program; and

(e) Such program's budget for the relevant fiscal year.

3. No information that is required to be reported pursuant to this subdivision shall be reported if doing so would violate any applicable provision of federal, state, or local law relating to the privacy, confidentiality, use, or disclosure of such information. If a category contains between one to nine households, or allows another category to be narrowed to be between one to nine households, the number shall be replaced with a symbol. A category that contains zero shall be reported as zero.

e. *Other public benefits or assistance programs.* Notwithstanding the provisions of any law or regulations to the contrary, and in consultation with the mayor's office of operations and any other agency the commissioner deems appropriate, to the extent permitted by federal, state, and local law and regulations, any cash payments provided to eligible households or individuals pursuant to this local law shall not be taken into account as income for purposes of determining eligibility for any other public benefits or assistance programs.

§ 2. This local law takes effect immediately.

TIFFANY CABÁN, *Chairperson*; KEVIN C. RILEY, JAMES F. GENNARO, JENNIFER GUTIÉRREZ, KRISTIN RICHARDSON JORDAN, ALTHEA V. STEVENS; 6-0-0; Committee on Women and Gender Equity, October 25, 2022.

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

Report for Int. No. 154-A

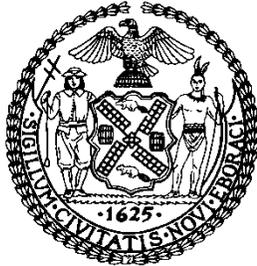
Report of the Committee on Women and Gender Equity in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to requiring the office to end domestic and gender-based violence to create an online services portal and guide.

The Committee on Women and Gender Equity, to which the annexed proposed amended local law was referred on April 14, 2022 (Minutes, page 567), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Women and Gender Equity for Int. No. 153-A printed above in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 154-A:



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

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

FISCAL IMPACT STATEMENT

PROPOSED INTRO. NO: 154-A

COMMITTEE: Women and Gender Equity

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to requiring the office to end domestic and gender-based violence to create an online services portal and guide.

SPONSOR(S): Cabán, Riley, Louis, Ayala, Ung, Stevens, Hanif, Won, Restler, Krishnan, Abreu, Marte, Hudson, Nurse, Williams, Yeger, Gutiérrez, Narcisse, Menin, Lee, De La Rosa, Richardson Jordan, Schulman, Avilés, Bottcher, Brewer, Sanchez and Farías.

SUMMARY OF LEGISLATION: This bill would require the Mayor’s Office to End Domestic and Gender-Based Violence (ENDGBV) to establish an online portal and a written resource guide of available services for survivors of domestic and gender-based violence within 180 days. The bill would also require the ENDGBV to conduct outreach on the portal and guide and ensure the portal is secure and confidential to protect the privacy of survivors.

EFFECTIVE DATE: This local law takes immediate effect.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal Year 2023

FISCAL IMPACT STATEMENT:

	Effective FY23	FY Succeeding Effective FY24	Full Fiscal Impact FY24
Revenues	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0
Net	\$0	\$0	\$0

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

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

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: Office of the Mayor of New York City, Office of Management and Budget

ESTIMATE PREPARED BY: Masis Sarkissian, Unit Head, NYC Council Finance Division

ESTIMATE REVIEWED BY: Crilhien Francisco, Assistant Director, NYC Council Finance Division

Jonathan Rosenberg, Managing Deputy Director, NYC Council Finance Division

LEGISLATIVE HISTORY: The legislation was introduced to the full Council on April 14, 2022, as Intro. 514 and referred to the Committee on Women and Gender Equity. The legislation was considered by the Committee on Women and Gender Equity at a hearing held on June 14, 2022, and was Laid Over by Committee. It was subsequently amended, and the amended version Proposed Intro. No. 514-A will be considered by the Committee on Women and Gender Equity on October 25, 2022. Upon successful vote by the Committee on Women and Gender Equity, Proposed Intro No. 514-A will be submitted to the full Council for a vote on October 27, 2022.

DATE PREPARED: 10/24/2022.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 154-A:)

Int. No. 154-A

By Council Members Cabán, Riley, Louis, Ayala, Ung, the Public Advocate (Mr. Williams), Stevens, Hanif, Won, Restler, Krishnan, Abreu, Marte, Hudson, Nurse, Williams, Yeger, Gutiérrez, Narcisse, Menin, Lee, De La Rosa, Richardson Jordan, Schulman, Avilés, Bottcher, Brewer, Sanchez, Farías, Gennaro, Hanks, Velázquez, Kagan, Rivera and Mealy.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the office to end domestic and gender-based violence to create an online services portal and guide

Be it enacted by the Council as follows:

Section 1. Subchapter 8 of chapter 1 of title 3 of the administrative code of the city of New York is amended by adding a new section 3-186 to read as follows:

§ 3-186 *Online services portal and guide. a. 1. Within 180 days of the effective date of the local law that added this section, the office, in consultation with relevant agencies and relevant organizations, shall establish and maintain a publicly accessible online portal of services for survivors provided by relevant organizations and all relevant agencies in the city. The online portal shall be available in the designated citywide languages, as defined by section 23-1101, and shall organize such services by service category, which shall include, but not be limited to, child and youth, education, employment, health, housing, immigration, income, legal, counseling, safety planning, and transportation services. Information about the services within each such service category shall include, but not be limited to, the following:*

- (a) The name, address, contact information, and website of the relevant agency or relevant organization that provides such service;*
- (b) The specific population of survivors, if any, that such agency or organization serves;*
- (c) The languages in which such service is provided by such agency or organization;*
- (d) Whether such agency or organization provides such service in-person or remotely;*
- (e) Whether and how such agency or organization and such service is accessible to persons with disabilities, including, but not limited to, providing services in American Sign Language;*
- (f) How survivors may access such service from such agency or organization;*
- (g) A clear and conspicuous link to any other relevant city-run websites and portals that provide information on survivor services located within the city, and a description of the types of such resources; and*
- (h) Any additional information that the office deems relevant including, but not limited to, whether such organizations indicate that they provide culturally appropriate services.*

2. The office, in consultation with the office of information privacy, shall ensure the online portal as required by paragraph 1 of this subdivision is secure to protect the privacy of survivors who access and utilize such portal to obtain information about and apply for services.

b. Within 180 days of the effective date of the local law that added this section, the office, in consultation with relevant agencies and relevant organizations, shall create and publish on its website a culturally appropriate guide, written in plain language, of services listed on the portal as required by paragraph 1 of subdivision a of this section, organized by service category. The office, in consultation with relevant agencies, including, but not limited to, the mayor's office for people with disabilities, shall translate such guide in the designated citywide languages, as defined by section 23-1101, and in Braille, and distribute it to individuals and community-based organizations who may otherwise not have access to such guide or to the online portal required by paragraph 1 of subdivision a of this section. The office shall publish on its website, and in any hard copy of such guide, information about how such organizations may update the office about any changes in such services.

c. The online portal, required by paragraph 1 of subdivision a of this section, and guide, required by subdivision b of this section, shall include a statement that for non-citizens, eligibility for programs and services may depend on a variety of factors, including immigration status, length of stay in the United States, state law relevant to the particular program or service, and characteristics of the particular program or service.

d. Beginning 180 days after the effective date of the local law that added this section, and continuing thereafter, the office, in consultation with relevant agencies and relevant organizations, shall conduct culturally

appropriate outreach in the designated citywide languages, as defined by section 23-l.u. no. 1101, and in Braille to survivors regarding the availability of the online portal required by paragraph 1 of subdivision a of this section and the written guide required by subdivision b of this section.

§ 2. This local law takes effect immediately.

TIFFANY CABÁN, *Chairperson*; KEVIN C. RILEY, JAMES F. GENNARO, JENNIFER GUTIÉRREZ, KRISTIN RICHARDSON JORDAN, ALTHEA V. STEVENS; 6-0-0; Committee on Women and Gender Equity, October 25, 2022.

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

GENERAL ORDERS CALENDAR

Report for L.U. No. 110 & Res. No. 378

Report of the Committee on Land Use in favor of approving, as modified, Application number C 210348 ZMK (Ninth Street Rezoning) submitted by Angelina Gatto Trust, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 16c, changing from an M2-1 District to an M1-4/R7A District and establishing a Special Mixed Use District (MX-25), Borough of Brooklyn, Community District 6, Council District 39.

The Committee on Land Use, to which the annexed Land Use item was referred on September 14, 2022 (Minutes, page 2197) and which same Land Use item was coupled with the resolution shown below and referred to the City Planning Commission, respectfully

REPORTS:

SUBJECT

BROOKLYN CB-6 - THREE APPLICATIONS RELATED TO NINTH STREET REZONING

C 210348 ZMK (L.U. No. 110)

City Planning Commission decision approving an application submitted by Angelina Gatto Trust, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 16c:

1. changing from an M2-1 District to an M1-4/R7A District property bounded by a line midway between 8th Street and 9th Street, a line 100 feet northwesterly of 3rd Avenue, 9th Street, and a line 175 feet southeasterly of 2nd Avenue; and

2. establishing a Special Mixed Use District (MX-25) bounded by a line midway between 8th Street and 9th Street, a line 100 feet northwesterly of 3rd Avenue, 9th Street, and a line 175 feet southeasterly of 2nd Avenue.

as shown on a diagram (for illustrative purposes only) dated April 25, 2022, and subject to the conditions of CEQR Declaration E-670.

N 210349 ZRK (L.U. No. 111)

City Planning Commission decision approving an application submitted by Angelina Gatto Trust, 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 XII, Chapter 3 (Special Mixed Use District) for the purpose of establishing a new Special Mixed Use District (MX-25) and modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area.

C 210350 ZSK (L.U. No. 112)

City Planning Commission decision approving an application submitted by Angelina Gatto Trust pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-533 of the Zoning Resolution to waive all required accessory off-street parking spaces, for dwelling units in a development within a Transit Zone, that includes at least 20 percent of all dwelling units as income-restricted housing units, in connection with a proposed mixed use development, on property located at 153-157 9th Street and 124 8th Street (Block 1002, Lots 48, 49, 50 & 16), in M1-4/R7A and M2-1 Districts, partially within a Special Mixed Use District (MX-25).

INTENT

To approve a zoning map amendment to change from an M2-1 District to an M1-4/R7A District; amend zoning text to designate a Mandatory Inclusionary Housing (MIH) area and establish a new Special Mixed Use District (MX-25); and grant an approval of the special permit to reduce residential off-street parking to facilitate affordable housing to facilitate the construction of a nine-story mixed use development containing 48 dwelling units, 13 of which would be permanently affordable, along with ground floor commercial space, at 153-157 Ninth Street in the Gowanus neighborhood of Brooklyn, Community District 6.

PUBLIC HEARING

DATE: September 22, 2022

Witnesses in Favor: Eight

Witnesses Against: Eleven

SUBCOMMITTEE RECOMMENDATION

DATE: October 25, 2022

The Subcommittee recommends that the Land Use Committee approve with modifications the decisions of the City Planning Commission on L.U. Nos. 110, 111, and 112.

In Favor:	Against:	Abstain:
Riley	None	None
Moya		
Louis		
Abreu		
Bottcher		
Schulman		
Carr		

COMMITTEE ACTION

DATE: October 25, 2022

The Committee recommends that the Council approve the attached resolutions.

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

FILING OF MODIFICATIONS WITH THE CITY PLANNING COMMISSION

The City Planning Commission filed a letter dated _____, with the Council on _____, indicating that the proposed modifications are not subject to additional environmental review or additional review pursuant to Section 197-c of the City Charter.

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

Res. No. 378

Resolution approving with modifications the decision of the City Planning Commission on ULURP No. C 210348 ZMK, a Zoning Map amendment (L.U. No. 110).

By Council Members Salamanca and Riley.

WHEREAS, Angelina Gatto Trust filed an application pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 16c, changing from an M2-1 District to an M1-4/R7A District and establishing a Special Mixed Use District (MX-25), which in conjunction with the related actions would facilitate the construction of a nine-story mixed-use development containing 48 dwelling units, 13 of which would be permanently affordable, along with ground-floor commercial space, at 153-157 9th

Street and 124 8th Street, in the Gowanus neighborhood of Brooklyn, Community District 6 (ULURP No. C 210348 ZMK) (the "Application");

WHEREAS, the City Planning Commission filed with the Council on September 9, 2022 its decision dated September 7, 2022 (the "Decision") on the Application;

WHEREAS, the Application is related to applications N 210349 ZRK (L.U. No. 111), a zoning text amendment to designate a Mandatory Inclusionary Housing (MIH) area and establish a new Special Mixed Use District (MX-25), and C 210350 ZSK (L.U. No. 112), a special permit pursuant to Zoning Resolution (ZR) Section 74-533 to waive residential off-street parking to facilitate affordable housing;

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on September 22, 2022;

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

WHEREAS, the Council has considered the relevant environmental issues, including the Negative Declaration issued April 25th, 2022 (CEQR No. 22DCP091K) which includes an (E) designation to avoid the potential for significant adverse impacts related to hazardous materials, air quality, and noise impacts (E-670) (the "Negative Declaration").

RESOLVED:

The Council finds that the action described herein will have no significant impact on the environment as set forth in the (E) Designation (E-670) and Negative Declaration.

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, C 210348 ZMK incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission with the following modification.

Matter ~~double struck out~~ is old, deleted by the City Council;
Matter double-underlined is new, added by the City Council

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section 16c:

3. changing from an M2-1 District to an M1-4/~~R7A~~ R6B District property bounded by a line midway between 8th Street and 9th Street, a line 100 feet northwesterly of 3rd Avenue, 9th Street, and a line 175 feet southeasterly of 2nd Avenue; and
4. establishing a Special Mixed Use District (MX-25) bounded by a line midway between 8th Street and 9th Street, a line 100 feet northwesterly of 3rd Avenue, 9th Street, and a line 175 feet southeasterly of 2nd Avenue.

as shown on a diagram (for illustrative purposes only) dated April 25, 2022, and subject to the conditions of CEQR Declaration E-670, Borough of Brooklyn, Community District 6.

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, FARAH N. LOUIS, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, ERIK D. BOTTCHEER, ARI KAGAN, SHEKAR KRISHNAN, JOSEPH C. BORELLI; 9-0-0; *Absent*: Darlene Mealy and Pierina Ana Sanchez; *Conflict*: Carlina Rivera; *Medical*: Kamillah Hanks; Committee on Land Use, October 25, 2022.

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

Report for L.U. No. 111 & Res. No. 379

Report of the Committee on Land Use in favor of approving, as modified, Application number N 210349 ZRK (Ninth Street Rezoning) submitted by Angelina Gatto Trust, 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 XII, Chapter 3 (Special Mixed Use District) for the purpose of establishing a new Special Mixed Use District (MX-25) and modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of Brooklyn, Community District 6, Council District 39.

The Committee on Land Use, to which the annexed Land Use item was referred on September 14, 2022 (Minutes, page 2197) and which same Land Use item was coupled with the resolution shown below and referred to the City Planning Commission, respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Land Use for L.U. No. 110 & Res. No. 378 printed above in the General Orders Calendars section of these Minutes)

Accordingly, this Committee recommends its adoption, as modified.

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

Res. No. 379

Resolution approving with modifications the decision of the City Planning Commission on Application No. N 210349 ZRK, for an amendment of the text of the Zoning Resolution (L.U. No. 111).

By Council Members Salamanca and Riley.

WHEREAS, Angelina Gatto Trust filed an application pursuant to Section 201 of the New York City Charter, for an amendment of the text of the Zoning Resolution of the City of New York, modifying Article XII, Chapter 3 (Special Mixed Use District) for the purpose of establishing a new Special Mixed Use District (MX-25) and modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area, which in conjunction with the related action would facilitate the construction of a nine-story mixed-use development containing 48 dwelling units, 13 of which would be permanently affordable, along with ground-floor commercial space, at 153-157 Ninth Street and 124 Eighth Street, in the Gowanus neighborhood of Brooklyn, Community District 6 (ULURP No. N 210349 ZRK) (the “Application”);

WHEREAS, the City Planning Commission filed with the Council on September 9, its decision dated September 7, 2022 (the “Decision”), on the Application;

WHEREAS, the Application is related to applications C 210348 ZMK (L.U. No. 110), a zoning map amendment to change an M2-1 zoning district to an M1-4/R7A zoning district and C 210350 ZSK (L.U. No. 112), a special permit to waive residential off-street parking to facilitate affordable housing;

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on September 22, 2022;

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 April 25th, 2022 (CEQR No. 22DCP091K) which includes an (E) designation to avoid the potential for significant adverse impacts related to hazardous materials, air quality, and noise impacts (E-670) (the “Negative Declaration”).

RESOLVED:

The Council finds that the action described herein will have no significant impact on the environment as set forth in the (E) Designation (E-670) and Negative Declaration.

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, N 210349 ZRK, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission with the following modification.

- Matter ~~double struck out~~ is old, deleted by the City Council;
- Matter double-underlined is new, added by the City Council;
- Matter underlined is new, to be added;
- Matter ~~struck out~~ is to be deleted;
- Matter within # # is defined in Section 12-10;
- * * * indicates where unchanged text appears in the Zoning Resolution

**ARTICLE XII
SPECIAL PURPOSE DISTRICTS**

**Chapter 3
Special Mixed Use District**

* * *

**123-60
SPECIAL BULK REGULATIONS**

* * *

**123-63
Maximum Floor Area Ratio and Lot Coverage Requirements for Zoning Lots Containing Only Residential Buildings in R6, R7, R8 and R9 Districts**

* * *

#Special Mixed Use District#	Designated #Residence District#
MX-1 – Community District 1, The Bronx	R6A R7D
* * *	
MX 23 – Community District , Queens	R7A
MX 25 - Community District 6, Brooklyn	R7A R6B

* * *

123-90
SPECIAL MIXED USE DISTRICTS SPECIFIED

* * *

#Special Mixed Use District# - 25 [date of adoption]
Gowanus, Brooklyn

The #Special Mixed Use District# - 25 is established in Gowanus in Brooklyn as indicated on the #zoning maps#.

* * *

APPENDIX F

Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas

* * *

BROOKLYN

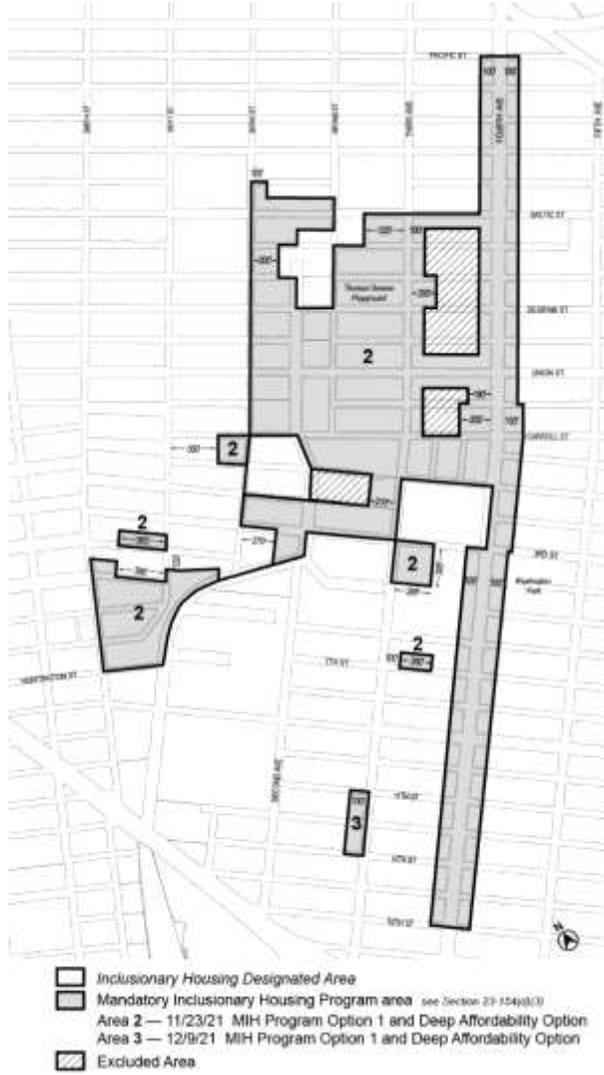
* * *

Brooklyn Community District 6

* * *

Map 1 – ~~(12/9/21)~~ [date of adoption]

[EXISTING MAP]



RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, FARAH N. LOUIS, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, ERIK D. BOTTCHEER, ARI KAGAN, SHEKAR KRISHNAN, JOSEPH C. BORELLI; 9-0-0; *Absent*: Darlene Mealy and Pierina Ana Sanchez; *Conflict*: Carlina Rivera; *Medical*: Kamillah Hanks; Committee on Land Use, October 25, 2022.

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

Report for L.U. No. 112 & Res. No. 380

Report of the Committee on Land Use in favor of approving, as modified, Application number C 210350 ZSK (Ninth Street Rezoning) submitted by Angelina Gatto Trust, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-533 of the Zoning Resolution to waive all required accessory off-street parking spaces, for dwelling units in a development within a Transit Zone, that includes at least 20 percent of all dwelling units as income-restricted housing units, in connection with a proposed mixed use development, on property located at 153-157 9th Street and 124 8th Street (Block 1002, Lots 48, 49, 50 & 16), in M1-4/R7A* and M2-1 Districts, partially within a Special Mixed Use District (MX-25)*, Borough of Brooklyn, Community District 6, Council District 39.

The Committee on Land Use, to which the annexed Land Use item was referred on September 14, 2022 (Minutes, page 2198) and which same Land Use item was coupled with the resolution shown below and referred to the City Planning Commission, respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Land Use for L.U. No. 110 & Res. No. 378 printed in the General Orders Calendars section of these Minutes)

Accordingly, this Committee recommends its adoption, as modified.

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

Res. No. 380

Resolution approving with modifications the decision of the City Planning Commission on ULURP No. C 210350 ZSK, for the grant of a special permit (L.U. No. 112).

By Council Members Salamanca and Riley.

WHEREAS, Angelina Gatto Trust 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 74-533 of the Zoning Resolution to waive all required accessory off-street parking spaces, for dwelling units in a development within a Transit Zone, that includes at least 20 percent of all dwelling units as income-restricted housing units, in connection with a proposed mixed-use development, on property located at 153-157 9th Street and 124 8th Street (Block 1002, Lots 48, 49, 50 & 16), in M1-4/R7A and M2-1 Districts, partially within a Special Mixed Use District (MX-25), Borough of Brooklyn, Community District 6 (ULURP No. C 210350 ZSK) (the “Application”);

WHEREAS, the City Planning Commission filed with the Council on September 9, 2022, its decision dated September 7, 2022 (the “Decision”) on the Application;

WHEREAS, the Application is related to applications C 210348 ZMK (L.U. No. 110), a zoning map amendment to change an M2-1 zoning district to an M1-4/R7A zoning district and N 210349 ZRK (L.U. No. 111), a zoning text amendment to designate a Mandatory Inclusionary Housing (MIH) area and establish a new Special Mixed Use District (MX-25);

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 74-533 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 September 22, 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 April 25th, 2022 (CEQR No. 22DCP091K) which includes an (E) designation to avoid the potential for significant adverse impacts related to hazardous materials, air quality, and noise impacts (E-670) (the “Negative Declaration”).

RESOLVED:

The Council finds that the action described herein will have no significant impact on the environment as set forth in the (E) Designation (E-670) and Negative Declaration.

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, C 210350 ZSK, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission with the following modification.

Matter ~~double struck out~~ is old, deleted by the City Council;
Matter double-underlined is new, added by the City Council

- 1. The property that is the subject of this application (C 210350 ZSK) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following plans, prepared by Cycle Architecture, PLLC filed with this application and incorporated in this resolution:

<u>Drawing No.</u>	<u>Title</u>	<u>Last Date Revised</u>
Z-002.00	Zoning Site Plan	11/02/2020 <u> </u> <u> </u> <u> </u>

- 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, sublessee 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 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 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 to disapprove any application for modification, cancellation or amendment of the special permit.
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, FARAH N. LOUIS, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, ERIK D. BOTTCHER, ARI KAGAN, SHEKAR KRISHNAN, JOSEPH C. BORELLI; 9-0-0; *Absent*: Darlene Mealy and Pierina Ana Sanchez; *Conflict*: Carlina Rivera; *Medical*: Kamillah Hanks; Committee on Land Use, October 25, 2022.

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

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

- | | | |
|------|------------------------------------|---|
| (1) | Int 153-A - | Housing stability program for survivors of domestic and gender-based violence. |
| (2) | Int 154-A - | Office to end domestic and gender-based violence to create an online services portal and guide. |
| (3) | Int 258-A - | Suitable locations for installing public bathrooms. |
| (4) | Int 291-A - | Citywide greenway plan. |
| (5) | Int 414-A - | Rat mitigation progress in rat mitigation zones. |
| (6) | Int 442-A - | Abating rodents as a requirement for the issuance of certain construction permits. |
| (7) | Int 459-A - | Rat mitigation zones. |
| (8) | Int 460-A - | Receptacles in a building or dwelling that has a high concentration of rodent infestation. |
| (9) | Preconsidered
Res 363 - | New designation and changes in the designation of certain organizations to receive funding in the Expense Budget (Transparency Resolution). |
| (10) | L.U. 110 & Res 378 | App. C 210348 ZMK (Ninth Street Rezoning) Borough of Brooklyn, Community District 6, Council District 39. |
| (11) | L.U. 111 & Res 379 - | App. N 210349 ZRK (Ninth Street Rezoning) Borough of Brooklyn, Community District 6, Council District 39. |
| (12) | L.U. 112 & Res 380 - | App. C 210350 ZSK (Ninth Street Rezoning) Borough of Brooklyn, Community District 6, Council District 39. |
| (13) | L.U. 113 & Res 369 - | App. C 220405 HAK (Gateway Site 26A and Phase 5) Borough of Brooklyn, Community District 5, Council District 42. |

- (14) **L.U. 114 & Res 370 - App. C 220406 HUK (Gateway Site 26A and Phase 5)** Borough of Brooklyn, Community District 5, Council District 42.
- (15) **L.U. 119 & Res 371 - App. C 220380 HAX (Morrisania Open Door)** Borough of the Bronx, Community District 3, Council District 16.
- (16) **L.U. 120 & Res 372 - App. G 220020 XAX (Morrisania Open Door Article XI)** Borough of the Bronx, Community Districts 3, Council Districts 16.
- (17) **L.U. 121 & Res 373 - App. C 220381 HAX (Morris Heights NCP)** Borough of the Bronx, Community District 5, Council Districts 14 and 16.
- (18) **L.U. 122 & Res 374 - App. G 220019 XAX (Morris Heights NCP Article XI)** Borough of the Bronx, Community Districts 2, 5, and 7, Council Districts 14, 16, and 17.
- (19) **L.U. 123 & Res 375 - App. G 220022 NUX (Morrisania Claremont Village Open Door)** Borough of the Bronx, Community District 3, 4, and 12, Council Districts 12 and 16.
- (20) **L.U. 124 & Res 376 - App. G 220021 XAX (Morrisania Claremont Village Open Door Article XI)** Borough of the Bronx, Community Districts 3, 4, and 12, Council Districts 12 and 16.
- (21) **L.U. 125 & Res 377 - App. G 220023 NUK (Gateway submitted Borough of Brooklyn)** Community District 5, Council District 42.

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, Sanchez, Schulman, Stevens, Ung, Velázquez, Vernikov, Williams, Won, Yeger, the Minority Leader (Council Member Borelli), the Majority Leader (Council Member Powers) and the Speaker (Council Member Adams) - **50**.

The General Order vote recorded for this Stated Meeting was 50-0-0 as shown above with the exception of the votes for the following legislative items:

The following was the vote recorded for **Int. No. 153-A**:

Affirmative – Abreu, Avilés, Ayala, Barron, Bottcher, Brannan, Brewer, Brooks-Powers, Cabán, De La Rosa, Dinowitz, Farías, Feliz, Gennaro, Gutiérrez, Hanif, Hanks, Hudson, Joseph, Kagan, Krishnan, Lee, Louis, Marte, Mealy, Menin, Moya, Narcisse, Nurse, Ossé, Restler, Richardson Jordan, Riley, Rivera, Sanchez, Schulman, Stevens, Ung, Velázquez, Williams, Won, Yeger, the Majority Leader (Council Member Powers) and the Speaker (Council Member Adams) - **44**.

Negative – Ariola, Carr, Holden, Paladino, Vernikov, and the Minority Leader (Council Member Borelli) - **6**.

The following was the vote recorded for **Int. No. 258-A**:

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, Sanchez, Schulman, Stevens, Ung, Velázquez, Vernikov, Williams, Won, the Minority Leader (Council Member Borelli), the Majority Leader (Council Member Powers) and the Speaker (Council Member Adams) - **49**.

Negative – Yeger - **1**.

The following was the vote recorded for **Int. No. 291-A**:

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, Sanchez, Schulman, Stevens, Ung, Velázquez, Vernikov, Williams, Won, the Minority Leader (Council Member Borelli), the Majority Leader (Council Member Powers) and the Speaker (Council Member Adams) - **49**.

Negative – Yeger - **1**.

The following was the vote recorded for **Int. Nos. 442-A, 459-A, and 460-A**:

Affirmative – Abreu, Avilés, Ayala, Barron, Bottcher, Brannan, Brewer, Brooks-Powers, Cabán, De La Rosa, Dinowitz, Fariás, Feliz, Gennaro, Gutiérrez, Hanif, Hanks, Holden, Hudson, Joseph, Kagan, Krishnan, Lee, Louis, Marte, Mealy, Menin, Moya, Narcisse, Nurse, Ossé, Restler, Richardson Jordan, Riley, Rivera, Sanchez, Schulman, Stevens, Ung, Velázquez, Williams, Won, the Majority Leader (Council Member Powers) and the Speaker (Council Member Adams) - **44**.

Negative – Ariola, Carr, Paladino, Vernikov, Yeger, and the Minority Leader (Council Member Borelli) - **6**.

The following was the vote recorded for **L.U. No. 110 & Res. No. 378; L.U. No. 111 & Res. No. 379; and L.U. No. 112 & Res. No. 380**:

Affirmative – Ariola, Avilés, Ayala, Bottcher, Brannan, Brewer, Brooks-Powers, Cabán, Carr, De La Rosa, Dinowitz, Fariás, Feliz, Gennaro, Gutiérrez, Hanif, Hanks, Holden, Joseph, Kagan, Krishnan, Lee, Louis, Marte, Mealy, Menin, Moya, Narcisse, Nurse, Ossé, Paladino, Restler, Richardson Jordan, Riley, Rivera, Sanchez, Schulman, Stevens, Ung, Velázquez, Vernikov, Williams, Won, Yeger, the Minority Leader (Council Member Borelli), the Majority Leader (Council Member Powers) and the Speaker (Council Member Adams) - **47**.

Negative – Barron - **1**.

Abstention – Abreu and Hudson - **2**.

*The following Introductions were sent to the Mayor for his consideration and approval:
Int. Nos. 153-A, 154-A, 258-A, 291-A, 414-A, 442-A, 459-A, and 460-A.*

RESOLUTIONS

Presented for voice-vote

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

Report for voice-vote item Res. No. 111

Report of the Committee on Women and Gender Equity in favor of approving a Resolution calling on New York State to pass legislation that would provide domestic violence survivors and their families with job-protected, paid leave, similar to that of New York State's Paid Family Leave law, to be used for any activities relating to their actual or perceived status as a domestic violence survivor or family member of a domestic violence survivor.

The Committee on Women and Gender Equity, to which the annexed resolution was referred on April 14, 2022 (Minutes, page 568), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Women and Gender Equity for Int. No. 153-A printed in the Reports of Standing Committees section of these Minutes)

Accordingly, this Committee recommends its adoption.

(The following is the text of Res. No. 111:)

Res. No. 111

Resolution calling on New York State to pass legislation that would provide domestic violence survivors and their families with job-protected, paid leave, similar to that of New York State's Paid Family Leave law, to be used for any activities relating to their actual or perceived status as a domestic violence survivor or family member of a domestic violence survivor.

By Council Member Cabán, the Public Advocate (Mr. Williams) and Council Members Stevens, Hanif, Won, Restler, Krishnan, Abreu, Hudson, Nurse, Gutiérrez, Narcisse, Ung, Menin, Lee, Williams, De La Rosa, Richardson Jordan, Avilés, Schulman, Brewer, Sanchez, Farías, Riley, Ayala, Gennaro, Louis, Velázquez, Kagan and Rivera.

Whereas, In 2018, the New York State (NYS) Office for the Prevention of Domestic Violence reported that domestic violence and sexual violence hotlines throughout NYS received 341,909 calls, including 81,062 from New York City (NYC), with approximately 5,244 hospital inpatient discharges and Emergency Department visits statewide identified as domestic violence-related events, an 84% increase as compared to similar data in 2017; and

Whereas, From 2010 to 2018, in NYC there were 558 domestic violence homicide incidents, with 55 occurring in 2018, according to the NYC Domestic Violence Fatality Review Committee; and

Whereas, Although domestic violence is highly prevalent in society, as evidenced by NYS and NYC statistics, many domestic violence survivors and their families are not provided with adequate paid time off to tend to their complex situations, often seeing their employment being drastically impacted; and

Whereas, For example, the Institute for Women's Policy Research's 2018 survey on the impact of intimate partner violence (IPV) indicates that 83% of respondents reported that their abusive partners disrupted their ability to work, with those respondents reporting that: 70% were not able to have a job when they wanted or

needed one; 53% lost a job because of abuse; 49% missed one or more days of work and 18% missed out on a promotion or raise; and

Whereas, In addition, data from the National Violence Against Women Survey published by the Centers for Disease Control estimated that women victims of IPV lose a total of nearly eight million days of paid work annually as a result of IPV; and

Whereas, In 2016, NYS Governor Andrew Cuomo signed into law Paid Family Leave (PFL), with its official launch in 2018, providing eligible employees paid time off to: bond with a newly born, adopted or fostered child; care for a family member with a serious health condition; or assist loved ones when a spouse, domestic partner, child or parent is deployed abroad on active military service, while also including job protection, continued health insurance and protection from discrimination or retaliation; and

Whereas, NYS' PFL is funded by employee payroll deductions and offers its benefits through a four-year phase-in period, with phase one (2018) providing employees with eight weeks of PFL at 50% of their average weekly wage (AWW), capped at up to 50% of the Statewide Average Weekly Wage (SAWW), and phase four (2021), with employees receiving 12 weeks of PFL at 67% of their AWW, capped at up to 67% of SAWW; and

Whereas, In an effort to help domestic violence survivors and their families, NYC passed the Earned Safe and Sick Time Act in 2017, requiring employers to provide employees who are victims of family offense matters, sexual offenses, stalking and human trafficking, and their family members, with up to 40 hours per calendar year of paid leave or unpaid leave, depending on employer size, to take time off to restore their physical, psychological and economic health or that of a family member; and

Whereas, Although NYC's law is beneficial, domestic violence survivors and their families may require a longer leave period and the assurance of paid leave, similar to the benefits provided by NYS' PFL; and

Whereas, Because NYS' PFL is funded by employee deductions, employers do not bear the cost of providing these benefits to their employees; and

Whereas, Providing domestic violence survivors and their families with job-protected, paid leave, similar to that of NYS' PFL, would ensure that domestic violence survivors and their families properly heal from the abuse they have endured and receive the financial support, job-protection and protection from discrimination or retaliation that they require to deal with their complex situations, while also ensuring that the cost of such benefit does not fall on employers; now, therefore, be it

Resolved, That the Council of the City of New York calls on New York State to pass legislation that would provide domestic violence survivors and their families with job-protected, paid leave, similar to that of New York State's Paid Family Leave law, to be used for any activities relating to their actual or perceived status as a domestic violence survivor or family member of a domestic violence survivor.

TIFFANY CABÁN, *Chairperson*; KEVIN C. RILEY, JAMES F. GENNARO, JENNIFER GUTIÉRREZ, KRISTIN RICHARDSON JORDAN, ALTHEA V. STEVENS; 6-0-0; Committee on Women and Gender Equity, October 25, 2022.

Pursuant to Rule 8.50 (b) 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 7 Council Members formally noted their intention to vote negative on this item:

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

Adopted by the Council by voice-vote.

INTRODUCTION AND READING OF BILLS

Res. No. 361

Resolution calling upon the New York City Department of Education to update its student absence notification protocols.

By Council Members Ariola, Louis, Farías, Menin, Richardson Jordan, Ayala and Carr.

Whereas, Attendance is vital to academic success and lost education poses a potential risk of under achievement; and

Whereas, Protecting the safety and wellbeing of students through reporting and monitoring of absenteeism is the responsibility of both parents/guardians and schools; and

Whereas, Schools need to know when and why a student is absent and parents/guardians need to know if their child is not at school; and

Whereas, Prompt communication also promotes daily school attendance; and

Whereas, Early morning notification of a student's absence allows time for the parent or guardian to respond in a proper and timely fashion; and

Whereas, Technology is available that would allow Department of Education (DOE) to maximize the chance of reaching a parent/guardian, close the feedback loop with a parent/guardian more quickly and allow DOE to contact parents/guardians not only about student absence but also period absence and tardiness; and

Whereas, The Chancellor is responsible for setting the standards for school-based attendance programs and issuing guidelines related to attendance issues and services; and

Whereas, Principals are responsible for ensuring that their school's attendance program meets the standards for attendance services, as mandated by state requirements and as required by this regulation and other DOE guidelines; and

Whereas, The last time the DOE changed its Standards for Attendance Programs was September 28, 2017; and

Whereas, The DOE should mandate that notification of a student's absence should be no later than 9am for elementary schools and 2nd period for middle and high school students; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York City Department of Education to update its student absence notification protocols.

Referred to the Committee on Education.

Int. No. 786

By Council Members Avilés, Louis, Restler, Joseph, Richardson Jordan and Ayala.

A Local Law to amend the administrative code of the city of New York, in relation to tenant education and outreach on residential vacate orders due to damage caused by fires

Be it enacted by the Council as follows:

Section 1. Chapter 2 of Title 26 of the administrative code of the city of New York is amended by adding a new section 26-306 to read as follows:

§ 26-306 Tenant education and outreach on residential vacate orders due to damage caused by fires. The department of housing preservation and development, in consultation with the fire department and department

of buildings, shall develop procedures to ensure that occupants of multiple dwellings are informed of the process for the issuance of residential vacate orders following fires, including information on their rights of occupancy and responsibilities of landlords under all applicable laws. Any written materials disseminated by the department pursuant to this section shall be made available in the top ten languages most commonly spoken within the city as determined by the department of city planning.

§ 2. This local law takes effect immediately.

Referred to the Committee on Housing and Buildings.

Int. No. 787

By Council Members Barron, Mealy, Louis, Avilés, Restler, Richardson Jordan and Ayala.

A Local Law to amend the administrative code of the city of New York, in relation to evictions of elderly tenants

Be it enacted by the Council as follows:

Section 1. Title 26 of the administrative code of the city of New York is amended by adding a new chapter 34 to read as follows:

CHAPTER 34
EVICCTIONS OF ELDERLY TENANTS

§ 26-3401 *Definitions.*

§ 26-3402 *Notification requirement.*

§ 26-3403 *Tenant assistance.*

§ 26-3404 *Reporting.*

§ 26-3405 *Violations.*

§ 26-3401 *Definitions.* As used in this chapter, the terms “dwelling unit” and “owner” shall have the meanings ascribed to such terms by the housing maintenance code and:

Commissioner. The term “commissioner” means the commissioner of housing preservation and development.

Department. The term “department” means the department of housing preservation and development.

Senior. The term “senior” means a person who is sixty-two years of age or older.

Senior occupant. The term “senior occupant” means, with respect to a dwelling unit, a person who is (i) a senior or the spouse or domestic partner of a senior and (ii) entitled to the possession or use and occupancy of such unit.

§ 26-3402 *Notification requirement.* On or before the day on which an owner serves a petition or notice of petition for a summary proceeding to recover possession of a dwelling unit, pursuant to article seven of the real property actions and proceedings law, upon a senior occupant of such unit, the owner shall provide notification to the department of the name, address and phone number of the senior occupant. Such notification shall be in a form and manner determined by the department.

§ 26-3403 *Tenant assistance.* Upon receiving a notice pursuant to section 26-3402, the department shall provide to the senior occupant identified on the notice a list of persons that may provide legal services to senior tenants, including low-income senior tenants, or that may assist such tenants in obtaining legal services.

§ 26-3404 *Reporting.* The commissioner, in conjunction with the commissioner of the commission on human rights, shall analyze the information received pursuant to section 26-3402 and shall, by no later than July first in each year, electronically submit to the mayor and the speaker of the council, and make publicly available online, a report regarding the findings of such analysis including, but not limited to, any trends identified in

evictions of senior tenants and any finding or pattern of discrimination against senior tenants with respect to eviction.

§ 26-3405 Violations. Any person who violates section 26-3402 shall be guilty of a class A misdemeanor.

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

Referred to the Committee on Housing and Buildings.

Int. No. 788

By Council Members Borelli, Louis, Brewer, Powers and Richardson Jordan.

A Local Law to amend the administrative code of the city of New York, in relation to the administration of the firefighter written examination to individuals on active military duty

Be it enacted by the Council as follows:

Section 1. Chapter 2 of title 12 of the administrative code of the city of New York is amended by adding a new section 12-212 to read as follows:

§ 12-212 Administration of firefighter written examination to individuals on active military duty. The department of citywide administrative services shall offer individuals who are unable to be present in the city on the scheduled test date for an open-competitive firefighter civil service written examination due to active military duty, as defined in section 243 of the military law, the option to complete such examination in locations outside of the city that the department of citywide administrative services determines to be more easily accessible to such individuals.

§ 3. This local law takes effect 90 days after it becomes law, except that the commissioner of citywide administrative services may take such measures as are necessary for the implementation of this local law before such date.

Referred to the Committee on Governmental Operations.

Int. No. 789

By Council Members Brannan, Louis, Richardson Jordan and Ayala (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 two business improvement districts.

Be it enacted by the Council as follows:

Section 1. Subdivision a of section 25-437.1 of the administrative code of the city of New York, as amended by local law number 223 for the year 2018, is amended to read as follows:

a. The city council having determined, pursuant to subdivision b of section 25-410 of chapter four of this title, that it is in the public interest to authorize an increase in the amount to be expended annually in the 125th Street business improvement district beginning on July 1, [2018] 2022, 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 [one million two hundred forty thousand four hundred sixty-two dollars (\$1,240,462)] *one million six hundred eighty-seven thousand twenty-eight dollars (\$1,687,028).*

§ 2. Subdivision a of section 25-469.1 of the administrative code of the city of New York, as amended by local law number 235 for the year 2017, 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 DUMBO business improvement district beginning on July 1, [2017] 2022, 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 [one million two hundred fifty thousand dollars (\$1,250,000)] *two million five hundred thousand dollars (\$2,500,000)*.

§ 3. This local law takes effect immediately and is retroactive to and deemed to have been in effect as of July 1, 2022.

Referred to the Committee on Finance.

Res. No. 362

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

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

WHEREAS, pursuant to Chapter 4 of Title 25 of the Administrative Code of the City of New York or the predecessor of such Chapter (the "BID Law"), the City established the 125th Street and DUMBO Business Improvement Districts in the City of New York; and

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

WHEREAS, pursuant to Section 25-410(b) of the BID Law, an increase in the amount to be expended annually may be adopted by local law, provided that the City Council determines, after a public hearing, that it is in the public interest to authorize the increase and that the tax and debt limits prescribed in Section 25-412 of the BID Law will not be exceeded; and

WHEREAS, the 125th Street Business Improvement District wishes to increase the amount to be expended annually to \$1,678,028 beginning on July 1, 2022, and the DUMBO Business Improvement District wishes to increase the amount to be expended annually to \$2,500,000, also beginning on July 1, 2022; and

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

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

(i) November 22, 2022 is the date and the City Council Committee Room, 2nd Floor, City Hall is the place and 10 am is the time for a public hearing (the "Public Hearing") to hear all persons interested in the legislation that would increase the amount to be expended annually in the 125th Street and DUMBO Business Improvement Districts; and

(ii) on behalf of the City Council and pursuant to Section 25-410(b) of the BID Law, the District Management Associations of the 125th Street and DUMBO Business Improvement Districts are hereby authorized to publish in a newspaper of general circulation in each district, not less than ten (10) days prior to the Public Hearing,

a notice stating the time and place of the Public Hearing and setting forth the proposed increase in the amount to be expended annually in each of the two Business Improvement Districts.

Referred to the Committee on Finance.

Preconsidered Res. No. 363

Resolution approving the new designation and changes in the designation of certain organizations to receive funding in the Expense Budget.

By Council Members Brannan and Louis.

Whereas, On June 13, 2022, the Council of the City of New York (the “City Council”) adopted the expense budget for Fiscal Year 2023 with various programs and initiatives (the “Fiscal 2023 Expense Budget”); and

Whereas, On June 30, 2021, the Council of the City of New York (the “City Council”) adopted the expense budget for Fiscal Year 2022 with various programs and initiatives (the “Fiscal 2022 Expense Budget”); and

Whereas, On June 30, 2020 the Council adopted the expense budget for Fiscal Year 2021 with various programs and initiatives (the “Fiscal 2021 Expense Budget”); and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2023, Fiscal 2022, and Fiscal 2021 Expense Budgets by approving the new designation and changes in the designation of certain organizations receiving local, youth, aging, and anti-poverty discretionary funding, and by approving the new designation and changes in the designation of certain organizations to receive funding pursuant to certain initiatives in accordance therewith; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2023 Expense Budget by approving new Description/Scope of Services for certain organizations receiving local, youth and anti-poverty discretionary funding and certain organization receiving funding pursuant to certain initiatives; now, therefore, be it

Resolved, That the City Council approves the changes in the designation of certain organizations receiving local discretionary funding pursuant to the Fiscal 2023 Expense Budget, as set forth in Chart 1; and be it further

Resolved, That the City Council approves the changes in the designation of certain organizations receiving youth discretionary funding in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 2; and be it further

Resolved, That the City Council approves the changes in the designation of certain organizations receiving funding pursuant to the anti-poverty discretionary funding in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 3; and be it further

Resolved, That the City Council approves the change in the designation of a certain organization receiving aging discretionary funding in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 4; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the Speaker's Initiative to Address Citywide Needs Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 5; and be it further

Resolved, That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Community Safety and Victim Services Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 6; and be it further

Resolved, That the City Council approves the new designations and the changes in designation of certain organizations receiving funding pursuant to the A Greener NYC Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 7; and be it further

Resolved, That the City Council approves the new designation and the changes in designation of certain organizations receiving funding pursuant to the Cultural After-School Adventure (CASA) Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 8; and be it further

Resolved, That the City Council approves the new designations and the changes in designation of certain organizations receiving funding pursuant to the Cultural Immigrant Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 9; and be it further

Resolved, That the City Council approves the new designations and the changes in designation of certain organizations receiving funding pursuant to the Digital Inclusion and Literacy Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 10; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the Neighborhood Development Grant Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 11; and be it further

Resolved, That the City Council approves the new designations and the changes in designation of certain organizations receiving funding pursuant to the NYC Cleanup Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 12; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the Parks Equity Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 13; and be it further

Resolved, That the City Council approves the new designation and the changes in designation of certain organizations receiving funding pursuant to the Support Our Seniors Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 14; and be it further

Resolved, That the City Council approves the new designations and the change in designation of certain organizations receiving funding pursuant to Food Pantries Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 15; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the Domestic Violence and Empowerment (DoVe) Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 16; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the SU-CASA Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 17; and be it further

Resolved, That the City Council approves the changes in designation of certain organization receiving funding pursuant to the Viral Hepatitis Prevention Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 18; and be it further

Resolved, That the City Council approves the change in designation of a certain organization receiving funding pursuant to the Community Development Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 19; and be it further

Resolved, That the City Council approves the new designation of a certain organization receiving funding pursuant to the Mental Health Workforce Retention and Development Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 20; and be it further

Resolved, That the City Council approves the new designation of a certain organization receiving funding pursuant to the Social and Emotional Supports for Students Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 21; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the Support for Immigrant Women Workers Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 22; and be it further

Resolved, That the City Council approves the new designation of a certain organization receiving funding pursuant to the Job Training and Placement Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 23; and be it further

Resolved, That the City Council approves the changes of designation of certain organizations receiving funding pursuant to the Opioid Prevention and Treatment Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 24; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the Crisis Management Systems Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 25; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the Afterschool Enrichment Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 26; and be it further

Resolved, That the City Council approves the new designation and the change of designation of a certain organization receiving funding pursuant to Ending the Epidemic Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 27; and be it further

Resolved, That the City Council approves the change of designation of a certain organization receiving funding pursuant to the Adult Literacy Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 28; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the Senior Centers for Immigrant Populations Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 29; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the Naturally Occurring Retirement Communities (NORCs) Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 30; and be it further

Resolved, That the City Council approves the new designations of certain organizations receiving funding pursuant to the Senior Centers, Programs, and Enhancements Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 31; and be it further

Resolved, That the City Council approves the change in designation of a certain organization receiving funding pursuant to the Support for Arts Instruction Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 32; and be it further

Resolved, That the City Council approves the changes in designation of certain organizations receiving local discretionary funding pursuant to the Fiscal 2022 Expense Budget, as set forth in Chart 33; and be it further

Resolved, That the City Council approves the change in designation of a certain organization receiving funding pursuant to the Youth Discretionary Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 34; and be it further

Resolved, That the City Council approves the change in designation of a certain organization receiving funding pursuant to the Anti-Poverty Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 35; and be it further

Resolved, That the City Council approves the change in designation of a certain organization receiving funding pursuant to the Speaker's Initiative to Address Citywide Needs Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 36; and be it further

Resolved, That the City Council approves the change in designation of certain organizations receiving funding pursuant to the Cultural After-School Adventure (CASA) Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 37; and be it further

Resolved, That the City Council approves the changes in designation of certain organizations receiving funding pursuant to the Food Pantries Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 38; and be it further

Resolved, That the City Council approves the changes in designation of certain organizations receiving funding pursuant to the Pandemic Support for Human Service Providers Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 39; and be it further

Resolved, That the City Council approves the change in designation of a certain organization receiving funding pursuant to the Cancer Services Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 40; and be it further

Resolved, That the City Council approves the changes in designation of certain organizations receiving funding pursuant to the Viral Hepatitis Prevention Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 41; and be it further

Resolved, That the City Council approves the changes in designation of certain organizations receiving funding pursuant to the Opioid Prevention and Treatment Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 42; and be it further

Resolved, That the City Council approves the change in designation of a certain organization receiving funding pursuant to the Ending the Epidemic Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 43; and be it further

Resolved, That the City Council approves the changes in the designation of certain organizations receiving local discretionary funding pursuant to the Fiscal 2021 Expense Budget, as set forth in Chart 44 and be it further

Resolved, That the City Council approves the change in the designation of a certain organization receiving youth discretionary funding in accordance with the Fiscal 2021 Expense Budget, as set forth in Chart 45; and be it further

Resolved, That the City Council approves the change in designation of a certain organization receiving funding pursuant to the Speaker's Initiative to Address Citywide Needs Initiative in accordance with the Fiscal 2021 Expense Budget, as set forth in Chart 46; and be it further

Resolved, That the City Council amends the Purpose of Funds for certain organizations receiving funding in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 47.

Adopted by the Council (preconsidered and approved by the Committee on Finance; for text of the Exhibit Charts, please refer to the attachments section of [the Res. No. 363 of 2022 file](#) in the legislation section of the New York City Council website at <https://council.nyc.gov>).

Int. No. 790

By Council Members Brewer, Hanif, Louis, Joseph, Richardson Jordan and Ayala.

A Local Law to amend the administrative code of the city of New York, in relation to documentation establishing proof of identity for a New York city identity card

Be it enacted by the Council as follows:

Section 1. Paragraph (1) of subdivision d of section 3-115 of the administrative code of the city of New York, as added by local law number 35 for the year 2014, is amended to read as follows:

(1) Proof of identity. In order to establish identity, an applicant shall be required to produce one or more of the following documents:

- (i) a U.S. or foreign passport;
- (ii) a U.S. state driver's license;
- (iii) a U.S. state identification card;
- (iv) a U.S. permanent resident card;
- (v) a consular identification card;
- (vi) a photo identification card with name, address, date of birth, and expiration date issued by another country to its citizens or nationals as an alternative to a passport for re-entry to the issuing country;
- (vii) a certified copy of U.S. or foreign birth certificate;
- (viii) a Social Security card;
- (ix) a national identification card with photo, name, address, date of birth, and expiration date;
- (x) a foreign driver's license;
- (xi) a U.S. or foreign military identification card;
- (xii) a current visa issued by a government agency;
- (xiii) a U.S. individual taxpayer identification number (ITIN) authorization letter;
- (xiv) an electronic benefit transfer (EBT) card; [or]
- (xv) *documentation issued by federal immigration authorities as provided by rule of the administering agency; or*
- (xvi) any other documentation that the administering agency deems acceptable.

The administering agency may by rule determine the weight to be given to each type of document provided in this paragraph, and require that an applicant produce more than one document to establish identity.

§ 2. This local law takes effect 120 days after it becomes law, except that the administering agency, as defined in section 3-115 of the administrative code of the city of New York, shall take such measures as are necessary for the implementation of this local law, including the promulgating of rules, before such date.

Referred to the Committee on Governmental Operations.

Res. No. 364

Resolution Calling on the United States Congress to pass and the President to sign S. 4529, the “Children’s Safe Welcome Act of 2022,” which would establish standards to ensure the safety and well-being of migrant children in government custody is prioritized, employing best practices in all stages of our immigration system involving unaccompanied and accompanied children who seek asylum in the United States.

By Council Members Brewer, Hanif, Louis, Avilés, Joseph, Richardson Jordan and Ayala.

Whereas, Due to economic and political conditions in South and Central America, thousands of people, including children and minor children, are fleeing their home countries and seeking asylum in the United States; and

Whereas, Asylum-seeking New Yorkers are facing hardship as changes to the asylum system strain New York courts, resulting in an almost four year backlog of legal immigration cases and necessitating more resources from local legal and social service and City agencies; and

Whereas, Over the last several months more than 20,000 asylum seekers have arrived in New York City; and

Whereas, Reports indicate New York City may receive tens of thousands more asylum seekers in the coming months; and

Whereas, The federal immigration system was not designed to meet the needs of families with children or unaccompanied minor children and insufficient changes have been made to this system to accommodate the special needs of children while comprehensive changes are sorely needed; and

Whereas, Children often endure significant harm as a result of the current system that separates families and places children in facilities that lack the resources they need; and

Whereas, The “Children’s Safe Welcome Act of 2022” (“the Act”) would ensure that the United States government prioritizes the safety and well-being of immigrant children by mandating, among other things, child protection professionals at children’s first point of contact with the federal immigration system; children are placed in non-adversarial settings; that children are placed in the least restrictive facilities, and unaccompanied children are provided with legal representation at every stage of removal proceedings; and

Whereas, The Act would ensure that the United States government prioritizes the safety and well-being of immigrant children by prohibiting family separations, with extremely narrow exceptions; prohibiting the use of family detention facilities and phasing out large congregate care facilities; and

Whereas, The Act would also ensure the safety and well-being of immigrant children, by increasing minimum health and safety standards for children and families in Customs and Border Protection facilities; creating a process for keeping families together; and prioritizes family-based placements for unaccompanied children; now therefore, be it

Resolved, That the Council of the City of New York Calls on the United States Congress to pass and the President to sign S. 4529, the “Children’s Safe Welcome Act of 2022,” that would establish standards to ensure that the safety and well-being of migrant children in government custody is prioritized, employing best practices in all stages of our immigration system involving unaccompanied and accompanied children who seek asylum in the United States.

Referred to the Committee on Immigration.

Res. No. 365

Resolution calling on the United States Department of Health and Human Services to prioritize refugee settlement resources to New York City.

By Council Members Brewer, Hanif, Louis, Avilés and Joseph.

Whereas, Due to economic and political conditions in South and Central America, many thousands of people, including children and minor children, are fleeing their home countries and seeking asylum in the United States; and

Whereas, Over the last several months more than 20,000 asylum seekers, have arrived in New York City; and

Whereas, The Governor of Texas, as well as governors and mayors of cities and states on the United States southern border are sending asylum seekers to New York City; and

Whereas, a recent report contended that the federal DHS has been encouraging migrants to travel to New York City, and providing often incorrect information about where to receive services; and

Whereas, Reports indicate New York City may receive tens of thousands more asylum seekers in the coming months; and

Whereas, the United States Department of Health and Human Services Resettlement Program provides asylees with emergency cash and medical assistance, along with services such as English language classes, job readiness and employment that will help them successfully transition to life in the United States; and

Whereas, Asylum seekers only become eligible for services from the Office of Refugee Resettlement after they have been granted asylum in the United States; and

Whereas, Many of the asylum seekers arriving daily in New York City will ultimately be granted asylum in the United States and remain in New York City; and

Whereas, the Council supported the Mayor's request that USCIS expedite processing times for their employment authorization applications; and

Whereas, New York City experiencing a surge in asylees that are or will be eligible for assistance from the Office of Refugee Resettlement and therefore there will be a surge in the need for the delivery of services that must be anticipated, planned for and provided in a timely manner; now, therefore, be it

Resolved, That the Council of the City of New York calls on the United States Department of Health and Human Services to prioritize refugee settlement resources to New York City.

Referred to the Committee on Immigration.

Int. No. 791

By Council Members Dinowitz, Louis, Restler, Brewer, Avilés and Ayala.

A Local Law to amend the administrative code of the city of New York, in relation to requiring reporting on projected and actual school enrollment numbers

Be it enacted by the Council as follows:

Section 1. Subdivisions b and c of section 21-978 of the administrative code of the city of New York, as added by local law number 72 for the year 2018, are amended to read as follows:

b. The department shall submit to the speaker of the council, and post conspicuously on the department's website, the following reports regarding application, offer, available seat and enrollment information:

1. Not later than May 15, 2018, and annually thereafter on or before May 15, a report including, but not limited to (a) for each community school district, the total number of individuals who (1) applied for admission to grades pre-kindergarten, kindergarten or six in a school located in such community school district for the

following school year; and (2) received an offer of admission to grades pre-kindergarten, kindergarten or six in a school located in such community school district for the following school year; and (b) for each school, the total number of individuals who (1) applied for admission to grades pre-kindergarten, kindergarten, six or nine in such school, as applicable, for the following school year; and (2) received an offer of admission to grades pre-kindergarten, kindergarten, six or nine in such school, as applicable, for the following school year;

2. Not later than March 15, 2019, and annually thereafter on or before March 15, a report including, but not limited to (a) for each community school district, the total number of students who enrolled in [grades pre-kindergarten, kindergarten or six] *each grade* in a school located in such community school district in the current school year; [and] (b) for each school, the total number of students who enrolled in [grades pre-kindergarten, kindergarten, six or nine] *each grade* in such school[, as applicable,] in the current school year; *and (c) for each school, a comparison of the total number of students who had been projected to enroll in the current school year with the total number of students who actually enrolled.*

3. The data required to be reported pursuant to this subdivision b shall be disaggregated by (i) community school district of residence of individuals or students, as applicable; (ii) zip code of residence of individuals or students, as applicable; (iii) primary home language of individuals or students, as applicable and (iv) grade level.

c. Not later than May 15, 2018, and annually thereafter on or before May 15, the department shall submit to the speaker of the council and post conspicuously on the department's website a report that shall include, but not be limited to, for each school, the total number of seats anticipated to be available *and the total number of students projected to enroll* in the following school year.

§ 2. This local law takes effect immediately.

Referred to the Committee on Education.

Int. No. 792

By Council Members Dinowitz, Louis, Restler, Brewer, Joseph and Richardson Jordan.

A Local Law to amend the New York city charter, in relation to notification of hate crimes

Be it enacted by the Council as follows:

Section 1. Paragraphs 7 and 8 of subdivision b of section 20-g of the New York city charter, as added by local law number 49 for the year 2020, are amended to read as follows:

7. Provide relevant information to the affected community, including the local community board, within 72 hours of a determination that a [violent] hate crime has occurred. Such information shall include how the administration is responding to the alleged [violent] hate crime and the resources currently available to affected persons. This paragraph does not require the disclosure of confidential information or any material that could compromise the safety of the public or police officers or could otherwise compromise law enforcement investigations or operations;

8. Within 24 hours of a determination that a [violent] hate crime has occurred, notify the mayor, speaker of the council, public advocate and council member of the relevant district that such hate crime occurred, the date and time the incident was reported, and the date and time the incident was referred to the hate crimes task force of the New York City police department; and

§ 2. This local law takes effect immediately.

Referred to the Committee on Public Safety.

Int. No. 793

By Council Members Holden, Louis and Richardson Jordan.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of health and mental hygiene to report on referrals to assisted outpatient treatment programs

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 17 of the administrative code of the city of New York is amended by adding a new section 17-200.1 to read as follows:

§ 17-200.1 Report on referrals to an assisted outpatient treatment program. a. No later than February 1, 2023, and quarterly thereafter, the commissioner shall submit to the mayor and the speaker of the council and shall post conspicuously on the department's website a report regarding the number of times any agency or hospital initiated a petition to assisted outpatient treatment pursuant to paragraph (e) of section 9.60 of the mental hygiene law.

b. The report required by subdivision a of this section shall include:

1. The list of agencies and hospitals that referred any individual to an assisted outpatient treatment program;

2. The number of petitions filed and petitions granted for each entity that appears on the list required by paragraph 1 of this subdivision.

§ 2. This local law takes effect 30 days after it becomes law.

Referred to the Committee on Mental Health, Disabilities and Addiction.

Res. No. 366

Resolution calling on the New York State Legislature to pass, and the Governor to sign, A.1705/S.1521, which would amend the New York State Criminal Procedure Law in relation to setting bail for defendants who pose a threat to public safety.

By Council Member Holden.

Whereas, The current climate in our country and city has deteriorated to the point where nefarious individuals have been emboldened, through various recent bail reform policies and laws, to commit serious crimes and threaten public safety; and

Whereas, Crime has spiked throughout the City including residential neighborhoods, recreational and tourist areas, and subways; and

Whereas, According the New York City Police Department, there has been a significant increase in major felony crimes in the City from 95,369 in Fiscal Year 2021 to 119,742 in Fiscal Year 2022; and

Whereas, These crimes include robberies, forcible rapes, felonious assaults, and grand theft auto; and

Whereas, Recent actions taken by the State to create new bail reforms have handcuffed the judicial system's discretion to properly handle cases involving serious crimes; and

Whereas, An individual accused of a serious crime should be remanded and should not be released if the court makes the determination that such individual is a threat to public safety; and

Whereas, A.1705 introduced by New York State Assemblymember Angelo Santabarbara, and companion bill S.1521, introduced by New York State Senator James Tedisco, would amend the New York State Criminal Procedure Law in relation to setting bail for defendants who pose a threat to public safety; and

Whereas, A.1705/S.1521 would allow for greater judicial discretion in setting a securing order with respect to a defendant's prior felony convictions, failure to make an appearance in court, or subsequent arrests while awaiting a preliminary hearing or trial; and

Whereas, Permitting pretrial detention provides judges with the option to meaningfully address dangerous crimes and better protect the public; now, therefore, be it

Resolved, That the Council of the City of New York calls on the New York State Legislature to pass, and the Governor to sign, A.1705/S.1521, which would amend the New York State Criminal Procedure Law in relation to setting bail for defendants who pose a threat to public safety.

Referred to the Committee on Public Safety.

Int. No. 794

By Council Members Joseph and Louis.

A Local Law to amend the New York city building code, in relation to the means of egress requirements in certain new buildings

Be it enacted by the Council as follows:

Section 1. Section 1006.3.2 of the New York city building code, as added by local law number 126 for the year 2021, is amended to read as follows:

1006.3.2 Single exits. A single exit or access to a single exit shall be permitted from any story or occupied roof designed for human occupancy or use where one of the following conditions exists:

1. The occupant load, number of dwelling units and exit access travel distance do not exceed the values in Table 1006.3.2.
2. Rooms, areas and spaces complying with Section 1006.2.1 with exits that discharge directly to the exterior at the level of exit discharge are permitted to have one exit or access to a single exit.
3. Open or enclosed parking garages where vehicles are mechanically parked shall be permitted to have one exit provided such exit shall not be a vehicle ramp.
4. Group R-3 occupancies shall be permitted to have one exit or access to a single exit.
5. Individual single-story or multistory dwelling units shall be permitted to have a single exit or access to a single exit from the dwelling unit provided that both of the following criteria are met:
 - 5.1. The dwelling unit complies with Section 1006.2.1 as a space with one means of egress.
 - 5.2. Either the exit from the dwelling unit discharges directly to the exterior at the level of exit discharge, or the exit access outside the dwelling unit's entrance door provides access to not less than two approved independent exits.
6. Buildings of Occupancy Group R-2 where all of the following conditions are met:
 - 6.1. The building does not exceed four stories;
 - 6.2. The building contains not more than three dwelling units per story;
 - 6.3. The building is of construction Type I or II;

- 6.4. The building does not exceed 2,500 square feet (232.3 m²) per story;
- 6.5. Each dwelling unit has at least one window facing the street, or facing a lawful yard with open, unobstructed, and direct access to the street. Such yard or direct access shall be a minimum width equal to 25 percent of the vertical distance from the windowsill of the highest operable window, facing such yard or direct access, to the grade of such yard or direct access directly below such window, but shall in no case be less than 36 inches (914.4 mm) wide;
- 6.6. The stairway extends to the roof surface through a stairway bulkhead complying with Section 1509.2, provided the roof has a slope not steeper than 20 degrees (0.35 rad), or the stairway is constructed against the street wall, with one window facing the street at each landing and access to the roof is provided via a scuttle with a stationary, noncombustible access ladder;
- 6.7. The stairway is enclosed in 2-hour fire-rated walls with all exit doors leading into the stairway having at least 1½-hour fire rating; and
- 6.8. The building is equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.2.
7. Buildings of Occupancy Group R-2 of construction Type I or II not exceeding six stories and [not exceeding 2,000 square feet (185.8 m²) per story.] the following conditions are met:
- 7.1 There are no more than two single exit stairway conditions on the same property;*
- 7.2 Each story does not exceed 4,000 square feet (371.6 m²) per single exit stairway condition; and*
- 7.3 There are no more than 20 feet (6096 mm) of travel to the exit stairway from the entry/exit door of any dwelling unit.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Housing and Buildings.

Int. No. 795

By Council Members Joseph and Louis.

A Local Law to amend the New York city building code, in relation to elevator requirements in newly built residential buildings

Be it enacted by the Council as follows:

Section 1. Section 3002.4.2 of the New York city building code, as amended by local law 126 for the year 2021, is amended to read as follows:

3002.4.2 Elevator car to accommodate ambulance stretcher. Where elevators are provided in buildings [five] *seven* or more stories above, or [four] six or more stories below grade plane, or underground buildings as described in Section 405.1, not fewer than one elevator subject to Section 3003.3 shall be provided with an elevator car of such a size and arrangement to accommodate an ambulance stretcher 24 inches by 84 inches (610 mm by 2134 mm), with not less than 5 inch (127 mm) radius corners, in the horizontal, open position and shall be identified by the international symbol for emergency medical services (star of life). The symbol shall be not less than 3 inches (76 mm) in height and shall be placed on both jambs of the hoistway entrances on each floor. Standby power shall be required for such an elevator if it serves a building subject to Section 3002.4.1.

Exceptions:

1. An elevator serving not more than one individual dwelling unit in a building pursuant to Section 3002.4.3.1 or 3002.4.3.2.
2. Limited-Use/Limited-Application (LULA) elevators (25 feet maximum rise).

§ 2. Chapter 30 of the New York city building code is amended by adding a new section 3002.4.2.1 to read as follows:

3002.4.2.1 Elevator car to accommodate wheelchair. Where elevators are provided in buildings five or more stories above, or four or more stories below grade plane, or underground buildings as described in Section 405.1, not fewer than one elevator subject to Section 3003.3 shall be provided with an elevator car of such a size and arrangement to accommodate a wheelchair, meeting the dimensional requirements in Section 407.4.1 of ICC A117.1. Standby power shall be required for such an elevator if it serves a building subject to Section 3002.4.1.

Exceptions:

1. An elevator serving not more than one individual dwelling unit in a building pursuant to Section 3002.4.3.1 or 3002.4.3.2.
2. Limited-Use/Limited-Application (LULA) elevators (25 feet maximum rise).

§ 3. This local law takes effect immediately.

Referred to the Committee on Housing and Buildings.

Res. No. 367

Resolution calling on the Governor to sign A. 10414-A/S. 9032-B that would in part extend the master ground lease between the Battery Park City Authority and New York City, and A. 10371-A/S. 9031-A that would in part require a majority of the Authority Board members to be primary residents of Battery Park City.

By Council Member Marte.

Whereas, In 1968, New York State (State) Governor Nelson Rockefeller signed the Battery Park City Authority Act, which authorized the creation of a public benefit corporation, known as the Battery Park City Authority (BPCA), focused on building and managing an area on the lower west side of Manhattan; and

Whereas, After extensive public input and negotiations between the New York City (City) and State governments, the BPCA began construction of a 92-acre neighborhood, called Battery Park City, in such area; and

Whereas, Battery Park City property owners do not own the land where their properties are located but pay the BPCA rent, Payments in Lieu of Taxes (PILOT) and maintenance fees; and

Whereas, The BPCA leases the Battery Park City land for a yearly “ground rent” fee to the City through a 99.5-year arrangement called the master ground lease; and

Whereas, The BPCA is about halfway into its master ground lease which is set to expire on June 18, 2069, and as a result no individual ground leases between the BPCA and Battery Park City property owners can extend beyond 2069; and

Whereas, According to a June 2022 press release from the office of State Senator Brian Kavanagh, Battery Park City residents have expressed concern that it may become more difficult to obtain mortgages and loans in connection with Battery Park City properties as the remaining time of the master ground lease shortens and lenders may have less certainty regarding the future status of the properties; and

Whereas, The members of the BPCA Board (Board), who are nominated by the State Governor, make decisions that impact Battery Park City residents and businesses, such as the negotiation of individual ground leases, the management of assets and the awarding of contracts that serve and impact the Battery Park City community; and

Whereas, A. 10414-A, sponsored by Assembly Member Yuh-Line Niou in the State Assembly, and companion bill S. 9032-B, sponsored by Senator Brian Kavanagh in the State Senate, would extend the master ground lease until June 18, 2119 in order to permit the BPCA to extend individual ground leases with property owners; and

Whereas, A. 10371-A, sponsored by Assembly Member Yuh-Line Niou in the State Assembly, and companion bill S. 9031-A, sponsored by Senator Brian Kavanagh in the State Senate, would require primary residents of Battery Park City to make up a majority of the members of the BPCA Board so that the Board can understand the neighborhood's needs and values; now, therefore, be it

Resolved, That the Council of the City of New York calls on the Governor to sign A. 10414-A/S. 9032-B that would in part extend the master ground lease between the Battery Park City Authority and New York City, and A. 10371-A/S. 9031-A that would in part require a majority of the Authority Board members to be primary residents of Battery Park City.

Referred to the Committee on Land Use.

Res. No. 368

Resolution calling on the New York State Legislature to pass, and the Governor to sign, S.5525/A.10690, requiring broadband providers to offer low-cost high-speed broadband to low-income New Yorkers.

By Council Members Menin, Gutiérrez, Louis, Restler, Brewer, Avilés, Joseph and Ayala.

Whereas, Broadband, sometimes referred to as high-speed internet, is no longer a luxury that families can live without; and

Whereas, An internet connection is necessary for completing many basic tasks such as scheduling appointments and searching for jobs; and

Whereas, As COVID has shown us, the internet is necessary for many children to do their schoolwork; and

Whereas, The internet is necessary to access many government services such as unemployment compensation; and

Whereas, Broadband provides access to telehealth services, which can deliver health services to those who would otherwise lack access to medical services; and

Whereas, A high-speed internet connection can improve people's health by allowing them to better manage their symptoms and conditions from home, and without having to visit a doctor; and

Whereas, Having an internet connection allows people living alone to keep in contact with friends and family; and

Whereas, Increased access to broadband has been shown to increase civic engagement and increases the likelihood of voting; and

Whereas, A broadband connection is necessary to access the internet without extensive delays and disruptions; and

Whereas, In 2021, the average price for broadband in New York was \$47 a month or \$563 a year; and

Whereas, Low-income families cannot always afford the cost of broadband internet; and

Whereas, Families with household incomes under \$20,000 are the least likely to have broadband access; and

Whereas, Families should not have to choose between paying for food or rent and paying for internet service; 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, S.5525/A.10690, requiring broadband providers to offer low-cost high-speed broadband to low-income New Yorkers.

Referred to the Committee on Technology.

Int. No. 796

By Council Members Narcisse and Louis.

A Local Law to amend the administrative code of the city of New York, in relation to resources for victims of motor vehicle collisions

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

Collision. The term “collision” means an incident when (i) one or more motor vehicles comes in physical contact with another motor vehicle or a person; or (ii) one or more motor vehicles is operated in a manner that causes a physical injury, as defined by section 10 of the penal law, without making physical contact.

Collision victim resources. The term “collision victim resources” means the guide for collision victims created by the department of transportation pursuant to section 19-182.4.

Family representative. The term “family representative” means the duly authorized executor of a serious collision victim’s estate or any attorney retained by such victim or their next of kin.

Next of kin. The term “next of kin” means the closest living relative of the victim of a serious collision that has died or is rendered unconscious as a result of the injuries sustained in such serious collision. For the purposes of this section, the next of kin order of precedence is as follows: (i) spouse; (ii) issue; (iii) parent(s); (iv) other legal guardian(s); and (v) sibling(s).

Serious collision. The term “serious collision” means a collision where the collision results in a serious physical injury as defined by section 10 of the penal law.

Victim. The term “victim” means any person who, as a result of a collision, suffers a physical injury as defined by section 10 of the penal law.

b. Online access to serious collision information. 1. No later than June 30, 2023, the department shall create and maintain a secure website where victims of a serious collision, their family representative, their next of kin, their attorneys or agents may access information regarding the serious collision that resulted in serious physical injury to the victim. Such website must make the following information available:

- (a) The date of the serious collision;*
- (b) The location of the serious collision;*
- (c) The status of the investigation;*
- (d) Whether any summonses have been issued in connection to the serious collision;*
- (e) Whether any arrests have been made in connection to the serious collision; and*
- (f) Whether any witnesses have been identified.*

2. The department shall make information regarding a serious collision available on the website created pursuant to this section within 72 hours after the occurrence of such serious collision and shall update the information within 72 hours after new or updated information becomes available to the department.

3. Notwithstanding paragraphs 1 and 2, the department may withhold the disclosure of any information that would interfere with the investigation or prosecution of a crime connected to the serious collision or is exempt from disclosure pursuant to section 87 of the public officers law.

c. Collision victim resources. 1. The department shall provide a copy of the collision victim resources to each party to the collision at the scene of such collision.

2. The department shall post the collision victim resources in every police precinct house, in a publicly visible location.

3. The department shall conspicuously post the collision victim resources on the department's website.

§ 2. Subchapter 3 of chapter 1 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-182.4 to read as follows:

§ 19-182.4 Collision victim resources. a. Definitions. The definitions set forth in subdivision a of section 14-193 apply to the terms used in this section.

b. The department shall create a guide for collision victims known as the collision victim resources. The collision victim resources must include the following information:

1. All parties to a collision are entitled to an official police report, known as an MV-104AN, completed by an officer responding to the collision;

2. All victims can request that a responding police officer complete an MV-104AN at the scene of the collision and provide such victim with the report number;

3. All victims of a collision are entitled to obtain the insurance information of all motor vehicles involved in such collision, and this information is included in the MV-104AN;

4. How to obtain a copy of an MV-104AN;

5. Who may qualify for no-fault insurance benefits and what those benefits may cover;

6. How to apply for no-fault insurance benefits and any associated deadlines an applicant should be aware of; and

7. Other avenues of recourse a victim may pursue.

c. The department shall post the collision victim resources on its website.

§ 3. This local law take effect 120 days after it becomes law.

Referred to the Committee on Public Safety.

Int. No. 797

By Council Members Nurse, Louis, Hanif, Avilés, Brewer, Cabán, Dinowitz, Joseph and Ayala.

A Local Law to amend the administrative code of the city of New York, in relation to testing drinking water for the presence of microplastics

Be it enacted by the Council as follows:

Section 1. Subchapter 4 of chapter 3 of title 24 of the administrative code of the city of New York is amended by adding a new section 24-370 to read as follows:

§ 24-370 Testing drinking water for microplastics. a. Definitions. For the purposes of this section, the following terms have the following meanings:

Microplastic. The term “microplastic” means a piece of plastic that is one nanometer to five millimeters in size.

Street-side drinking water sampling station. The term “street-side drinking water sampling station” means a drinking water sampling station located at the end point of the city’s drinking water distribution system, before drinking water enters the local service line.

b. The department, as part of its regular testing protocol, shall test for the presence of microplastics in drinking water at each street-side drinking water sampling station. Such testing results shall be included in any report the department prepares on the sampling, testing and monitoring of the city’s drinking water. The department shall post on its website such testing results.

c. The department shall promulgate regulations to create standards or methods for testing the city's drinking water for microplastics.

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

Referred to the Committee on Environmental Protection.

Int. No. 798

By the Public Advocate (Mr. Williams) and Council Members Restler and Joseph.

A Local Law to amend the administrative code of the city of New York, in relation to public notification regarding release of oil

Be it enacted by the Council as follows:

Section 1. Section 24-609 of the administrative code of the city of New York is amended by adding a new subdivision c to read as follows:

c. 1. The commissioner shall report on the department's website regarding any release of oil of any kind or in any form, including petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes other than dredged spoil, of which the commissioner has been notified by any means. The commissioner shall update such report by the first of the month and shall submit annual reports no later than January 15 to the speaker of the council.

2. Such report shall include:

- (a) The chemical name or common name of the oil;*
- (b) The location of release of the oil;*
- (c) The quantity of the oil that was released;*
- (d) The date on which the oil was released;*
- (e) The name of the party that was responsible for the release of the oil; and*
- (f) Any actions taken with regard to environmental remediation.*

3. The commissioner shall notify the speaker of the council, individual council members whose districts are affected and affected community boards as soon as practicable regarding any release specified in paragraph 1 of this subdivision.

§ 2. 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. Reporting of the release of oil. a. The commissioner shall report on the office's website regarding any release of any oil of any kind or in any form, including petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes other than dredged spoil, of which the commissioner has been notified by any means. The commissioner shall update such report by the first of the month and shall submit annual reports no later than January 15 to the speaker of the council. Such report shall include:

- 1. The chemical name or common name of the oil;*
- 2. The location of release of the oil;*
- 3. The quantity of the oil that was released;*
- 4. The date on which the oil was released;*
- 5. The name of the party that was responsible for the release of the oil; and*
- 6. Any actions taken with regard to environmental remediation.*

b. The commissioner shall notify the speaker of the council, individual council members whose districts are affected and affected community boards as soon as practicable regarding any release specified in subdivision a of this section.

§ 3. This law takes effect 120 days after it becomes law.

Referred to the Committee on Environmental Protection.

Int. No. 799

By the Public Advocate (Mr. Williams) and Council Members Louis and Ayala.

A Local Law to amend the administrative code of the city of New York, in relation to a temporary moratorium on third party transfers of real property and a study on the eligibility of transferable property

Be it enacted by the Council as follows:

Section 1. Chapter 4 of title 11 of the administrative code of the city of New York is amended by adding a new section 11-412.3 to read as follows:

§ 11-412.3 Moratorium on third party transfer. a. Notwithstanding any provision of law to the contrary, the department of finance and the department of housing preservation and development shall not initiate any foreclosure action against a class one or class two real property parcel pursuant to this chapter for a period of two years from the effective date of the local law that added this section. Where such an action has already been initiated against a class one or class two real property parcel prior to the effective date of the local law that added this section, the commissioner of finance shall withdraw the parcel from the proceeding pursuant to section 11-413.

b. During the two-year period described in subdivision a of this section, the department of housing preservation and development shall report on a quarterly basis the street address of each class one and class two property that such department determines would be eligible for acquisition pursuant to this chapter but for the moratorium on such actions set forth in subdivision a of this section, disaggregated by council district and community district. Such reports shall include the current status of the properties in question, including but not limited to whether the property has had foreclosure actions initiated against it and whether a foreclosure judgment has been entered against the property. The report shall be made in a machine-readable format and distributed to the speaker of the council, the council member in whose district such property is situated, and the community board in whose district such property is situated.

§ 2. This local law takes effect immediately and is deemed repealed two years after it becomes law.

Referred to the Committee on Finance.

Int. No. 800

By the Public Advocate (Mr. Williams) and Council Member Louis.

A Local Law to amend the administrative code of the city of New York, in relation to requiring that notice of hotel development plans be provided to certain officials at the time the application is filed

Be it enacted by the Council as follows:

Section 1. Section 28-103.25 of the administrative code of the city of New York, as added by local law number 45 for the year 2015, is amended to read as follows:

§ 28-103.25 Hotel development plans. Where the department receives applications for new construction of or conversions to transient hotels, as defined in the zoning resolution, the department shall, *within seven days of receipt of such application,* provide written notice, or notice by electronic mail, of the proposed construction or conversion to:

1. The borough president of the borough in which such proposed construction is located;
2. The council member in whose district such proposed construction is located;
3. The community board of the community district in which such proposed construction is located; and

4. If such proposed construction involves land within two or more community districts in a borough, the borough board.

§ 2. Section 28-103.25 of the administrative code of the city of New York is amended to read as follows:

§ 28-103.25 Hotel development plans. Where the department receives applications for new construction of or conversions to transient hotels, as defined in the zoning resolution, the department shall, *within seven days of receipt of such application*, provide written notice, or notice by electronic mail, of the proposed construction or conversion to:

1. The borough president of the borough in which such proposed construction is located;
2. The council member in whose district such proposed construction is located;
3. The community board of the community district in which such proposed construction is located; and
4. If such proposed construction involves land within two or more community districts in a borough, the borough board.

§ 3. Section one of this local law takes effect 30 days after it becomes law and expires and is deemed repealed on the same date that local law number 126 for the year 2021 takes effect, and section two of this local law takes effect on the same date that local law number 126 for the year 2021 takes effect.

Referred to the Committee on Housing and Buildings.

Int. No. 801

By the Public Advocate (Mr. Williams) and Council Members Louis and Ayala.

A Local Law to amend the administrative code of the city of New York, in relation to requiring owners to notify tenants of unsafe conditions of exterior walls of buildings

Be it enacted by the Council as follows:

Section 1. Section 28-302.3 of chapter 3 of title 28 of the administrative code of the city of New York as added by local law number 33 for the year 2007, is amended to read as follows:

§ 28-302.3 Immediate notice of unsafe condition. Whenever a registered design professional learns of an unsafe condition through a critical examination of a building's exterior walls and appurtenances thereof, such person shall notify the owner and the department immediately in writing of such condition. *Upon such notification, the owner shall immediately notify the occupants of the building of any unsafe condition by affixing a notice describing each unsafe condition in a conspicuous location in the lobby area of the building, which notice shall remain in place until each unsafe condition is corrected. Notice shall also be given to occupants in at least one additional manner as established by the commissioner by rule.*

§ 2. This local law shall take effect 120 days after it becomes law, except that the commissioner of buildings shall promulgate any rules and perform all other actions necessary for the implementation of this local law prior to its effective date.

Referred to the Committee on Housing and Buildings.

Int. No. 802

By the Public Advocate (Mr. Williams) and Council Member Louis.

A Local Law to amend the New York city building code, in relation to requiring safety netting and guardrail systems to protect floor openings

Be it enacted by the Council as follows:

Section 1. Section 3306.9.12.1 of the building code of the city of New York, as amended by local law number 126 for the year 2021, is amended to read as follows:

3306.9.12.1 Floor openings used for the removal of debris. Every opening in a floor used for the removal of debris shall be tightly enclosed with a shaftway, extending from floor to floor, with such shaftway enclosed with:

1. Planking not less than 2 inches (51 mm) in thickness, or equivalent solid material; [or]
2. Where the opening is used for the removal of noncombustible material, wire mesh may be utilized in lieu of planking, provided such mesh is not less than number 18 gauge wire mesh, with openings in the wire no longer than ½ inch (13 mm), and also provided that the wire mesh is securely attached, in accordance with drawings developed by a registered design professional, to the shaftway so that the wire mesh enclosure in any location does not deflect more than 2 inches (51 mm) when a force of at least 200 pounds (890 n) is applied along any horizontal portion of such wire mesh enclosure[.]; or
3. A guardrail system, vertical netting and horizontal netting where required by Sections 3308.6 and 3308.7.

Exceptions:

1. In buildings not more than six stories or 75 feet (22 860 mm) in height, whichever is less, a shaftway is not required. Instead openings in the floor shall be clearly marked and solidly planked over while not in use by planking not less than 2 inches (51 mm) in thickness, or equivalent solid material, and laid close. Where such working deck reaches a height of six stories or 75 feet (22 860 mm) above the level of the ground, horizontal netting shall be provided at a level not more than two stories or 30 feet (9144 mm) below, as required by section 3308.6.1.
2. A shaftway is not required at the working deck. Instead, openings in the working deck shall be clearly marked and solidly planked over while not in use by planking not less than 2 inches (51 mm) in thickness, or equivalent solid material, and laid close. Where such working deck reaches a height of six stories or 75 feet (22 860 mm) above the level of the ground, horizontal netting shall be provided at a level not more than two stories or 30 feet (9144 mm) below, as required by section 3308.6.1.

§ 2. Section 3308 of the building code of the city of New York, as amended by local law number 126 for the year 2021, is amended to read as follows:

SECTION BC 3308
UNENCLOSED PERIMETER PROTECTION, INTERIOR SHAFTWAYS, AND FLOOR OPENINGS

§ 3. Section 3308.1 of the building code of the city of New York, as amended by local law 141 for the year 2013, is amended to read as follows:

3308.1 Scope. Protection shall be provided along unenclosed perimeters, interior shaftways and floor openings, as required by this section and rules promulgated by the commissioner, including but not limited to safety netting systems, guardrail systems, cocoon systems, climbing formwork, and enclosure panels. Except where this section authorizes the temporary removal of unenclosed perimeter, interior shaftway or floor opening protection, no work shall occur, nor shall materials be stored on any level where required unenclosed perimeter, interior shaftway or floor opening protection is not installed.

§ 4. Section 3308.5 of the building code of the city of New York, as amended by local law number 126 for the year 2021, is amended to read as follows:

3308.5 Vertical safety netting systems. Vertical safety netting shall be installed, maintained, and provided along all unenclosed perimeters and interior shaftways.

§ 5. Section 3308.6.1.1 of the New York city building code, as amended by local law 126 for the year 2021, is amended to read as follows:

3308.6.1.1 During construction. When, during the course of new building construction, or during the vertical or horizontal enlargement of an existing building, the topmost walkable floor reaches a height of six stories or 75 feet (22 860 mm), whichever is less, above the level of the ground or an adjoining roof, horizontal safety netting shall be provided at a level not more than two stories or 30 feet (9144 mm), whichever is less, below:

1. Any floor opening or interior shaftway;

[1.] 2. In concrete structures: the stripping floor; or

[2.] 3. In steel structures: at the topmost story where the concrete floor slab has been placed.

Exception: When tarpaulins encase one or more floors immediately below the finished concrete floor in order to maintain temporary heat, the horizontal netting may be located no more than three floors below the finished concrete floor.

§ 6. Section 3308.6.1.2 of the New York city building code, as amended by local law 126 for the year 2021, is amended to read as follows:

3308.6.1.2 During demolition. When the demolition of the exterior walls or the roof of a building occurs at a height greater than six stories or 75 feet (22 860 mm), whichever is less, horizontal safety netting shall be provided at a level not more than two stories or 30 feet (9144 mm), whichever is less, below the story from which the exterior walls and roof are being removed or below any floor opening or interior shaftway.

Exception: Demolition of exterior walls only for the purposes of the alteration, maintenance, or repair of a facade shall be in accordance with Section 3308.6.1.3.

§ 7. Section 3308.6.1.6 of the New York city building code, as amended by local law 141 for the year 2013, is amended to read as follows:

3308.6.1.6 Temporary removal. Horizontal safety netting may be temporarily removed in the immediate area where active loading or unloading operations are occurring, or where perimeter work is occurring, or to relocate the nets to a higher level, provided that no concrete work, including formwork placement or stripping, no structural steel placement or assembly, and no work within 10 feet (3048 mm) from an unenclosed perimeter, interior shaftway or floor opening of the building occurs on levels above the horizontal safety netting. Horizontal safety nets shall be reinstalled immediately following the end of active loading or unloading operations, or active work, or at the end of the workday, whichever occurs sooner.

§ 8. Section 3308.7 of the New York city building code, as amended by local law 126 for the year 2021, is amended to read as follows:

3308.7 Guardrail system. A guardrail system shall be installed, maintained, and provided along all unenclosed perimeters, interior shaftways and floor openings.

§ 9. Section 3308.10 of the New York city building code, as added by local law 126 for the year 2021, is amended to read as follows:

3308.10 Temporary removal of unenclosed perimeter protection. Unenclosed perimeter protection, or portions thereof, may be temporarily removed in the immediate area where active loading or unloading operations, including debris removal, are occurring, or to the extent necessary to facilitate active work at the perimeter, including but not limited to inspections or the relocation of unenclosed perimeter protection to a higher level, provided there is compliance with the following items:

Guardrail systems may be temporarily removed in the immediate area where active loading or unloading operations, *including debris removal*, are occurring, or where perimeter work is occurring, provided that:

1. All material, equipment, and debris on the floor is secured against dislodgement by wind or accidental impact;
2. A controlled access zone is established to prevent unauthorized personnel from entering the area where the unenclosed perimeter protection has been removed;
3. Prior to the removal the floor is cleared of all material, equipment, and debris to a distance of at least 10 feet (3048 mm) in all directions from the area where the unenclosed perimeter protection is to be removed, except for material or equipment that is related to the active loading or unloading operation or active work at the perimeter, or that is stored in accordance with Section 3303.4.5.2;
4. Immediately prior to removal the floor is broom-swept to a distance of at least 10 feet (3048 mm) in all directions from the area where the unenclosed perimeter protection is to be removed and, in addition, areas in the immediate vicinity of the unenclosed perimeter protection are vacuumed, including areas around zero cables, toeboards, and spaces where trapped debris may have accumulated;
5. During removal operations areas are vacuumed as required by Section 3308.9.6;
6. A competent person supervises the operation as required by Section 3308.10.2;
7. Where vertical safety netting, guardrails, or equivalent alternative systems are removed, the removal does not extend past the column bays where the active loading or unloading operations are occurring or where active work at the perimeter is occurring; and
8. Where horizontal safety netting or equivalent alternative systems are removed, none of the following types of work occurs at or above the level where the horizontal safety netting or equivalent alternative system has been removed:
 - 8.1 Concrete work, including formwork placement or stripping;
 - 8.2. Structure steel placement or assembly; or
 - 8.3. Any other work within 10 feet (3048 mm) from an unenclosed perimeter of the building.

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

Referred to the Committee on Housing and Buildings.

Int. No. 803

By the Public Advocate (Mr. Williams) and Council Members Louis, Brewer and Powers.

A Local Law to amend the New York city building code, in relation to strengthening scaffolding requirements

Be it enacted by the Council as follows:

Section 1. Exception 2 of section 3314.4.1.1 of the New York city building code, as added by local law number 141 for the year 2013, is amended to read as follows:

2. The installation and removal of a suspended scaffold may be supervised by a competent person designated by the scaffold permit holder, or where there is no scaffold permit holder, designated by the scaffold controlling entity, provided that such scaffold is installed and removed in conjunction with:

2.1. The construction of a new building;

2.2. The full demolition of an existing building; or

2.3. The vertical or horizontal enlargement of an existing building.[:]

[2.4. The alteration, maintenance, or repair of a façade of a major building where a site safety plan is required by Section 3310.3.]

§ 2. Exception 2 of section 3314.4.2.1 of the New York city building code, as added by local law number 141 for the year 2013, is amended to read as follows:

2. In lieu of direct and continuing supervision by a licensed rigger, the use of a suspended scaffold may be supervised by a competent person designated by the scaffold controlling entity, provided such scaffold is used in conjunction with:

2.1. The construction of a new building;

2.2. The full demolition of an existing building; or

2.3. The vertical or horizontal enlargement of an existing building.[:]

[2.4. The alteration, maintenance, or repair of a façade of a major building where a site safety plan is required by Section 3310.3.]

§ 3. This local law takes effect 120 days after it becomes law, except that the commissioner of buildings shall take such measures as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

Referred to the Committee on Housing and Buildings.

Int. No. 804

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

A Local Law to amend the administrative code of the city of New York, in relation to requiring multiple dwelling owners to provide notice to their tenants prior to temporarily or permanently making building amenities unavailable

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. A building amenity is any equipment, feature or space within a multiple dwelling that may be used in common by the lawful occupants of two or more dwelling units, including, but not limited to, entrances, elevators, freight elevators, laundry rooms, laundry equipment, exercise rooms, exercise equipment, basketball courts, tennis courts, ping-pong tables, billiard tables, foosball tables, air-hockey tables, swimming pools, changing areas, shower areas, lounge areas, roof terraces, outdoor areas, barbeque equipment, parking spaces, dog runs, dog cleaning facilities, storage units, wireless internet, screening rooms, game rooms or day care facilities.

§2. Section 27-2005 of the administrative code of the city of New York is amended by adding a new subdivision g to read as follows:

h. 1. The owner of a multiple dwelling shall post notice pursuant to this subdivision when making a building amenity under such owner's control unavailable to one or more lawful occupants of such multiple dwelling. Where the owner expects that such unavailability will last for twenty-four hours or more, excluding periods during which such amenity is normally unavailable, such notice shall be posted at least two weeks before making such amenity unavailable. Where the owner expects that such unavailability will last for less than twenty-four hours, notice need not be posted, provided that where such unavailability lasts for twenty-four hours or more, notice shall be posted as soon as practicable after the commencement of such unavailability. The notice required by this subdivision shall be posted in a prominent place within the public part of the multiple dwelling for the lesser of two weeks or the duration of the unavailability, shall identify the building amenity which is to be made unavailable and the expected duration of its unavailability and shall be updated as needed, provided that where the building amenity will be permanently unavailable, such notice shall remain posted for no fewer than thirty days following the first date of such unavailability. Such notice shall be in a form approved by the department and shall be posted in the designated citywide languages and, where the leases for fifty percent or more of the dwelling units within such multiple dwelling are provided in another language, such other language.

2. The provisions of this section shall not apply to building amenities made unavailable on an emergency basis. The department shall by rule determine what constitutes an emergency basis.

§3. This local law shall take effect 120 days after it becomes law.

Referred to the Committee on Housing and Buildings.

Int. No. 805

By the Public Advocate (Mr. Williams) and Council Member Avilés.

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

Be it enacted by the Council as follows:

Section 1. Subdivision d of section 19-181 of the administrative code of the city of New York section is amended to read as follows:

d. [The department] *Within 30 days of completing the inspection required under subdivisions a and b or any actions required by subdivision c of this section, the department shall send a report concerning such inspection and any recommendations to the council member and community board in whose district the traffic crash location is located and shall make [the] such results [of the inspections required under subdivisions a and b or any actions required by subdivision c of this section] available upon request to the public.*

§ 2. Section 19-182 of the administrative code of the city of New York is amended to read as follows:

a. Every [five] *three* years, the department shall conduct a comprehensive study of all traffic crashes involving a pedestrian fatality or serious injury for the most recent [five] *three* years where traffic crash data is available. In each such study, the department shall analyze the conditions and factors associated with each such traffic crash and identify common factors among the crashes, if any. The department shall use such studies to develop strategies to improve pedestrian safety, which may include modifying citywide traffic operations policy, developing pedestrian safety strategies geared towards specific users, including, but not limited to, installation of audible pedestrian signals and other devices to assist those with sight, hearing and mobility impairments, prioritizing locations and/or types of roadways or intersections for safety improvements and making recommendations for improving safety at such locations.

b. The first comprehensive traffic study and plans, including a schedule for implementing strategies for improving pedestrian safety generated by such study, shall be submitted to the mayor and speaker of the council and posted on the department's official website by the thirtieth day of november, two thousand and fifteen. Subsequent studies and plans shall be submitted to the mayor, [and] speaker of the council, *and community boards* and posted on the department's official website every [five] *three* years thereafter by the thirtieth of november [in such years].

§ 3. This local law takes effect immediately.

Referred to the Committee on Transportation and Infrastructure.

Int. No. 806

By Council Members Rivera, The Speaker (Council Member Adams), Hanif, Louis, Restler, Brewer and Joseph.

A Local Law to amend the administrative code of the city of New York, in relation to the establishment of jail population review teams

Be it enacted by the Council as follows:

Section 1. Chapter 3 of title 9 of the administrative code of the City of New York is amended by adding a new section 9-310 to read as follows:

§ 9-310 *Population review teams. a. Definitions. For the purposes of this section, the term “correctional health services” means the entity responsible for the delivery of health and mental health services to individuals in the custody of the department of correction.*

b. Duties. No later than July 1, 2023, the office shall establish population review teams for each borough to identify people in custody of the department of correction whose cases could be resolved or who could be safely released into the community. Within 30 days of the establishment of a population review team, such population review team shall establish criteria for individuals to be reviewed for release. Each population review team shall review individual cases and shall make formal recommendations to the entities or officials that have authority to release such individuals.

c. Membership. 1. Each population review team is composed of:

(a) The coordinator of criminal justice, or such coordinator’s designee;

(b) The commissioner of correction, or such commissioner’s designee;

(c) The director of probation, or such director’s designee;

(d) A representative of correctional health services; and

(e) A representative from each public defender organization funded by the city that operates within the respective borough of the population review team.

2. The office shall make reasonable efforts to work with the office of court administration to involve representatives from the relevant criminal court for each borough in the population review teams.

3. The office shall make reasonable efforts to involve the relevant district attorney for each borough in the population review teams.

d. Meetings. Each population review team shall meet twice a month to review individual cases and formalize recommendations for release. The office shall convene each meeting and provide sufficient staff to fulfill the goals of the population review teams. No later than seven days prior to each meeting of the population review team, the office shall provide a list of individuals who meet the established criteria to be reviewed for release at the upcoming meeting. The population review teams may invite experts and stakeholders to attend their meetings and to provide testimony and information relevant to their duties.

e. Recommendations. For each recommendation for release made, the population review team shall include the type of release recommended, the reasons the individual is recommended for that type of release and any additional recommended conditions of release.

f. Report. No later than January 31, 2024, and annually thereafter, the office shall publish on its website and submit to the speaker of the council and the mayor a report on the efforts and results of each population review team. Such reports must include:

1. The number of individuals who were reviewed for release in the previous calendar year;
2. The number of individuals who were recommended for release in the previous calendar year;
3. The number of individuals who were recommended for release and were released in the previous calendar year, disaggregated by the entities or officials who released such individuals; and
4. The number of individuals who were recommended for release more than once but were not released in the previous calendar year, disaggregated by the entities or officials who have the authority to release such individuals.

§ 2. This local law takes effect immediately.

Referred to the Committee on Criminal Justice.

Int. No. 807

By Council Members Schulman, Hanif and Restler (by request of the Manhattan Borough President).

A Local Law to amend the administrative code of the city of New York, in relation to requiring commercial building owners to provide face coverings

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 17 of the administrative code of the city of New York is amended by adding a new section 17-104.1 to read as follows:

§ 17-104.1 Provision of face coverings. a. Definitions. As used in this section, the following terms have the following meanings:

Commercial building. The term “commercial building” means any building or portion of a building (i) that is lawfully used for buying, selling or otherwise providing goods or services, or for other lawful business, commercial, professional services or manufacturing activities, and (ii) for which a certificate of occupancy authorizing residential use of such building or a portion of such building has not been issued.

Owner or operator. The term “owner or operator” means the owner, manager, operator or other person having control of a commercial building.

Face covering. The term “face covering” means any face mask or respirator recommended by the department, the federal centers for disease control and prevention or the national institute for occupational safety and health including, but not limited to, KN95, N95, N99, N100, P95, P99, P100, R95, R99 and R100 respirators.

b. No later than 90 days after the effective date of the local law that added this section, a commercial building owner or operator shall equip such commercial building with an appropriate supply of face coverings

in order to provide a face covering to any individual entering the premises of such commercial building. Face coverings shall be placed in a conspicuous place near the public entrance or entrances of such commercial building and made readily available upon entry.

c. No later than 30 days after the effective date of the local law that added this section, the department shall conduct outreach and education to commercial building owners and operators about the requirements of this section.

d. Any commercial building owner or operator that violates this section or any rule promulgated pursuant to this section shall be liable for a civil penalty in the amount of \$50 for the first violation, \$100 for the second violation committed on a different day within a period of 12 months, and \$200 for the third and each subsequent violation committed on different days within a period of 12 months. The department shall commence a proceeding to recover any civil penalty authorized pursuant to this section by service of a notice of violation returnable to the office of administrative trials and hearings.

§ 2. Chapter 3 of title 23 of the administrative code of the city of New York is amended by adding a new section 23-308 to read as follows:

§ 23-308 *Face covering availability complaints. The department of information technology and telecommunications shall implement and maintain on its 311 citizen center website and mobile device platforms the capability for the public to file a complaint under the category of “face covering availability complaint.” Such website and platforms shall accept any complaint related to commercial building owners or operators that do not provide face coverings in violation of section 17-104.1, and refer each such complaint to the appropriate agency to take action as necessary to address the complaint.*

§ 3. This local law takes effect 30 days after it becomes law.

Referred to the Committee on Health.

Int. No. 808

By Council Members Schulman, Restler, Brewer and Joseph.

A Local Law to amend the administrative code of the city of New York, in relation to holding quarterly meetings on maternal mortality efforts

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 17 of the administrative code of the city of New York is amended by adding a new section 17-199.3.2 to read as follows:

§ 17-199.3.2 *Maternal mortality quarterly meetings. a. The department shall hold quarterly meetings on efforts taking place in the city to combat maternal mortality, as defined in subdivision a of section 17-199.3, with the aim to discuss ongoing issues hospitals are facing with maternal mortality and ways these issues can be mitigated.*

b. The department shall invite all relevant stakeholders to the quarterly meetings including, but not limited to, the following:

- 1. A representative from New York city health and hospitals corporation;*
- 2. The chair of the council committee on health or a successor committee with oversight over health-related issues; and*
- 3. The chair of the council committee on hospitals or a successor committee with oversight over hospitals.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Hospitals.

Int. No. 809

By Council Members Ung and Joseph.

A Local Law to amend the administrative code of the city of New York, in relation to increasing the civil penalty for repeated littering violations

Be it enacted by the Council as follows:

Section 1. Paragraph a of subdivision 9 of section 16-118 of the administrative code of the city of New York, as amended by local law number 80 for the year 2021, is amended to read as follows:

a. (1) not less than 50 and not more than 250 dollars for a first violation, except that the civil penalty shall be not less than 250 and not more than 350 dollars for a second violation of subdivision 4 or 6 of this section within any 12 month period, and not less than 350 and not more than 450 dollars for a third or subsequent violation of subdivision 4 or 6 of this section within any 12 month period;

(2) notwithstanding subparagraph (1) of paragraph a of this subdivision, 50 dollars for a first violation [of paragraph (a) of subdivision 2 or] of subdivision 3 of this section, or of any rules promulgated pursuant thereto, 100 dollars for a second violation of such [paragraph or] subdivision or of any rules promulgated pursuant thereto within any 12 month period, and 100 dollars for a third or subsequent violation of such [paragraph or] subdivision or of any rules promulgated pursuant thereto within any 12 month period;

(3) *notwithstanding subparagraph (1) of paragraph a of this subdivision, 50 dollars for a first violation of paragraph (a) of subdivision 2 of this section, or of any rules promulgated pursuant thereto, 100 dollars for a subsequent violation, up to twenty violations, of such subdivision or of any rules promulgated pursuant thereto within any 12 month period, and 1,000 dollars for a twenty-first or subsequent violation within any 12 month period;*

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

Referred to the Committee on Sanitation and Solid Waste Management.

Preconsidered L.U. No. 135

By Council Member Salamanca:

Application number C 220427 HAK (Livonia4) submitted by the New York City 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 the property located at Livonia Avenue between Christopher Avenue and Mother Gaston Boulevard (Block 3811, Lots 17, 18, 19, 21, 23, 24, 25, 26, 27, 124), Livonia Avenue between Sackman Street and Christopher Avenue (Block 3812, Lots 19, 20, 21, 22 and 121), Livonia Avenue between Powell Street and Sackman Street (Block 3813, Lot 115), Livonia Avenue between Thomas S. Boyland Street and Amboy Street (Block 3586, Lot 26); and pursuant to Section 197-c of the New York City Charter for the disposition of property located at Livonia Avenue between Christopher Avenue and Mother Gaston Boulevard (Block 3811, Lots 17, 18, 19, 21, 23, 24, 26, 27, 124), Livonia Avenue between Sackman Street and Christopher Avenue (Block 3812, Lots 19, 20, 21, 22 and 121), Livonia Avenue between Powell Street and Sackman Street (Block 3813, Lot 115), Livonia Avenue between Thomas S. Boyland Street and Amboy Street (Block 3586, Lot 26) to a developer to be selected by HPD, Borough of Brooklyn, Community District 16, Council District 42.

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Sitings and Dispositions (preconsidered but laid over by the Subcommittee on Landmarks, Public Sitings and Dispositions).

Preconsidered L.U. No. 136

By Council Member Salamanca:

Application Number C 220428 HUK (Livonia4) submitted by the New York City 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 fourth amendment to the Brownsville II Urban Renewal Plan, Borough of Brooklyn, Community District 16, Council District 42.

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Sitings and Dispositions (preconsidered but laid over by the Subcommittee on Landmarks, Public Sitings and Dispositions).

Preconsidered L.U. No. 137

By Council Member Salamanca:

Application number C 220429 ZMK (Livonia4) 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 an amendment of the Zoning Map, Section Nos. 17b and 17d, changing an R6 District to an R7-2 District and establishing within a proposed R7-2 District a C2-4 District, Borough of Brooklyn, Community District 16, Council District 42.

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Sitings and Dispositions (preconsidered but laid over by the Subcommittee on Landmarks, Public Sitings and Dispositions).

Preconsidered L.U. No. 138

By Council Member Salamanca:

Application number N 220430 ZRK (Livonia4) submitted by the New York City Department of Housing Preservation and Development (HPD), pursuant to Section 201 of the New York City Charter for an amendment to the Zoning Resolution of the City of New York, modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of Brooklyn, Community District 16, Council District 42.

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Sitings and Dispositions (preconsidered but laid over by the Subcommittee on Landmarks, Public Sitings and Dispositions).

Preconsidered L.U. No. 139

By Council Member Salamanca:

Application number C 210230 ZMK (1571 McDonald Avenue Rezoning) submitted by 1571 Development, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 22d, eliminating from within an existing R5 District a C2-3 District and changing from an R5 District to an C4-4L District, Borough of Brooklyn, Community District 12, Council District 44.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises (preconsidered but laid over by the Subcommittee on Zoning and Franchises).

Preconsidered L.U. No. 140

By Council Member Salamanca:

Application number N 210231 ZRK (1571 McDonald Avenue Rezoning) submitted by 1571 Development, LLC, pursuant to Section 201 of the New York City Charter, for an amendment to the Zoning Resolution of the City of New York, modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of Brooklyn, Community District 12, Council District 44.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises (preconsidered but laid over by the Subcommittee on Zoning and Franchises).

Preconsidered L.U. No. 141

By Council Member Salamanca:

Application number C 220312 ZMK (Innovative Urban Village (ENY CCC)) submitted by Innovative Urban Living, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 17d, changing from an R5 District to an R7-2 District and establishing within the proposed R7-2 District a C2-4 District, Borough of Brooklyn, Community District 5, Council District 42.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises (preconsidered but laid over by the Subcommittee on Zoning and Franchises).

Preconsidered L.U. No. 142

By Council Member Salamanca:

Application number N 220313 ZRK (Innovative Urban Village (ENY CCC)) submitted by Innovative Urban Living, LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, for an amendment of the Zoning Resolution of the City of New York, modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area and modifying APPENDIX I for the purpose of expanding the Transit Zone, Borough of Brooklyn, Community District 5, Council District 42.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises (preconsidered but laid over by the Subcommittee on Zoning and Franchises).

Preconsidered L.U. No. 143

By Council Member Salamanca:

Application number C 220188 ZMK (280 Bergen Street Rezoning) submitted by BNW3 Re-Gen, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 16c, changing an M1-2 District to an R7A District, changing an M1-2 District to an R7D District and establishing within the proposed R7D District a C2-4 District, Borough of Brooklyn, Community District 2, Council District 33.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises (preconsidered but laid over by the Subcommittee on Zoning and Franchises).

Preconsidered L.U. No. 144

By Council Member Salamanca:

Application number N 220189 ZRK (280 Bergen Street Rezoning) submitted by BNW3 Re-Gen, LLC, pursuant to Section 201 of the New York City Charter for an amendment to the Zoning Resolution of the City of New York, modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of Brooklyn, Community District 2, Council District 33.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises (preconsidered but laid over by the Subcommittee on Zoning and Franchises).

L.U. No. 145

By Council Member Salamanca:

Application number C 220311 ZSK (Innovative Urban Village (ENY CCC)) submitted by Innovative Urban Living, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to the following Sections of the Zoning Resolution Section 74-743(a)(2) of Zoning Resolution to modify the side and rear yard regulations of Section 23-40 (YARD REGULATIONS), Section 23-50 (Additional Yard Regulations), Section 33-30 (OTHER SPECIAL PROVISIONS FOR REAR YARDS), and 35-50 (MODIFICATION OF YARD REGULATIONS); the height and setback requirements of Sections 23-66 (Height and Setback Requirements for Quality Housing Buildings), 23-69 (Special Height Limitations), and 35-65 (Height and Setback Requirements for Quality Housing Buildings); and the minimum distance between buildings regulations of Section 23-711 (Standard minimum distance between buildings); in connection with a proposed mixed-use development, within a Large-scale General Development generally bounded by Flatlands Avenue, Pennsylvania Avenue, a line 295 feet southeasterly of Flatlands Avenue, a line 235 feet southwesterly of Pennsylvania Avenue, a line 370 feet southeasterly of Flatlands Avenue, a line 535 feet southwesterly of Pennsylvania Avenue, a line 550 feet southeasterly of Flatlands Avenue, a line 245 feet northwesterly of Vandalia Avenue, and Louisiana Avenue (Block 4430, Lot 1, and Block 4434, Lots 1 & 10), in an R7-2/C2-4* District, Borough of Brooklyn, Community District 5, Council District 42.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 146

By Council Member Salamanca:

Application number C 220314 ZSK (Innovative Urban Village (ENY CCC)) submitted by Innovative Urban Living, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-512 of the Zoning Resolution to allow an unattended public parking garage with a maximum capacity of 500 spaces within a proposed 7-story garage building, and to permit some of such spaces to be located on the roof of such public parking garage, in connection with a proposed mixed-use development, on property located at 12020 Flatlands Avenue (Block 4430, Lot 1, and Block 4434, Lots 1 & 10), in an R7-2/C2-4* District, Borough of Brooklyn, Community District 5, Council District 42.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

NEW YORK CITY COUNCIL

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

Tuesday, November 1, 2022

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

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

Oversight - COVID-19 in NYC: Evaluating the Present Challenges.
Committee Room – City Hall.....10:00 a.m.

Wednesday, November 2, 2022

Committee on Fire and Emergency Management

Joann Ariola, Chairperson

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

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

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

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

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

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

Committee Room – 250 Broadway, 14th Floor10:00 a.m.

Committee on Governmental Operations jointly with the
Committee on Small Business and the
Committee on Immigration

Sandra Ung, Chairperson
Julie Menin, Chairperson
Shahana K. Hanif, Chairperson

Oversight - Supporting Immigrant Small Businesses and Promoting Language Access.

Int 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, Sanchez 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.

Int 382 - By Council Members Brewer, Yeager, Hanif, Louis, Ung, Nurse, Krishnan, Abreu, Restler, Sanchez and Menin - **A Local Law** to amend the New York city charter and the administrative code of the city of New York, in relation to requiring written communications regarding the results of inspections from the department of consumer and worker protection and the department of health and mental hygiene to be in the receiving business owner’s language of choice.

Int 570 - By Council Members Hanif, De La Rosa, Marte, Brannan, Narcisse, Brewer, Ung, Gutiérrez, Cabán, Louis, Brooks-Powers, Joseph, Avilés, Nurse, Hudson, Sanchez, Menin, Ossé, Schulman, Dinowitz, Powers, Barron, Velázquez, Krishnan, Abreu, Ayala, Riley, Gennaro, Restler and Farías - **A Local Law** to amend the New York city charter, in relation to establishing an office of translation and interpretation within the office of immigrant affairs.

Int 685 - By Council Members Menin, Gutiérrez, Stevens, Schulman, Marte, Feliz, Hanks, Salamanca, Lee, Ossé, Ung, Dinowitz, the Public Advocate (Mr. Williams), Louis, Riley, Restler, Hudson, Brewer, Sanchez, Won, Velázquez, Cabán, Hanif, Ayala, Mealy and Nurse - **A Local Law** to amend the New York city charter, in relation to establishing an office of small business digitalization and technical amendments in relation thereto.

Int 697 - By Council Members Ung, Hanif, Hudson, Sanchez, Louis, Won and Gutiérrez - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring translations into languages that are not included in the language access law.

Int 699 - By Council Members Ung, Menin, Brooks-Powers, Krishnan, Hanif, Hudson, Joseph, Brewer, Sanchez, Louis, Won and Gutiérrez - **A Local Law** to amend the New York city charter and administrative code of the city of New York, in relation to enhancing language access for small business owners.

Int 700 - By Council Members Won, Restler, Hanif, Hudson, Sanchez, Louis and Gutiérrez - **A Local Law** to amend the administrative code of the city of New York, in relation to translation services for compliance materials.

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

Committee on Higher Education

Eric Dinowitz, Chairperson

Committee on Mental Health, Disabilities & Addiction

Linda Lee, Chairperson

Oversight - Accommodations for College Students with Disabilities.

Int 660 - By Council Members Dinowitz, Louis, Riley, Stevens, Hanif, Velázquez, Brewer, Ung, Farías, Sanchez, Lee, Won and Gutiérrez - **A Local Law** to amend the administrative code of the city of New York, in relation to establishing a program to provide transition services for students with disabilities entering higher education.

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

Thursday, November 3, 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 ten year anniversary of Superstorm Sandy. The storm impacted the city on October 29-30, 2012 and resulted in the devastation of many local communities and the deaths of 44 New Yorkers. She added that the storm had left thousands of people without power, stable homes, and access to food and water. After being heavily impacted by subsequent storms such as Tropical Storm Isaias, Hurricane Isa, as well as other forms of extreme weather, the Speaker (Council Member Adams) emphasized the importance of making our neighborhoods more resilient and sustainable. She acknowledged that the Committee on Resiliency and Waterfronts together with the Committee on Transportation and Infrastructure had recently held a joint oversight hearing on the tenth anniversary while districts throughout the city were hosting events to commemorate the anniversary. She noted that the Council had passed a law requiring the city to outline measures for resiliency in a Decennial Citywide Climate Adoption Plan which would protect residents, property, and infrastructure. She acknowledged that the Council was awaiting the publication of this Plan so as to further advance its efforts in making the city more resilient and stronger.

The Speaker (Council Member Adams) acknowledged that earlier in the week New Yorkers had celebrated Diwali, the Festival of Lights. She noted that this holiday was an important celebration for the Hindu, Jain, and Sikh communities. The Speaker (Council Member Adams) declared her support for placing Diwali officially on the calendar as a school holiday. She added that on November 1, 2022, the Council would be hosting a Diwali celebration in the Council Chambers and she thanked Council Members Brewer, Farías, Gennaro, Krishnan, Lee, Rivera, Schulman, Ung, Williams, and Won for co-hosting this event.

The Speaker (Council Member Adams) acknowledged the upcoming celebration of Halloween. She wished everyone celebrating a safe time and a great time.

The Speaker (Council Member Adams) acknowledged that November marks National Native American Heritage Month when the history, contributions, and cultures of indigenous peoples are honored. She recognized that the city stands currently in the homeland of the Lenape. The Speaker (Council Member Adams) emphasized that the city and the country must commit to meeting the needs of the indigenous communities and addressing the disparities that they continue to face as a result of historical disenfranchisement and colonization.

Whereupon on motion of the Speaker (Council Member Adams), the Majority Leader and Acting President Pro Tempore (Council Member Powers) adjourned these proceedings to meet again for the Stated Meeting of Thursday, November 3, 2022.

MICHAEL M. McSWEENEY, City Clerk
Clerk of the Council

*Editor's Local Law Note: Int. Nos. 518-A and 602-A, both adopted by the Council at the September 14, 2022 Stated Meeting, were **signed into law by the Mayor** on October 11, 2022 as, respectively, Local Law Nos. 90 and 91 of 2022.*

*Int. No. 56-A, adopted by the Council at the September 14, 2022 Stated Meeting, was **signed into law by the Mayor** on October 12, 2022 as Local Law No. 92 of 2022.*

*Int. No. 458-A, adopted by the Council at the September 14, 2022 Stated Meeting, was **returned unsigned** by the Mayor on October 14, 2022. This item became law on October 15, 2022 due to the lack of Mayoral action within the Charter-prescribed thirty day time period. This bill was assigned subsequently as Local Law No. 93 of 2022.*

*Int. Nos. 116-A and 383-A, both adopted by the Council at the September 29, 2022 Stated Meeting, were **signed into law by the Mayor** on October 18, 2022 as, respectively, Local Law Nos. 94 and 95 of 2022.*