

## THE COUNCIL

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*Minutes of the Proceedings for the*

### STATED MEETING

*of*

Thursday, April 28, 2022, 2:05 p.m.

*(held in a hybrid meeting format)*

*The Majority Leader (Council Member Powers)*

*presiding as the Acting President Pro Tempore*

### Council Members

Adrienne E. Adams, *Speaker*

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

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

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

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

### INVOCATION

The Invocation was delivered by Deacon James Anthony Bello, Holy Cross Church, located at 600 Soundview Avenue, Bronx, N.Y. 10473.

Thank you for the invitation to be present with you  
to start off this session of the New York City Council.  
Special note of gratitude to Council Member Amanda Farias,  
who was a graduate of my Parish school  
and represents our community so well.

Let's us place ourselves in the presence  
of our heavenly Father  
and those to whom we turn to for our spiritual strength.  
All power and glory belongs to you almighty God.  
We are grateful to be able to gather in your name.  
Remain with us and enlighten the hearts  
of the city Council Members.  
Give them light and strength to know your will  
to make it their own and to live it in their lives.  
Guide these members and our electoral officials with your wisdom,  
support them with your power  
and illuminate their minds in their discernment.  
You desire justice for all,  
instill in these members a fervent desire  
to pursue equity and justice with great humility,  
a servant's heart and the interests of the people  
they have been entrusted to serve,  
not misguided or corrupted by fear or favor.  
Unite them to yourself in the bond of love  
and keep them and all of us  
faithful to all that is true.  
As we gather in your name  
may we temper justice with love,  
so that their deliberations and decisions  
may be pleasing to you  
and earn the reward promise  
to good and faithful service;  
and we ask this in God's name.  
Amen.

Council Member Farías 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) wished to honor the late FDNY firefighter Timothy Klein, 31, of Ladder Company 170. Firefighter Klein, a six year veteran of the department, died on April 24, 2022 while bravely responding to a fire in Brooklyn. The blaze took place in Council Member Narcisse's district in Canarsie. The fire also killed Carlos Richards, 21, son of a retired NYPD officer and a registered nurse. On behalf of the Council, the Speaker (Council Member Adams) offered her thoughts and prayers to the family and friends of Firefighter Klein and Mr. Richards as well as to Ladder Company 170 and the entire FDNY. She also acknowledged the other injured fire fighters who had risked their lives on that day– the Speaker (Council Member Adams) wished them well and wished them a speedy recovery.

The Speaker (Council Member Adams) asked for a Moment of Silence in memory of those who had lost their lives in the line of duty during the past week.

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

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#### **ADOPTION OF MINUTES**

Council Member Abreu moved that the Minutes of the Stated Meeting of March 24, 2022 be adopted as printed

**MESSAGES AND PAPERS FROM THE MAYOR**

M-49

**Communication from the Mayor - Submitting the name of David Do to the Council for its advice and consent regarding his appointment as Chair and Chief Executive Officer of the New York City Taxi and Limousine Commission, pursuant to Sections 31 and 2301 of the City Charter.**

April 18, 2022

The Honorable Adrienne E. Adams  
Speaker  
New York City Council  
City Hall  
New York, NY 10007

Dear Speaker Adams:

Pursuant to Sections 31 and 2301 of the New York City Charter, I am pleased to present the name of David Do to the City Council for advice and consent in anticipation of his appointment as a member of the New York City Taxi and Limousine Commission and to serve as chair and chief executive officer. If appointed, Mr. Do will serve the remainder of a seven-year term that will expire on January 31, 2024.

I send my thanks to you and all Council members for reviewing this Taxi and Limousine Commission appointment.

Sincerely,

Eric Adams  
Mayor

ELA:ml

cc: David Do  
Meera Joshi, Deputy Mayor for Operations  
Jessica Carrano, Director, Mayor's Office of City Legislative Affairs

Referred to the Committee on Rules, Privileges and Elections.

M-50

**Communication from the Mayor - Submitting the Expense Revenue Contract Budget, for Fiscal Year 2023, pursuant to Section 249 of the New York City Charter.**

(For text of this Budget-related material, please refer to the City Hall Library at 31 Chambers Street, Suite 112, New York, N.Y. 10007 and the Mayor's Office of Management and Budget at 255 Greenwich Street, Suite 8, New York, N.Y. 10007 and the [OMB website publications page](#) for the [submitted April 2022 Expense Revenue Contract for Fiscal Year 2023 PDF file](#))

Referred to the Committee on Finance.

M-51

**Communication from the Mayor - Submitting the Executive Capital Budget for Fiscal Year 2023, pursuant to Section 249 of the New York City Charter.**

(For text of this Budget-related material, please refer to the City Hall Library at 31 Chambers Street, Suite 112, New York, N.Y. 10007 and the Mayor's Office of Management and Budget at 255 Greenwich Street, Suite 8, New York, N.Y. 10007 and [OMB website publications page](#) for the [submitted April 2022 Expense Capital Budget for Fiscal Year 2023 PDF file](#))

Referred to the Committee on Finance.

M-52

**Communication from the Mayor - Submitting the Proposed City Fiscal Year 2023 Community Development Program, the Proposed CFY'23 Budget, the Proposed Reallocations-the CD XLVIII Funds, Proposed CD XLIX Statement of Objectives and Budget, dated April 26, 2022.**

(For text of this Budget-related material, please refer to the City Hall Library at 31 Chambers Street, Suite 112, New York, N.Y. 10007 and the Mayor's Office of Management and Budget at 255 Greenwich Street, Suite 8, New York, N.Y. 10007)

Referred to the Committee on Finance.

M-53

**Communication from the Mayor - Submitting the Executive Budget Supporting Schedules, for Fiscal Year 2023 pursuant to Section 250 of the New York City Charter.**

(For text of this Budget-related material, please refer to the City Hall Library at 31 Chambers Street, Suite 112, New York, N.Y. 10007 and the Mayor's Office of Management and Budget at 255 Greenwich Street, Suite 8, New York, N.Y. 10007 and [OMB website publications page](#) for the [submitted April 2022 Executive Budget Supporting Schedules, for Fiscal Year 2023 pursuant to Section 250 of the New York City Charter.](#))

Referred to the Committee on Finance.

M-54

**Communication from the Mayor - Submitting the Capital Commitment Plan, Executive Budget, Fiscal Year 2023, Volumes I, II, III and IV, pursuant to Section 219(d) of the New York City Charter.**

(For text of this Budget-related material, please refer to the City Hall Library at 31 Chambers Street, Suite 112, New York, N.Y. 10007 and the Mayor's Office of Management and Budget at 255 Greenwich Street, Suite 8, New York, N.Y. 10007 and [OMB website publications page](#) at for the Capital Commitment Plan, Executive Budget, Fiscal Year 2021, Volumes [1](#), [2](#), [3](#), and [4](#), pursuant to Section 219(d) of the New York City Charter)

Referred to the Committee on Finance.

M-55

**Communication from the Mayor - Submitting the Executive Budget - Geographic Reports for Expense Budget for Fiscal Year 2023.**

(For text of this Budget-related material, please refer to the City Hall Library at 31 Chambers Street, Suite 112, New York, N.Y. 10007 and the Mayor's Office of Management and Budget at 255 Greenwich Street, Suite 8, New York, N.Y. 10007 and [OMB website publications page](#) for the [submitted April 2022 Executive Budget - Geographic Reports for Expense Budget for Fiscal Year 2023 PDF file](#))

Referred to the Committee on Finance.

M-56

**Communication from the Mayor - Submitting the Budget Summary, the Message of the Mayor, and the Program to Eliminate the Gap relative to the Executive Budget, Fiscal Year 2023, pursuant to Section 249 of the New York City Charter.**

(For text of this Budget-related material, please refer to the City Hall Library at 31 Chambers Street, Suite 112, New York, N.Y. 10007 and the Mayor's Office of Management and Budget at 255 Greenwich Street, Suite 8, New York, N.Y. 10007 and [OMB website publications page](#) for the submitted April 2022 [Budget Summary](#), [the Message of the Mayor](#), and [the Program to Eliminate the Gap](#) relative to the Executive Budget, Fiscal Year 2023, pursuant to Section 249 of the New York City Charter)

Referred to the Committee on Finance.

M-57

**Communication from the Mayor - Submitting certificate setting forth the maximum amount of debt and reserves which the City, and the NYC Municipal Water Finance Authority, may soundly incur for capital projects for Fiscal Year 2023 and the ensuing three fiscal years, and the maximum amount of appropriations and expenditures for capital projects which may soundly be made during each fiscal year, pursuant to Section 250 of the New York City Charter.**

April 26, 2022

Honorable Members of the Council

Honorable Brad Lander, Comptroller

Honorable Vanessa L. Gibson, Bronx Borough President  
 Honorable Antonio Reynoso, Brooklyn Borough President  
 Honorable Mark D. Levine, Manhattan Borough President  
 Honorable Donovan Richards, Queens Borough President  
 Honorable Vito Fossella, Staten Island Borough President

Honorable Members of the City Planning Commission

Ladies and Gentlemen:

I hereby certify that, as of this date, in my opinion, the City of New York (the "City"), the New York City Municipal Water Finance Authority and the New York City Transitional Finance Authority may soundly issue debt and expend reserves to finance total capital expenditures of the City for fiscal year 2023 and the ensuing three fiscal years, in maximum annual amounts as set forth below:

2023	\$10,869	Million
2024	12,232	Million
2025	13,810	Million
2026	14,393	Million

Certain capital expenditures are herein assumed to be financed from the proceeds of sale of bonds by the City and the New York City Transitional Finance Authority. Amounts of expenditures to be so financed have been included in the total amounts listed above and are estimated to be as follows in fiscal years 2023 — 2026:

2023	\$8,984	Million
2024	10,161	Million
2025	11,523	Million
2026	11,952	Million

Certain water and sewer capital expenditures are herein assumed to be financed from the proceeds of the sale of bonds by the New York City Municipal Water Finance Authority. Amounts of expenditures to be so financed have been included in the total amounts listed in the first paragraph hereof and are estimated to be as follows in fiscal years 2023 — 2026:

2023	\$1,885	Million
2024	2,071	Million
2025	2,287	Million
2026	2,441	Million

I further certify that, as of this date, in my opinion, the City may newly appropriate in the Capital Budget for fiscal year 2023, and may include in the capital program for the ensuing three fiscal years, amounts to be funded by City debt, New York City Transitional Finance Authority debt or, with respect to water and sewer projects, debt of the New York City Municipal Water Finance Authority, not to exceed the following:

2023	\$12,511	Million
2024	17,033	Million
2025	15,947	Million
2026	14,407	Million

Sincerely,

Eric Adams  
Mayor

Received, Ordered, Printed and Filed.



**COMMUNICATION FROM CITY, COUNTY & BOROUGH OFFICES**

M-58

**Communication from the Manhattan Borough President - Submitting the name of Ms. Leila Bozorg, to the Council for its advice and consent regarding her appointment to the City Planning Commission, pursuant to Sections 31 and 192 of the City Charter.**

April 11, 2022

Hon. Adrienne Adams  
Speaker  
New York City Council  
City Hall  
New York, N.Y. 10007

Dear Speaker Adams:

Pursuant to Sections 31 and 192 of the New York City Charter, I am pleased to advise you that I hereby nominate Leila Bozorg for appointment to the New York City Planning Commission.

Ms. Bozorg will bring extensive expertise in city planning, land-use and neighborhood development to the Commission. She brings a wealth of experience to the role, having previously served the City at NYC Housing Preservation and Development, and with her current role at the not-for-profit New York City Kids Rise. I'm extremely proud to nominate her, and believe she will be an exceptional Commissioner.

Sincerely,

Mark Levine  
Manhattan Borough President  
cc.: Leila Bozorg

Referred to the Committee on Rules, Privileges and Elections.

## REPORTS OF THE STANDING COMMITTEES

### Report of the Committee on Civil and Human Rights

Report for Int. No. 134-A

#### **Report of the Committee on Civil and Human Rights in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to the employers required to post minimum and maximum salary information**

The Committee on Civil and Human Rights, to which the annexed proposed amended local law was referred on March 24, 2022 (Minutes, page 482), respectfully

### REPORTS:

#### **I. INTRODUCTION**

On April 27, 2022, the Committee on Civil and Human Rights (the Committee), chaired by Council Member Nantasha Williams, held a vote on Int. No. 134-A, a local law in relation to the employers required to post minimum and maximum salary information. On April 5, 2022 the Committee heard a previous version of this bill, Int. 134, which would amend Local Law 32 for the year 2022. Those invited to testify included representatives from the New York City Commission on Human Rights (CCHR), advocacy and community organizations, and members of the public. This testimony was used to advise amendments to the bill. The bill passed with 5 votes in the affirmative, 1 vote in the negative, and 0 abstentions.

#### **II. BACKGROUND**

##### *a. The Wage Gap in the United States*

The wage gap represents the discrepancy in wages between men and women,<sup>1</sup> which is the average difference between the pay, or wages, for men and women in the workforce.<sup>2</sup> The median annual earnings of full-time, year-round workers is the most common measure for calculating the gender wage gap.<sup>3</sup> Additionally, intersectional identities, including race, affect the wage gap.<sup>4</sup> The Pew Research Center (“Pew”) found that, in 2015, among both full- and part-time workers in the United States (U.S.), Black people earned just 75 percent as much as whites in median hourly earnings and women earned 83 percent as much as men.<sup>5</sup> According to the Institute for Women’s Policy Research, the gender wage gap in weekly earnings for full-time workers in the U.S. increased between 2017 and 2018.<sup>6</sup> Pew’s research shows that this data has changed very little over the years as the gender wage gap held steady in 2020, with women earning 84% of what men earned.<sup>7</sup>

<sup>1</sup> Also known as the “gender pay gap.”

<sup>2</sup> Elise Gould, et al, *What is the Gender Pay Gap and is it Real?* Economic Policy Institute. (Oct. 20, 2016) Available at <https://www.epi.org/publication/what-is-the-gender-pay-gap-and-is-it-real/>.

<sup>3</sup> U.S. Dep’t of Labor. *Facts Over Time-Earnings and Ratios*. (1960-2020) Available at: <https://www.dol.gov/agencies/wb/data/facts-over-time>.

<sup>4</sup> Eileen Patten. Pew Research Center. *Racial, Gender Wage Gaps Persist in U.S. Despite Some Progress*. (July 1, 2016) Available at <https://www.pewresearch.org/fact-tank/2016/07/01/racial-gender-wage-gaps-persist-in-u-s-despite-some-progress/>

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

<sup>6</sup> In 2018, the Institute reported that the ratio of women’s to men’s median weekly full-time earning was 81.1 percent, leaving a wage gap of 18.9 percent. Institute for Women’s Policy Research, *The Gender Wage Gap: 2018-Earnings Differences by Race and Ethnicity*, (Mar. 2018) Available at [https://iwpr.org/wp-content/uploads/2019/03/C478\\_Gender-Wage-Gap-in-2018.pdf](https://iwpr.org/wp-content/uploads/2019/03/C478_Gender-Wage-Gap-in-2018.pdf).

<sup>7</sup> Notably, data has not yet been made available for 2021 and the impact of the coronavirus fueled economic downturn. Amanda Barroso and Anna Brown. Pew Research Center. *Gender Pay Gap in U.S. Held Steady in 2020*. (May 25, 2021) Available at <https://www.pewresearch.org/fact-tank/2021/05/25/gender-pay-gap-facts/>.

Despite efforts to narrow the gender pay gap since the 1960s, a woman working full-time in the U.S. still earns only a percentage of what a typical man earns in a year. Although the pay gap is narrower in New York State, at 88 percent, it results in a difference in the median annual income between women and men working full-time.<sup>8</sup> Women in New York earn approximately \$10,157 less than men each year.<sup>9</sup>

*i. Factors Affecting the Gender Wage Gap*

Some of the factors driving the gender wage gap include: labor force participation; occupational title differences (for similar work); education; labor force experience and hours worked; gender differences in formal job training and retention; the impact of gender on the division of labor and on family caregiving; occupations and industries; and labor market discrimination.<sup>10</sup> In addition to these factors, structural barriers to women's progress and enduring social attitudes about a "woman's place" contribute heavily to lower pay for women.<sup>11</sup>

Despite the abovementioned factors, progress has been made in addressing some of the underlying issues that lead to the gender wage gap since World War II.<sup>12</sup> For example, women are now more likely to have a bachelor's degree than men,<sup>13</sup> a trend which has seen women's participation in the U.S. labor force increase dramatically.<sup>14</sup> However, most of the contributing underlying causes have been difficult to alleviate, allowing the gender wage gap to persist.<sup>15</sup>

It is apparent that the gender wage gap is more acute for women of color. For example, the median weekly earnings for Hispanic women were 61.6 percent, and for Black women 65.3 percent, of White men's earnings in 2018.<sup>16</sup> In 2021, the American Association of University Women (AAUW) published a report comparing the annual earnings of white men working full-time year-round, to women belonging to different racial groups, across the U.S.<sup>17</sup> In this report, based on Census data, AAUW found that overall women were paid 83 cents to every dollar a man earned. However, while the wage gap for White women working in the U.S. was 79 percent, the wage gap for Black women was 64 percent, 57 percent for Latinas, and 82 percent for Asian women.<sup>18</sup> Further, according to a report by the NYC Commission on Gender Equity (CGE), in New York City, a white woman working full-time earns 84 cents for every dollar a white man earns while a Hispanic woman working full-time earns 46 cents; an African American woman earns 55 cents; and an Asian woman earns about 63 cents.<sup>19</sup>

For Lesbian, Gay, Bisexual, Transgender and Queer (LGBTQ) individuals who have secured a job, a 2018 survey showed that they make less money than non-LGBTQ people on average, with more than half of LGBTQ

<sup>8</sup> Azi Paybarah. New York Times. *What Women in New York Earn Compared With Men*. (April 2, 2019) Available at <https://www.nytimes.com/2019/04/02/nyregion/newyorktoday/nyc-news-women-equal-pay-day.html>.

<sup>9</sup> PowHer New York. *FACT SHEET: Salary Range Transparency Legislation*. (May 7, 2021) Available at <https://www.powher.org/2021/05/07/fact-sheet-salary-range-transparency-legislation/>.

<sup>10</sup> Francine D. Blau and Lawrence M. Kahn, *The Gender Wage Gap: Extend, Trends and Explanations*. (National Bureau of Economic Research Working Paper 21913, Jan. 2016), <https://www.nber.org/papers/w21913.pdf>.

<sup>11</sup> Sarah Jane Glynn, Center for American Progress. *Explaining the Gender Wage Gap*, May 19, 2014. Available at <https://www.americanprogress.org/issues/economy/reports/2014/05/19/90039/explaining-the-gender-wage-gap/>.

<sup>12</sup> Blau *supra* at 11.

<sup>13</sup> Nolan Feeney, TIME. *Women are Now More Likely to Have a College Degree* (Oct. 7, 2015) Available at [e](#).

<sup>14</sup> Blau *supra*.

<sup>15</sup> Nikki Graf, et al., Pew Research Center. *The Narrowing, But Persistent, Gender Gap in Pay*. (Mar. 22, 2019) Available at <https://www.pewresearch.org/fact-tank/2019/03/22/gender-pay-gap-facts/>.

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

<sup>17</sup> American Association of University Women. *The Simple Truth About the Gender Pay Gap: 2021 Update*. (2021) Available at [https://www.aauw.org/app/uploads/2021/09/AAUW\\_SimpleTruth\\_2021\\_-fall\\_update.pdf](https://www.aauw.org/app/uploads/2021/09/AAUW_SimpleTruth_2021_-fall_update.pdf).

<sup>18</sup> *Id.* Notably, this report indicated that its results did not reflect the impact of unemployment on the racial and gender wage gap. While the share of men who are employed full-time fell from 52.2 percent in 2019 to 46.1 percent in 2020, the share of women who are employed full-time fell from 38.2 percent to 33.5 percent. As the people most likely to be unemployed are women with the lowest wages, the pay data reflects a narrower pay gap rather than progress towards pay equity.

<sup>19</sup> New York City Commission on Gender Equity. *Leveling the Playing Field: Best Practices for Gender Pay Equity in the Workplace*. (Feb. 2018) Available at <https://www1.nyc.gov/assets/genderequity/downloads/pdf/Pay-Equity-Brochure.pdf>.

respondents reporting wages of less than \$50,000 annually.<sup>20</sup> Meanwhile, the National Women's Law Center reports that transgender women's wages fall by nearly a third after they transition.<sup>21</sup>

## ii. *The Gender Wage Gap in New York City*

Renewed focus on closing the gender wage gap has led many states, including New York, to pass legislation strengthening equal pay provisions by targeting some of the factors that perpetuate the gender pay gap. The state of New York has one of the smallest wage gaps among men and women in the nation, with women earning 88 cents to a man's dollar when comparing annual median earnings.<sup>22</sup> Yet, this gap still represents a significant difference in earnings within the state and city.<sup>23</sup> For example, 88 cents to the dollar means that women annually earn \$48,901 in comparison to the \$55,636 men earn.<sup>24</sup>

In NYC, the wage gap in 2018 was 85.8 percent, with women earning \$54,587 to men earning \$63,594.<sup>25</sup> This represents a modest increase from 2016, when the wage gap in the city was 85 percent, and still shows a net difference in almost \$10,000 in earnings between the sexes.<sup>26</sup>

Additionally, according to a 2018 report by then-Public Advocate Letitia James, the average salary of women at the top ten majority women NYC agencies<sup>27</sup> was \$10,000 less than the average salary of men at the top ten majority men NYC agencies.<sup>28</sup> However, the same report found that at some agencies, male and female employees of the same rank or position were paid equally. Furthermore, collective bargaining agreements and civil service examinations can be an effective tool in addressing both wage equity and other issues related to retention and promotion.<sup>29</sup>

## iii. *NYC Commission on Gender Equity*

The NYC CGE was codified in September 2016 to study the inequities facing women and girls, including the social and economic challenges individuals face due to gender.<sup>30</sup> CGE examines and provides resources to address the gender wage gap. One such resource is a guide, released in February 2018, for best practices for gender pay equity in the workplace.<sup>31</sup> Along with identifying the many benefits of eliminating the gender wage gap, the guide discusses the various employment laws in place to protect workers.<sup>32</sup> Among the best practices to achieve pay equity, the guide includes using gender neutral language in recruitment materials, eliminating the

<sup>20</sup> Miranda Marquit. Student Loan Hero. *Survey: 60% of LGBTQ Student Borrowers Regret Taking Out Student Loans*. (Dec. 3, 2018) Available at <https://studentloanhero.com/featured/survey-lgbtq-student-borrowers-regret-loans/>. Notably, a gender wage gap exists even among same-sex couples. A 2013 report by the Williams Institute found that women in same-sex couples have a median personal income of \$38,000 compared to \$47,000 for men in same-sex couples. M.V. Lee Badgett, et. al., The Williams Institute. *New Patterns of Poverty in the Lesbian, Gay, and Bisexual Community*. (June 2013) Available at <https://williamsinstitute.law.ucla.edu/wp-content/uploads/LGB-Poverty-Update-Jun-2013.pdf>.

<sup>21</sup> National Women's Law Center. *The Wage Gap: the Who, How, Why, and What to Do*. (Apr. 2016) Available at <https://nwlc.org/wp-content/uploads/2016/04/The-Wage-Gap-The-Who-How-Why-and-What-to-Do-1.pdf>.

<sup>22</sup> Susan Milligan. U.S. News. *States with Largest and Smallest Gender Pay Gap*. (April 2, 2019) Available at <https://www.usnews.com/news/best-states/articles/2019-04-02/states-with-largest-and-smallest-gender-pay-gap>.

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

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

<sup>25</sup> American Association of University Women. *The Pay Gap in 25 Major U.S. Cities*. (Oct. 3, 2019) Available at <https://www.aauw.org/resources/article/pay-gap-in-metro-areas/>. Note: City is defined as New York Metropolitan Statistical Area, commonly used in the American Community Survey.

<sup>26</sup> American Association of University Women. *U.S. Cities Reveal a Wide Range of Gender and Racial Pay Gaps*. (Dec. 11, 2017) Available at <https://www.aauw.org/article/u-s-cities-reveal-a-wide-range-of-gender-and-racial-pay-gaps/>.

<sup>27</sup> Dep't of Ed. Paraprofessionals, Hum. Res. Admin./Dep't of Soc. Serv., Dep't of Prob., Dep't of Ed. Admin., Admin. for Child. Serv., Landmarks Pres. Comm'n, Dep't for the Aging, Mayor's Off. of Cont. Serv., Dep't of Youth and Cmty Dev., Dep't of Ed. Pedagogical. See Page 5; Public Advocate for the City of New York. *Tipping the Scales. Wage and Hiring Inequity in New York City Agencies*. (Mar. 2018).

<sup>28</sup> *Id.* Taxi and Limousine Comm'n, Dep't of Parks and Recreation, Dep't of Transp., Dep't of Sanitation, Fire Dep't, Dep't of Env't Prot., Dep't of Buildings, Police Dep't, Dep't of Design and Constr., Fin. Info. Serv. Agency.

<sup>29</sup> *Id.* at 6.

<sup>30</sup> NYC Commission on Gender Equity. *About the Commission on Gender Equity*. Available at <https://www1.nyc.gov/site/genderequity/about/about.page>.

<sup>31</sup> NYC Commission on Gender Equity. *Leveling the Playing Field: Best Practices for Gender Pay Equity in the Workplace*. (2017) Available at <https://www1.nyc.gov/assets/genderequity/downloads/pdf/Pay-Equity-Brochure.pdf>

<sup>32</sup> *Id.*

use of salary history and negotiations when hiring and setting pay, establishing implicit bias training, instituting a name- and gender-blind application process, and utilizing structured interview questions and a diverse interview panel.<sup>33</sup> In addition to the guide, CGE's website identifies other resources provided by other City entities to reduce and eliminate the gender wage gap including salary negotiation trainings.<sup>34</sup>

*iv. Pay transparency*

One strategy to achieve pay equity is to require pay transparency,<sup>35</sup> which eliminates the wage gaps that result from sex and race discrimination.<sup>36</sup> Pay transparency efforts often include at least one of the following strategies: (1) prohibiting employers from asking for salary history before an interview or hiring; (2) requiring employers to publish salary ranges; or (3) allowing the disclosure of current salary and salary history among employees.<sup>37</sup> The reasoning behind increasing pay transparency is that job applicants are otherwise calculating their salary expectations in a vacuum. According to the National Women's Law Center, studies show that women often ask for a lower salary when they negotiate than men, regardless of their qualifications or the nature of the role.<sup>38</sup> Accordingly, absent transparent guidelines for the position's salary, women might be paid less. Disclosing salary ranges might level the playing field by facilitating fairer negotiations. Companies may also be given the opportunity to review and evaluate compensation practices to address pay disparities.<sup>39</sup>

Pay transparency laws have been enacted in various jurisdictions within and outside the United States and the impact of such laws on the gender and race wage gap are telling. Studies show that in some instances, pay transparency combined with a well-communicated compensation plan has a positive impact on job satisfaction, employee engagement, and productivity.<sup>40</sup> While the pay gap was not closed for all professions, pay transparency did narrow the gender wage gap when all other compensable factors were accounted for and controlled, and the gap completely closed across the majority of industries, occupations and job levels.<sup>41</sup>

A 2021 study of the impacts of pay transparency laws reveals how such laws can also provide a benefit to employers by raising the de facto bargaining power of the employer.<sup>42</sup> According to the study, after pay transparency laws are enacted, the wage gap will shrink, however, average wages also may decline so long as the employer commits to a maximum wage.<sup>43</sup> Further, in markets where workers collectively bargained or utilized a union, transparency did not detract from worker leverage.<sup>44</sup>

Another study showed that pay transparency had a significant and economically sizable effect in reducing pay inequity, reducing the gender pay gap and improving the precision with which pay is linked to observable performance metrics and promotion.<sup>45</sup> In aggregate, the study confirmed that pay transparency prompted organizations to reduce inequity and inequality in pay allocation. It also weakened the link between observable performance metrics and pay. Pay transparency appeared to pressure decision makers to remedy inequities in

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

<sup>34</sup> NYC Commission on Gender Equity. *Pay Equity Resources*. Available at <https://www1.nyc.gov/site/genderequity/economic-equity/pay-equity-resources.page>

<sup>35</sup> According to the company PayScale, pay transparency is "an approach to compensation that removes the mystery of how much employees make by establishing data informed pay ranges for job roles that are not cloaked in secrecy." *Does Pay Transparency Close the Gender Wage Gap?* (PayScale 2020) <https://www.payscale.com/content/whitepaper/Pay-Transparency-Closing-Gender-Wage-Gap.pdf>.

<sup>36</sup> Pay equity is a means of eliminating sex and race discrimination in the wage-setting system by requiring that the criteria employers use to set wages be sex- and race-neutral. See National Committee on Pay Equity. *Pay Equity Information*. Available at <https://www.pay-equity.org/info-Q&A.html>.

<sup>37</sup> Tatiana Follett and Iris Hentze, The Nat'l Conference of State Legislatures. *The Gender Pay Gap*. (Feb. 12, 2021) Available at <https://www.ncsl.org/research/labor-and-employment/the-gender-pay-gap.aspx>. Notably, New York already prohibits employers from asking for salary history effective 10/31/17.

<sup>38</sup> *Id.*

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

<sup>40</sup> PayScale *supra*.

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

<sup>42</sup> Zoe B. Cullen and Bobak Pakzad-Hurson. *Equilibrium Effects of Pay Transparency*. (National Bureau of Economic Research Working Paper 28903, June 2021), <http://www.nber.org/papers/w28903>.

<sup>43</sup> *Id.*

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

<sup>45</sup> Tomasz Obloj, Todd Zenger. *The Influence of Pay Transparency on Inequity, Inequality, and the Performance-Basis of Pay*. (May 2020) Available at <https://ssrn.com/abstract=3523828>. (studying the impacts of pay transparency efforts in academia).

pay. It also resulted in more precise connections between pay and observable performance measures.<sup>46</sup> Notably, the NYC CGE's guide to address equity recommends that employers adopt pay transparency policies with standardized and objectively measured performance outcomes to limit bias in advancement decisions.<sup>47</sup>

## **I. BILL ANALYSIS**

*Int. No. 134-A - A Local Law to amend the administrative code of the city of New York, in relation to the employers required to post minimum and maximum salary information*

In the last session, the City Council passed Local Law 32, which prohibits employers from posting job listings without minimum and maximum salary information by making such action an unlawful discriminatory practice under the City's Human Rights Law (HRL). The law intended to address long-standing gender and race discrimination in compensation, which increases when salary is not disclosed upfront. In consideration of concerns from the business community that compliance with local law 32 would be overly burdensome and creates confusion over who must comply, Int. 143-A would clarify and provide more detailed guidance on both the type of job related communications, and businesses and positions to which the law applies.

Several aspects of an earlier version of Int. 134-A, which aimed to respond to the needs of particularly small businesses, have been amended since introduction in consideration of Pay Equity advocates' response to the bill.

Section one of this bill amends subdivision 32 of section 8-107 of the Administrative Code to clarify that the requirement to post minimum and maximum salary information applies to positions that are paid hourly or through a salary.

This section also clarifies that a position that cannot or will not be performed in New York is exempt from this requirement. This language was also amended from an earlier version of Int. 134-A to be more in line with CCHR's interpretation of Local Law 32

Due to concerns that smaller businesses may have difficulty complying with Local Law 32, the original version of Int. No. 134-A carved out compliance for businesses with 15 or less employees. That carve-out was removed, however, concerns for small businesses' ability to comply with the law remain. To that end, unlike other provisions in the HRL, CCHR enforcement and fines would be used, exclusively, rather than allowing a private right of action based on failures to post. Accordingly, section one of this bill prevents a job seeker from bringing a lawsuit against an employer based on this law; however, a current employee could bring an action against their employer for advertising a job, promotion or transfer without posting a minimum and maximum hourly wage or annual salary.

This section would also clarify that the penalty for the first violation of this law would be \$0 and employers would have 30 days to correct the violation. This is another measure to assist smaller businesses. After the first violation, all would be subject to the penalties available to CCHR under the HRL.

Section two changes the effective date for local law 32 of 2022 to November 1, 2022. The bill, if passed, would take effect on November 1, 2022, except section three, which would take effect immediately.

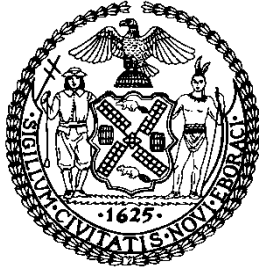
## **II. CONCLUSION**

At today's hearing, the Committee will vote on a bill amending the requirement that employers post minimum and maximum salary information.

**(The following is the text of the Fiscal Impact Statement for Int. No. 134-A:)**

<sup>46</sup> *Id.* at 18 (Performance measures included publications, books, and grants in the context of academia).

<sup>47</sup> *Id.* at 33



**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, New York City Council

**FISCAL IMPACT STATEMENT**

**PROPOSED INT. NO. 134-A**

**COMMITTEE:** Civil and Human Rights

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to the employers required to post minimum and maximum salary information.

**Sponsor:** Council Members Williams, Brannan, Farías, Abreu, Richardson Jordan, and Brewer.

**SUMMARY OF LEGISLATION:** Proposed Intro. No. 134-A would revise Local Law 32 for 2022, the salary disclosure law, to clarify that the law applies to employees who are paid hourly or through an annual salary. The law would not apply to positions that cannot or will not be performed in New York City. A person would not be able to bring a lawsuit against an employer based on this law unless that individual is a current employee who is bringing an action against their employer for advertising a job, promotion or transfer without posting a minimum and maximum hourly wage or annual salary. Proposed Intro. No. 134-A would also clarify that the penalty for the first violation of this law would have no financial component and employers would have 30 days to correct the violation.

**EFFECTIVE DATE:** This local law would move the effective date of Local Law 32 from May 15, 2022 to November 1, 2022, except that the commission may take such actions as are necessary to implement this local law, including the promulgation of rules, before such date.

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

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY23</b>	<b>FY Succeeding Effective FY24</b>	<b>Full Fiscal Impact FY24</b>
<b>Revenues (+)</b>	\$0	\$0	\$0
<b>Expenditures (-)</b>	(\$210,667)	(\$316,000)	(\$316,000)
<b>Net</b>	(\$210,667)	(\$316,000)	(\$316,000)

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

**IMPACT ON EXPENDITURES:** It is anticipated that Commission on Human Rights would require three additional full-time staff to comply with the requirements of Proposed Intro. No. 134-A, for an annual cost of \$316,000. This includes one Supervising Attorney in the Law Enforcement Bureau, and two Human Rights Specialists. The new positions would result in an eight month prorated impact of \$210,667 in Fiscal 2023, \$139,644 in agency costs and \$71,023, and a full impact of \$209,466 in agency costs and \$106,534 in fringe in Fiscal 2024 and the outyears.

**SOURCE OF FUNDS TO COVER ESTIMATED COSTS:** General Fund

**SOURCE OF INFORMATION:** City Commission on Human Rights  
New York City Council Finance Division

**ESTIMATE PREPARED BY:** Jack Kern, Financial Analyst

**ESTIMATE REVIEWED BY:** Eisha Wright, Deputy Director  
Dohini Sompura, Assistant Director  
Malcom Butehorn, Senior Counsel

**LEGISLATIVE HISTORY:** This legislation was introduced to March 24 2022, as Intro. No. 134 and was referred to the Committee on Civil and Human Rights (Committee). The Committee held a hearing on April 5, 2022, and the bill was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. No. 134-A, will be considered by the Committee at a hearing on April 27, 2022. Upon a successful vote by the Committee, Proposed Int. No. 134-A will be submitted to the full Council for a vote on April 28, 2022.

**DATE PREPARED:** April 26, 2022.

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

**(The following is the text of Int. No. 134-A:)**

Int. No. 134-A

By Council Members Williams, Brannan, Farías, Abreu, Richardson Jordan, Brewer, Brooks-Powers and Narcisse.

**A Local Law to amend the administrative code of the city of New York, in relation to the employers required to post minimum and maximum salary information**

*Be it enacted by the Council as follows:*

Section 1. Subdivision 32 of section 8-107 of the administrative code of the city of New York, as added by local law 32 for the year 2022, is amended to read as follows:

32. Employment; minimum and maximum salary in job listings. a. It shall be an unlawful discriminatory practice for an employment agency, employer, *or* employee or agent thereof to advertise a job, promotion or transfer opportunity without stating the minimum and maximum *annual salary or hourly wage* for such position in such advertisement. In stating the minimum and maximum *annual salary or hourly wage* for a position, the range may extend from the lowest to the highest *annual salary or hourly wage* the employer in good faith believes at the time of the posting it would pay for the advertised job, promotion or transfer opportunity.

b. This subdivision does not apply to:

(1) A job advertisement for temporary employment at a temporary help firm as such term is defined by subdivision 5 of section 916 of article 31 of the labor law[.]; *and*

(2) *Positions that cannot or will not be performed, at least in part, in the city of New York.*

c. *No person shall have a cause of action pursuant to section 8-502 for an alleged violation of this subdivision, except that an employee may bring such an action against their current employer for an alleged violation of this subdivision in relation to an advertisement by their employer for a job, promotion or transfer opportunity with such employer.*

d. *Notwithstanding the penalties outlined in section 8-126, an employment agency, employer, or employee or agent thereof shall be subject to a civil penalty of \$0 for a first violation of this subdivision, or any rule promulgated thereunder, if such employment agency, employer, employee or agent thereof proves to the*



*satisfaction of the commission, within 30 days of the service of a copy of the applicable complaint pursuant to section 8-109, that the violation of this subdivision has been cured. The submission of proof of a cure, if accepted by the commission as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any service of a copy of an applicable complaint pursuant to section 8-109 to an employment agency, employer, or employee or agent thereof for the violation of this subdivision, or any rule promulgated thereunder, for the first time. The commission shall permit such proof to be submitted electronically or in person. An employment agency, employer, or employee or agent thereunder may seek review with the commission of the determination that proof of a cure has not been submitted within 15 days of receiving written notice of such determination.*

§ 2. Section 3 of local law 32 for the year 2022 is amended to read as follows: This local law takes effect [120 days after it becomes law] on November 1, 2022, except that the commission may take such actions as are necessary to implement this local law, including the promulgation of rules, before such date.

§ 3. Section 1 of this local law takes effect on the same date as local law 32 for the year 2022. Section 2 of this local law takes effect immediately.

NANTASHA M. WILLIAMS, *Chairperson*; RITA C. JOSEPH, CHRISTOPHER MARTE, KRISTIN RICHARDSON JORDAN, RAFAEL SALAMANCA, Jr., 5-1-0; *Negative*: Inna Vernikov; Committee on Civil and Human Rights, April 27, 2022 (Remote Hearing). *Other Council Members Attending: Council Member Farías*

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 Contracts**

Report for Int. No. 14-A

**Report of the Committee on Contracts 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 including the most recent data available in the citywide M/WBE disparity study.**

The Committee on Contracts, to which the annexed proposed amended local law was referred on February 10, 2022 (Minutes, page 76), respectfully

### **REPORTS:**

#### **I. INTRODUCTION**

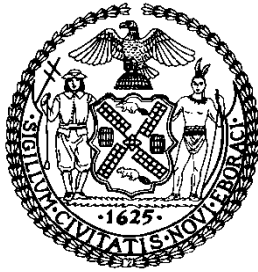
On April 27, 2022 the Committee on Contracts, chaired by Council Member Julie Won, held a vote on Introduction Number 14-A (Int. No. 14-A), in relation to including the most recent data available in the citywide M/WBE disparity study. The Committee passed Int. No. 14-A with five in the affirmative, zero in the negative, and zero abstentions. Thus, the Committee recommends adoption.

The Committee previously held a hearing on Int. No. 14-A on April 4, 2022, at which time the Committee received testimony from the Department of Small Business Services, the Mayor's Office of Contract Services and the Mayor's Office of Minority- and Women-Owned Businesses. More information about this legislation is available with the materials for this hearing, which can be accessed online at <https://on.nyc.gov/3EOWEce>.

## II. INT. NO. 14-A

Int. No. 14-A would require the Division of Economic and Financial Opportunity within the Department of Small Business Services and the Mayor's Office of Contract Services to use the most recent data available when considering revisions to citywide M/WBE participation goals. The bill would take effect 120 days after it becomes law.

(The following is the text of the Fiscal Impact Statement for Int. No. 14-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 INT. NO. 14-A**  
**COMMITTEE: Contracts**

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to including the most recent data available in the citywide M/WBE disparity study.

**SPONSOR:** Council Members Brannan, Mealy, Menin, Louis, Won, Williams, Joseph, Riley, Restler, Brewer, Stevens, Narcisse and Brooks Powers.

**SUMMARY OF LEGISLATION:** Proposed Intro. No.14-A would require the Division of Economic and Financial Opportunity within the Department of Small Business Services and the Mayor's Office of Contract Services to use the most recent data available when considering revisions to citywide Minority and Women Owned Business Enterprises (M/WBE) participation goals.

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

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2024.

**FISCAL IMPACT STATEMENT:**

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

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

**IMPACT ON EXPENDITURES:** It is estimated that there would be no impact on expenditures resulting from the enactment of this legislation because the relevant agencies would use existing resources to accomplish its requirements.

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

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

**ESTIMATE PREPARED BY:** John Russell, Unit Head

**ESTIMATE REVIEWED BY:** Eisha Wright, Deputy Director  
Noah Brick, Assistant Counsel  
Malcom Butehorn, Senior Counsel

**LEGISLATIVE HISTORY:** This legislation was introduced to the Council as Int. No. 14 on February 10, 2022 and was referred to the Committee on Contracts. The Committees on Contracts and Small Business, along with the Subcommittee on COVID Recovery and Resiliency jointly heard the legislation on April 4, 2022 and the legislation was laid over. The bill was subsequently amended, and the amended version, Proposed Int. No. 14-A, will be heard by the Committee on Contracts on April 27, 2022. Upon a successful vote by the Committee, the bill will be submitted to the full Council for a vote on April 28, 2022.

**DATE PREPARED:** April 14, 2022.

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

**(The following is the text of Int. No. 14-A:)**

Int. No. 14-A

By Council Members Brannan, Mealy, Menin, Louis, Won, Williams, Joseph, Riley, Restler, Brewer, Stevens, Narcisse, Brooks-Powers and Avilés.

**A Local Law to amend the administrative code of the city of New York, in relation to including the most recent data available in the citywide M/WBE disparity study**

*Be it enacted by the Council as follows:*

Section 1. Subparagraph (a) of paragraph (4) of subdivision d of section 6-129 of the administrative code of the city of New York, as amended by local law number 1 for the year 2013, is amended to read as follows:

(a) No later than 2015, the commissioner, in consultation with the city chief procurement officer, shall, for each industry classification and each minority group, review and compare the availability rates of firms owned by minorities and women to the utilization rates of such firms in agency contracts and direct subcontracts, and shall on the basis of such review and any other relevant information, where appropriate, revise by rule the citywide participation goals set forth in this subdivision. In making such revision, the commissioner shall use the most recent data available and any other data the commissioner deems appropriate to consider the extent to which discrimination continues to have an impact on the ability of minorities and women to compete for city contracts and subcontracts. The commissioner shall submit the results of such review and any proposed revisions to the participation goals to the speaker of the council at least [sixty] 60 days prior to publishing a proposed rule that would revise participation goals. Such review shall thereafter be conducted at least once every two years.

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

JULIE WON, *Chairperson*; JAMES F. GENNARO, JOANN ARIOLA, LINDA LEE, SANDY NURSE; 5-0-0;  
Committee on Contracts, April 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 Finance

Report for Int. No. 47

### **Report of the Committee on Finance in favor of approving and adopting, a Local Law to amend the administrative code of the city of New York, in relation to the establishment of the Castle Hill business improvement district.**

The Committee on Finance, to which the annexed proposed local law was referred on February 24, 2022 (Minutes, page 212), respectfully

#### **REPORTS:**

#### **I. BACKGROUND**

Under Local Law 82 of 1990, the City Council assumed responsibility for adopting the legislation that would establish individual business improvement districts (“BIDs”).

BIDs are specifically defined areas of designated properties. They use the City’s real property tax collection mechanism to collect a special tax assessment that the BID District Management Association uses to pay for additional services beyond those that the City provides. The additional services would be designed to enhance the area and to improve local business. Normally, a BID’s additional services would be in the areas of security, sanitation, physical/capital improvements (lighting, landscaping, sidewalks etc.), seasonal activities (Christmas lighting) and related business services (marketing and advertising).

Under the process established by the Law, the City Council adopted Resolution No. 19-2022, which set a public hearing date of March 24, 2022 at 10:00am in the City Hall Committee Room for the legislation that would authorize the establishment of the Castle Hill Business Improvement District.

Prior to the Council’s action, the Community Boards for the district in which the proposed BID is located -- Community Boards 9 and 10 of the Bronx -- waived their right to hold a public hearing regarding the proposed BID. The City Planning Commission (“CPC”) also reviewed the proposed BID and held a public hearing on October 6, 2021. The CPC approved a resolution on November 3, 2021 (Calendar No. 6), which certified the CPC’s unqualified approval of the establishment of the BID.

Resolution No. 19-2022 also directed that all notice provisions contained in the law be complied with. Therefore, the Department of Small Business Services was directed to publish the Resolution or its summary in the City Record or a newspaper of general circulation not less than 10 nor more than 30 days before the public hearing. The Castle Hill BID Steering Committee was directed to mail the Resolution or its summary to each owner of real property within the proposed district at the address shown on the latest City assessment roll, to such other persons as are registered with the City to receive tax bills for property within the BID, and to occupants of each building within the proposed district, also not less than 10 nor more than 30 days before the public hearing. Finally, the Castle Hill BID Steering Committee was also directed to publish in the City Record or a newspaper of general circulation a notice stating the time and place of the hearing and stating the increase in the amount to be expended annually in the district not less than 10 days prior to the hearing.

The public hearing to consider both the plan itself and the enacting legislation, according to the provisions of the law, is to be closed without a vote. The Committee then must wait at least 30 days before it can again consider and possibly vote to approve this legislation. The 30-day period immediately after this public hearing serves as an objection period. Any property owner may, during this time period, formally object to the plan by filing such objection in the Office of the City Clerk, on forms provided by the City Clerk. In the event that either at least 51 percent of the total number of property owners or owners with at least 51 percent of the assessed valuation of all the benefited real property within the district object to the plan, then the City Council is prohibited, by law, from approving such plan.

When the Committee considers this legislation after the conclusion of the objection period, it must answer the following four questions:

1. Were all notices of hearing for all hearings required to be held published and mailed as so required?;
2. Does all the real property within the district's boundaries benefit from the establishment of the district, except as otherwise provided by the law?;
3. Is all real property benefited by the district included within the district?; and
4. Is the establishment of the district in the best interests of the public?

If the Committee finds in the affirmative on these four questions and the number of objections required to prevent the creation of such district are not filed, then the legislation can be adopted.

This local law takes effect after the requirements contained in Section 25-408 of the Administrative Code are complied with.

## **II. CASTLE HILL BID DETAILS**

The proposed Castle Hill Business Improvement District (hereinafter the "District") is located in the South Central section of the Bronx. The District is generally bound from the Cross Bronx Expressway to Manning Street, along the east and west side of Castle Hill Avenue; from Olmstead Avenue to just east of Glebe Avenue, along the south side of Westchester Avenue; and from Unionport Road to just east of Glebe Avenue, along the north side of Westchester Avenue. Of the District's 97 properties, 94 are partially, or wholly commercial, with ground-floor retail use, some second-floor residential space. There are two six-story apartment buildings with commercial occupancy at grade level. The current vacancy rate of the District is less than 10 percent. The District is overwhelmingly commercial retail with a few national eateries and only one large business. There is one property in the District that is wholly residential, and 36 properties have some residential use mixed with retail and/or commercial use.

The District will be managed by the Castle Hill BID District Management Association. Services to be provided within the District include: Marketing, Advertising and Promotional Materials; Services; Legal/Accounting, Liability Insurance; Personnel Expenses; Office Expenses; Miscellaneous. The BID's proposed first year budget is estimated to be \$300,000:

<b>SERVICES</b>	<b>AMOUNT</b>
Marketing, Advertising and Promotional Materials	\$83,000
Services	\$94,750
Legal/Accounting, Liability Insurance	\$9,250
Personnel Expenses	\$75,550
Office Expenses	\$35,000
Miscellaneous	\$2,450
<b>TOTAL FIRST CONTRACT YEAR BUDGET</b>	<b>\$300,000</b>

The District's assessment will be based on linear front footage. Commercial and mixed-use lots will be assessed at approximately \$18 per linear front foot per year, plus an added \$0.42 per commercial square foot per year. Tax lots with only residential uses would be assessed at an annual flat fee of \$100 per lot. Government and not-for-profit-owned property devoted solely to public or not-for-profit use would be exempt from an assessment. Commercial and mixed-use lots would be assessed at \$55 per linear front foot per year, plus an added \$300 annual fee if the parcel occupies a corner. Purely residential lots would be assessed at a flat fee of \$1 per year. Government- and not-for-profit-owned property devoted solely to public or not-for-profit use would be exempt from an assessment.

The average annual assessment for the District would be approximately \$3,333.32, the median assessment would be approximately \$1,703.97, the minimum assessment would be approximately \$960.64, and the highest assessment would be approximately \$17,291.46.

**MARCH 24, 2022 HEARING**

On March 24, 2022, as set forth in Resolution No. 19, the Committee on Finance held a public hearing to consider Int. No. 47 that would establish the Castle Hill BID. Representatives of the Department of Small Business Services and the Castle Hill BID testified in support of the proposed BID's establishment. Specifically, the Department of Small Business Services testified about its extensive outreach and close coordination with key stakeholders, the documented support among all stakeholder groups, its mailing of all required notices, and its publication of a copy of the summary of the Resolution in the City Record.

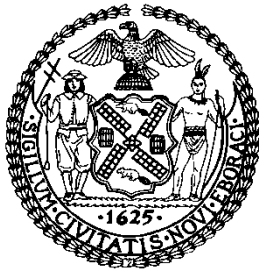
As required by law, the hearing closed without a vote and the 30-day period for property owners to file objections to the amended district plan with the Office of the City Clerk began. Copies of objection forms were made available at the Office of the City Clerk which is located at 1 Centre Street in Manhattan.

**APRIL 28, 2022 HEARING**

The objection period for the establishment of the BID closed thirty days after the public hearing. According to the City Clerk, out of the 97 property owners located in the proposed BID, none filed a valid objection to the establishment of the BID.

Since the number of objections required to prevent the creation of the BID have not been filed with the City Clerk, at today's hearing, if the Committee and the full Council finds in the affirmative on the four questions outlined above, then the legislation can be adopted, and the BID will be established.

**(The following is the text of the Fiscal Impact Statement for Int. No. 47:)**



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

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

**FISCAL IMPACT STATEMENT**

**INT. NO. 47**

**COMMITTEE:** Finance

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to the establishment of the Castle Hill business improvement district.

**SPONSORS:** Council Members Brannan, Louis and Farías (by request of the Mayor).

**SUMMARY OF LEGISLATION:** Intro. No. 47 would establish the Castle Hill business improvement district (BID) in the borough of the Bronx.

**EFFECTIVE DATE:** This local law would take effect upon compliance with section 25-408 of chapter 4 of title 25 of the administrative code of the city of New York, which requires that the New York State Comptroller conduct a review to determine that the relevant tax and debt limitations will not be exceeded by the establishment of the District.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2023.

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY22</b>	<b>FY Succeeding Effective FY23</b>	<b>Full Fiscal Impact FY23</b>
<b>Revenues (+)</b>	\$0	\$0	\$0
<b>Expenditures (-)</b>	\$0	\$0	\$0
<b>Net</b>	\$0	\$0	\$0

**IMPACT ON REVENUES AND EXPENDITURES:** This local law would result in no fiscal impact upon the City's revenues or expenditures. Under the Administrative Code, proceeds authorized to be assessed by the District are collected by the City on behalf of the District. None of these proceeds are those of the City and they may not be used for any purpose other than those set forth in the BID's District Plan. The Castle Hill BID will be funded through a self-assessment by property owners within the district. The anticipated revenues from this self-assessment in the first year of the BID will be \$300,000. This amount will cover the BID's expenses, as proposed by its first-year budget.

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

**SOURCES OF INFORMATION:** New York City Council Finance Division  
Department of Small Business Services

**ESTIMATE PREPARED BY:** Noah Brick, Assistant Counsel

**LEGISLATIVE HISTORY:** This legislation was introduced by the Council as Intro. No. 47 on February 24, 2022 and referred to the Committee on Finance ("Committee"). The Committee heard the legislation on March 24, 2022 and the legislation was laid over to allow for the statutory 30-day objection period. Intro. No. 47 will be considered again by the Committee on April 28, 2022. Upon successful vote by the Committee, Intro. No. 47 will be submitted to the full Council for a vote on April 28, 2022.

**DATE PREPARED:** April 27, 2022.

*Accordingly, this Committee recommends its adoption.*

**(The following is the text of Int. No. 47:)**

Int. No. 47

By Council Members Brannan, Louis and Farías (by request of the Mayor).

**A Local Law to amend the administrative code of the city of New York, in relation to the establishment of the Castle Hill business improvement district.**

*Be it enacted by the Council as follows:*

Section 1. Chapter 5 of title 25 of the administrative code of the city of New York is amended by adding a new section 25-493 to read as follows:

§ 25-493 Castle Hill business improvement district. a. The city council having determined, pursuant to section 25-407 of chapter four of this title: that notice of hearing for all hearings required to be held was published and mailed as required by law and was otherwise sufficient; that, except as otherwise provided in section 25-403 of chapter four of this title, all the real property within the boundaries of the district will benefit

*from the establishment of the district; that all the real property benefited is included within the limits of the district; and that the establishment of the district is in the public interest; and the council having determined further that the requisite number of owners have not objected as provided in section 25-406 of chapter four of this title, there is hereby established in the borough of the Bronx, the Castle Hill business improvement district. Such district is established in accordance with the district plan required to be filed with the city clerk pursuant to subdivision b of this section.*

*b. Immediately upon adoption of this local law by the council, the council shall file with the city clerk the district plan upon which the Castle Hill business improvement district is based.*

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

§ 2. This local law shall take effect upon compliance with section 25-408 of chapter 4 of title 25 of the administrative code of the city of New York.

JUSTIN L. BRANNAN, *Chairperson*: DIANA I. AYALA, FRANCISCO P. MOYA, KEITH POWERS, FARAH N. LOUIS, SELVENA N. BROOKS-POWERS, DAVID M. CARR, CHARLES BARRON, GALE A. BREWER, AMANDA FARIAS, KAMILLAH HARRIS, CRYSTAL HUDSON, ARI KAGAN, CHI. A. OSSÉ, PIERINA ANA SANCHEZ, MARJORIE VELÁZQUEZ, JULIE WON; Committee on Finance, April 28, 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. 73

#### **Report of the Committee on Finance in favor of approving and adopting, a Local Law to amend the administrative code of the city of New York, in relation to the establishment of the West Village business improvement district.**

The Committee on Finance, to which the annexed proposed local law was referred on March 10, 2022 (Minutes, page 327), respectfully

#### **REPORTS:**

#### **I. BACKGROUND**

Under Local Law 82 of 1990, the City Council assumed responsibility for adopting the legislation that would establish individual business improvement districts (“BIDs”).

BIDs are specifically defined areas of designated properties. They use the City’s real property tax collection mechanism to collect a special tax assessment that the BID District Management Association uses to pay for additional services beyond those that the City provides. The additional services would be designed to enhance the area and to improve local business. Normally, a BID’s additional services would be in the areas of security, sanitation, physical/capital improvements (lighting, landscaping, sidewalks etc.), seasonal activities (Christmas lighting) and related business services (marketing and advertising).

Under the process established by the Law, the City Council adopted Resolution No. 59-2022, which set a public hearing date of March 24, 2022 for the legislation that would authorize the establishment of the West Village Business Improvement District.

Prior to the Council’s action, the Community Board for the district in which the proposed BID is located -- Community Board 2 of Manhattan -- voted to approve the establishment of the proposed BID on December 21, 2021. The City Planning Commission (“CPC”) also reviewed the proposed BID and held a public hearing on January 19, 2022. The CPC approved a resolution on February 16, 2022 (Calendar No. 14), which certified the CPC’s unqualified approval of the establishment of the BID.



Resolution No. 59-2022 also directed that all notice provisions contained in the law be complied with. Therefore, the Department of Small Business Services was directed to publish the Resolution or its summary in the City Record or a newspaper of general circulation not less than 10 nor more than 30 days before the public hearing. The West Village BID Steering Committee was directed to mail the Resolution or its summary to each owner of real property within the proposed district at the address shown on the latest City assessment roll, to such other persons as are registered with the City to receive tax bills for property within the BID, and to occupants of each building within the proposed district, also not less than 10 nor more than 30 days before the public hearing. Finally, the West Village BID Steering Committee was also directed to publish in the City Record or a newspaper of general circulation a notice stating the time and place of the hearing and stating the increase in the amount to be expended annually in the district not less than 10 days prior to the hearing.

The public hearing to consider both the plan itself and the enacting legislation, according to the provisions of the law, is to be closed without a vote. The Committee then must wait at least 30 days before it can again consider and possibly vote to approve this legislation. The 30-day period immediately after this public hearing serves as an objection period. Any property owner may, during this time period, formally object to the plan by filing such objection in the Office of the City Clerk, on forms provided by the City Clerk. In the event that either at least 51 percent of the total number of property owners or owners with at least 51 percent of the assessed valuation of all the benefited real property within the district object to the plan, then the City Council is prohibited, by law, from approving such plan.

When the Committee considers this legislation after the conclusion of the objection period, it must answer the following four questions:

1. Were all notices of hearing for all hearings required to be held published and mailed as so required?;
2. Does all the real property within the district's boundaries benefit from the establishment of the district, except as otherwise provided by the law?;
3. Is all real property benefited by the district included within the district?; and
4. Is the establishment of the district in the best interests of the public?

If the Committee finds in the affirmative on these four questions and the number of objections required to prevent the creation of such district are not filed, then the legislation can be adopted.

This local law takes effect after the requirements contained in Section 25-408 of the Administrative Code are complied with.

## **II. WEST VILLAGE BID DETAILS**

The proposed West Village Business Improvement District (hereinafter the "District") is located in the Greenwich Village Historic District of the borough of the Manhattan, and in Manhattan Community Board 2. The proposed District generally includes blocks on five major commercial strips: 7th Avenue South; Avenue of the Americas (west side only); Bleecker Street; Christopher Street; and West 4th Street. It also includes smaller commercial and mixed-use streets that intersect the above-mentioned streets and are heavily trafficked by neighborhood visitors and residents. The proposed District contains approximately 872 properties, 60 percent of which are commercial or mixed-use after adjusting for residential condominiums (residential condominiums account for 440 tax lots in 20 building parcels). Additionally, 90 percent of the commercial square footage in the District is mixed-use, with ground-floor commercial and upper-floor residential. Lastly, approximately 45 percent of the District's commercial square footage is generally occupied by food and/or drink related businesses.

The District will be managed by the West Village BID District Management Association. Services to be provided within the District include: sanitation; beautification; security/Public Safety; community awareness/engagement; administration and advocacy (which includes economic development); and reserve. The BID's proposed first year budget is estimated to be \$594,906:

SERVICES	AMOUNT
Sanitation	\$231,000
Beautification	\$45,000
Security/Public Safety	\$83,606
Community Awareness/Engagement	\$32,000
Administration and Advocacy (inc. Economic Development)	\$159,666
Reserve	\$43,634
<b>TOTAL FIRST CONTRACT YEAR BUDGET</b>	<b>\$594,906</b>

The District's assessment will be based on linear front footage. Commercial and mixed-use lots will be assessed at approximately \$18 per linear front foot per year, plus an added \$0.42 per commercial square foot per year. Tax lots with only residential uses would be assessed at an annual flat fee of \$100 per lot. Government and not-for-profit-owned property devoted solely to public or not-for-profit use would be exempt from an assessment.

The average annual assessment for the District would be approximately \$1,945, the median assessment would be approximately \$1,281, the minimum assessment would be approximately \$186, and the highest assessment would be approximately \$17,171.

#### **MARCH 24, 2022 HEARING**

On March 24, 2022, as set forth in Resolution No. 59, the Committee on Finance held a public hearing to consider Int. No. 73 that would establish the West Village BID. Representatives of the Department of Small Business Services and the West Village BID testified in support of the proposed BID's establishment. Specifically, the Department of Small Business Services testified about its extensive outreach and close coordination with key stakeholders, the documented support among all stakeholder groups, its mailing of all required notices, and its publication of a copy of the summary of the Resolution in the City Record.

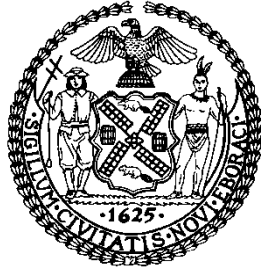
As required by law, the hearing closed without a vote and the 30-day period for property owners to file objections to the amended district plan with the Office of the City Clerk began. Copies of objection forms were made available at the Office of the City Clerk which is located at 1 Centre Street in Manhattan.

#### **APRIL 28, 2022 HEARING**

The objection period for the establishment of the BID closed thirty days after the public hearing. According to the City Clerk, out of the 872 property owners located in the proposed BID, one filed a valid objection to the establishment of the BID.

Since the number of objections required to prevent the creation of the BID have not been filed with the City Clerk, at today's hearing, if the Committee and the full Council finds in the affirmative on the four questions outlined above, then the legislation can be adopted, and the BID will be established.

**The following is the text of the Fiscal Impact Statement for Int. No. 73:)**



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

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

**FISCAL IMPACT STATEMENT**

**INT. NO. 73**

**COMMITTEE:** Finance

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to the establishment of the West Village business improvement district.

**SPONSOR:** Council Members Brannan (by request of the Mayor).

**SUMMARY OF LEGISLATION:** Intro. No. 73 would establish the West Village business improvement district (BID) in the borough of Manhattan

**EFFECTIVE DATE:** This local law would take effect upon compliance with section 25-408 of chapter 4 of title 25 of the administrative code of the city of New York, which requires that the New York State Comptroller conduct a review to determine that the relevant tax and debt limitations will not be exceeded by the establishment of the District.

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

**FISCAL IMPACT STATEMENT:**

	Effective FY22	FY Succeeding Effective FY23	Full Fiscal Impact FY23
<b>Revenues (+)</b>	\$0	\$0	\$0
<b>Expenditures (-)</b>	\$0	\$0	\$0
<b>Net</b>	\$0	\$0	\$0

**IMPACT ON REVENUES AND EXPENDITURES:** This local law would result in no fiscal impact upon the City's revenues or expenditures. Under the Administrative Code, proceeds authorized to be assessed by the District are collected by the City on behalf of the District. None of these proceeds are those of the City and they may not be used for any purpose other than those set forth in the BID's District Plan. The West Village BID will be funded through a self-assessment by property owners within the district. The BID's proposed expenditures would be \$594,906, as authorized under its first-year budget.

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

**SOURCES OF INFORMATION:** New York City Council Finance Division  
Department of Small Business Services

**ESTIMATE PREPARED BY:** Noah Brick, Assistant Counsel

**LEGISLATIVE HISTORY:** This legislation was introduced by the Council as Intro. No. 73 on February 24, 2022 and referred to the Committee on Finance ("Committee"). The Committee heard the legislation on March 24, 2022 and the legislation was laid over to allow for the statutory 30-day objection period. Intro. No. 73 will be considered again by the Committee on April 28, 2022. Upon successful vote by the Committee, Intro. No. 73 will be submitted to the full Council for a vote on April 28, 2022.

**DATE PREPARED:** April 27, 2022

*Accordingly, this Committee recommends its adoption.*

**(The following is the text of Int. No. 73:)**

Int. No. 73

By Council Member Brannan (by request of the Mayor)

**A Local Law to amend the administrative code of the city of New York, in relation to the establishment of the West Village business improvement district**

*Be it enacted by the Council as follows:*

Section 1. Chapter 5 of title 25 of the administrative code of the city of New York is amended by adding a new section 25-494 to read as follows:

§ 25-494 *West Village business improvement district. a. The city council having determined, pursuant to section 25-407 of chapter four of this title: that notice of hearing for all hearings required to be held was published and mailed as required by law and was otherwise sufficient; that, except as otherwise provided in section 25-403 of chapter four of this title, all the real property within the boundaries of the district will benefit from the establishment of the district; that all the real property benefited is included within the limits of the district; and that the establishment of the district is in the public interest; and the council having determined further that the requisite number of owners have not objected as provided in section 25-406 of chapter four of this title, there is hereby established in the borough of Manhattan, the West Village business improvement district. Such district is established in accordance with the district plan required to be filed with the city clerk pursuant to subdivision b of this section.*

*b. Immediately upon adoption of this local law by the council, the council shall file with the city clerk the district plan upon which the West Village business improvement district is based.*

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

§ 2. This local law shall take effect upon compliance with section 25-408 of chapter 4 of title 25 of the administrative code of the city of New York.

JUSTIN L. BRANNAN, *Chairperson*: DIANA I. AYALA, FRANCISCO P. MOYA, KEITH POWERS, FARAH N. LOUIS, SELVENA N. BROOKS-POWERS, DAVID M. CARR, CHARLES BARRON, GALE A. BREWER, AMANDA FARIAS, KAMILLAH HARRIS, CRYSTAL HUDSON, ARI KAGAN, CHI. A. OSSÉ, PIERINA ANA SANCHEZ, MARJORIE VELÁZQUEZ, JULIE WON; Committee on Finance, April 28, 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).

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 L.U. No. 43

**Report of the Committee on Finance in favor of a Resolution approving 13-12 Beach Channel Drive; Block 15528, Lots 5, 6, and 9; Queens, Community District No. 14, Council District No. 31.**

The Committee on Finance, to which the annexed preconsidered Land Use item was referred on April 28, 2022 and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

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

April 28, 2022

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

FROM: Noah Brick, Assistant Counsel, Finance Division  
Malcom Butehorn, Senior Counsel, Legislative Division

RE: Finance Committee Agenda of April 28, 2022 – Resolution approving a tax exemption for one Land Use item (Council District 31)

**13-12 Beach Channel Drive**

13-12 Beach Channel Drive, located in Far Rockaway, is a proposed development which would consist of a single eight-story building including a 100-bed shelter and 147 units of supportive housing. The residential units would consists of 126 studio units, eight one-bedroom units, and 13 two-bedroom units (one unit reserved as a superintendent unit).

Currently, the exemption area contains three structures which includes two single story commercial buildings and a three-story residential building. Prior to construction of the proposed development, the existing structures will be demolished and the new development will be constructed to include a single building consisting of a shelter space, a residential space, and a rentable community facility space.

The Beach Channel Drive Housing Development Fund Corporation (HDFC) would acquire the property, and Beach Channel Drive Owner LLC (Company) would operate the property. The HDFC and the Company (collectively, Owners) would finance the rehabilitation of the building with loans obtained from a private lending institution and the New York City Department of Housing Preservation and Development (HPD), a debt service subsidy from the New York City Department of Homeless Services, equity from a Brownfield tax credit, and equity from a proposed Article XI tax exemption.

Developers Camber Property Group (CPG) and Bowery Residents' Committee (BRC) have memorialized their commitment to make good faith efforts to hire M/WBE subcontractors and local construction workers, to engage local businesses of the project schedule, and to work with HPD and the Department of Homeless Services (DHS)

to achieve a local community preference for half of the low-income residential units and establish a senior preference for half of the supportive residential units.

DHS has also memorialized its commitment to close 200 beds of hotel shelter capacity in Far Rockaway by the end of calendar year 2022 and pause on further shelter siting in your district pending a review of shelter siting policy citywide.

HPD is requesting that the Council approve a 40-year full Article XI property tax exemption. HPD and Owners would enter into a regulatory agreement that would require that 58 residential units be available for households making 60% of the Area Median Income (AMI), and 88 studio units be set aside as supportive housing for formerly homeless households supported by NYC 15/15 rental subsidy.

Summary:

- Borough – Queens
- Block 15528, Lots 5, 6, and 9
- Council District – 31
- Council Member – Brooks-Powers
- Council Member approval – Yes
- Number of buildings – 1
- Number of units – 147
- Type of exemption – Article XI, full 40-years
- Population – affordable rental housing
- Sponsor – Camber Property Group, BCD Owner LLC; BCD HDFC
- Purpose – new construction
- Cost to the City – \$7.2 million
- AMI target – 58 units at 60% of AMI; 88 units at 60% of AMI (NYC 15/15 rental subsidy)

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

Res. No. 137

**Resolution approving an exemption from real property taxes for property located at (Block 15528, Lots 5, 6, and 9) Queens, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 43).**

By Council Member Brannan.

**WHEREAS**, The New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated February 1, 2022 that the Council take the following action regarding a housing project located at (Block 15528, Lots 5, 6, and 9) Queens (“Exemption Area”):

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

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

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

**RESOLVED:**

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

1. For the purposes hereof, the following terms shall have the following meanings:
  - a. “Community Facility Space” shall mean those portions of the Exemption Area which the Regulatory Agreement requires to be devoted solely to community facility uses.
  - b. “Company” shall mean BCD Owner LLC or any other entity that acquires the beneficial interest in the Exemption Area with the prior written consent of HPD.
  - c. “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.
  - d. “Exemption” shall mean the exemption from real property taxation provided hereunder.
  - e. “Exemption Area” shall mean the real property located in the Borough of Queens, City and State of New York, identified as Block 15528, Lots 5, 6, and 9 on the Tax Map of the City of New York.
  - f. “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.
  - g. “HDFC” shall mean BCD Housing Development Fund Corporation or any other housing development fund companies that acquire all or a portion of the Exemption Area with the prior written consent of HPD.
  - h. “HPD” shall mean the Department of Housing Preservation and Development of the City of New York.
  - i. “Owner” shall mean, collectively, the HDFC and the Company.
  - j. “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 or commercial use other than the Community Facility Space), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
3. Notwithstanding any provision hereof to the contrary:
  - a. The Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (iv) any interest in the Exemption Area is conveyed or transferred to a new owner without the prior written approval of HPD, or (v) the construction or demolition of any private or multiple

dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the Exemption shall prospectively terminate.

- b. The Exemption shall apply to all land in the Exemption Area, but shall only apply to a building on the Exemption Area that has 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.
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.

JUSTIN L. BRANNAN, *Chairperson*: DIANA I. AYALA, FRANCISCO P. MOYA, KEITH POWERS, FARAH N. LOUIS, SELVENA N. BROOKS-POWERS, DAVID M. CARR, GALE A. BREWER, AMANDA FARIAS, KAMILLAH HARRIS, CRYSTAL HUDSON, ARI KAGAN, CHI. A. OSSÉ, PIERINA ANA SANCHEZ, MARJORIE VELÁZQUEZ, JULIE WON; *Negative*: Charles Barron; 16-1-0; Committee on Finance, April 28, 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. 16

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

The Committee on Land Use, to which the annexed Land Use item was referred on February 10, 2022 (Minutes, page 78), respectfully

### REPORTS:

#### **SUBJECT**

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

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

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

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

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

#### **INTENT**

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

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

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

**In Favor:**

Riley  
Moya  
Louis  
Abreu  
Bottcher  
Hanks  
Schulman  
Carr

**Against:**

None

**Abstain:**

None

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

The Committee recommends that the Council approve the attached resolutions.

**In Favor:**

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

**Against:**

None

**Abstain:**

None

RAFAEL SALAMANCA, *Chairperson*; FRANCISCO P. MOYA, CARLINA RIVERA, FARAH N. LOUIS, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, ERIK D. BOTTCHER, KAMILLAH HANKS, ARI KAGAN, SHEKAR KRISHNAN, PIERINA ANA SANCHEZ, JOSEPH C. BORELLI; 12-0-0; Committee on Land Use, March 21, 2022 (Remote Hearing). *Other Council Members Attending: Council Members Schulman and De La Rosa.*

Coupled to be Filed.

#### Report for L.U. No. 17

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

The Committee on Land Use, to which the annexed Land Use item was referred on February 10, 2022 (Minutes, page 79), respectfully

#### REPORTS:

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

*Accordingly, this Committee recommends its filing.*

RAFAEL SALAMANCA, *Chairperson*; FRANCISCO P. MOYA, CARLINA RIVERA, FARAH N. LOUIS, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, ERIK D. BOTTCHER, KAMILLAH HANKS, ARI KAGAN, SHEKAR KRISHNAN, PIERINA ANA SANCHEZ, JOSEPH C. BORELLI; 12-0-0; Committee on Land Use, March 21, 2022 (Remote Hearing). *Other Council Members Attending: Council Members Schulman and De La Rosa.*

Coupled to be Filed.

#### Report for L.U. No. 18

**Report of the Committee on Land Use in favor of filing Application No. C 220131 PSM (NEW PROVIDENCE REDEVELOPMENT - 225 EAST 45TH STREET) submitted by the Department of Housing Preservation and Development (HPD) and the Department of Homeless Services (DHS), pursuant to Section 197-c of the New York City Charter, modifying the restriction limiting the capacity of the shelter facility located at 215-225 East 45th Street (Block 1319, Lots 8 and 11), Borough of Manhattan, Community District 6, Council District 4.**

The Committee on Land Use, to which the annexed Land Use item was referred on February 10, 2022 (Minutes, page 79), respectfully

#### REPORTS:

**SUBJECT****MANHATTAN CB-6 – TWO APPLICATIONS RELATED TO NEW PROVIDENCE  
REDEVELOPMENT 215-225 EAST 45<sup>TH</sup> STREET****C 220131 PSM (L.U. No. 18)**

City Planning Commission decision approving an application submitted by the New York City Department of Housing Preservation and Development (HPD) and the Department of Homeless Services (DHS), pursuant to Section 197-c of the New York City Charter, for the site selection of property located at 215 East 45th Street (Block 1319, Lots 8 and 11) for use as a 171-bed shelter.

**C 220132 HAM (L.U. No. 19)**

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 215 East 45<sup>th</sup> Street (Block 1319, Lots 8 and 11) 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 21-story shelter containing approximately 130 supportive housing units and 171 shelter beds.

**INTENT**

To approve the site selection and acquisition of the existing shelter and the Urban Development Action Area designation, project approval, and disposition of City-owned property to facilitate the development of a 21-story building containing approximately 130 supportive and affordable housing units and 171 shelter beds at 215-225 East 45<sup>th</sup> Street, (Block 1319, Lots 8 and 11), in the East Midtown neighborhood of Manhattan, Community District 6.

**PUBLIC HEARING**

**DATE:** March 3, 2022

**Witnesses in Favor:** Nine

**Witnesses Against:** Eight

**SUBCOMMITTEE RECOMMENDATION****DATE:** April 4, 2022

The Subcommittee recommends that the Land Use Committee approve the decisions of the City Planning Commission on L.U. Nos. 18 and 19.

**In Favor:****Against:****Abstain:****COMMITTEE ACTION****DATE:** April 4, 2022

The Committee recommends that the Council approve the attached resolutions.

**In Favor:****Against:****Abstain:**

*Editor's Note: This item was Laid Over by the Committee on Land Use on April 12, 2022.*

Coupled to be Filed.

Report for L.U. No. 19

**Report of the Committee on Land Use in favor of filing Application No. C 220132 HAM (NEW PROVIDENCE REDEVELOPMENT - 225 EAST 45TH STREET) pursuant to Article 16 of the General Municipal Law of New York State and Section 197-c of the New York City Charter for the designation of an Urban Development Action Area, approval of an Urban Development Action Area Project for such area, and the disposition of such property to a developer to be selected by HPD to facilitate a development containing approximately 171 shelter beds and 130 supportive and affordable housing units located at 215-225 East 45th Street (Block 1319, Lots 8 and 11), Borough of Manhattan, Community District 6, Council District 4.**

The Committee on Land Use, to which the annexed Land Use item was referred on February 10, 2022 (Minutes, page 80), respectfully

**REPORTS:**

**(For text of report, please see the Report of the Committee on Land Use for L.U. No. 18 printed in these Minutes)**

*Accordingly, this Committee recommends its filing.*

Editor's Note: This item was Laid Over by the Committee on Land Use on April 12, 2022.

Coupled to be Filed.

Report for L.U. No. 35

**Report of the Committee on Land Use in favor of approving Application number C 210098 ZMK (1220 Avenue P Rezoning) submitted by Omni Enterprises, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 22d, by changing from an R5B District to an R7A District, Borough of Brooklyn, Community District 15, Council District 48.**

The Committee on Land Use, to which the annexed Land Use item was referred on April 14, 2022 (Minutes, page 630) and which same Land Use item was coupled with the resolution shown below, respectfully

#### **REPORTS:**

##### **SUBJECT**

**BROOKLYN CB-15 – TWO APPLICATIONS RELATED TO 1220 AVENUE P  
REZONING**

**C 210098 ZMK (Pre. L.U. No. 35)**

City Planning Commission decision approving an application submitted by Omni Enterprises, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 22d, by changing from an R5B District to an R7A District property bounded by Avenue P, East 13th Street, a line 140 feet southerly of Avenue P, East 12th Street, a line 100 feet southerly of Avenue P, and a line midway between Coney Island Avenue and East 12th Street, as shown on a diagram (for illustrative purposes only) dated November 1, 2021, and subject to the conditions of CEQR Declaration E-653.

**N 210099 ZRK (Pre. L.U. No. 36)**

City Planning Commission decision approving an application submitted by Omni Enterprises, LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area.

##### **INTENT**

To approve the amendment to rezone the project area from an R5B zoning district to an R7A zoning

district and amend the zoning text amendment to designate a Mandatory Inclusionary Housing (MIH) area to facilitate the enlargement of the Levit Medical Center Midwood, an existing five-story building located at 1220 Avenue P in the Midwood neighborhood of Brooklyn, Community District 15.

### **PUBLIC HEARING**

**DATE:** April 12, 2022

**Witnesses in Favor:** Two

**Witnesses Against:** None\_

### **SUBCOMMITTEE RECOMMENDATION**

**DATE:** April 26, 2022

The Subcommittee recommends that the Land Use Committee approve the decisions of the City Planning Commission on Pre. L.U. Nos. 35 and 36.

**In Favor:**

Riley  
Moya  
Louis  
Abreu  
Bottcher  
Hanks  
Schulman  
Carr

**Against:**

None

**Abstain:**

None

### **COMMITTEE ACTION**

**DATE:** April 27, 2022

The Committee recommends that the Council approve the attached resolutions.

**In Favor:**

**Against:**

**Abstain:**

*Editor's Note:*

**In Favor:**

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

**Against:** None.

**Abstain:** None.

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

Res. No. 138

**Resolution approving the decision of the City Planning Commission on ULURP No. C 210098 ZMK, a Zoning Map amendment (Preconsidered L.U. No. 35).**

By Council Members Salamanca and Riley.

**WHEREAS**, Omni Enterprises, LLC, 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. 22d, by changing from an R5B District to an R7A District property, which in conjunction with the related action would facilitate the enlargement of the Levit Medical Center Midwood, an existing five-story building located at 1220 Avenue P in the Midwood neighborhood of Brooklyn, Community District 15 (ULURP No. C 210098 ZMK) (the "Application");

**WHEREAS**, the City Planning Commission filed with the Council on April 8, 2022 its decision dated March 16, 2022 (the "Decision") on the Application;

**WHEREAS**, the Application is related to application N 210099 ZRK (Pre. L.U. No. 36), a zoning text amendment to designate a Mandatory Inclusionary Housing (MIH) area;

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

**WHEREAS**, upon due notice, the Council held a public hearing on the Decision and Application on April 12, 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 November 1<sup>st</sup>, 2021 (CEQR No. 19DCP109K) (the "Negative Declaration").

**RESOLVED:**

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

Pursuant to Sections 197-d and 201 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, C 210098 ZMK, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission.

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section No. 22d, by changing from an R5B District to an R7A District property bounded by Avenue P, East 13th Street, a line 140 feet southerly of Avenue P, East 12th Street, a line 100 feet southerly of Avenue P, and a line midway between Coney Island Avenue and East 12th Street, as shown on a diagram (for illustrative purposes only) dated November 1, 2021, and subject to the conditions of CEQR Declaration E-653.



RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, CARLINA RIVERA, FARAH N. LOUIS, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, ERIK D. BOTTCHEER, KAMILLAH HANKS, ARI KAGAN, SHEKAR KRISHNAN, DARLENE MEALY, PIERINA ANA SANCHEZ, JOSEPH C. BORELLI; 13-0-0; Committee on Land Use, April 27, 2022 (Remote Hearing).

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. 36

**Report of the Committee on Land Use in favor of approving Application number N 210099 ZRK (1220 Avenue P Rezoning) submitted by Omni Enterprises, LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of Brooklyn, Community District 15, Council District 48.**

The Committee on Land Use, to which the annexed Land Use item was referred on April 14, 2022 (Minutes, page 630) 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. 35 printed in these Minutes)**

*Accordingly, this Committee recommends its adoption.*

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

Res. No. 139

**Resolution approving the decision of the City Planning Commission on Application No. N 210099 ZRK, for an amendment of the text of the Zoning Resolution (Preconsidered L.U. No. 36).**

By Council Members Salamanca and Riley.

**WHEREAS**, Omni Enterprises, LLC, 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 APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area, which in conjunction with the related action would facilitate the enlargement of the Levit Medical Center Midwood, an existing five-story building located at 1220 Avenue P in the Midwood neighborhood of Brooklyn, Community District 15 (ULURP No. N 210099 ZRK) (the “Application”);

**WHEREAS**, the City Planning Commission filed with the Council on April 8, 2022, its decision dated March 16, 2022 (the “Decision”), on the Application;

**WHEREAS**, the Application is related to application N 210098 ZMK (Pre. L.U. No. 35), a zoning map amendment to change an R5B zoning district to an R7A zoning district;

**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 April 12, 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 November 1<sup>st</sup>, 2021 (CEQR No. 19DCP109K) (the “Negative Declaration”).

**RESOLVED:**

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

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, N 210099 ZRK, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission.

Matter underlined is new, to be added;

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

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

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

\* \* \*

**APPENDIX F**

**Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas**

\* \* \*

**BROOKLYN**

\* \* \*

**Brooklyn Community District 15**

\* \* \*

Map 1 – [date of adoption]



Mandatory Inclusionary Housing Program Area see Section 23-154(d)(3)

Area # — [date of adoption] — MIH Program Option 1 and Option 2

Portion of Community District 15, Brooklyn

\* \* \*

RAFAEL SALAMANCA, *Chairperson*; FRANCISCO P. MOYA, CARLINA RIVERA, FARAH N. LOUIS, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, ERIK D. BOTTCHER, KAMILLAH HANKS, ARI KAGAN, SHEKAR KRISHNAN, DARLENE MEALY, PIERINA ANA SANCHEZ, JOSEPH C. BORELLI; 13-0-0; Committee on Land Use, April 27, 2022 (Remote Hearing).

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. 37

**Report of the Committee on Land Use in favor of approving Application number C 210321 ZMX (Our Lady of Pity-272 East 151st Street Rezoning) submitted by Our Lady of Pity Apartments LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 6a: by changing from an R6 District to an R7A District, Borough of the Bronx, Community District 1, Council District 17.**

The Committee on Land Use, to which the annexed Land Use item was referred on April 14, 2022 (Minutes, page 630) and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:****SUBJECT****BRONX CB-1 - TWO APPLICATIONS RELATED TO OUR LADY OF PITY – 272  
EAST 151<sup>st</sup> STREET REZONING****C 210321 ZMX (Pre. L.U. No. 37)**

City Planning Commission decision approving an application submitted by Our Lady of Pity Apartments, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 6a, changing from an R6 District to an R7A District property bounded by East 151st Street, a line 220 feet southeasterly of Morris Avenue, a line midway between East 150th Street and East 151st Street, a line 270 feet southeasterly of Morris Avenue, East 150th Street, and Morris Avenue, Borough of the Bronx, Community District 1, as shown on a diagram (for illustrative purposes only) dated November 1, 2021, and subject to the conditions of CEQR Declaration E-652.

**N 210322 ZRX (Pre. L.U. No. 38)**

City Planning Commission decision approving an application submitted by the Our Lady of Pity Apartments, LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area.

**INTENT**

To approve the amendment to rezone the Project Area from an R6 zoning district to an R7A zoning district and amend the zoning text to establish a Mandatory Inclusionary Housing area to facilitate the development of two new nine-story buildings with approximately 205 100-percent-affordable residential units, 52-62 of which would be permanently affordable, located at 272 East 151<sup>st</sup> Street in the Melrose neighborhood of the Bronx, Community District 1.

**PUBLIC HEARING****DATE:** April 12, 2022**Witnesses in Favor:** Four**Witnesses Against:** None**SUBCOMMITTEE RECOMMENDATION****DATE:** April 26, 2022

The Subcommittee recommends that the Land Use Committee approve the decisions of the City Planning Commission on Pre. L.U. Nos. 37 and 38.

**In Favor:**

Riley  
Moya  
Louis  
Abreu  
Bottcher  
Hanks  
Schulman  
Carr

**Against:**

None

**Abstain:**

None

**COMMITTEE ACTION****DATE:** April 27, 2022

The Committee recommends that the Council approve the attached resolutions.

**In Favor:****Against:****Abstain:****Editor's Note:****In Favor:**

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

**Against:** None.

**Abstain:** None.

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

## Res. No. 140

**Resolution approving the decision of the City Planning Commission on ULURP No. C 210321 ZMX, a Zoning Map amendment (Preconsidered L.U. No. 37).**

By Council Members Salamanca and Riley.

**WHEREAS**, Our Lady of Pity Apartments, LLC, 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. 6a, by changing from an R6 District to an R7A District, which in conjunction with the related action would facilitate the development of two new nine-story buildings with approximately 205 100-percent-affordable residential units, 52-62 of which would be permanently affordable, located at 272 East 151<sup>st</sup> Street in the Melrose neighborhood of the Bronx, Community District 1 (ULURP No. C 210321 ZMX) (the "Application");

**WHEREAS**, the City Planning Commission filed with the Council on April 8, 2022 its decision dated March 16, 2022 (the "Decision") on the Application;

**WHEREAS**, the Application is related to application N 210322 ZRK (Pre. L.U. No. 38), a zoning text amendment to establish a Mandatory Inclusionary Housing (MIH) area;

**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 April 12, 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 November 1<sup>st</sup>, 2021 (CEQR No. 21DCP160X) which includes an (E) designation to avoid the potential for significant adverse impacts related to air quality and noise impacts (E-652) (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-652) 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 210321 ZMX incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission.

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section 6a, changing from an R6 District to an R7A District property bounded by East 151<sup>st</sup> Street, a line 220 feet southeasterly of Morris Avenue, a line midway between East 150<sup>th</sup> Street and East 151<sup>st</sup> Street, a line 270 feet southeasterly of Morris Avenue, East 150<sup>th</sup> Street, and Morris Avenue, Borough of the Bronx, Community District 1, as shown on a diagram (for illustrative purposes only) dated November 1, 2021, and subject to the conditions of CEQR Declaration E-652.

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, CARLINA RIVERA, FARAH N. LOUIS, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, ERIK D. BOTTCHEER, KAMILLAH HANKS, ARI KAGAN, SHEKAR KRISHNAN, DARLENE MEALY, PIERINA ANA SANCHEZ, JOSEPH C. BORELLI; 13-0-0; Committee on Land Use, April 27, 2022 (Remote Hearing).

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. 38

**Report of the Committee on Land Use in favor of approving Application number N 210322 ZRX (Our Lady of Pity-272 East 151st Street Rezoning) submitted by Our Lady of Pity Apartments, LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of the Bronx, Community District 1, Council District 17.**

The Committee on Land Use, to which the annexed Land Use item was referred on April 14, 2022 (Minutes, page 631) 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. 37 printed in these Minutes)**

*Accordingly, this Committee recommends its adoption.*

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

#### Res. No. 141

**Resolution approving the decision of the City Planning Commission on Application No. N 210322 ZRX, for an amendment of the text of the Zoning Resolution (Preconsidered L.U. No. 38).**

By Council Members Salamanca and Riley.

**WHEREAS**, Our Lady of Pity Apartments, LLC, 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 APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area, which in conjunction with the related action would facilitate the development of two new nine-story buildings with approximately 205 100-percent-affordable residential units, 52-62 of which would be permanently affordable, located at 272 East 151<sup>st</sup> Street in the Melrose neighborhood of the Bronx, Community District 1 (ULURP No. N 210322 ZRX) (the “Application”);

**WHEREAS**, the City Planning Commission filed with the Council on April 8, 2022, its decision dated March 16, 2022 (the “Decision”), on the Application;

**WHEREAS**, the Application is related to application C 210321 ZMX (Pre. L.U. No.37), a zoning map amendment to change an R6 zoning district to an R7A zoning district;

**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 April 12, 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 November 1<sup>st</sup>, 2021 (CEQR No. 21DCP160X) which includes an (E) designation to avoid the potential for significant adverse impacts related to air quality and noise impacts (E-652) (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-652) 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 210322 ZRX, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission.

Matter underlined is new, to be added;

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

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

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

\* \* \*

**APPENDIX F**

**Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas**

\* \* \*

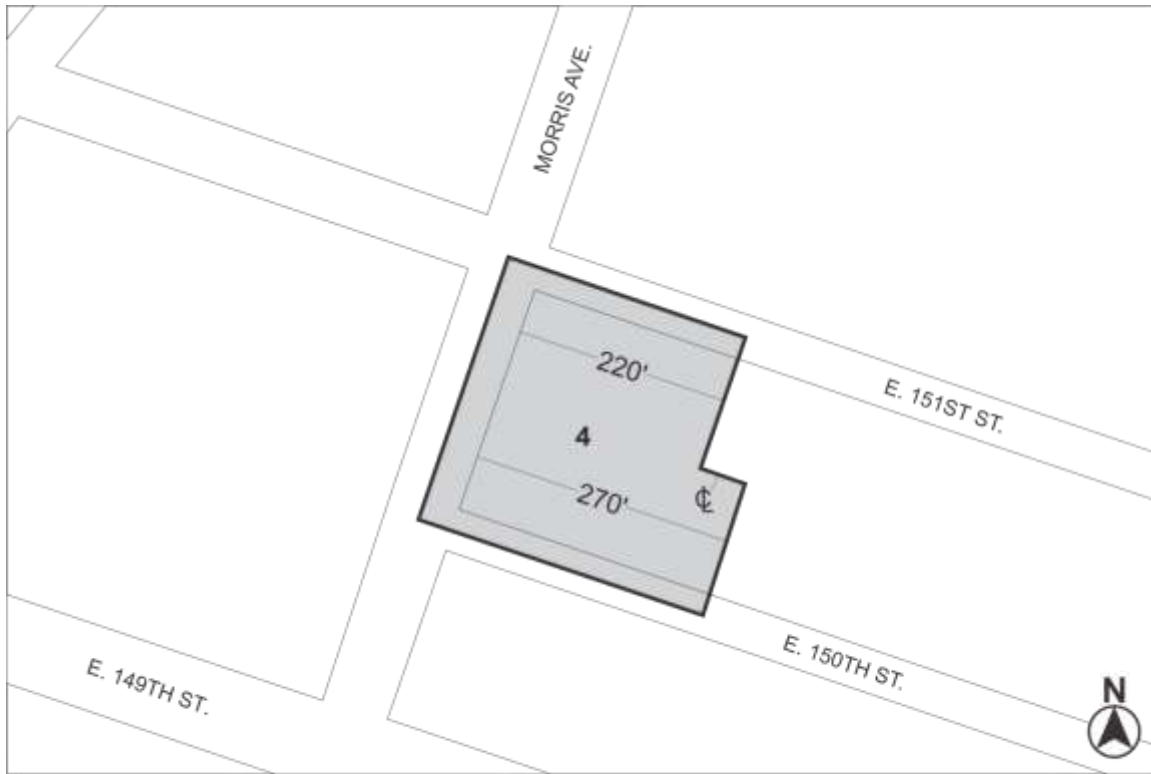
**The Bronx**

\* \* \*

**The Bronx Community District 1**

\* \* \*





Mandatory Inclusionary Housing Area (see Section 23-154(d)(3))

Area 4 — [date of adoption] — MIH Program Option 1 and Option 2

Portion of Community District 1, The Bronx

\* \* \*

RAFAEL SALAMANCA, *Chairperson*; FRANCISCO P. MOYA, CARLINA RIVERA, FARAH N. LOUIS, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, ERIK D. BOTTCHER, KAMILLAH HANKS, ARI KAGAN, SHEKAR KRISHNAN, DARLENE MEALY, PIERINA ANA SANCHEZ, JOSEPH C. BORELLI; 13-0-0; Committee on Land Use, April 27, 2022 (Remote Hearing).

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).

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

Report for Res. No. 142

**Report of the Committee on Land Use in favor of a Resolution approving the requests for findings submitted by the New York City Department of Housing Preservation and Development (“HPD”) related to the decision of the City Planning Commission, ULURP No. C 220132 HAM, approving the designation of an Urban Development Action Area, an Urban Development Action Area Project, and the disposition of property located at 215-225 East 45<sup>th</sup> Street (Block 1319, Lots 8 and 11), Borough of Manhattan, Community District 6, to a developer selected by HPD (Pre. Res. 142; G 220014 CCM).**

The Committee on Land Use, to which the annexed preconsidered resolution was referred on April 28, 2022, respectfully

#### **REPORTS:**

**MANHATTAN CB-6 – PRECONSIDERED RESOLUTION RELATED TO  
NEW PROVIDENCE REDEVELOPMENT  
215-225 EAST 45<sup>TH</sup> STREET**

#### **G 220014 CCM**

Request by the New York City Department of Housing Preservation and Development (HPD), pursuant to Article 16 of the General Municipal Law, for findings related to the decision of the City Planning Commission, ULURP No. C 220132 HAM, approving the designation of an Urban Development Action Area, an Urban Development Action Area Project, and the disposition of property located at 215-225 East 45<sup>th</sup> Street (Block 1319, Lots 8 and 11), Borough of Manhattan, Community District 6, to a developer selected by HPD.

#### **INTENT**

To approve the HPD request in connection with the Urban Development Action Area designation, project approval, and disposition of City-owned property to facilitate the development of a 21-story building containing approximately 130 supportive and affordable housing units and 171 shelter beds at 215-225 East 45<sup>th</sup> Street, (Block 1319, Lots 8 and 11), in the East Midtown neighborhood of Manhattan, Community District 6.

#### **COMMITTEE ACTION**

**DATE:** April 27, 2022

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

**Against:**

**Abstain:**

Editor's Note:**In Favor:**

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

**Against:** None.

**Abstain:** None.

*Accordingly, this Committee recommends its adoption.*

**(The following is the text of Res. No. 142:)**

Res. No. 142

**Resolution approving the requests for findings submitted by the New York City Department of Housing Preservation and Development ("HPD") related to the decision of the City Planning Commission, ULURP No. C 220132 HAM, approving the designation of an Urban Development Action Area, an Urban Development Action Area Project, and the disposition of property located at 215-225 East 45<sup>th</sup> Street (Block 1319, Lots 8 and 11), Borough of Manhattan, Community District 6, to a developer selected by HPD (Pre. Res. 142; G 220014 CCM).**

By Council Member Salamanca.

**WHEREAS**, the City Planning Commission filed with the Council on February 18, 2022 its decision dated February 16, 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 215-225 East 45<sup>th</sup> Street (Block 1319, Lots 8 and 11), (the "Project 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 of a 21-story building containing approximately 130 supportive and affordable housing units and 171 shelter beds at 215-225 East 45<sup>th</sup> Street, (Block 1319, Lots 8 and 11), in the East Midtown neighborhood of Manhattan, Community District 6 (ULURP No. C 220132 HAM) (the "Application");

**WHEREAS**, the Application is related to application C 220131 PSM (L.U. No. 18), a site selection to remove the shelter capacity restriction of 150 beds as approved in a prior application for the site selection/acquisition of the existing shelter (Resolution No. 1452-1993);

**WHEREAS**, the City Planning Commission has certified its unqualified approval of the Project 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 February 10, 2022, and submitted to the Council on February 10, 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 March 3, 2022;

**WHEREAS**, Pursuant to Section 197-d of the City Charter, time limit for action by the Council on the Decision expired on April 9, 2022;

**WHEREAS**, pursuant to Section 197-d of the City Charter, the Decision of the City Planning Commission is deemed approved;

**WHEREAS**, Section 694(4) of the General Municipal Law provides that approval of the designation of an Urban Development Action Area requires the Council to make certain findings requested in the HPD Requests;

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

**WHEREAS**, the Council has considered the relevant environmental issues, including the Negative Declaration issued October 29<sup>th</sup>, 2021 (CEQR No. 22HPD004M) (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 220132 HAM and incorporated by reference herein, and the record before the Council, the Council approves 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.

**ATTACHMENT:****PROJECT SUMMARY**

1. **PROGRAM:** SUPPORTIVE HOUSING LOAN PROGRAM/SHELTER
2. **PROJECT:** New Providence Redevelopment
3. **LOCATION:**
  - a. **BOROUGH:** Manhattan
  - b. **COMMUNITY DISTRICT:** 6
  - c. **COUNCIL DISTRICT:** 4
  - d. **DISPOSITION AREA:**

<u>BLOCKS</u>	<u>LOTS</u>	<u>ADDRESSES</u>
1319	8	215 East 45 <sup>th</sup> Street
1319	11	217-25 East 45 <sup>th</sup> Street
4. **BASIS OF DISPOSITION PRICE:** Nominal. The sponsor will pay one dollar per tax lot in cash and will deliver an enforcement note and mortgage for the remainder of the appraised value ("Land Debt"). For a period of at least thirty (30) years following completion of construction, the Land Debt or the City's capital subsidy may be repayable out of resale or refinancing profits. The remaining balance, if any, may be forgiven at the end of the term.
5. **TYPE OF PROJECT:** New Construction
6. **APPROXIMATE NUMBER OF BUILDINGS:** One
7. **APPROXIMATE NUMBER OF UNITS:** 130 Rental Units, Plus One Superintendent's Unit  
171 Shelter Beds
8. **HOUSING TYPE:** Rental
9. **ESTIMATE OF INITIAL RENTS** For permanent housing units: 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 80% of the area median income (AMI) on an annual basis.
10. **INCOME TARGETS** For permanent housing units: Up to 80% of AMI
11. **PROPOSED FACILITIES:** Community Room, Social Service Offices
12. **PROPOSED CODES/ORDINANCES:** None

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

RAFAEL SALAMANCA, *Chairperson*; FRANCISCO P. MOYA, CARLINA RIVERA, FARAH N. LOUIS, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, ERIK D. BOTTCHER, KAMILLAH HANKS, ARI KAGAN, SHEKAR KRISHNAN, DARLENE MEALY, PIERINA ANA SANCHEZ, JOSEPH C. BORELLI; 13-0-0; Committee on Land Use, April 27, 2022 (Remote Hearing).

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. 20 & Res. No. 143

**Report of the Committee on Land Use in favor of approving, as modified, Application No. C 210386 ZMK (1034 – 1042 ATLANTIC AVENUE REZONING) submitted by EMP Capital Group 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 M1-1 District to an R7A District; changing from an M1-1 District to a C6-3A District; and establishing within the proposed R7A District a C2-4 District, for property located in the Borough of Brooklyn, Community District 8, Council District 35.**

The Committee on Land Use, to which the annexed Land Use item was referred on February 24, 2022 (Minutes, page 263) 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-8 – THREE APPLICATIONS RELATED TO 1034-1042 ATLANTIC AVENUE REZONING**

#### **C 210386 ZMK (L.U. No. 20)**

City Planning Commission decision approving an application submitted by EMP Capital Group, 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 M1-1 District to an R7A District property bounded by a line midway between Atlantic Avenue and Pacific Street, Classon Avenue, Pacific Street, and a line 315 feet northwesterly of Classon Avenue;
2. changing from an M1-1 District to a C6-3A District property bounded by the northeasterly boundary line of the Long Island Rail Road right-of-way (Atlantic Division), Classon Avenue, a line midway between Atlantic Avenue and Pacific Street, and a line 315 feet northwesterly of Classon Avenue; and
3. establishing within the proposed R7A District a C2-4 District bounded by a line midway between Atlantic Avenue and Pacific Street, Classon Avenue, Pacific Street, and a line 315 feet northwesterly of Classon Avenue;

as shown on a diagram (for illustrative purposes only) dated September 20, 2021, and subject to the conditions of CEQR Declaration E-637.

#### **N 210387 ZRK (L.U. No. 21)**

City Planning Commission decision approving an application submitted by EMP Capital Group, 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 III Chapter 5 for the purpose of amending street wall location regulations and modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area.

**C 210379 ZSK (L.U. No. 22)**

City Planning Commission decision approving an application submitted by EMP Capital Group, 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 reduce the required number of accessory off-street parking spaces to 20 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 1034 -1042 Atlantic Avenue (Block 1125, Lots 29 and 33) in R7A/C2-4 and C6-3A Districts.

**INTENT**

To approve the amendment to rezone the project area from an M1-1 zoning district to C6-3A and R7A/C2-4 zoning districts; amend the zoning text to designate a Mandatory Inclusionary Housing (MIH) area and amend street wall regulations; and grant an approval of the special permit pursuant to Zoning Resolution (ZR) Section 74-533 to reduce required residential off-street parking to facilitate the construction of a 17-story mixed use development containing 210 dwelling units, 52 to 63 of which would be permanently affordable, along with commercial and community facility space, at 1034-1042 Atlantic Avenue in the Crown Heights neighborhood of Brooklyn, Community District 8.

**PUBLIC HEARING**

**DATE:** March 8, 2022

**Witnesses in Favor:** Six

**Witnesses Against:** Twelve

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** April 12, 2022

The Subcommittee recommends that the Land Use Committee approve the decisions of the City Planning Commission on L.U. No. 22; and approve with modifications the decisions of the City Planning Commission on L.U. Nos. 20 and 21.

**In Favor:**

Riley  
Moya  
Louis  
Abreu  
Bottcher  
Hanks  
Schulman  
Carr

**Against:**

None

**Abstain:**

None



**COMMITTEE ACTION****DATE:** April 12, 2022

The Committee recommends that the Council approve the attached resolutions.

**In Favor:**

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

**Against:**

None

**Abstain:**

None

**FILING OF MODIFICATIONS WITH THE CITY PLANNING COMMISSION**

The City Planning Commission filed a letter dated \_\_\_\_\_, 2022, with the Council on \_\_\_\_\_, 2022, 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. 143

**Resolution approving with modifications the decision of the City Planning Commission on ULURP No. C 210386 ZMK, a Zoning Map amendment (L.U. No. 20).**

By Council Members Salamanca and Riley.

**WHEREAS**, EMP Capital Group, 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 M1-1 District to an R7A District, changing from an M1-1 District to a C6-3A District, and establishing within the proposed R7A District a C2-4 District, which in conjunction with the related actions would facilitate the construction of a 17-story mixed use development containing 210 dwelling units, 52 to 63 of which would be permanently affordable, along with commercial and community facility space, at 1034-1042 Atlantic Avenue in the Crown Heights neighborhood of Brooklyn, Community District 8 (ULURP No. C 210386 ZMK) (the "Application");

**WHEREAS**, the City Planning Commission filed with the Council on February 23, 2022 its decision dated February 16, 2022 (the "Decision") on the Application;

**WHEREAS**, the Application is related to applications N 210387 ZRK (L.U. No. 21), a zoning text amendment to designate a Mandatory Inclusionary Housing (MIH) area and amend street wall regulations; and C 210379 ZSK (L.U. No. 22), a special permit pursuant to Zoning Resolution (ZR) Section 74-533 to reduce required 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 March 8, 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 September 20<sup>th</sup>, 2021 (CEQR No. 21DCP170K), which includes an (E) designation to avoid the potential for significant adverse impacts related to hazardous materials, air quality, and noise impacts (E-637) (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-637) 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 210386 ZMK incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission with the following modifications:

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. 16c:

1. changing from an M1-1 District to an R7A District property bounded by a line midway between Atlantic Avenue and Pacific Street, a line 150 feet northwesterly of Classon Avenue, Pacific Street, and a line 315 feet northwesterly of Classon Avenue;
2. changing from an M1-1 District to a C6-3A District property bounded by the northeasterly boundary line of the Long Island Rail Road right-of-way (Atlantic Division), a line 150 feet northwesterly of Classon Avenue, a line midway between Atlantic Avenue and Pacific Street, and a line 315 feet northwesterly of Classon Avenue; and
3. establishing within the proposed R7A District a C2-4 District bounded by a line midway between Atlantic Avenue and Pacific Street, a line 150 feet northwesterly of Classon Avenue, Pacific Street, and a line 315 feet northwesterly of Classon Avenue;

Borough of Brooklyn, Community District 8, as shown on a diagram (for illustrative purposes only) dated September 20, 2021, and subject to the conditions of CEQR Declaration E-637.

RAFAEL SALAMANCA, *Chairperson*; FRANCISCO P. MOYA, CARLINA RIVERA, FARAH N. LOUIS, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, ERIK D. BOTTCHER, KAMILLAH HANKS, ARI KAGAN, SHEKAR KRISHNAN, PIERINA ANA SANCHEZ, JOSEPH C. BORELLI; 12-0-0; *Absent*: Darlene Mealy; Committee on Land Use, April 12, 2022 (Remote Hearing). *Other Council Members Attending*: Barron.

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. 21 & Res. No. 144

**Report of the Committee on Land Use in favor of approving, as modified, Application No. N 210387 ZRK (1034 – 1042 ATLANTIC AVENUE REZONING) submitted by EMP Capital Group 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 III Chapter 5 for the purpose of amending street wall location regulations and modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area, for property located in the Borough of Brooklyn, Community District 8, Council District 35.**

The Committee on Land Use, to which the annexed Land Use item was referred on February 24, 2022 (Minutes, page 264) 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. 20 printed in the General Order Calendar 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. 144

**Resolution approving with modifications the decision of the City Planning Commission on Application No. N 210387 ZRK, for an amendment of the text of the Zoning Resolution (L.U. No. 21).**

By Council Members Salamanca and Riley.

**WHEREAS**, EMP Capital Group, 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 III Chapter 5 for the purpose of amending street wall location regulations and modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area, which in conjunction with the related actions would facilitate the construction of a 17-story mixed use development containing 210 dwelling units, 52 to 63 of which would be permanently affordable, along with commercial and community facility space, at 1034-1042 Atlantic Avenue in the Crown Heights neighborhood of Brooklyn, Community District 8 (ULURP No. N 210387 ZRK) (the “Application”);

**WHEREAS**, the City Planning Commission filed with the Council on February 23, 2022, its decision dated February 16, 2022 (the “Decision”), on the Application;

**WHEREAS**, the Application is related to applications C 210386 ZMK (L.U. No. 20), a zoning map amendment to change an M1-1 zoning district to C6-3A and R7A/C2-4 zoning districts; and C 210379 ZSK (L.U. No. 22), a special permit pursuant to Zoning Resolution (ZR) Section 74-533 to reduce 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 March 8, 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 September 20<sup>th</sup>, 2021 (CEQR No. 21DCP170K), which includes an (E) designation to avoid the potential for significant adverse impacts related to hazardous materials, air quality, and noise impacts (E-637) (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-637) 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 210387 ZRK, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission with the following modifications:

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

Matter ~~double struck out~~ is old, deleted by the City Council;

Matter double-underlined is new, added by the City Council

#### **ARTICLE III**

#### **COMMERCIAL DISTRICT REGULATIONS**

\* \* \*

#### **Chapter 5**

#### **Bulk Regulations for Mixed Buildings in Commercial Districts**

\* \* \*

#### **35-60**

#### **MODIFICATION OF HEIGHT AND SETBACK REGULATIONS**

\* \* \*

#### **35-66**

#### **Special Height and Setback Provisions for Certain Areas**

\* \* \*

**35-662****Special height and setback provisions in ~~C6-2A and C6-3X~~ certain Districts districts along Atlantic Avenue within Community District 8, Borough of Brooklyn**

In C6-2A, C6-3A and C6-3X Districts in Community District 8, in the Borough of Brooklyn, for a #zoning lot# with frontage along Atlantic Avenue, the #street wall# provisions of paragraph (a) of Section 35-651 shall apply along the Atlantic Avenue #street# frontage, and shall also apply along #street# frontages intersecting Atlantic Avenue, within 50 feet of the intersection.

\* \* \*

**APPENDIX F****Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas**

\* \* \*

**BROOKLYN**

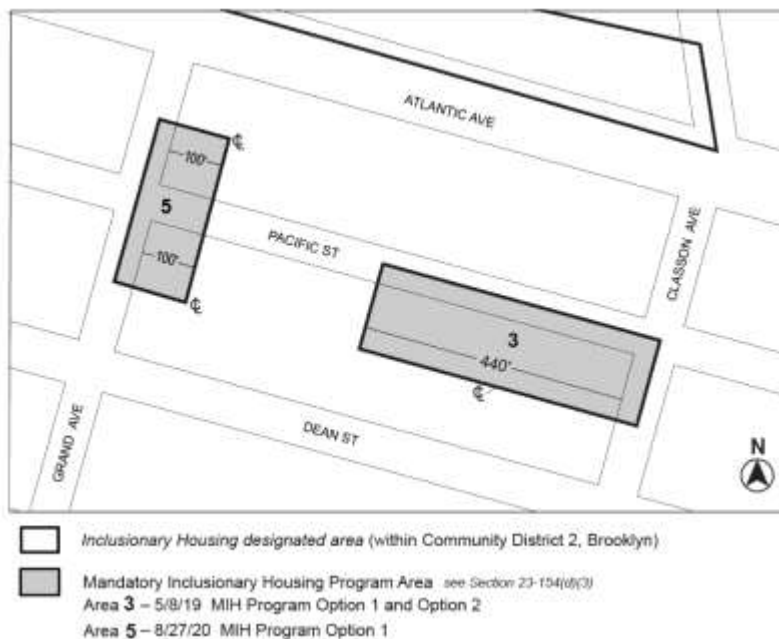
\* \* \*

**Brooklyn Community District 8**

\* \* \*

Map 3 – [date of adoption]

[EXISTING MAP]



[PROPOSED MAP][MODIFIED MAP]

Portion of Community District 8, Brooklyn

\* \* \*

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, CARLINA RIVERA, FARAH N. LOUIS, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, ERIK D. BOTTCHEER, KAMILLAH HANKS, ARI KAGAN, SHEKAR KRISHNAN, PIERINA ANA SANCHEZ, JOSEPH C. BORELLI; 12-0-0; *Absent*: Darlene Mealy; Committee on Land Use, April 12, 2022 (Remote Hearing). *Other Council Members Attending*: Barron.

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. 22 & Res. No. 145

**Report of the Committee on Land Use in favor of approving, as modified, Application No. C 210379 ZSK (1034 – 1042 ATLANTIC AVENUE REZONING) submitted by EMP Capital Group 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 reduce the required number of accessory off-street parking spaces to 20 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 in R7A/C2-4 and C6-3A Districts at 1034 -1042 Atlantic Avenue (Block 1125, Lots 29 and 33), Borough of Brooklyn, Community District 8, Council District 35.**

The Committee on Land Use, to which the annexed Land Use item was referred on February 24, 2022 (Minutes, page 264) 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. 20 printed in the General Order Calendar 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. 145

**Resolution approving the decision of the City Planning Commission on ULURP No. C 210379 ZSK, for the grant of a special permit (L.U. No. 22).**

By Council Members Salamanca and Riley.

**WHEREAS**, EMP Capital Group, 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 reduce the required number of accessory off-street parking spaces to 20 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 1034 -1042 Atlantic Avenue (Block 1125, Lots 29 and 33) in R7A/C2-4 and C6-3A Districts, which in conjunction with the related actions would facilitate the construction of a 17-story mixed use development containing 210 dwelling units, 52 to 63 of which would be permanently affordable, along with commercial and community facility space, at 1034-1042 Atlantic

Avenue in the Crown Heights neighborhood of Brooklyn, Community District 8 (ULURP No. C 210379 ZSK) (the “Application”);

**WHEREAS**, the City Planning Commission filed with the Council on February 23, 2022, its decision dated February 16, 2022 (the “Decision”) on the Application;

**WHEREAS**, the Application is related to applications C 210386 ZMK (L.U. No. 20), a zoning map amendment to change an M1-1 zoning district to C6-3A and R7A/C2-4 zoning districts; and N 210387 ZRK (L.U. No. 21), a zoning text amendment to designate a Mandatory Inclusionary Housing (MIH) area and amend street wall regulations;

**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 March 8, 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 September 20<sup>th</sup>, 2021 (CEQR No. 21DCP170K), which includes an (E) designation to avoid the potential for significant adverse impacts related to hazardous materials, air quality, and noise impacts (E-637) (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-637) 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 210379 ZSK, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission.

1. The property that is the subject of this application (C 210379 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 Archimaera Architects filed with this application and incorporated in this resolution:

<u>Drawing No.</u>	<u>Title</u>	<u>Last Date Revised</u>
Dwg. No. 28	Zoning Analysis	02/10/2022
Dwg. No. 16	Zoning Site Plan	02/10/2022

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 confirm 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, CARLINA RIVERA, FARAH N. LOUIS, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, ERIK D. BOTTCHEER, KAMILLAH HANKS, ARI KAGAN, SHEKAR KRISHNAN, PIERINA ANA SANCHEZ, JOSEPH C. BORELLI; 12-0-0; *Absent*: Darlene Mealy; Committee on Land Use, April 12, 2022 (Remote Hearing). *Other Council Members Attending*: Barron.

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. 23 & Res. No. 146

**Report of the Committee on Land Use in favor of approving, as modified, Application No. C 210335 ZMK (870 - 888 ATLANTIC AVENUE REZONING) submitted by Y & T Development LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 16c, by changing from an existing M1-1 District to a C6-3A District on property located in the Borough of Brooklyn, Community District 8, Council District 35.**

The Committee on Land Use, to which the annexed Land Use item was referred on February 24, 2022 (Minutes, page 264) 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-8 – THREE APPLICATIONS RELATED TO 870-888 ATLANTIC AVENUE REZONING****C 210335 ZMK (L.U. No. 23)**

City Planning Commission decision approving an application submitted by Y & T Development, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 16c, by changing from an M1-1 District to a C6-3A District property bounded by the northeasterly boundary line of the Long Island Rail Road right-of-way (Atlantic Division), a line 200 feet northwesterly of Underhill Avenue, a line midway between Atlantic Avenue and Pacific Street, and a line 200 feet southeasterly of Vanderbilt Avenue, Borough of Brooklyn, Community District 8, as shown on a diagram (for illustrative purposes only) dated September 20, 2021, and subject to the conditions of CEQR Declaration E-642.

**N 210336 ZRK (L.U. No. 24)**

City Planning Commission decision approving an application submitted by Y & T Development, LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Article III Chapter 5 for the purpose of amending street wall location regulations and modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area.

**C 210260 ZSK (L.U. No. 25)**

City Planning Commission decision approving an application submitted by Y & T Development, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-533 of the Zoning Resolution to reduce the required accessory off-street parking spaces to 40 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 870-888 Atlantic Avenue (Block 1122, Lots 21 and 26) in a C6-3A District.

**INTENT**

To approve the amendment to rezone the project area from an M1-1 zoning district to a C6-3A zoning district; amend the zoning text to designate a Mandatory Inclusionary Housing (MIH) area and amend street wall regulations; and grant an approval of the special permit pursuant to ZR Section 74-533 to reduce residential off-street parking to facilitate the construction of a 17-story mixed use development containing 228 dwelling units, 69 of which would be permanently affordable, along with commercial and community facility space, at 870-888 Atlantic Avenue in the Prospect Heights neighborhood of Brooklyn, Community District 8.

**PUBLIC HEARING****DATE:** March 8, 2022**Witnesses in Favor:** Twelve**Witnesses Against:** Eleven\_\_\_\_**SUBCOMMITTEE RECOMMENDATION****DATE:** April 12, 2022

The Subcommittee recommends that the Land Use Committee approve with modifications the decisions of the City Planning Commission on L.U. No. 24; and approve the decision of the City Planning Commission on L.U. Nos. 23 and 25.

**In Favor:**

Riley  
Moya  
Louis  
Abreu  
Bottcher  
Hanks  
Schulman  
Carr

**Against:**

None

**Abstain:**

None

**COMMITTEE ACTION****DATE:** April 12, 2022

The Committee recommends that the Council approve the attached resolutions.

**In Favor:**

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

**Against:**

None

**Abstain:**

None

**FILING OF MODIFICATIONS WITH THE CITY PLANNING COMMISSION**

The City Planning Commission filed a letter dated \_\_\_\_\_, 2022, with the Council on \_\_\_\_\_, 2022, 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. 146

**Resolution approving the decision of the City Planning Commission on ULURP No. C 210335 ZMK, a Zoning Map amendment (L.U. No. 23).**

By Council Members Salamanca and Riley.

**WHEREAS**, Y & T Development, LLC, 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, by changing from an M1-1 District to a C6-3A District, which in conjunction with the related actions would facilitate the construction of a 17-story mixed use development containing 228 dwelling units, 69 of which would be permanently affordable, along with commercial and community facility space, at 870-888 Atlantic Avenue in the Prospect Heights neighborhood of Brooklyn, Community District 8 (ULURP No. C 210335 ZMK) (the "Application");

**WHEREAS**, the City Planning Commission filed with the Council on February 23, 2022 its decision dated February 16, 2022 (the "Decision") on the Application;

**WHEREAS**, the Application is related to applications N 210336 ZRK (L.U. No. 24), a zoning text amendment to designate a Mandatory Inclusionary Housing (MIH) area and amend street wall regulations; and C 210260 ZSK (L.U. No. 25), a special permit pursuant to Zoning Resolution (ZR) Section 74-533 to reduce 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 March 8, 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 September 20<sup>th</sup>, 2021 (CEQR No. 21DCP146K), which includes an (E) designation to avoid the potential for significant adverse impacts related to hazardous materials, air quality, and noise impacts (E-642) (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-642) 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 210335 ZMK,

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

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section No. 16c by changing from an M1-1 District to a C6-3A District property bounded by the northeasterly boundary line of the Long Island Rail Road right-of-way (Atlantic Division), a line 200 feet northwesterly of Underhill Avenue, a line midway between Atlantic Avenue and Pacific Street, and a line 200 feet southeasterly of Vanderbilt Avenue, Borough of Brooklyn, Community District 8, as shown on a diagram (for illustrative purposes only) dated September 20, 2021, and subject to the conditions of CEQR Declaration E-642.

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, CARLINA RIVERA, FARAH N. LOUIS, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, ERIK D. BOTTCHEER, KAMILLAH HANKS, ARI KAGAN, SHEKAR KRISHNAN, PIERINA ANA SANCHEZ, JOSEPH C. BORELLI; 12-0-0; *Absent*: Darlene Mealy; Committee on Land Use, April 12, 2022 (Remote Hearing). *Other Council Members Attending*: Barron.

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. 24 & Res. No. 147

**Report of the Committee on Land Use in favor of approving, as modified, Application No. N 210336 ZRK (870 - 888 ATLANTIC AVENUE REZONING) submitted by Y & T Development LLC pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Article III Chapter 5 for the purpose of amending street wall location regulations and modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area, on property located in the Borough of Brooklyn, Community District 8, Council District 35.**

The Committee on Land Use, to which the annexed Land Use item was referred on February 24, 2022 (Minutes, page 264) 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. 23 printed in the General Order Calendar 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. 147

**Resolution approving with modifications the decision of the City Planning Commission on Application No. N 210336 ZRK, for an amendment of the text of the Zoning Resolution (L.U. No. 24).**

By Council Members Salamanca and Riley.

**WHEREAS**, Y & T Development, LLC, 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 III Chapter 5 for the purpose of amending street wall location regulations and modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area, which in conjunction with the related actions would facilitate the construction of a 17-story mixed use development containing 228 dwelling units, 69 of which would be permanently affordable, along with commercial and community facility space, at 870-888 Atlantic Avenue in the Prospect Heights neighborhood of Brooklyn, Community District 8 (Application No. N 210336 ZRK) (the “Application”);

**WHEREAS**, the City Planning Commission filed with the Council on February 23, 2022 its decision dated February 16, 2022 (the “Decision”) on the Application;

**WHEREAS**, the Application is related to applications C 210335 ZMK (L.U. No. 23), a zoning map amendment to change an M1-1 zoning district to a C6-3A zoning district; and C 210260 ZSK (L.U. No. 25), a special permit pursuant to Zoning Resolution Section 74-533 to reduce 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 March 8, 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 September 20<sup>th</sup>, 2021 (CEQR No. 21DCP146K), which includes an (E) designation to avoid the potential for significant adverse impacts related to hazardous materials, air quality, and noise impacts (E-642) (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-642) 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 210336 ZRK, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission with the following modifications:

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

Matter ~~double struck out~~ is old, deleted by the City Council;

Matter double-underlined is new, added by the City Council

## **ARTICLE III COMMERCIAL DISTRICT REGULATIONS**

\* \* \*

### **Chapter 5 Bulk Regulations for Mixed Buildings in Commercial Districts**

\* \* \*

### **35-60 MODIFICATION OF HEIGHT AND SETBACK REGULATIONS**

\* \* \*

### **35-66 Special Height and Setback Provisions for Certain Areas**

\* \* \*

### **35-662 Special height and setback provisions in ~~C6-2A and C6-3X~~ certain ~~Districts~~ districts along Atlantic Avenue within Community District 8, Borough of Brooklyn**

In C6-2A, C6-3A and C6-3X Districts in Community District 8, in the Borough of Brooklyn, for a #zoning lot# with frontage along Atlantic Avenue, the #street wall# provisions of paragraph (a) of Section 35-651 shall apply along the Atlantic Avenue #street# frontage, and shall also apply along #street# frontages intersecting Atlantic Avenue, within 50 feet of the intersection.

\* \* \*

## **APPENDIX F Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas**

\* \* \*

### **BROOKLYN**

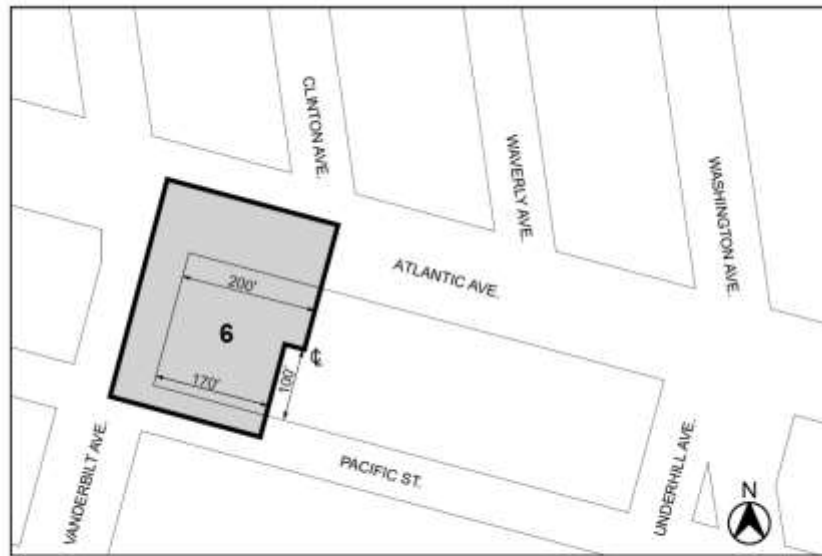
\* \* \*

### **Brooklyn Community District 8**

\* \* \*

Map 4 – [date of adoption]

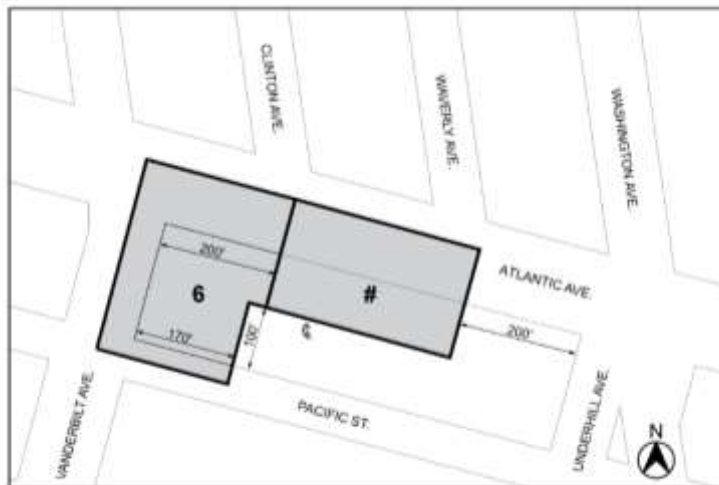
## [EXISTING MAP]



■ Mandatory Inclusionary Housing Program Area see Section 23-154(d)(3)

Area 6 – 9/23/21 MIH Program Option 1 and Deep Affordability Option

## [PROPOSED MAP]



■ Mandatory Inclusionary Housing Program Area see Section 23-154(d)(3)

Area 6 – 9/23/21 MIH Program Option 1 and Deep Affordability Option

Area # – (date of adoption) MIH Program Option 2 and Workforce Option



[MODIFIED MAP]

Portion of Community District 8, Brooklyn

\* \* \*

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, CARLINA RIVERA, FARAH N. LOUIS, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, ERIK D. BOTTCHEER, KAMILLAH HANKS, ARI KAGAN, SHEKAR KRISHNAN, PIERINA ANA SANCHEZ, JOSEPH C. BORELLI; 12-0-0; *Absent*: Darlene Mealy; Committee on Land Use, April 12, 2022 (Remote Hearing). *Other Council Members Attending*: Barron.

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. 25 & Res. No. 148

**Report of the Committee on Land Use in favor of approving, as modified, Application No. C 210260 ZSK (870 - 888 ATLANTIC AVENUE REZONING) submitted by Y & T Development LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-533 of the Zoning Resolution to reduce the number of 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 in a C6-3A located at Block 1122, Lots 21 & 26, Borough of Brooklyn, Community District 8, Council District 35.**

The Committee on Land Use, to which the annexed Land Use item was referred on February 24, 2022 (Minutes, page 264) 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. 23 printed in the General Order Calendar 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. 148

**Resolution approving the decision of the City Planning Commission on ULURP No. C 210260 ZSK, for the grant of a special permit (L.U. No. 25).**

By Council Members Salamanca and Riley.

**WHEREAS**, Y & T Development, LLC, 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 reduce the required accessory off-street parking spaces to 40 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 870-888 Atlantic Avenue (Block 1122, Lots 21 and 26) in a C6-3A District, which in conjunction with the related actions would facilitate the construction of a 17-story mixed use development containing 228 dwelling units, 69 of which would be permanently affordable, along with commercial and community facility space, at 870-888 Atlantic Avenue in the Prospect Heights neighborhood of Brooklyn, Community District 8 (ULURP No. C 210260 ZSK) (the “Application”);

**WHEREAS**, the City Planning Commission filed with the Council on February 23, 2022, its decision dated February 16, 2022 (the “Decision”) on the Application;

**WHEREAS**, the Application is related to applications C 210335 ZMK (L.U. No. 23), a zoning map amendment to change an M1-1 zoning district to a C6-3A zoning district; and N 210336 ZRK (L.U. No. 24), a zoning text amendment to designate a Mandatory Inclusionary Housing (MIH) area and amend street wall regulations;

**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 March 8, 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 September 20<sup>th</sup>, 2021 (CEQR No. 21DCP146K), which includes an (E) designation to avoid the potential for significant adverse impacts related to hazardous materials, air quality, and noise impacts (E-642) (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-642) 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 210260 ZSK, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission.

1. The property that is the subject of this application (C 210260 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 Archimaera Architects filed with this application and incorporated in this resolution:

<u>Drawing No.</u>	<u>Title</u>	<u>Last Date Revised</u>
Dwg No. 9	Zoning Analysis and Site Plan	02/10/2022

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, *Chairperson*; FRANCISCO P. MOYA, CARLINA RIVERA, FARAH N. LOUIS, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, ERIK D. BOTTCHER, KAMILLAH HANKS, ARI KAGAN, SHEKAR KRISHNAN, PIERINA ANA SANCHEZ, JOSEPH C. BORELLI; 12-0-0; *Absent*: Darlene Mealy; Committee on Land Use, April 12, 2022 (Remote Hearing). *Other Council Members Attending: Barron.*

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. 29 & Res. No. 149

**Report of the Committee on Land Use in favor of approving, as modified, Application No. C 210031 ZMK (Sutter Avenue Rezoning) submitted by Almonte Lincoln, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 17c and 18a, changing from an R5 District to an R6A District and establishing within the proposed R6A District a C2-4 District, Borough of Brooklyn, Community District 5, Council District 42.**

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

#### **REPORTS:**

#### **SUBJECT**

#### **BROOKLYN CB-5 – TWO APPLICATIONS RELATED TO SUTTER AVENUE REZONING**

#### **C 210031 ZMK (Pre. L.U. No. 29)**

City Planning Commission decision approving an application submitted by Almonte Lincoln, LLC, application pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 17c and 18a:

1. changing from an R5 District to an R6A District property bounded by a line 90 feet northerly of Sutter Avenue, Lincoln Avenue, Sutter Avenue, and Autumn Avenue; and
2. establishing within the proposed R6A District a C2-4 District bounded by a line 90 feet northerly of Sutter Avenue, Lincoln Avenue, Sutter Avenue, and Autumn Avenue;

as shown on a diagram (for illustrative purposes only) dated October 4, 2021, and subject to the conditions of CEQR Declaration E-633.

**N 210032 ZRK (Pre. L.U. No. 30)**

City Planning Commission decision approving an application submitted by Almonte Lincoln, LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area.

**INTENT**

To approve the amendment to rezone the project area from an R5 zoning district to an R6A/C2-4 zoning district and amend the zoning text to designate a Mandatory Inclusionary Housing (MIH) area with Options 1 and 2 to facilitate the construction of a new five-story mixed-use building containing 28 dwelling units, eight of which would be permanently affordable, as well as approximately 7,400 square feet of commercial floor area on the ground floor, located at 1377 Sutter Avenue (Block 4254, Lots 39 and 41) in the East New York neighborhood of Brooklyn, Community District 5.

**PUBLIC HEARING**

**DATE:** March 8, 2022

**Witnesses in Favor:** Three

**Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** April 12, 2022

The Subcommittee recommends that the Land Use Committee approve with modifications the decisions of the City Planning Commission on L.U. Nos. 29 and 30.

**In Favor:**

Riley  
Moya  
Louis  
Abreu  
Bottcher  
Hanks  
Schulman  
Carr

**Against:**

None

**Abstain:**

None

**COMMITTEE ACTION**

**DATE:** April 12, 2022

The Committee recommends that the Council approve the attached resolutions.

**In Favor:**

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

**Against:**

None

**Abstain:**

None

**FILING OF MODIFICATIONS WITH THE CITY PLANNING COMMISSION**

The City Planning Commission filed a letter dated \_\_\_\_\_, 2022, with the Council on \_\_\_\_\_, 2022, 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. 149

**Resolution approving with modifications the decision of the City Planning Commission on ULURP No. C 210031 ZMK, a Zoning Map amendment (Preconsidered L.U. No. 29).**

By Council Members Salamanca and Riley.

**WHEREAS**, Almonte Lincoln, LLC, filed an application pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 17c and 18a, changing from an R5 District to an R6A District and establishing within the proposed R6A District a C2-4 District, which in conjunction with the related action would facilitate construction of a new five-story mixed-use building containing 28 dwelling units, eight of which would be permanently affordable, as well as approximately 7,400 square feet of commercial floor area on the ground floor, located at 1377 Sutter Avenue (Block 4254, Lots 39 and 41) in the East New York neighborhood of Brooklyn, Community District 5 (ULURP No. C 210031 ZMK) (the "Application");

**WHEREAS** the City Planning Commission filed with the Council on March 4, 2022 its decision dated March 2, 2022 (the "Decision") on the Application;

**WHEREAS**, the Application is related to application N 210032 ZRK (Pre. L.U. No. 30), a zoning text amendment to designate a Mandatory Inclusionary Housing (MIH) area with Options 1 and 2;

**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 March 8, 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 October 4<sup>th</sup>, 2021 (CEQR No. 21DCP053K), which includes an (E) designation to avoid the potential for significant adverse impacts related to hazardous materials, air quality, and noise impacts (E-633) (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-633) 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 210031 ZMK incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission with the following modifications:

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 Nos. 17c and 18a:

1. changing from an R5 District to an R6A District property bounded by a line 90 feet northerly of Sutter Avenue, Lincoln Avenue, Sutter Avenue, and a line 75 feet easterly of Autumn Avenue; and
2. establishing within the proposed R6A District a C2-4 District bounded by a line 90 feet northerly of Sutter Avenue, Lincoln Avenue, Sutter Avenue, and a line 75 feet easterly of Autumn Avenue;

Borough of Brooklyn, Community District 5, as shown on a diagram (for illustrative purposes only) dated October 4, 2021, and subject to the conditions of CEQR Declaration E-633.

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, CARLINA RIVERA, FARAH N. LOUIS, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, ERIK D. BOTTCHEER, KAMILLAH HANKS, ARI KAGAN, SHEKAR KRISHNAN, PIERINA ANA SANCHEZ, JOSEPH C. BORELLI; 12-0-0; *Absent*: Darlene Mealy; Committee on Land Use, April 12, 2022 (Remote Hearing). *Other Council Members Attending*: Barron.

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. 30 &amp; Res. No. 150

**Report of the Committee on Land Use in favor of approving, as modified, Application No. N 210032 ZRK (Sutter Avenue Rezoning) submitted by Almonte Lincoln, LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area, for property located in the Borough of Brooklyn, Community District 5, Council District 42.**

The Committee on Land Use, to which the annexed Land Use item was referred on March 10, 2022 (Minutes, page 369) and which same Land Use item was coupled with the resolution shown below 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. 29 printed in the General Order Calendar 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. 150

**Resolution approving with modifications the decision of the City Planning Commission on Application No. N 210032 ZRK, for an amendment of the text of the Zoning Resolution (Preconsidered L.U. No. 30).**

By Council Members Salamanca and Riley.

**WHEREAS**, Almonte Lincoln, LLC, 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 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 new five-story mixed-use building containing 28 dwelling units, eight of which would be permanently affordable, as well as approximately 7,400 square feet of commercial floor area on the ground floor, located at 1377 Sutter Avenue (Block 4254, Lots 39 and 41) in the East New York neighborhood of Brooklyn, Community District 5 (ULURP No. N 210032 ZRK) (the “Application”);

**WHEREAS**, the City Planning Commission filed with the Council on March 4, 2022, its decision dated March 2, 2022 (the “Decision”), on the Application;

**WHEREAS**, the Application is related to application C 210031 ZMK (Pre. L.U. No. 29), a zoning map amendment to change an R5 zoning district to an R6A/C2-4 zoning district;

**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 March 8, 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 October 4<sup>th</sup>, 2021 (CEQR No. 21DCP053K), which includes an (E) designation to avoid the potential for significant adverse impacts related to hazardous materials, air quality, and noise impacts (E-633) (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-633) 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 210032 ZRK, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission with the following modifications:

Matter underlined is new, to be added;

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

Matter ~~double struck out~~ is old, deleted by the City Council;

Matter double-underlined is new, added by the City Council

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

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

**APPENDIX F**

**Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas**

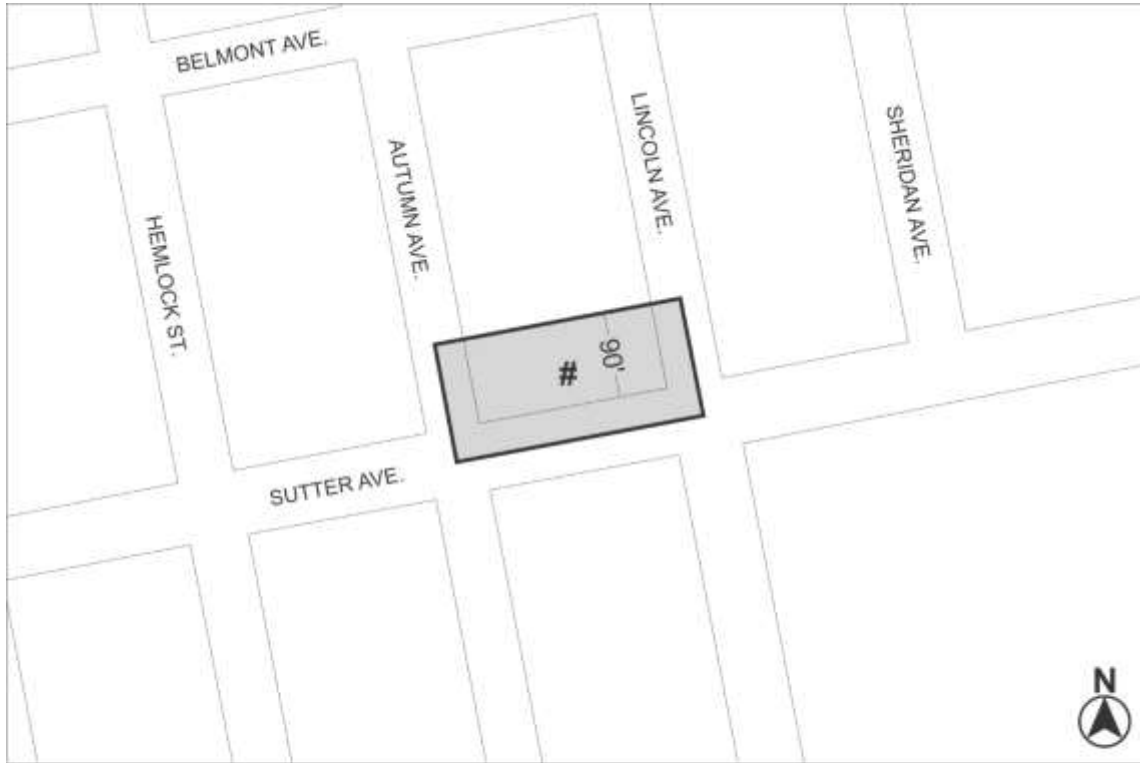
\* \* \*

**BROOKLYN**

**Brooklyn Community District 5**

\* \* \*

Map 4 – [date of adoption]

~~PROPOSED MAP~~

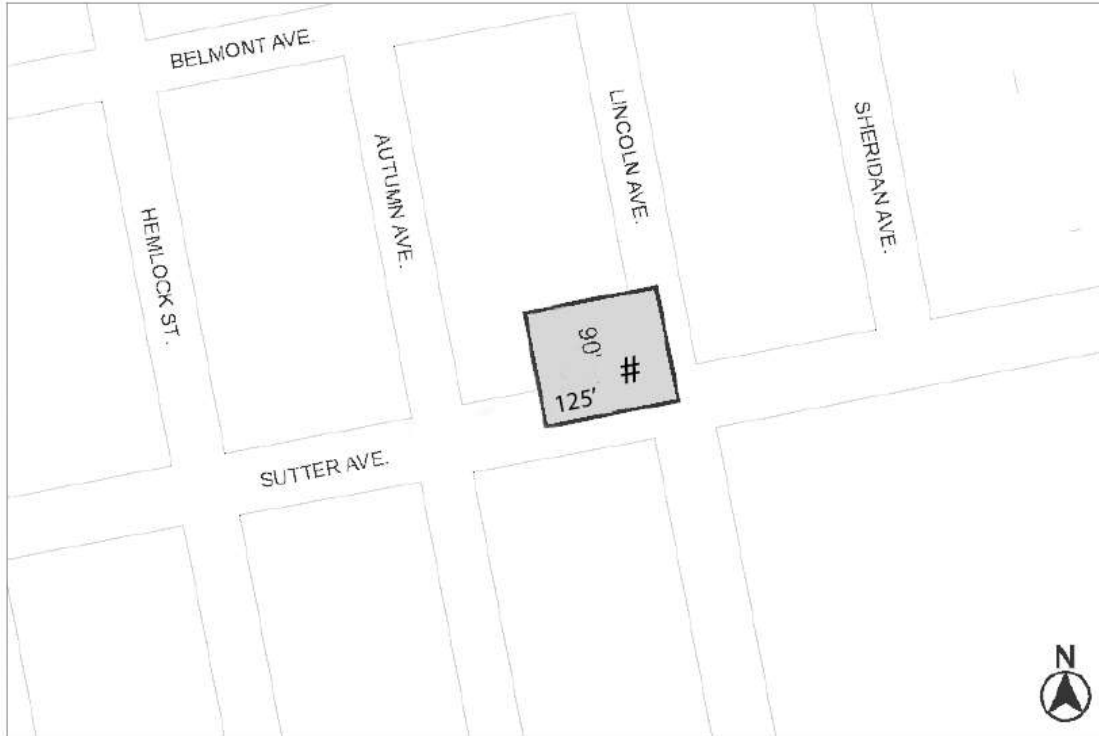
Mandatory Inclusionary Housing Area (see Section 23-154(d)(3))

Area # — [date of adoption] — MIH Program Option 1 and Option 2

Portion of Community District 5, Brooklyn

\* \* \*

## [\*MODIFIED MAP\*]



Mandatory Inclusionary Housing Area (see Section 23-154(d)(3))

Area # — [date of adoption] — MIH Program Option 1 and ~~Option 2~~ Deep Affordability Option

Portion of Community District 5, Brooklyn

\* \* \*

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, CARLINA RIVERA, FARAH N. LOUIS, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, ERIK D. BOTTCHER, KAMILLAH HANKS, ARI KAGAN, SHEKAR KRISHNAN, PIERINA ANA SANCHEZ, JOSEPH C. BORELLI; 12-0-0; *Absent*: Darlene Mealy; Committee on Land Use, April 12, 2022 (Remote Hearing). *Other Council Members Attending*: Barron.

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. 32 &amp; Res. No. 151

**Report of the Committee on Land Use in favor of approving, as modified, Application No. C 220111 ZMK (3285 Fulton Street Rezoning) submitted by MHANY Management, Inc. and Cypress Hills Local Development Corporation, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 17c, eliminating from within an existing R5 District a C2-3 District, changing from an R5 District to an R7A District, establishing within the proposed R7A District a C2-4 District, and establishing a Special Enhanced Commercial District (EC-6), Borough of Brooklyn, Community District 5, Council District 37.**

The Committee on Land Use, to which the annexed Land Use item was referred on March 24, 2022 (Minutes, page 488) 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-5 – TWO APPLICATIONS RELATED TO 3285 FULTON STREET REZONING****C 220111 ZMK (Pre. L.U. No. 32)**

City Planning Commission decision approving an application submitted by MHANY Management, Inc. and Cypress Hills Local Development Corporation, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 17c:

1. eliminating from within an existing R5 District a C2-3 District bounded by a line 150 feet northerly of Fulton Street, Pine Street, Fulton Street, and Euclid Avenue - Father John Kreg Place;
2. changing from an R5 District to an R7A District property bounded by a line 100 feet northerly of Fulton Street, Pine Street, Fulton Street, and Euclid Avenue - Father John Kreg Place;
3. establishing within the proposed R7A District a C2-4 District bounded by a line 100 feet northerly of Fulton Street, Pine Street, Fulton Street, and Euclid Avenue - Father John Kreg Place; and
4. establishing a Special Enhanced Commercial District (EC-6) bounded by a line 100 feet northerly of Fulton Street, Pine Street, Fulton Street, and Euclid Avenue – Father John Kreg Place

as shown on a diagram (for illustrative purposes only) dated November 1, 2021, and subject to the conditions of CEQR Declaration E-654.

**N 220112 ZRK (Pre. L.U. No. 33)**

City Planning Commission decision approving an application submitted by MHANY Management, Inc. and Cypress Hills Local Development Corporation, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Article XIII, Chapter 2 (Special Enhanced Commercial District), and modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing Area.

**INTENT**

To approve the amendment to rezone the project area from an R5/C2-3 zoning district to a R7A/C2-4 and R5 zoning districts; and amend the zoning text to extend a Special Enhanced Commercial District and to designate a Mandatory Inclusionary Housing (MIH) area to facilitate the development of a new seven-story 19,700-square-foot mixed-use building containing 27 affordable independent residences for seniors (AIRS) units and approximately 4,800 square feet of community facility floor area located at 3285 Fulton Street in the East New York neighborhood of Brooklyn, Community District 5.

**PUBLIC HEARING**

**DATE:** March 21, 2022

**Witnesses in Favor:** Four

**Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** April 12, 2022

The Subcommittee recommends that the Land Use Committee approve with modifications the decision of the City Planning Commission on Pre. L.U. Nos. 32 and 33.

**In Favor:**

Riley  
Moya  
Louis  
Abreu  
Bottcher  
Hanks  
Schulman  
Carr

**Against:**

None

**Abstain:**

None

**COMMITTEE ACTION**

**DATE:** April 12, 2022

The Committee recommends that the Council approve the attached resolutions.

**In Favor:**

Salamanca  
Moya  
Rivera  
Louis  
Riley

**Against:**

None

**Abstain:**

None

Brooks-Powers  
 Bottcher  
 Hanks  
 Kagan  
 Krishnan  
 Sanchez  
 Borelli

**FILING OF MODIFICATIONS WITH THE CITY PLANNING COMMISSION**

The City Planning Commission filed a letter dated \_\_\_\_\_, 2022, with the Council on \_\_\_\_\_, 2022, 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. 151

**Resolution approving with modifications the decision of the City Planning Commission on ULURP No. C 220111 ZMK, a Zoning Map amendment (Preconsidered L.U. No. 32).**

By Council Members Salamanca and Riley.

**WHEREAS**, MHANY Management, Inc. and Cypress Hills Local Development Corporation, 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. 17c, eliminating from within an existing R5 District a C2-3 District, changing from an R5 District to an R7A District, establishing within the proposed R7A District a C2-4 District, and establishing a Special Enhanced Commercial District (EC-6), which in conjunction with the related action would facilitate the development of a new seven-story 19,700-square-foot mixed-use building containing 27 affordable independent residences for seniors (AIRS) units and approximately 4,800 square feet of community facility floor area located at 3285 Fulton Street in the East New York neighborhood of Brooklyn, Community District 5 (ULURP No. C 220111 ZMK) (the "Application");

**WHEREAS**, the City Planning Commission filed with the Council on March 18, 2022 its decision dated March 16, 2022 (the "Decision") on the Application;

**WHEREAS**, the Application is related to application N 220112 ZRK (Pre. L.U. No. 33), a zoning text amendment to extend a Special Enhanced Commercial District and to designate a Mandatory Inclusionary Housing (MIH) area;

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

**WHEREAS**, upon due notice, the Council held a public hearing on the Decision and Application on March 21, 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 November 1<sup>st</sup>, 2021 (CEQR No. 21DCP198K), which includes an (E) designation to avoid

the potential for significant adverse impacts related to hazardous materials, air quality and noise (E-654) (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-654) 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 220111 ZMK incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission with the following modifications:

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.17c:

1. eliminating from within an existing R5 District a C2-3 District bounded by a line 150 feet northerly of Fulton Street, ~~Pine Street~~ a line 70 feet easterly of Euclid Avenue – Father Kreg Place, Fulton Street, and Euclid Avenue - Father John Kreg Place;
2. changing from an R5 District to an R7A District property bounded by a line 100 feet northerly of Fulton Street, ~~Pine Street~~ a line 70 feet easterly of Euclid Avenue – Father Kreg Place, Fulton Street, and Euclid Avenue - Father John Kreg Place; and
3. establishing within the proposed R7A District a C2-4 District bounded by a line 100 feet northerly of Fulton Street, ~~Pine Street~~ a line 70 feet easterly of Euclid Avenue – Father John Kreg Place, Fulton Street, and Euclid Avenue - Father John Kreg Place; and
4. ~~establishing a Special Enhanced Commercial District (EC 6) bounded by a line 100 feet northerly of Fulton Street, Pine Street, Fulton Street, and Euclid Avenue – Father John Kreg Place~~

as shown on a diagram (for illustrative purposes only) dated November 1, 2021, and subject to the conditions of CEQR Declaration E-654.

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, CARLINA RIVERA, FARAH N. LOUIS, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, ERIK D. BOTTCHER, KAMILLAH HANKS, ARI KAGAN, SHEKAR KRISHNAN, PIERINA ANA SANCHEZ, JOSEPH C. BORELLI; 12-0-0; *Absent*: Darlene Mealy; Committee on Land Use, April 12, 2022 (Remote Hearing). *Other Council Members Attending*: Barron.

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. 33 &amp; Res. No. 152

**Report of the Committee on Land Use in favor of approving, as modified, Application No. N 220112 ZRK (3285 Fulton Street Rezoning) submitted by MHANY Management, Inc. and Cypress Hills Local Development Corporation, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Article XIII, Chapter 2 (Special Enhanced Commercial District), and modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of Brooklyn, Community District 5, Council District 37.**

The Committee on Land Use, to which the annexed Land Use item was referred on March 24, 2022 (Minutes, page 488) 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. 32 printed in the General Order Calendar 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. 152

**Resolution approving with modifications the decision of the City Planning Commission on Application No. N 220112 ZRK, for an amendment of the text of the Zoning Resolution (Preconsidered L.U. No. 33).**

By Council Members Salamanca and Riley.

**WHEREAS**, MHANY Management, Inc. and Cypress Hills Local Development Corporation, 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 XIII, Chapter 2 (Special Enhanced Commercial District), and modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing Area, which in conjunction with the related action would facilitate the development of a new seven-story, 19,700-square-foot mixed-use building containing 27 affordable independent residences for senior dwelling units and approximately 2,750 square feet of community facility floor area located at 3285 Fulton Street in the East New York neighborhood of Brooklyn, Community District 5 (ULURP No. N 220112 ZRK) (the "Application");

**WHEREAS** the City Planning Commission filed with the Council on March 18, 2022 its decision dated March 16, 2022 (the "Decision") on the Application;

**WHEREAS**, the Application is related to application C 220111 ZMK (Pre. L.U. No. 32), a zoning map amendment to change an R5/C2-3 zoning district to a R7A/C2-4 and R5 zoning districts;

**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 March 21, 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 November 1<sup>st</sup>, 2021 (CEQR No. 21DCP198K), which includes an (E) designation to avoid the potential for significant adverse impacts related to hazardous materials, air quality and noise (E-654) (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-654) 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 220112 ZRK, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission with the following modifications:

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 XIII  
SPECIAL PURPOSE DISTRICTS**

**Chapter 2  
Special Enhanced Commercial District (EC)**

\* \* \*

**132-10  
GENERAL PROVISIONS**

\* \* \*

**132-11  
Special Enhanced Commercial Districts Specified**

The #Special Enhanced Commercial District# is mapped in the following areas:

\* \* \*

(f) #Special Enhanced Commercial District# 6

The #Special Enhanced Commercial District# 6 (EC-6) is established on April 20, 2016, on the following #designated commercial streets# as indicated on zoning map 17c:

- (1) Fulton Street, in the Borough of Brooklyn, between Sheffield Avenue and Euclid Avenue  
~~Pine Street.~~

\* \* \*

**APPENDIX F****Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas**

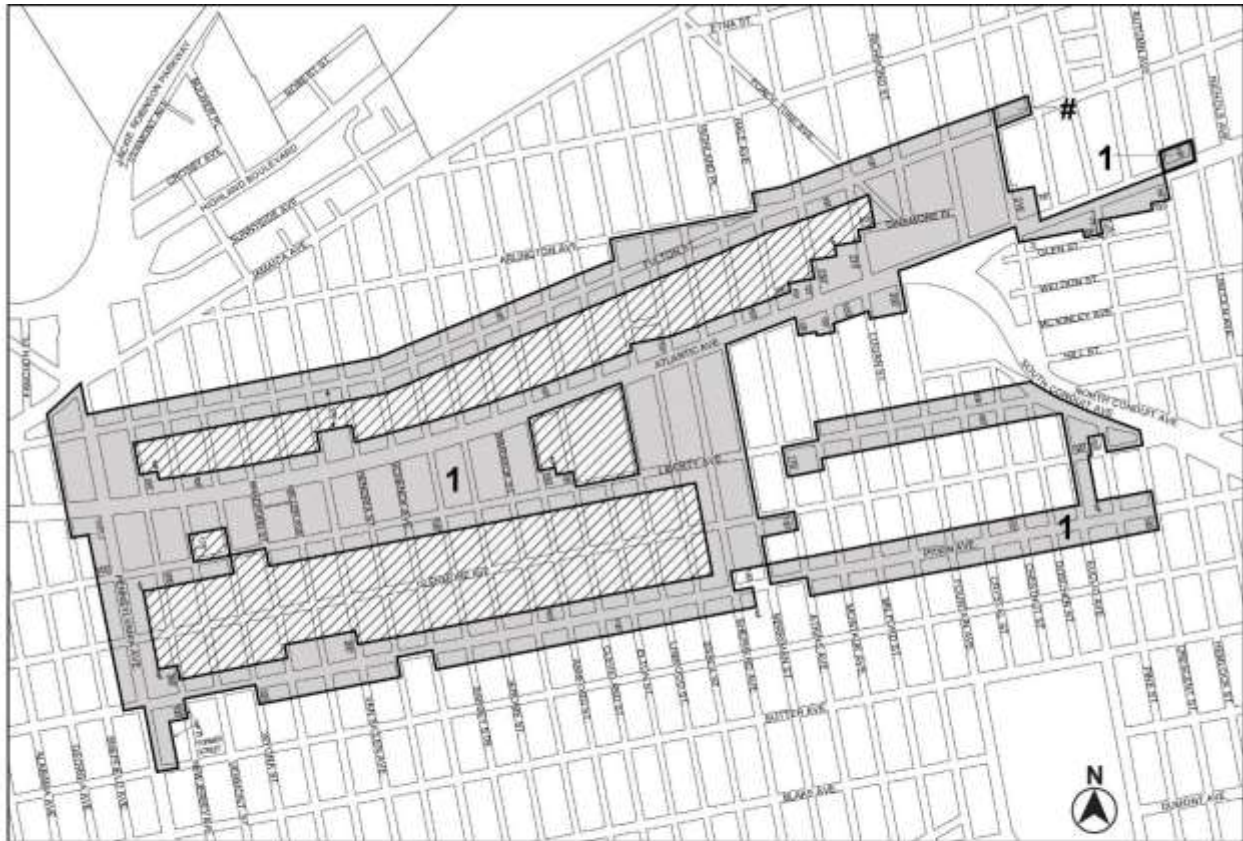
\* \* \*

**BROOKLYN**

\* \* \*

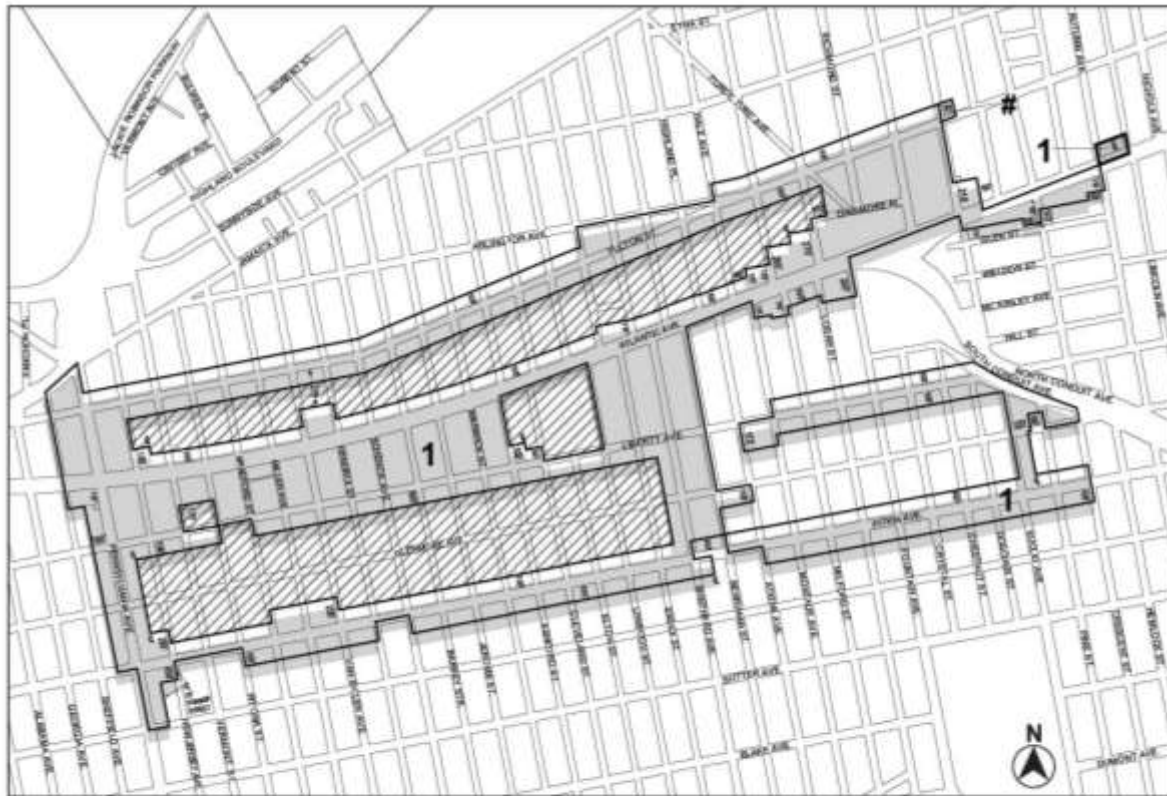
**Brooklyn Community District 5**

Map 1 [March 16th, 2022]

~~PROPOSED MAP~~

- Mandatory Inclusionary Housing Program Area *see Section 23-154(d)(3)*  
 Area 1 – 4/20/16 MIH Program Option 1 and Deep Affordability Option  
 Area # – [date of adoption] MIH Program Options 1 and 2
- Excluded area

[\*MODIFIED MAP\*]



- Mandatory Inclusionary Housing Program Area *see Section 23-154(d)(3)*  
 Area 1 – 4/20/16 MIH Program Option 1 and Deep Affordability Option  
 Area #– [date of adoption] MIH Program Options 1 and 2 Deep Affordability Option  
 Excluded area

Portion of Community District 5, Brooklyn

\* \* \*

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, CARLINA RIVERA, FARAH N. LOUIS, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, ERIK D. BOTTCHER, KAMILLAH HANKS, ARI KAGAN, SHEKAR KRISHNAN, PIERINA ANA SANCHEZ, JOSEPH C. BORELLI; 12-0-0; *Absent*: Darlene Mealy; Committee on Land Use, April 12, 2022 (Remote Hearing). *Other Council Members Attending*: Barron.

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) <b>Int 14-A -</b>               | Including the most recent data available in the citywide M/WBE disparity study.  |
| (2) <b>Int 47 -</b>                 | Establishment of the Castle Hill business improvement district.  |
| (3) <b>Int 73 -</b>                 | Establishment of the West Village business improvement district.   |
| (4) <b>Int 134-A -</b>              | The employers required to post minimum and maximum salary information.   |
| (5) <b>Res 142 -</b>                | New Providence Redevelopment, Borough of Manhattan, Community District 6. (G220014CCM).  |
| (6) <b>L.U. 16 –</b>                | <b>App. C 210213 ZMQ (97-04 Sutphin Boulevard Rezoning Borough of Queens, Community District 3, Council District 28 (Coupled to be Filed).</b>                       |
| (7) <b>L.U. 17 –</b>                | <b>App. N 210214 ZRQ (97-04 Sutphin Boulevard Rezoning) Borough of Queens, Community District 3, Council District 28 (Coupled to be Filed).</b>                      |
| (8) <b>L.U. 18 -</b>                | <b>App. C 220131 PSM (NEW PROVIDENCE REDEVELOPMENT - 225 EAST 45TH STREET) Borough of Manhattan, Community District 6, Council District 4 (Coupled to be Filed).</b> |
| (9) <b>L.U. 19 -</b>                | <b>App. C 220132 HAM (NEW PROVIDENCE REDEVELOPMENT - 225 EAST 45TH STREET) Borough of Manhattan, Community District 6, Council District 4 (Coupled to be Filed).</b> |
| (10) <b>L.U. 20 &amp; Res 143 -</b> | <b>App. C 210386 ZMK (1034 – 1042 ATLANTIC AVENUE RE-ZONING) Borough of Brooklyn, Community District 8, Council District 35.</b>                                     |

- (11) **L.U. 21 & Res 144 -** App. N **210387 ZRK (1034 – 1042 ATLANTIC AVENUE RE-ZONING)** Borough of Brooklyn, Community District 8, Council District 35.
- (12) **L.U. 22 & Res 145 -** App. C **210379 ZSK (1034 – 1042 ATLANTIC AVENUE RE-ZONING)** Borough of Brooklyn, Community District 8, Council District 35.
- (13) **L.U. 23 & Res 146 -** App. C **210335 ZMK (870 - 888 ATLANTIC AVENUE RE-ZONING)** Borough of Brooklyn, Community District 8, Council District 35.
- (14) **L.U. 24 & Res 147 -** App. N **210336 ZRK (870 - 888 ATLANTIC AVENUE RE-ZONING)** Borough of Brooklyn, Community District 8, Council District 35.
- (15) **L.U. 25 & Res 148 -** App. C **210260 ZSK (870 - 888 ATLANTIC AVENUE RE-ZONING)** Borough of Brooklyn, Community District 8, Council District 35.
- (16) **L.U. 29 & Res 149 -** App. C **210031 ZMK (Sutter Avenue Rezoning)** Borough of Brooklyn, Community District 5, Council District 42.
- (17) **L.U. 30 & Res 150 -** App. N **210032 ZRK (Sutter Avenue Rezoning)** Borough of Brooklyn, Community District 5, Council District 42.
- (18) **L.U. 32 & Res 151 -** App. C **220111 ZMK (3285 Fulton Street Rezoning)** Borough of Brooklyn, Community District 5, Council District 37.
- (19) **L.U. 33 & Res 152 -** App. N **220112 ZRK (3285 Fulton Street Rezoning)** Borough of Brooklyn, Community District 5, Council District 37.

- (20) L.U. 35 & Res 138 - App. C 210098 ZMK (1220 Avenue P Rezoning) Borough of Brooklyn, Community District 15, Council District 48.
- (21) L.U. 36 & Res 139 - App. N 210099 ZRK (1220 Avenue P Rezoning) Borough of Brooklyn, Community District 15, Council District 48.
- (22) L.U. 37 & Res 140 - App. C 210321 ZMX (Our Lady of Pity-272 East 151st Street Rezoning) Borough of the Bronx, Community District 1, Council District 17.
- (23) L.U. 38 & Res 141- App. N 210322 ZRX (Our Lady of Pity-272 East 151st Street Rezoning) Borough of the Bronx, Community District 1, Council District 17.
- (24) L.U. 43 & Res 137 - 13-12 Beach Channel Drive; Block 15528, Lots 5, 6, and 9; Queens, Community District No. 14, Council District No. 31.

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

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

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

The following was the vote recorded for **Int. Nos. 47 and 73**:

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

**Negative** – Yeger - **1**.

The following was the vote recorded for **Int. No. 134-A**:

**Affirmative** – Abreu, Ariola, Avilés, Ayala, Barron, Bottcher, Brannan, Brewer, Brooks-Powers, Cabán, De La Rosa, Dinowitz, Farías, Feliz, Gutiérrez, Hanif, Hanks, Hudson, Joseph, Krishnan, Lee, Louis, Marte, Mealy, Menin, Moya, Narcisse, Nurse, Ossé, Restler, Richardson Jordan, Riley, Rivera, Salamanca, Sanchez, Shulman, Stevens, Ung, Velázquez, Williams, Won, the Majority Leader (Council Member Powers) and the Speaker (Council Member Adams) - **43**.

**Negative** – Carr, Gennaro, Holden, Kagan, Paladino, Vernikov, Yeger, and the Minority Leader (Council Member Borelli) – **8**.

The following was the **vote to file** recorded for **L.U. Nos. 18 and 19**:

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

**Negative** – Barron - **1**.

The following was the vote recorded for **L.U. No. 20 & Res. No. 143; L.U. No. 21 & Res. No. 144; L.U. No. 22 & Res. No. 145; L.U. No. 23 & Res. No. 146; L.U. No. 24 & Res. No. 147; and L.U. No. 25 & Res. No. 148**:

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

**Negative** – Barron - **1**.

**Abstain** – Ossé - **1**.



The following was the vote recorded for **Preconsidered L.U. No. 43 & Res. No. 137**:

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

**Negative** – Barron - **1**.

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

*Int. Nos. 14-A, 47, 73 and 134-A*

## RESOLUTIONS

*Presented for voice-vote*

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

Report for voice-vote item Res. No. 84-A

**Report of the Committee on Immigration in favor of approving, as amended, a Resolution calling on the State Legislature to pass, and the Governor to sign, A.880A/S.1572A, to provide coverage for health care services under the basic health program for individuals whose immigration status renders them ineligible for federal financial participation.**

The Committee on Immigration, to which the annexed amended resolution was referred on March 24, 2022 (Minutes, page 449), respectfully

### REPORTS:

#### I. Introduction

On April 27, 2022, the Committee on Immigration, chaired by Council Member Shahana Hanif, held a vote on Res. No. 84-A and Res. No. 112, both sponsored by Council Member Hanif. The Committee previously held a joint hearing with the Committees on Hospitals and Health, and Subcommittee on COVID Recovery and Resiliency on these resolutions on April 18, 2022. At that hearing the Committee received testimony from representatives from the Mayor's Office of Immigrant Affairs and other City agencies, as well as advocates and other interested members of the public. Both resolutions passed with 7 votes in the affirmative, 0 votes in the negative, and 0 abstentions.

#### II. Res. No. 84-A: Coverage for All Act (A.880A/S.1572A)

The enactment of the Affordable Care Act in 2010 significantly reduced the number of uninsured New Yorkers. However, about 600,000 New York City residents are still uninsured.<sup>1</sup> Of those individuals, many are likely undocumented, based on data and the lack of availability of insurance options for this population. According to a 2018 report from the Mayor's Office of Immigrant Affairs, there are an estimated 560,000 undocumented individuals in New York City.<sup>2</sup> Approximately 96 percent of U.S.-born New Yorkers have health insurance, compared to only 78 percent of non-citizen New Yorkers.<sup>3</sup> Additionally, only 54 percent of undocumented immigrants have health insurance compared to 93 percent of New York City's total population.<sup>4</sup> Utilizing a 2018 estimate, this means about 257,600 people who are undocumented are uninsured. The lack of health insurance often means that uninsured adults do not see a doctor or health care professional and obtain

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<sup>1</sup> New York City Mayor's Office, *Mayor de Blasio Unveils NYC Care Card, Details Progress Toward Launch of Guaranteed Health Care*, May 7, 2019, available at <https://www1.nyc.gov/office-of-the-mayor/news/239-19/mayor-de-blasio-nyc-care-card-details-progress-toward-launch-guaranteed-health-care#/0>

<sup>2</sup> Mayor's Office of Immigrant Affairs, *State of Our Immigrant City*, Annual Report March 2018, available at [https://www1.nyc.gov/assets/immigrants/downloads/pdf/moia\\_annual\\_report\\_2018\\_final.pdf](https://www1.nyc.gov/assets/immigrants/downloads/pdf/moia_annual_report_2018_final.pdf)

<sup>3</sup> Mayor's Office of Immigrant Affairs, *State of Our Immigrant City*, Annual Report, 2020, available at <https://www1.nyc.gov/assets/immigrants/downloads/pdf/MOIA-Annual-Report-for-2020.pdf>

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

needed prescriptions due to cost.<sup>5</sup> This has serious health consequences, such as delayed diagnoses<sup>6</sup> and an increased risk of death.

The COVID-19 pandemic shows how important it is for uninsured immigrant New Yorkers to have access to quality affordable healthcare. Data on immigrant New Yorkers indicates that immigrant communities are at higher risk of COVID-19 exposure and poorer health outcomes than their U.S.-born counterparts, due to higher rates of crowded living arrangements, higher rates of poverty, and generally lower educational attainment and lower health insurance rates.<sup>7</sup>

Res. No. 84-A calls on the New York State Legislature to pass the Coverage for All Act (A.880A/S.1572A), which would allow undocumented individuals who are ineligible for federal financial participation, with household income below 200% of the federal poverty line, to purchase health insurance under the state-funded Essential Health Plan. The bill would also require eligible individuals to pay a small premium to contribute to their own coverage. While the bill is expected to cost \$345 million to expand coverage to uninsured immigrant New Yorkers, the expansion will save in emergency Medicaid spending on this same population. With roughly 154,000 immigrant New Yorkers uninsured because of their immigration status, the expansion of health care coverage would further drive down the state's uninsured rate while offering access to quality affordable healthcare to all New Yorkers regardless of immigration status.

### **III. Res. No. 112: New York for All Act (A.2328A/S.3076A)**

The City Council passed two legislative packages in 2014 and 2017 to restrict discovery and disclosure of immigration status information and coordination with federal immigration enforcement. This was part of the Council's effort to end the entanglement between federal immigration enforcement and local law enforcement. However, immigrant New Yorkers interact with State agencies and State law enforcement out of necessity. As it stands, existing State laws can expose immigrant New Yorkers to federal immigration enforcement, which erodes trust in government and can decrease willingness to report crimes witnessed, cooperate in investigations and access critical government services.

Res. 112 calls on the New York State Legislature to pass the New York for All Act (A.2328A/S.3076A), which broadly prohibits state and local officers from enforcing federal immigration laws, funneling people into Immigration and Customs Enforcement (ICE) custody, and sharing information with federal immigration authorities; it also prohibits ICE and Customs and Border Protection (CBP) from entering non-public areas of state and local property without a judicial warrant; ensures people in custody are given notice of their rights before being interviewed by ICE; and starts the process of limiting ICE and CBP access to state information databases

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

**(The following is the text of Res. No. 84-A:)**

<sup>5</sup> J. Tolbert, K. Orgera, & A. Damico, *Key Facts about the Uninsured Population*, Kaiser Family Foundation, November 6, 2020, available at <https://www.kff.org/uninsured/fact-sheet/key-facts-about-the-uninsured-population/>

<sup>6</sup> Primary Care Development Corporation, *Primary Care Access and Equity in New York City's Council Districts: a special report on COVID-19*, 2021, available at <https://www.pcdc.org/wp-content/uploads/FY-2021-NY-City-Council-Access-Equity-Report-1.pdf>

<sup>7</sup> Mayor's Office of Immigrant Affairs, *2019 Annual Report* (March 2020), <https://www1.nyc.gov/site/immigrants/about/annual-report.page>.

## Res. No. 84-A

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

By Council Members Hanif, Abreu, Moya, Schulman, Lee, Hudson, Brewer, Ung, Stevens, Brannan, Won, Restler, Avilés, Brooks-Powers, Menin, Joseph, Narcisse, Krishnan, Nurse, Dinowitz, De La Rosa, Ossé, Sanchez and Bottcher.

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

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

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

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

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

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

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

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

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

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

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

**Whereas**, New York State's FY 2023 enacted budget expanded health coverage for those who are undocumented, yet only if they are over 65 years old; and

**Whereas**, The state will also expand postpartum coverage for all individuals eligible for Medicaid while pregnant, including all immigrants, from 60 days to one year after they give birth; and

**Whereas**, This is not sufficient enough, and access to healthcare is an inherent human right; and

**Whereas**, New York State must ensure health care is accessible for all New Yorkers, regardless of immigration status and age; now, therefore, be it

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

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

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

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

Adopted by the Council by voice-vote.

Report for voice-vote item Res. No. 112

**Report of the Committee on Immigration in favor of approving a Resolution calling on the New York State Legislature to pass, and the Governor to sign, the New York for All Act (A.2328-A / S.3076-A), which would prohibit and regulate the discovery and disclosure of immigration status by New York state and local government entities.**

The Committee on Immigration, to which the annexed resolution was referred on April 14, 2022 (Minutes, page 573), respectfully

#### **REPORTS:**

**(For text of report, please see the Report of the Committee on Immigration for Res. No. 84-A printed above in this voice-vote Resolutions Calendar section of these Minutes)**

*Accordingly, this Committee recommends its adoption.*

**(The following is the text of Res. No. 112:)**

Res. No. 112

**Resolution calling on the New York State Legislature to pass, and the Governor to sign, the New York for All Act (A.2328-A / S.3076-A), which would prohibit and regulate the discovery and disclosure of immigration status by New York state and local government entities.**

By Council Member Hanif, the Public Advocate (Mr. Williams) and Council Members Narcisse, Krishnan, Cabán, Restler, Nurse, Dinowitz, Avilés, De La Rosa, Ossé and Sanchez.

**Whereas**, Immigrants make up almost a quarter of New York state's population and account for 37 percent of New York City's population; and

**Whereas**, Immigrant New Yorkers are valuable members of our communities, contributing over \$61 billion in federal and state taxes in 2019; and

**Whereas**, Immigrants in New York City make up more than 50 percent of all individuals working on COVID-19 frontlines since the very first outbreak in 2020; and

**Whereas**, In recent years, New York State has made strides to be more inclusive to its foreign born residents, passing laws that extended driver's license eligibility to residents, regardless of immigration status, provided tuition assistance for undocumented New Yorkers, and investing in deportation defense programs such as the Liberty Defense Fund, mirroring similar programs in New York City; and

**Whereas**, State and municipal policies throughout New York that require and retain immigration status information can, however, unnecessarily expose immigrant New Yorkers to federal immigration enforcement; and

**Whereas**, Entanglement between federal immigration enforcement and local and state entities erodes trust between immigrant communities and local authorities, which can decrease willingness to report crimes witnessed, cooperate in investigations and access critical government services; and

**Whereas,** Research from the Center for American Progress published in 2017 showed that counties that restrict local interactions with ICE had lower crimes rates while experiencing higher median household incomes, lower unemployment and lower poverty rates; and

**Whereas,** A 2020 comparative study from the Stanford University Department of Political Science found that counties that disentangled local authorities from federal immigration enforcement; experienced decreased deportations without increases in crime and

**Whereas,** In 2021, New York State Assemblymember Karines Reyes and Senator Julia Salazar introduced the New York for All Act (A.2328-A / S.3076-A), which prohibits the discovery and disclosure of immigration status by state entities, including law enforcement; and

**Whereas,** The Act additionally directs municipalities throughout the state to prohibit the discovery and disclosure of such information; and

**Whereas,** The Act requires reporting to the State Attorney General's office, to be made publicly available, of every communication between federal immigration enforcement and state and local government entities; and

**Whereas,** The Act would require ICE to present a judicial warrant in order to access non-public areas of government property and require local jails to inform detained individuals of their rights related to ICE, including the right to decline an interview with ICE and to seek counsel; and

**Whereas,** In 2014 and 2017, New York City Council passed two packages of legislation that restricted the discovery and disclosure of immigration status information and the coordination with federal immigration enforcement, in an effort to end unchecked entanglement between federal immigration enforcement and local law enforcement; and

**Whereas,** Immigrant New Yorkers necessarily interact with State agencies and state law enforcement as residents of New York City, and deserve to be treated with dignity and respect; and

**Whereas,** Immigrant New Yorkers should not be held to different standards depending on the city or state agency with which they interact, regardless of immigration status; and

**Whereas,** Passage of the New York for All Act would distinguish New York State, joining ranks with other such states as California and Washington, in protecting all immigrant residents; 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, the New York for All Act (A.2328-A / S.3076-A), which would prohibit and regulate the discovery and disclosure of immigration status by New York state and local government entities.

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

The following 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).

The following Council Member formally **abstained** from voting on this item:

Council Member Kagan.

Adopted by the Council by voice-vote.

## INTRODUCTION AND READING OF BILLS

Int. No. 209

By Council Members Abreu, Restler, Hanif, Hudson, Sanchez, Stevens, Won, Schulman, Kagan, Ung, Barron, Ossé, Richardson Jordan, Cabán, Louis, Ayala, Narcisse, Krishnan, Rivera, Williams and Riley.

**A Local Law to amend the administrative code of the city of New York, in relation to prohibiting discrimination on the basis of a person's height or weight in opportunities of employment, housing, and access to public accommodations**

*Be it enacted by the Council as follows:*

Section 1. Section 8-101 of the administrative code of the city of New York, as amended by local law number 20 for the year 2019, is amended to read as follows:

§ 8-101 Policy.

In the city of New York, with its great cosmopolitan population, there is no greater danger to the health, morals, safety and welfare of the city and its inhabitants than the existence of groups prejudiced against one another and antagonistic to each other because of their actual or perceived differences, including those based on race, color, creed, age, national origin, alienage or citizenship status, gender, sexual orientation, disability, marital status, partnership status, caregiver status, sexual and reproductive health decisions, uniformed service, *height, weight*, any lawful source of income, status as a victim of domestic violence or status as a victim of sex offenses or stalking, whether children are, may be or would be residing with a person or conviction or arrest record. The council hereby finds and declares that prejudice, intolerance, bigotry, and discrimination, bias-related violence or harassment and disorder occasioned thereby threaten the rights and proper privileges of its inhabitants and menace the institutions and foundation of a free democratic state. The council further finds and declares that gender-based harassment threatens the terms, conditions and privileges of employment. A city agency is hereby created with power to eliminate and prevent discrimination from playing any role in actions relating to employment, public accommodations, and housing and other real estate, and to take other actions against prejudice, intolerance, bigotry, discrimination, sexual harassment and bias-related violence or harassment as herein provided; and the commission established hereunder is hereby given general jurisdiction and power for such purposes.

§ 2. Paragraphs (a), (b), (c) and (d) of subdivision 1 of section 8-107 of the administrative code of the city of New York, as amended by local law number 20 for the year 2019, are amended to read as follows:

1. Employment. It shall be an unlawful discriminatory practice:

(a) For an employer or an employee or agent thereof, because of the actual or perceived age, race, creed, color, national origin, gender, disability, marital status, partnership status, caregiver status, sexual and reproductive health decisions, sexual orientation, uniformed service, *height, weight* or alienage or citizenship status of any person:

- (1) To represent that any employment or position is not available when in fact it is available;
- (2) To refuse to hire or employ or to bar or to discharge from employment such person; or
- (3) To discriminate against such person in compensation or in terms, conditions or privileges of employment.

(b) For an employment agency or an employee or agent thereof to discriminate against any person because of such person's actual or perceived age, race, creed, color, national origin, gender, disability, marital status, partnership status, caregiver status, sexual and reproductive health decisions, sexual orientation, uniformed service, *height, weight* or alienage or citizenship status in receiving, classifying, disposing or otherwise acting upon applications for its services, including by representing to such person that any employment or position is not available when in fact it is available, or in referring an applicant or applicants for its services to an employer or employers.

(c) For a labor organization or an employee or agent thereof, because of the actual or perceived age, race, creed, color, national origin, gender, disability, marital status, partnership status, caregiver status, sexual and reproductive health decisions, sexual orientation, uniformed service, *height, weight* or alienage or citizenship status of any person, to exclude or to expel from its membership such person, to represent that membership is

not available when it is in fact available, or to discriminate in any way against any of its members or against any employer or any person employed by an employer.

(d) For any employer, labor organization or employment agency or an employee or agent thereof to declare, print or circulate or cause to be declared, printed or circulated any statement, advertisement or publication, or to use any form of application for employment or to make any inquiry in connection with prospective employment, which expresses, directly or indirectly, any limitation, specification or discrimination as to age, race, creed, color, national origin, gender, disability, marital status, partnership status, caregiver status, sexual and reproductive health decisions, sexual orientation, uniformed service, *height, weight* or alienage or citizenship status, or any intent to make any such limitation, specification or discrimination.

§ 3. Subdivision 1 of section 8-107 of the administrative code of the city of New York is amended by adding new paragraphs g and h to read as follows:

*(g) Bona fide occupational qualification" (1) As used in this subdivision, the term "bona fide occupational qualification" means only those vocational qualifications that are reasonably necessary to the normal operation of the particular business, enterprise, or apprentice or other training program.*

*(2) Notwithstanding any other provision of this subdivision and subdivision 2 of this section, it shall not be an unlawful employment practice for an employer to hire and employ employees, for an employment agency to classify, or refer for employment any individual, for a labor organization to classify its membership or to classify or refer for employment any individual, or for an employer, labor organization, or joint labor management committee controlling apprenticeship or other training or retraining programs to admit or employ any individual in any such program, based on height or weight requirements in those certain instances where height or weight is a bona fide occupational qualification.*

*(3) If a covered entity asserts that an otherwise unlawful practice is justified as a permissible bona fide occupational qualification, that party shall have the burden of proving:*

*(A) That the alleged discriminatory practice is in fact a necessary result of a bona fide occupational qualification; and*

*(B) That there exists no less discriminatory means of satisfying the occupational qualification.*

*(h) Nothing in this subdivision shall be interpreted or applied so as to create any requirement, power, or duty in conflict with any federal or state law.*

§ 4. Paragraphs b, c, and d of subdivision 2 of section 8-107 of the administrative code of the city of New York, as amended by local law number 20 for the year 2019, is amended to read as follows:

(b) To deny to or withhold from any person because of such person's actual or perceived race, creed, color, national origin, gender, age, disability, marital status, partnership status, sexual and reproductive health decisions, sexual orientation, uniformed service, *height, weight*, alienage or citizenship status or status as a victim of domestic violence or as a victim of sex offenses or stalking the right to be admitted to or participate in a guidance program, an apprentice training program, on-the-job training program, or other occupational training or retraining program, or to represent that such program is not available when in fact it is available.

(c) To discriminate against any person in such person's pursuit of such program or to discriminate against such a person in the terms, conditions or privileges of such program because of actual or perceived race, creed, color, national origin, gender, age, disability, marital status, partnership status, sexual and reproductive health decisions, sexual orientation, uniformed service, *height, weight*, alienage or citizenship status or status as a victim of domestic violence or as a victim of sex offenses or stalking.

(d) To declare, print or circulate or cause to be declared, printed or circulated any statement, advertisement or publication, or to use any form of application for such program or to make any inquiry in connection with such program which expresses, directly or indirectly, any limitation, specification or discrimination as to race, creed, color, national origin, gender, age, disability, marital status, partnership status, sexual and reproductive health decisions, sexual orientation, uniformed service, *height, weight*, alienage or citizenship status or status as a victim of domestic violence or as a victim of sex offenses or stalking, or any intent to make any such limitation, specification or discrimination.

§ 5. Paragraph a of subdivision 4 of section 8-107 of the administrative code of the city of New York, as amended by local law number 119 for the year 2017, is amended to read as follows:

a. It shall be an unlawful discriminatory practice for any person who is the owner, franchisor, franchisee, lessor, lessee, proprietor, manager, superintendent, agent or employee of any place or provider of public accommodation:



1. Because of any person's actual or perceived race, creed, color, national origin, age, gender, disability, marital status, partnership status, sexual orientation, uniformed service, *height, weight* or alienage or citizenship status, directly or indirectly:

(a) To refuse, withhold from or deny to such person the full and equal enjoyment, on equal terms and conditions, of any of the accommodations, advantages, services, facilities or privileges of the place or provider of public accommodation; or

(b) To represent to any person that any accommodation, advantage, facility or privilege of any such place or provider of public accommodation is not available when in fact it is available; or

2. Directly or indirectly to make any declaration, publish, circulate, issue, display, post or mail any written or printed communication, notice or advertisement, to the effect that:

(a) Full and equal enjoyment, on equal terms and conditions, of any of the accommodations, advantages, facilities and privileges of any such place or provider of public accommodation shall be refused, withheld from or denied to any person on account of race, creed, color, national origin, age, gender, disability, marital status, partnership status, sexual orientation, uniformed service, *height, weight* or alienage or citizenship status; or

(b) The patronage or custom of any person is unwelcome, objectionable, not acceptable, undesired or unsolicited because of such person's actual or perceived race, creed, color, national origin, age, gender, disability, marital status, partnership status, sexual orientation, uniformed service, *height, weight* or alienage or citizenship status.

§ 6. Subdivision 4 of section 8-107 of the administrative code of the city of New York, is amended by adding a new paragraph g, to read as follows:

*g. The provisions of this subdivision shall not apply, with respect to height or weight, to places or providers of public accommodation where the commission grants an exemption based on bona fide considerations of public health and safety.*

§ 7. Subparagraphs 1 and 2 of paragraph a of subdivision 5 of section 8-107 of the administrative code of the city of New York, as amended by local law number 119 for the year 2017, is amended to read as follows:

(a) Housing accommodations. It shall be an unlawful discriminatory practice for the owner, lessor, lessee, sublessee, assignee, or managing agent of, or other person having the right to sell, rent or lease or approve the sale, rental or lease of a housing accommodation, constructed or to be constructed, or an interest therein, or any agent or employee thereof:

(1) Because of the actual or perceived race, creed, color, national origin, gender, age, disability, sexual orientation, uniformed service, *height, weight*, marital status, partnership status, or alienage or citizenship status of any person or group of persons, or because of any lawful source of income of such person or persons, or because children are, may be or would be residing with such person or persons:

(a) To refuse to sell, rent, lease, approve the sale, rental or lease or otherwise deny to or withhold from any such person or group of persons such a housing accommodation or an interest therein;

(b) To discriminate against any such person or persons in the terms, conditions or privileges of the sale, rental or lease of any such housing accommodation or an interest therein or in the furnishing of facilities or services in connection therewith; or

(c) To represent to such person or persons that any housing accommodation or an interest therein is not available for inspection, sale, rental or lease when in fact it is available to such person.

(2) To declare, print or circulate or cause to be declared, printed or circulated any statement, advertisement or publication, or to use any form of application for the purchase, rental or lease of such a housing accommodation or an interest therein or to make any record or inquiry in conjunction with the prospective purchase, rental or lease of such a housing accommodation or an interest therein which expresses, directly or indirectly, any limitation, specification or discrimination as to race, creed, color, national origin, gender, age, disability, sexual orientation, uniformed service, *height, weight*, marital status, partnership status, or alienage or citizenship status, or any lawful source of income, or whether children are, may be, or would be residing with a person, or any intent to make such limitation, specification or discrimination.

§ 8. Section 23-1201 of the administrative code of the city of New York, as added by local law number 247 for the year 2017, is amended by amending the definition of "identifying information" to read as follows:

Identifying information. The term "identifying information" means any information obtained by or on behalf of the city that may be used on its own or with other information to identify or locate an individual, including, but not limited to: name, sexual orientation, gender identity, race, marital or partnership status, status as a victim

of domestic violence or sexual assault, status as a crime victim or witness, citizenship or immigration status, eligibility for or receipt of public assistance or city services, all information obtained from an individual's income tax records, information obtained from any surveillance system operated by, for the benefit of, or at the direction of the police department, motor vehicle information or license plate number, biometrics such as fingerprints and photographs, *height, weight*, languages spoken, religion, nationality, country of origin, place of birth, arrest record or criminal conviction, employment status, employer information, current and previous home and work addresses, contact information such as phone number and email address, information concerning social media accounts, date and/or time of release from the custody of the administration for children's services, the department of correction, or the police department, any scheduled court appearances, or any scheduled appointments with any employee, contractor, or subcontractor.

§ 9. Subparagraph f-5 of paragraph 48 of subdivision a of section 27-2004 of the administrative code of the city of New York, as added by local law number 48 for the year 2018, is amended to read as follows:

f-5. threatening any person lawfully entitled to occupancy of such dwelling unit based on such person's actual or perceived age, race, creed, color, national origin, gender, disability, marital status, partnership status, caregiver status, uniformed service, *height, weight*, sexual orientation, alienage or citizenship status, status as a victim of domestic violence, status as a victim of sex offenses or stalking, lawful source of income or because children are, may be or would be residing in such dwelling unit, as such terms are defined in sections 8-102 and 8-107.1 of the code;

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

Referred to the Committee on Civil and Human Rights.

Int. No. 210

By Council Members Ariola, Brooks-Powers, Menin, Velázquez, Ossé, Farías, Gennaro, Gutiérrez, Ayala, Holden, Narcisse, Abreu, Riley, Carr, Borelli, Paladino and Vernikov.

**A Local Law to amend the New York city charter, in relation to creating a marine debris disposal and vessel surrendering office**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of the New York city charter is amended by adding a new section 20-o to read as follows:

20-o. *Office of marine debris disposal and vessel surrendering. A. Definitions. As used in this section, the following terms have the following meanings: Abandon. The term "abandon" means the permanent relinquishment of possession or control.*

*Director. The term "director" means the director of the office of marine debris disposal and vessel surrendering.*

*Littoral waters. The term "littoral waters" means any waters within or bounding a city to a distance of fifteen hundred feet from the shore.*

*Marine debris. The term "marine debris" means any garbage, refuse, debris and other materials or substances which are discarded or abandoned in the city's littoral waters or shores or which have made their way to the city's littoral waters or shores, but not including boats or similar vessels.*

*b. The mayor shall establish an office of marine debris disposal and vessel surrendering. Such office may, but need not, be established in the executive office of the mayor and may be established as a separate office, within any other office of the mayor or within any department, the head of which is appointed by the mayor. Such office shall be headed by a director who shall be appointed by the mayor.*

*c. Powers and duties. The director shall have the power and duty to:*

1. *Liaise and collaborate with relevant offices in the executive office of the mayor and with agencies including, but not limited to, the department of small business services, the department of finance, the department of sanitation, and the department of parks and recreation, to:*

- (a) coordinate the removal of marine debris in the city's littoral waters or shores,*
- (b) develop a plan to recycle or reuse plastic, wood and metal marine debris, and dispose of nonrecyclable marine debris,*
- (c) develop recommendations for enforcement against persons who illegally deposit or abandon marine debris, boats or other vessels within the city's littoral waters or shores, and*
- (d) develop recommendations for a program through which persons may surrender boats to the city for disposal.*

2. *Coordinate with and promote organizations and volunteer groups involved in removing marine debris from the city's beaches and shores.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Environmental Protection.

*Editor's Note:* This bill was subsequently re-assigned to the Committee on Resiliency and Waterfronts on April 28, 2022.

Int. No. 211

By Council Members Ayala, Brewer, Sanchez, Stevens, Restler and Krishnan.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the mayor's office of operations to report on the exits from city-administered facilities and the financings, starts and completions of permanent housing for those exiting city-administered facilities**

*Be it enacted by the Council as follows:*

Section 1. Section 3-113 of the administrative code of the city of New York, as added by local law number 40 for the year 2011, is renumbered section 3-113.2.

§ 2. Section 3-113 of the administrative code of the city of New York, as added by local law number 37 for the year 2011, is renumbered and amended to read as follows:

§ [3-113] 3-113.2 *Reporting on the utilization of city-administered facilities, exits from city-administered facilities to permanent housing and financings, starts and completions of permanent housing for those exiting city-administered facilities.*

a. Definitions. For the purposes of this section, the following terms [shall] have the following meanings:

*421-a affordable housing.* The term "421-a affordable housing" means housing in a building subject to the 421-a tax exemption program pursuant to section 421-a of the real property tax law.

[(1) "Adult" shall mean] *Adult.* The term "adult" means an individual 18 years of age or older[;].

[(2) "Adult families" shall mean] *Adult families.* The term "adult families" means families comprised of adults and no children under the age of 18[;].

[(3) "Children" shall mean] *Children.* The term "children" means individuals under the age of 18[;].

[(4) "City-administered facilities" shall mean] *City-administered facilities.* The term "city-administered facilities" means hotels, shelters and other accommodations or associated services, managed by or provided under contract or similar agreement with any city agency, provided to individuals or families who need temporary emergency housing or assistance finding or maintaining stable housing[;].

*City-financed homeless set-aside housing units.* The term "city-financed homeless set-aside housing units" means affordable housing set-aside for formerly homeless households that are financed with city funds.

[(5) "DHS" shall mean] *DHS.* The term "DHS" means the department of homeless services[;].

[(6) “DHS-administered facilities” shall mean] *DHS-administered facilities. The term “DHS-administered facilities” means city-administered facilities managed directly by DHS or by a provider under contract or similar agreement with DHS[;].*

*DHS CJ shelters. The term “DHS CJ shelters” means city-administered facilities that provide short-term housing for people with prior criminal justice involvement.*

[(7) “DHS drop-in centers” shall mean] *DHS drop-in centers. The term “DHS drop-in centers” means city-administered facilities that provide single adults with hot meals, showers, laundry facilities, clothing, medical care, recreational space, employment referrals and/or housing placement services, but not overnight housing[;].*

[(8) “DHS faith-based beds” shall mean] *DHS faith-based beds. The term “DHS faith-based beds” means city-administered facilities that provide overnight housing to individuals, are affiliated with one or more religious groups and receive client referrals through organizations under contract with DHS[;].*

[(9) “DHS safe havens” shall mean] *DHS safe havens. The term “DHS safe havens” means city-administered facilities that provide low-threshold, harm-reduction housing to chronic street homeless individuals, who are referred to such facilities through a DHS outreach program, without the obligation of entering into other supportive and rehabilitative services in order to reduce barriers to temporary housing[;].*

[(10) “DHS stabilization beds” shall mean] *DHS stabilization beds. The term “DHS stabilization beds” means city-administered facilities that provide a short-term housing option for a chronic street homeless individual while such individual works with his/her outreach team to locate a more permanent housing option[;].*

[(11) “DHS veterans shelters” shall mean] *DHS veterans shelters. The term “DHS veterans shelters” means city-administered facilities that provide short-term housing for people who actively served in the United States military[;].*

[(12) “DYCD” shall mean] *DYCD. The term “DYCD” means the department of youth and community development[;].*

[(13) “DYCD-administered crisis shelters” shall mean] *DYCD-administered crisis shelters. The term “DYCD-administered crisis shelters” means city-administered facilities that provide short-term emergency housing for runaway and homeless youth and are managed by a provider under contract or similar agreement with DYCD[;].*

[(14) “DYCD-administered drop-in centers” shall mean] *DYCD-administered drop-in centers. The term “DYCD-administered drop-in centers” means city-administered facilities that provide runaway and homeless youth and their families with services, counseling and referrals from trained youth workers[;].*

[(15) “DYCD-administered facilities” shall mean] *DYCD-administered facilities. The term “DYCD-administered facilities” means city-administered facilities managed by a provider under contract or similar agreement with DYCD[;].*

[(16) “DYCD-administered transitional independent living facilities” shall mean] *DYCD-administered transitional independent living facilities. The term “DYCD-administered transitional independent living facilities” means city-administered facilities that provide long-term residential services to runaway and homeless youth for up to 18 months and are managed by a provider under contract or similar agreement with DYCD[;].*

*Empire state supportive housing initiative. The term “empire state supportive housing initiative” means the state supportive housing services and operating program.*

[(17) “Families with children” shall mean] *Families with children. The term “families with children” means families with children under the age of 18, couples including at least one pregnant woman, single pregnant women, or parents or grandparents with a pregnant individual[;].*

*HASA. The term “HASA” means the HIV/AIDS services administration within HRA.*

*HDC. The term “HDC” means the housing development corporation.*

*Housing New York. The term “housing New York” means the city’s affordable housing plan set forth in the publication entitled “2014 Housing New York: A Five-Borough, Ten-Year Plan” and any subsequent iterations of such plan.*

[(18) “HPD” shall mean] *HPD. The term “HPD” means the department of housing preservation and development[;].*

[(19) “HPD-administered facilities” shall mean] *HPD-administered facilities. The term “HPD-administered facilities” means city-administered facilities managed by a provider under contract or similar agreement with HPD[;].*

[(20) “HPD emergency facilities” shall mean] *HPD emergency facilities. The term “HPD emergency facilities” means shelters providing emergency shelter managed by a provider under contract or similar agreement with HPD[;].*

[(21) “HPD emergency hotels” shall mean] *HPD emergency hotels. The term “HPD emergency hotels” means hotels providing emergency shelter to individuals or families displaced from their homes managed by a provider under contract or similar agreement with HPD[;].*

[(22) “HRA” shall mean] *HRA. The term “HRA” means the human resources administration[;].*

[(23) “HRA-administered facilities” shall mean] *HRA-administered facilities. The term “HRA-administered facilities” means city-administered facilities managed directly by HRA or by a provider under contract or similar agreement with HRA, excluding non-emergency supportive housing[;].*

[(24) “HRA domestic violence shelters” shall mean] *HRA domestic violence shelters. The terms “HRA domestic violence shelters” means shelters for victims of domestic violence managed directly by HRA or by a provider under contract or similar agreement with HRA[;].*

[(25) “HRA HASA emergency housing” shall mean] *HRA HASA emergency housing. The term “HRA HASA emergency housing” means single room occupancy hotels managed by a provider under contract or similar agreement with HRA to provide emergency shelter for recipients of services from [the HIV/AIDS Services Administration;] HASA.*

[(26) “HRA HASA transitional housing” shall mean] *HRA HASA transitional housing. The term “HRA HASA transitional housing” means congregate facilities managed by a provider under contract or similar agreement with HRA to provide emergency shelter for recipients of services from [the HIV/AIDS Services Administration; and; and] HASA.*

*JISH. The term “JISH” means the city justice-involved supportive housing program.*

*Made own arrangements. The term “made own arrangements” means a household informed DHS, DYCD, HPD or HRA of a planned exit from a city-administered facility.*

*Mandatory inclusionary zoning. The term “mandatory inclusionary housing” means the city program requiring permanent affordable housing when developers build in an area zoned for mandatory inclusionary housing, whether rezoned as part of a city neighborhood plan or a private rezoning application.*

*New York city 15/15. The term “New York city 15/15” means the New York city 15/15 supportive housing program that is financed with city funds and administered by the city.*

*New York/New York. The term “New York/New York” means the New York/New York supportive housing programs that are jointly financed and administered by the city and state.*

*NYCHA. The term “NYCHA” means the New York city housing authority.*

*Other affordable housing. The term “other affordable housing” means affordable housing consisting of 421-a affordable housing, Housing New York housing, mandatory inclusionary housing and NYCHA public housing.*

*Other city-financed homeless set-aside units. The term “other city-financed homeless set-aside units” means city-financed homeless set-aside units not administered by HDC or HPD.*

*Rental subsidy. The term “rental subsidy” means financial assistance provided by the department of social services for the purpose of paying a recipient’s rent on an ongoing basis and includes but is not limited to the public assistance shelter allowance provided by such department as established by section 131-a of the social services law, section 159 of the social services law, section 349 of the social services law, or any codes, rules and regulations, as well as subsidies provided through the administration for children’s services housing subsidy, the city fighting homelessness and eviction prevention supplement, the special one-time assistance program, the fair market rent pilot program subsidy, the family homelessness and eviction prevention supplement, the home tenant-based rental assistance program, and any successor program to the foregoing programs. The term “rental subsidy” also includes federal rental assistance pursuant to the section 8 project based rental assistance program, or any successor program, or any programs under the United States Housing Act of 1937, as amended, providing rental assistance for the purpose of paying a recipient’s rent.*

*Supportive housing. The term “supportive housing” means the empire state supportive housing initiative, federal department of housing and urban development and veterans administration supportive housing, HRA HASA supportive housing, JISH, New York city 15/15 supportive housing and New York/New York supportive housing.*

[(27) “Unduplicated” shall mean] *Unduplicated. The term “unduplicated” means* counted only once within the reporting period *and the reporting category.*

b. Reports of citywide utilization data. [The mayor’s office of operations shall create a portal on the NYCStat page of the city’s website, or any successor pages of such website that are substantially similar in form and function, in order to publish citywide data regarding the utilization of city-administered facilities.] Commencing on November 1, 2011, and no later than the first day of each month thereafter, the [mayor’s] office of operations shall for each month, calendar year and fiscal year [publish via such portal the] *report to the speaker of the council and post on the office of operations website the following:*

(1) average daily overnight census for each of the following categories:

- A. DHS drop-in centers, disaggregated by single men, single women and total single adults; and
- B. DHS faith-based facilities, disaggregated by single men, single women and total single adults.

(2) average daily overnight census; and

(3) number of unduplicated persons or families utilizing city-administered facilities for each of the following categories:

C. all DHS-administered facilities, disaggregated by families with children, adult families, total families, total adults in families, total children, single men, single women and total single adults;

D. DHS safe havens, disaggregated by single men, single women and total single adults;

E. DHS stabilization beds, disaggregated by single men, single women and total single adults;

F. DHS veterans shelters, disaggregated by single men, single women and total single adults;

G. HPD-administered facilities, disaggregated by families with children, adult families, total families, total adults in families, total children, single men, single women and total single adults;

H. HPD emergency facilities, disaggregated by families with children, adult families, total families, total adults in families, total children, single men, single women and total single adults;

I. HPD emergency hotels, disaggregated by families with children, adult families, total families, total adults in families, total children, single men, single women and total single adults;

J. HRA-administered facilities, disaggregated by families with children, adult families, total families, total adults in families, total children, single men, single women and total single adults;

K. HRA domestic violence shelters, disaggregated by families with children, adult families, total families, total adults in families, total children, single men, single women and total single adults;

L. HRA HASA emergency housing, disaggregated by families with children, adult families, total families, total adults in families, total children, single men, single women and total single adults;

M. HRA HASA transitional housing, disaggregated by families with children, adult families, total families, total adults in families, total children, single men, single women and total single adults; and

N. all city-administered facilities, excluding DYCD-administered facilities, disaggregated by families with children, adult families, total families, total adults in families, total children, single men, single women and total single adults.

(4) average monthly utilization rates; and (5) number of unduplicated persons or families utilizing city-administered facilities:

A. DYCD-administered facilities, disaggregated by families with children, adult families, total families, total adults in families, total children, single men, single women, and total single adults;

B. DYCD-administered crisis shelters, disaggregated by families with children, adult families, total families, total adults in families, total children, single men, single women and total single adults;

C. DYCD-administered drop-in centers, disaggregated by families with children, adult families, total families, total adults in families, total children, single men, single women and total single adults; and

D. DYCD-administered transitional independent living facilities, disaggregated by families with children, adult families, total families, total adults in families, total children, single men, single women and total single adults.

(6) the number of individuals who are on wait-lists for DYCD-administered facilities, to the extent such wait-lists exist, disaggregated by:

A. type of DYCD-administered facility; and

B. families with children, adult families, total families, single men, single women, and total single adults youth.

(7) the average length of stay disaggregated by:

- A. families with children, adult families, total families, single men, single women, and total single adults;
- B. type of DHS-administered facility, excluding DHS drop-in centers and DHS faith-based beds;
- C. type of DYCD-administered facility, excluding DYCD-administered drop-in centers;
- D. type of HPD-administered facility; and
- E. type of HRA-administered facility.

(8) the total number of facilities, disaggregated by DHS-administered facilities and facilities not administered by DHS.]

*1. The average daily overnight census and the number of unduplicated persons, disaggregated by total single adults, single men and single women, for (i) DHS drop-in centers, (ii) DHS faith-based facilities, (iii) DHS safe havens, (iv) DHS stabilization beds, (v) DHS veterans shelters and (vi) DHS CJ shelters;*

*2. The average daily overnight census and the number of unduplicated persons or families, disaggregated by total families, families with children, adult families, total adults in families, total children, total single adults, single men and single women, for (i) all city-administered facilities - excluding DYCD-administered facilities, (ii) DHS-administered facilities, (iii) HPD-administered facilities, (iv) HPD emergency facilities, (v) HPD emergency hotels, (vi) HRA-administered facilities, (vii) HRA domestic violence shelters, (viii) HRA HASA emergency housing and (ix) HRA HASA transitional housing;*

*3. The average monthly utilization rates and the number of unduplicated runaway and homeless youth utilizing (i) DYCD-administered facilities, (ii) DYCD-administered crisis shelters, (iii) DYCD-administered drop-in centers and (iv) DYCD-administered transitional independent living facilities;*

*4. The average length of stay, disaggregated by families with children, adult families, total families, total single adults, single men and single women, for each (i) DHS-administered facility, excluding DHS faith-based facilities, (ii) HPD-administered facility and (iii) HRA-administered facility;*

*5. The average length of stay for runaway and homeless youth in (i) DYCD-administered crisis shelters, (ii) DYCD-administered drop-in centers and (iii) DYCD-administered transitional independent living facilities; and*

*6. The total number of facilities, disaggregated by DHS-administered facilities and facilities not administered by DHS.*

c. Application and entrance data. Commencing on November 1, 2011, and no later than the first day of each month thereafter, the [mayor's] office of operations shall for each month, calendar year and fiscal year [publish in the same location on the NYCStat website as the data posted pursuant to subdivision b of this section,] *report to the speaker of the council and post on the office of operations website [the following data for those seeking admission and entrance to DHS-administered facilities,] the total number and percentage of the following for DHS-administered facilities, disaggregated by total families, families with children, adult families, total single adults, single men and single women:*

*[(1) the total number of:*

- A. applications;*
- B. unduplicated applicants;*
- C. applicants found eligible for shelter;*
- D. entrants to DHS administered facilities; and*
- E. unduplicated entrants to DHS-administered facilities.*

The data required by subparagraphs A, B, C, D and E of this paragraph shall be disaggregated by families with children, adult families, total families, single men, single women, and total single adults;

- (2) the number of families with children found eligible for city-administered facilities;*
- (3) the percentage of eligible families with children who submitted one application;*
- (4) the percentage of eligible families with children who submitted two applications;*
- (5) the percentage of eligible families with children who submitted three applications;*
- (6) the percentage of eligible families with children who submitted four applications;*
- (7) the percentage of eligible families with children who submitted five applications;*
- (8) the percentage of eligible families with children who submitted six applications or more;*
- (9) the number of adult families found eligible for city-administered facilities;*
- (10) the percentage of eligible adult families who submitted one application;*
- (11) the percentage of eligible adult families who submitted two applications;*
- (12) the percentage of eligible adult families who submitted three applications;*
- (13) the percentage of eligible adult families who submitted four applications;*

- (14) the percentage of eligible adult families who submitted five applications; and
- (15) the percentage of eligible adult families who submitted six applications or more.]

- 1. *Applications;*
- 2. *Unduplicated applicants;*
- 3. *Applicants found eligible;*
- 4. *Eligible families who submitted (i) one application, (ii) two applications, (iii) three applications, (iv) four applications, (v) five applications and (vi) six applications or more;*
- 5. *Entrants; and*
- 6. *Unduplicated entrants.*

*d. Reporting on exits from city-administered facilities. Commencing on September 1, 2019 and no later than the first day of each month thereafter, the office of operations, for each month, calendar year and fiscal year, shall report to the speaker of the council and post on the office of operations website, unduplicated information regarding the exits of (i) families with children, (ii) adult families, (iii) single adults and (iv) runaway and homeless youth from city-administered facilities, disaggregated by (i) DHS-administered facilities, (ii) DYCD-administered facilities, (iii) HPD-administered facilities and (iv) HRA-administered facilities to the following housing:*

- 1. *Supportive housing, disaggregated by (i) empire state supportive housing initiative, (ii) federal department of housing and urban development and veterans administration, (iii) HRA HASA, (iv) JISH, (v) New York city 15/15, (vi) New York/New York and (vii) other;*
- 2. *City-financed homeless set-aside housing units, disaggregated by (i) HDC set-aside units financed by housing New York, (ii) HDC set-aside units not financed by housing New York, (iii) HPD set-aside units financed by housing New York, (iv) HPD set-aside units not financed by housing New York, (v) other set-aside units financed by housing New York and (vi) other set-aside units not financed by housing New York;*
- 3. *Other affordable housing, disaggregated by (i) 421-a affordable housing, (ii) housing New York housing, (iii) mandatory inclusionary housing, (iv) NYCHA public housing and (v) other housing;*
- 4. *A private rental market apartment with a rental subsidy, disaggregated by the type of such subsidy;*
- 5. *A private rental market apartment with no rental subsidy;*
- 6. *Transitional housing operated by or under contract or similar agreement with DHS, DYCD, HPD or HRA;*
- 7. *Residential drug treatment and detoxification;*
- 8. *Made own arrangements; and*
- 9. *Unknown or unable to validate.*

*e. Reporting on financings, starts and completions of permanent housing for those exiting city-administered facilities. Commencing on September 1, 2019 and no later than the first day of each month thereafter, the office of operations, for each month, calendar year and fiscal year, shall report to the speaker of the council and post on the office of operations website, unduplicated information regarding the financings, starts and completions of the following permanent housing, or subsequent iterations of such housing, for those exiting city-administered facilities:*

- 1. *Supportive housing disaggregated by (i) empire state supportive housing initiative, (ii) federal department of housing and urban development and veterans administration, (iii) HRA HASA, (iv) JISH, (v) New York city 15/15, (vi) New York/New York and (vii) other;*
- 2. *City-financed homeless set-aside units, disaggregated by (i) HDC set-aside units financed by housing New York, (ii) HDC set-aside units not financed by housing New York, (iii) HPD set-aside units financed by housing New York, (iv) HPD set-aside units not financed by housing New York, (v) other set-aside units financed by housing New York and (vi) other set-aside units not financed by housing New York; and*
- 3. *Other affordable housing, disaggregated by (i) 421-a affordable housing, (ii) housing New York housing, (iii) mandatory inclusionary housing, (iv) NYCHA public housing and (v) other housing.*

[g. The data required to be published in subdivisions b and c above shall be published electronically on the portal specified in subdivision b in a commonly available non-proprietary database format that is suitable for analysis.]

*f. The reports published by the office of operations prior to the enactment of this local law required by subdivisions b and c of this section shall remain the same.*

§ 3. This local law takes effect 30 days after it becomes law.



Referred to the Committee on General Welfare.

Int. No. 212

By Council Members Ayala, Sanchez, Stevens, Williams, Restler and Krishnan.

**A Local Law to amend the administrative code of the city of New York, in relation to updating the report on utilization of and applications for multi-agency emergency housing assistance**

*Be it enacted by the Council as follows:*

Section 1. Section 3-133 of the administrative code of the city of New York, as added by local law 37 of the year 2011, is renumbered section 3-133 and amended to read as follows:

[§ 3-113] § 3-120 *Multi-agency emergency housing assistance*. a. Definitions. For the purposes of this section, the following terms shall have the following meanings:

[(1) "Adult" shall mean] *Adult*. The term “adult” means an individual 18 years of age or older;

[(2) "Adult families" shall mean] *Adult families*. The term “adult families” means families comprised of adults and no children under the age of 18;

[(3) "Children" shall mean] *Children*. The term “children” means individuals under the age of 18;

[(4) "City-administered facilities" shall mean] *City-administered facilities*. The term “city-administered facilities” means hotels, shelters and other accommodations or associated services, managed by or provided under contract or similar agreement with any city agency, provided to individuals or families who need temporary emergency housing or assistance finding or maintaining stable housing;

[(5) "DHS" shall mean] *DHS*. The term “DHS” means the department of homeless services;

[(6) "DHS-administered facilities" shall mean] *DHS-administered facilities*. The term *DHS-administered facilities* means city-administered facilities managed directly by DHS or by a provider under contract or similar agreement with DHS;

[(7) "DHS drop-in centers" shall mean] *DHS drop-in centers*. The term “DHS drop-in centers” means city-administered facilities that provide single adults with hot meals, showers, laundry facilities, clothing, medical care, recreational space, employment referrals and/or housing placement services, but not overnight housing;

[(8) "DHS faith-based beds" shall mean] *DHS faith-based beds*. The term “DHS faith-based beds” means city-administered facilities that provide overnight housing to individuals, are affiliated with one or more religious groups and receive client referrals through organizations under contract with DHS;

[(9) "DHS safe havens" shall mean] *DHS safe havens*. The term “DHS safe havens” means city-administered facilities that provide low-threshold, harm-reduction housing to chronic street homeless individuals, who are referred to such facilities through a DHS outreach program, without the obligation of entering into other supportive and rehabilitative services in order to reduce barriers to temporary housing;

[(10) "DHS stabilization beds" shall mean] *DHS stabilization beds*. The term “DHS stabilization beds” means city-administered facilities that provide a short-term housing option for a chronic street homeless individual while such individual works with his/her outreach team to locate a more permanent housing option;

[(11) "DHS veterans shelters" shall mean] *DHS veterans shelters*. The term “DHS veterans shelters” means city-administered facilities that provide short-term housing for people who actively served in the United States military;

[(12) "DYCD" shall mean] *DYCD*. The term “DYCD” means the department of youth and community development;

[(13) "DYCD-administered crisis shelters" shall mean] *DYCD-administered crisis shelters*. The term “DYCD-administered crisis shelters” means city-administered facilities that provide short-term emergency housing for runaway and homeless youth and are managed by a provider under contract or similar agreement with DYCD;

[(14) "DYCD-administered drop-in centers" shall mean] *DYCD-administered drop-in centers*. The term “DYCD-administered drop-in centers” means city-administered facilities that provide runaway and homeless youth and their families with services, counseling and referrals from trained youth workers;

[(15) "DYCD-administered facilities" shall mean] *DYCD-administered facilities. The term "DYCD-administered facilities" means city-administered facilities managed by a provider under contract or similar agreement with DYCD;*

[(16) "DYCD-administered transitional independent living facilities" shall mean] *DYCD-administered transitional independent living facilities. The term "DYCD-administered transitional independent living facilities" means city-administered facilities that provide long-term residential services to runaway and homeless youth for up to 18 months and are managed by a provider under contract or similar agreement with DYCD;*

[(17) "Families with children" shall mean] *Families with children. The term "families with children" means families with children under the age of 18, couples including at least one pregnant woman, single pregnant women, or parents or grandparents with a pregnant individual;*

[(18) "HPD" shall mean] *HPD. The term "HPD" means the department of housing preservation and development;*

[(19) "HPD-administered facilities" shall mean] *HPD-administered facilities. The term "HPD-administered facilities" means city-administered facilities managed by a provider under contract or similar agreement with HPD;*

[(20) "HPD emergency facilities" shall mean] *HPD emergency facilities. The term "HPD emergency facilities" means shelters providing emergency shelter managed by a provider under contract or similar agreement with HPD;*

[(21) "HPD emergency hotels" shall mean] *HPD emergency hotels. The term "HPD emergency hotels" means hotels providing emergency shelter to individuals or families displaced from their homes managed by a provider under contract or similar agreement with HPD;*

[(22) "HRA" shall mean] *HRA. The term "HRA" means the human resources administration;*

[(23) "HRA-administered facilities" shall mean] *HRA-administered facilities. The term "HRA-administered facilities" means city-administered facilities managed directly by HRA or by a provider under contract or similar agreement with HRA, excluding non-emergency supportive housing;*

[(24) "HRA domestic violence shelters" shall mean] *HRA domestic violence shelters. The term "HRA domestic violence shelters" means shelters for victims of domestic violence managed directly by HRA or by a provider under contract or similar agreement with HRA;*

[(25) "HRA HASA emergency housing" shall mean] *HRA HASA emergency housing. The term "HRA HASA emergency housing" means single room occupancy hotels managed by a provider under contract or similar agreement with HRA to provide emergency shelter for recipients of services from the HIV/AIDS Services Administration;*

[(26) "HRA HASA transitional housing" shall mean] *HRA HASA transitional housing. The term "HRA HASA transitional housing" means congregate facilities managed by a provider under contract or similar agreement with HRA to provide emergency shelter for recipients of services from the HIV/AIDS Services Administration; [and;] and*

[(27) "Unduplicated" shall mean] *Unduplicated. The term "unduplicated" means counted only once within the reporting period.*

b. Reports of citywide utilization data. [The mayor's office of operations shall create a portal on the NYCStat page of the city's website, or any successor pages of such website that are substantially similar in form and function, in order to publish citywide data regarding the utilization of city-administered facilities.] Commencing on November 1, 2011, and no later than the first day of each month thereafter, the mayor's office of operations shall for each month, calendar year and fiscal year [publish via such portal] *post on the homepage of its website the single web portal established pursuant to section 23-502 the:*

(1) average daily overnight census for each of the following categories:

A. DHS drop-in centers, disaggregated by single men, single women and total single adults; and

B. DHS faith-based facilities, disaggregated by single men, single women and total single adults.

(2) average daily overnight census; and (3) number of unduplicated persons or families utilizing city-administered facilities for each of the following categories:

C. all DHS-administered facilities, disaggregated by families with children, adult families, total families, total adults in families, total children, single men, single women and total single adults;

D. DHS safe havens, disaggregated by single men, single women and total single adults;

- E. DHS stabilization beds, disaggregated by single men, single women and total single adults;
- F. DHS veterans shelters, disaggregated by single men, single women and total single adults;
- G. HPD-administered facilities, disaggregated by families with children, adult families, total families, total adults in families, total children, single men, single women and total single adults;
- H. HPD emergency facilities, disaggregated by families with children, adult families, total families, total adults in families, total children, single men, single women and total single adults;
- I. HPD emergency hotels, disaggregated by families with children, adult families, total families, total adults in families, total children, single men, single women and total single adults;
- J. HRA-administered facilities, disaggregated by families with children, adult families, total families, total adults in families, total children, single men, single women and total single adults;
- K. HRA domestic violence shelters, disaggregated by families with children, adult families, total families, total adults in families, total children, single men, single women and total single adults;
- L. HRA HASA emergency housing, disaggregated by families with children, adult families, total families, total adults in families, total children, single men, single women and total single adults;
- M. HRA HASA transitional housing, disaggregated by families with children, adult families, total families, total adults in families, total children, single men, single women and total single adults; and
- N. all city-administered facilities, excluding DYCD-administered facilities, disaggregated by families with children, adult families, total families, total adults in families, total children, single men, single women and total single adults.

(4) average monthly utilization rates; and (5) number of unduplicated persons or families utilizing city-administered facilities for each of the following categories:

- A. DYCD-administered facilities, disaggregated by families with children, adult families, total families, total adults in families, total children, single men, single women and total single adults;
- B. DYCD-administered crisis shelters, disaggregated by families with children, adult families, total families, total adults in families, total children, single men, single women and total single adults;
- C. DYCD-administered drop-in centers, disaggregated by families with children, adult families, total families, total adults in families, total children, single men, single women and total single adults; and
- D. DYCD-administered transitional independent living facilities, disaggregated by families with children, adult families, total families, total adults in families, total children, single men, single women and total single adults.

(6) the number of individuals who are on wait-lists for DYCD-administered facilities, to the extent such wait-lists exist, disaggregated by:

- A. type of DYCD-administered facility; and
- B. families with children, adult families, total families, single men, single women, and total single adults.

(7) the average length of stay disaggregated by:

- A. families with children, adult families, total families, single men, single women, and total single adults;
- B. type of DHS-administered facility, excluding DHS drop-in centers and DHS faith-based beds;
- C. type of DYCD-administered facility, excluding DYCD-administered drop-in centers;
- D. type of HPD-administered facility; and
- E. type of HRA-administered facility.

(8) the total number of facilities, disaggregated by DHS-administered facilities and facilities not administered by DHS.

c. Application and entrance data. Commencing on November 1, 2011, and no later than the first day of each month thereafter, the mayor's office of operations shall for each month, calendar year and fiscal year [publish in] *post* on the same location on [the NYCStat] its website as the data posted pursuant to subdivision b of this section, the following data for those seeking admission and entrance to DHS-administered facilities:

(1) the total number of:

- A. applications;
- B. unduplicated applicants;
- C. applicants found eligible for shelter;
- D. entrants to DHS administered facilities; and

E. unduplicated entrants to DHS-administered facilities. The data required by subparagraphs A, B, C, D and E of this paragraph shall be disaggregated by families with children, adult families, total families, single men, single women, and total single adults;

- (2) the number of families with children found eligible for city-administered facilities;
- (3) the percentage of eligible families with children who submitted one application;
- (4) the percentage of eligible families with children who submitted two applications;
- (5) the percentage of eligible families with children who submitted three applications;
- (6) the percentage of eligible families with children who submitted four applications;
- (7) the percentage of eligible families with children who submitted five applications;
- (8) the percentage of eligible families with children who submitted six applications or more;
- (9) the number of adult families found eligible for city-administered facilities;
- (10) the percentage of eligible adult families who submitted one application;
- (11) the percentage of eligible adult families who submitted two applications;
- (12) the percentage of eligible adult families who submitted three applications;
- (13) the percentage of eligible adult families who submitted four applications;
- (14) the percentage of eligible adult families who submitted five applications; and
- (15) the percentage of eligible adult families who submitted six applications or more.

d. The data required [to be published in] *pursuant to* subdivisions b and c above shall be [published] *posted* electronically on the portal specified in subdivision b in a [commonly available non-proprietary database format that is suitable for analysis] *machine-readable format*.

e. *For each month, the report required pursuant to this section shall include a cover page that lists the total number of persons utilizing all city-administered facilities listed in subdivision b of this section. The cover page shall additionally include such total number disaggregated by the number of families with children, adult families, single men and single women utilizing all city-administered facilities listed in subdivision b of this section.*

§ 2. This local law takes effect immediately.

Referred to the Committee on General Welfare.

Int. No. 213

By Council Members Ayala, Sanchez, Abreu and Krishnan.

### **A Local Law in relation to a report on community garden food processing and agriculture**

*Be it enacted by the Council as follows:*

Section 1. The department of parks and recreation shall conduct a study on the prevalence of urban farming and agriculture and submit a report with the findings of such study to the mayor and the speaker of the council within six months of the effective date of this local law. Such report shall include, but not be limited to:

1. The number of community gardens under the jurisdiction of the department of parks and recreation presently engaged in farming or food processing;
2. The amount and types of foods produced by such gardens;
3. Information on the types of equipment used by such gardens for agricultural purposes, including, but not limited to, greenhouses, hydroponic systems, food processing systems and composting systems;
4. A list of the resources provided by the department of parks and recreation and other government agencies to aid in farming and food processing;
5. Information on the availability of potential sites throughout the city that could be developed for urban agricultural purposes;
6. Information on the feasibility and costs associated with expanding the number of farmers markets operating on department of parks and recreation property and the number of community gardens that engage in urban agriculture; and

7. Recommendations on how the city can provide more technical assistance and financial resources to expand the number of community gardens that engage urban agriculture.

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

Referred to the Committee on Parks and Recreation.

Res. No. 127

**Resolution calling upon the New York State Legislature to pass, and the Governor to sign, A. 6932/S.620, in relation to providing a tax credit for qualified caregiving expenses.**

By Council Members Ayala, Yeger, Hudson, Sanchez, Williams, Ung, Restler, Abreu and De La Rosa.

**Whereas**, Every day, tens of millions of Americans provide unpaid care for others who are unable to care for themselves due to a mental and/or physical impairment; and

**Whereas**, According to the report *Caregiving in the U.S. 2020* by the National Alliance for Caregiving and the AARP, there are approximately 53 million adults in the United States who have provided unpaid care to an adult age 50 or older and approximately 6.1 million adults who provide unpaid care to a younger adult age 18–49; and

**Whereas**, According to the New York State Office for the Aging, every year, 4.1 million New Yorkers assume the role of caregiver at some point, providing more than 2.6 billion hours of unpaid work for friends and family; and

**Whereas**, In 2016, the New York City Council passed Local Law 97, which required the New York City Department for the Aging (DFTA) to conduct a survey of informal caregivers, public and private service providers, and service recipients within the City, to assess existing resources for informal caregivers and identify their needs, and to develop a comprehensive plan to address those needs of unpaid caregivers in the City; and

**Whereas**, According to *A Survey of Informal Caregivers in New York City* by DFTA in 2017, the economic value of the work family caregivers perform across the United States is estimated at \$470 billion a year, and the economic impact of unpaid caregiving on the families who both require and deliver those services is enormous; and

**Whereas**, Caregivers are often required to pay out of pocket for caregiving expenses, which was estimated to be an average of nearly \$7,000 a year and represented approximately 20 percent of caregivers incomes, according to DFTA's survey; and

**Whereas**, Additionally, some caregivers opt to leave the workforce early so that they can provide full-time care to a family member, which resulted in an average loss of \$304,000 in wages and benefits over the course of their lives, according to DFTA's survey; and

**Whereas**, According to DFTA's survey, the City is home to an estimated 900,000 to 1.3 million caregivers, many of whom are women or older adults who provide at least 30 hours of care each week while also working outside the home; and

**Whereas**, At least one-third of the City's caregiver population struggled financially, and many lacked the knowledge and financial resources to obtain the necessary services to care for their loved ones, according to DFTA's survey; and

**Whereas**, In 2021, the State Senate introduced S.620, sponsored by Senator Rachel May, and the State Assembly introduced A.6932, sponsored by Assembly Member Ron Kim, that would provide a tax credit for qualified caregiving expenses; and

**Whereas**, The legislation would provide a tax credit to an individual with a gross annual income of \$75,000 or less, and a couple with a gross annual income of \$150,000 or less, of up to \$3,500, or for expenses for goods and services provided to or for the benefit of a qualifying family member or to assist a qualified caregiver in caring for a qualifying family member; and

**Whereas**, With one of the largest population of caregivers in the nation, the State has an obligation to provide a tax credit to caregivers as they provide a significant economic benefit to the City and State by performing a number of activities allowing those in their care to remain at home in the community, while also

taking on the majority of all long-term care services to both older adults and individuals with disabilities; now, therefore, be it

**Resolved,** That the Council of the City of New York calls upon the New York State Legislature to pass, and the Governor to sign, A. 6932/S.620, in relation to providing a tax credit for qualified caregiving expenses.

Referred to the Committee on Finance.

Int. No. 214

By Council Members Barron, Hanif, Hudson, Sanchez, Stevens, Williams, Louis, Ossé, Avilés, Nurse, Gutiérrez, Narcisse, Cabán, Abreu, Krishnan, Richardson Jordan and Riley.

**A Local Law to amend the administrative code of the city of New York, in relation to the disclosure of information regarding past engagement in slavery by city contractors**

*Be it enacted by the Council as follows:*

Section 1. Declaration of legislative intent and findings. In recent years, companies in existence today have discovered and revealed that they had engaged in and/or profited from the commerce generated by the trade or use of the labor of enslaved Africans during the period of the Trans-Atlantic Slave Trade, from approximately 1441 to 1888. It has been reported that some large companies, for example, Aetna, a company that apparently insured slaveholder interests in enslaved people in the case of their death or damage, have been found to have directly profited from such commerce. J.P. Morgan Chase issued a letter of apology after it discovered that two of its predecessor companies actually participated in the slave trade and owned enslaved people it had taken as collateral for loans. J.P. Morgan Chase attributed the discoveries to the requirement of disclosure for contractors of the City of Chicago.

While it is specifically not the intent of this legislation that the question of past links to slavery serve as a litmus test to determine who the city should do business with, such information is important for the city and the country as they reappraise the history of slavery as a result of these new findings. Accordingly, this local law would require companies doing business with the city to search their pasts and reveal whether they have engaged in or profited from slavery.

§ 2. Chapter 1 of title 6 of the administrative code of the city of New York is amended by adding a new section 6-115.2 to read as follows:

§ 6-115.2 *Disclosure of profit from or engagement in slavery. a. Definitions. For purposes of this section, the following terms have the following meanings:*

*Affiliated company. The term “affiliated company” means the parent company of a contractor and any subsidiaries of the contractor.*

*Contract. The term “contract” means any written agreement, purchase order or instrument whereby the city is committed to expend or does expend funds in return for an interest in real property, work, labor, services, supplies, equipment, materials, construction, construction-related service or any combination of the foregoing.*

*Contracting agency. The term “contracting agency” means a city, county, borough or other office, position, administration, department, division, bureau, board or commission, or a corporation, institution or agency of government, the expenses of which are paid in whole or in part from the city treasury.*

*Contractor. The term “contractor” means any individual, sole proprietorship, partnership, joint venture, corporation or other form of doing business that enters into a contract with any contracting agency.*

*Predecessor company. The term “predecessor company” means an entity whose ownership, title and interest, including all rights, benefits, duties and liabilities, were acquired in an uninterrupted chain of succession by a contractor.*

*Subsidiary company. The term “subsidiary company” means an entity that is controlled directly or indirectly through one or more intermediaries by a contractor or such contractor’s parent company.*

*b. No contracting agency shall enter into or renew any contract for an amount in excess of \$100,000 with any proposed contractor who does not certify as a material condition of such contract that the proposed contractor has searched its records and relevant history to determine whether it or any predecessor or affiliated company ever engaged in or profited from the trade or use of enslaved people. Such certification shall also include a statement of the results of such search. If the proposed contractor determines that it or its predecessor or affiliated companies engaged in or profited from slavery, then the contractor shall also provide a statement detailing the nature and extent of such engagement or profit, including relevant historical and other documentation, to the contracting agency which shall forward such information to the council.*

*c. The requirements of this section do not apply: (i) to emergency contracts entered into pursuant to section 315 of the charter and for which no entity that will comply with the requirements of this section and which is capable of fulfilling such contract is immediately available; or (ii) where such compliance would violate or be inconsistent with the terms or conditions of a grant, subvention or contract with a public agency or the instructions of an authorized representative of any such agency with respect to any such grant, subvention or contract.*

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

Referred to the Committee on Contracts.

Int. No. 215

By Council Members Barron, Hanif, Hudson, Stevens, Louis, Nurse, Hanks, Ossé, Mealy, Gutiérrez, Narcisse, Cabán, Krishnan, Rivera, Sanchez, Richardson Jordan and Riley.

**A Local Law to amend the New York city charter, in relation to social services for the wrongfully convicted**

*Be it enacted by the Council as follows:*

Section 1. Section 13 of the New York city charter, as amended by local law number 86 for the year 2015, is amended to read as follows:

§ 13. Office of Criminal Justice. *a. Definitions. For purposes of this section, the following terms have the following meanings:*

*Immediate family member. The term “immediate family member” means a spouse, domestic partner, biological or adoptive parent, step-parent, legal guardian, biological or adopted child, child of a domestic partner or step-child of a wrongfully convicted individual.*

*Wrongfully convicted individual. The term “wrongfully convicted individual” means an individual who has been convicted of one or more felonies or misdemeanors and has served any part of a sentence of criminal imprisonment, and (i) who has been pardoned upon the ground of innocence of the crime or crimes for which the individual was sentenced or (ii) the individual’s judgment of conviction was reversed or vacated and the accusatory instrument dismissed or, if a new trial was ordered, either the individual was found not guilty at the new trial or the individual was not retried and the accusatory instrument dismissed. Such judgement of conviction must have been reversed or vacated and the accusatory instrument dismissed on one of the following grounds:*

- (1) Paragraph (b), (c), (e), (g) or (g-1) of subdivision 1 of section 440.10 of the criminal procedure law; or*
- (2) Subdivision 1 (where based upon one of the provisions of section 440.10 of the criminal procedure law as set forth in this definition), 2, 3 (where the count dismissed was the sole basis for imprisonment) or 5 of section 470.20 of the criminal procedure law.*

*b. There is established in the executive office of the mayor an office of criminal justice, to be headed by a coordinator of criminal justice appointed by the mayor. The coordinator shall:*

*[(1) advise] 1. Advise and assist the mayor in planning for increased coordination and cooperation among agencies under the jurisdiction of the mayor that are involved in criminal justice programs and activities;*

*[(2) review] 2. Review the budget requests of all agencies for programs related to criminal justice and recommend to the mayor budget priorities among such programs; [and,]*

3. *Coordinate with relevant city agencies to promote the availability of social services for wrongfully convicted individuals and immediate family members, including but not limited to housing, medical care, health insurance, mental health counseling, drug addiction screening and treatment, employment, job training, education, personal finances, public benefits, immigration and legal services to seek compensation for wrongful conviction and imprisonment;*

4. *Work with the municipal division of transitional services to develop methods to improve the coordination of social services for wrongfully convicted individuals and immediate family members;*

5. *Provide outreach and education on the availability of social services for wrongfully convicted individuals and immediate family members; and*

6. *Perform [perform] such other duties as the mayor may assign.*

c. *No later than April 1, 2023, and by April 1 of every year thereafter, the coordinator shall prepare and submit to the mayor and the speaker of the council a report regarding the coordinator's progress regarding the availability and coordination of social services for wrongfully convicted individuals and immediate family members. Such report shall include, but need not be limited to:*

1. *An assessment of the type and frequency of social services needed by wrongfully convicted individuals and immediate family members;*

2. *An assessment of the availability and capacity of existing social services available for wrongfully convicted individuals and immediate family members; and*

3. *Recommendations for improving the availability and coordination of social services for wrongfully convicted individuals and immediate family members.*

§ 2. This local law takes effect immediately.

Referred to the Committee on General Welfare.

Res. No. 128

**Resolution calling upon the New York State Legislature to introduce and pass, and the Governor to sign, legislation to allow the limitation on increases of assessed value of individual parcels of class one properties to reset upon transfer.**

By Council Members Borelli and Yeager.

**Whereas,** Pursuant to the New York State Real Property Tax Law (RPTL), class one properties generally includes all one-to-three family residential homes in the City; and

**Whereas,** The market value of a property is the worth of the property as determined by the New York City Department of Finance based on its classification and other requirements; and

**Whereas,** The assessed value of a property is a figure assigned to the property, based on a set percent of its market value, for the purpose of computing the property tax; and

**Whereas,** The RPTL limits the amount by which the assessed value of an individual parcel of class one property can increase; and

**Whereas,** In any one year, the assessed value of a class one property cannot increase by more than six percent over the prior year's assessment and not more than twenty percent over a five-year period; and

**Whereas,** This cap applies only to increases in assessment due to market forces and does not apply to increases resulting from physical alterations or the expiration of any tax exemption; and

**Whereas,** The purpose of the cap is to ensure that an individual's property tax bill does not fluctuate too much from year-to-year; and

**Whereas,** Under current law, the first of the five-year periods is measured from 1980 for parcels that were on the assessment roll at that time, or from the first year after 1980 in which such parcel was added to the assessment roll; and

**Whereas,** In essence, assessment caps are tied to the property and do not reset when a property is transferred from owner to owner; and



**Whereas,** As a result, the assessed values of rapidly appreciating homes, often located in higher-income neighborhoods, are artificially suppressed thereby causing the assessed values to not keep up with the market values and for the property tax liabilities to be less than they would be were the cap not in place; and

**Whereas,** This allows higher-income homeowners in those areas to receive significant breaks in their property tax liabilities while homeowners in middle-income and low-income neighborhoods where the properties do not appreciate as quickly are paying a higher effective tax rate; and

**Whereas,** For example, according to a 2013 report by the Citizen's Budget Commission, the average benefit an owner of a one-to-three family home in Greenwich Village receives from the assessment cap was between \$32,000 and \$39,000 per year, where the median household income for residents is \$105,000 and for homeowners is \$200,000; and

**Whereas,** By comparison, in Queens Village where the median income for all residents is \$74,000 and for homeowners is \$80,000, the average benefit from the assessment cap was just \$394 per year; and

**Whereas,** Allowing assessment caps on class one property to reset upon transfer would ensure that the assessed values of the properties more accurately reflect their market values while still preserving the original purpose of the cap; and

**Whereas,** Allowing the assessment caps to reset upon transfer would thereby level the playing field and ensure that all homeowners pay their fair share of property taxes; now, therefore, be it

**Resolved,** That the Council of the City of New York calls upon the New York State Legislature to introduce and pass, and the Governor to sign, legislation to allow the limitation on increases of assessed value of individual parcels of class one properties to reset upon transfer.

Referred to the Committee on Finance.

Res. No. 129

**Resolution calling upon the New York City Department of Education to carry out instruction in bicycle safety in all New York City schools.**

By Council Members Bottcher, Joseph, Brooks-Powers, Ossé, Dinowitz, Marte, Abreu, Farías, Hanif, Hudson, Brewer, Sanchez, Stevens, Schulman, Riley, Menin, Narcisse, Ung, Barron, Restler, De La Rosa, Williams and Krishnan.

**Whereas,** Over the past two decades, New York City has seen tremendous growth in cycling, according to the New York City Department of Transportation (NYC DOT); and

**Whereas,** According to the NYC DOT website, approximately 773,000 New Yorkers ride a bike regularly, with estimates that over 530,000 cycling trips are made each day in New York City—more than triple the amount taken 15 years ago; and

**Whereas,** This increase in cycling is a result of NYC DOT's efforts to expand the city's bicycle infrastructure, including both conventional bicycle lanes and protected bicycle lanes; and

**Whereas,** According to DOT's *Cycling in the City* webpage, there have been 1,375 miles of bike lanes and 546 miles of protected bicycle lanes installed in New York City as of 2020, and the Citibike program has grown to 19.5 million bike trips in 2020 alone; and

**Whereas,** Given that cycling is a convenient and affordable way to get around, reduces air pollution, improves public health, and fights global climate change, cycling in New York City should be promoted; and

**Whereas,** In recent years there have been positive changes in cycling safety, due to efforts such as the creation of designated bicycle lanes and the introduction of the City's Vision Zero program in 2014, which was designed to eliminate all traffic deaths and serious injuries on New York City streets by 2024; and

**Whereas,** Despite these efforts, in 2020, the latest year for which data is available, there were 5,175 cyclists injured and 24 killed in crashes with motor vehicles, according to NYC DOT's 2020 *Bicycle Crash Data Report*; and

**Whereas,** City officials must increase efforts to improve cycling safety beyond the infrastructure changes and enforcement efforts currently employed; and

**Whereas,** Education is essential for safety and, along with protected, interconnected cycling infrastructure, providing instruction in bicycle and traffic safety would be helpful in efforts to reduce crashes and other bike safety incidents; and

**Whereas,** New York State Education Law §806 already requires that all students be provided “instruction in highway safety and traffic regulation which shall include bicycle safety, to be maintained and followed in all the schools of the state”; and

**Whereas,** However, neither New York State Education Law, nor Regulations of the Commissioner of Education specify the amount or duration of such instruction; and

**Whereas,** In fact, the DOE already participates in at least one bicycle education pilot program, in partnership with the NYC Department of Transportation and the non-profit Bike New York, to teach middle school students bike safety skills; and

**Whereas,** However, it is clear that most schools are not providing bicycle safety instruction as required; and

**Whereas,** Providing instruction in bicycle and traffic safety in schools, starting at an early age and continuing to reinforce such instruction throughout students’ years in school would be an effective measure to both promote cycling and prevent bicycle accidents and other safety incidents; now, therefore, be it

**Resolved,** That the Council of the City of New York calls upon the Department of Education to carry out instruction in bicycle safety in all New York City schools.

Referred to the Committee on Education.

Int. No. 216

By Council Members Brannan, Yeger, Brewer, Stevens, Williams, Ayala, Restler and Abreu.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of investigation to notify the council when it requests an integrity monitor for existing contracts**

*Be it enacted by the Council as follows:*

Section 1. Section 333 of the New York city charter, as amended by local law number 68 for the year 1993, is amended by adding a new subdivision c to read as follows:

*c. The commissioner of investigation shall notify the council within 45 days of issuance of a request for proposal or request for information for an integrity monitor for an existing contract. Such notification shall include, but need not be limited to: (i) an explanation of why an integrity monitor is needed for such contract; and (ii) the scope of work and cost for such integrity monitor.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Contracts.

Int. No. 217

By Council Members Brannan, Sanchez, Stevens, Velázquez, Ayala and Abreu.

**A Local Law to amend the New York city charter, in relation to the review of patterns of contractual spending by the city agencies with not-for-profit organizations**

*Be it enacted by the Council as follows:*

Section 1. Section 30 of the New York city charter is amended to read as follows:

§ 30. Council review of city procurement policies and procedures. The council shall periodically review all city procurement policies and procedures, including:

1. the rules and procedures adopted by the procurement policy board, all rules relating to the participation of minority and women owned business enterprises in the city's procurement process and the implementation of those rules and procedures by city agencies;

2. patterns of contractual spending by city agencies, including determinations of the need to contract made by agencies in accordance with rules of the procurement policy board;

3. *patterns of contractual spending by city agencies with not-for-profit organizations and patterns of spending by not-for-profit organizations that receive city funding comprising \$100,000 or more of the budget of such organization;*

4. access to and fairness in city procurement opportunities, the fair distribution of contract awards, and the fair employment practices of city contractors;

[4]5. procedures for evaluating contractor performance; and

[5]6. procedures for declaring bidders not responsible and for debarring contractors.

§ 2. This local law takes effect immediately.

Referred to the Committee on Contracts.

Int. No. 218

By Council Members Brannan, Stevens and Ayala.

**A Local Law to amend the administrative code of the city of New York, in relation to city contracts with not-for-profit organizations in the amount of \$250,000 or more**

*Be it enacted by the Council as follows:*

Section 1. Paragraph i of subdivision b of section 6-116.2 of the administrative code of the city of New York, as added by local law 5 for the year 1991, the opening paragraph as amended by local law 44 for the year 1992, subparagraph 1 as amended by local law number 21 for the year 1992, subparagraph 22 as amended and subparagraph 23 as added by local law number 49 for the year 1992, is amended to read as follows:

b. (i) The mayor and comptroller shall be responsible for the maintenance of a computerized data system which shall contain information for every contract, in the following manner: the mayor shall be responsible for operation of the system; the mayor and the comptroller shall be jointly responsible for all policy decisions relating to the system. In addition, the mayor and the comptroller shall jointly review the operation of the system to ensure that the information required by this subdivision is maintained in a form that will enable each of them, and agencies, New York city affiliated agencies, elected officials and the council, to utilize the information in the performance of their duties. This system shall have access to information stored on other computerized data systems maintained by agencies, which information shall collectively include, but not be limited to:

(1) the current addresses and telephone numbers of:

A. the contractor's principal executive offices and the contractor's primary place of business in the New York city metropolitan area, if different,

B. the addresses of the three largest sites at which it is anticipated that work would occur in connection with the proposed contract, based on the number of persons to be employed at each site,

C. any other names under which the contractor has conducted business within the prior five years, and

D. the addresses and telephone numbers of all principal places of business and primary places of business in the New York city metropolitan area, if different, where the contractor has conducted business within the prior five years;

(2) the dun & bradstreet number of the contractor, if any;

(3) the taxpayer identification numbers, employer identification numbers or social security numbers of the contractor or the division or branch of the contractor which is actually entering into the contract;

(4) the type of business entity of the contractor including, but not limited to, sole proprietorship, partnership, joint venture or corporation;

(5) the date such business entity was formed, the state, county and country, if not within the United States, in which it was formed and the other counties within New York State in which a certificate of incorporation, certificate of doing business, or the equivalent, has been filed within the prior five years;

(6) the principal owners and officers of the contractor, their dates of birth, taxpayer identification numbers, social security numbers and their current business addresses and telephone numbers;

(7) the names, current business addresses and telephone numbers, taxpayer identification numbers and employer identification numbers of affiliates of the contractors;

(8) the principal owners and officers of affiliates of the contractor and their current business addresses and telephone numbers;

(9) the principal owners and officers of every subcontractor;

(10) the type, amount and contract registration number of all other contracts awarded to the contractor, as reflected in the database maintained pursuant to subdivision a of this section;

(11) the contract sanction history of the contractor for the prior five years, including, but not limited to, all cautions, suspensions, debarments, cancellations of a contract based upon the contractor's business conduct, declarations of default on any contract made by any governmental entity, determinations of ineligibility to bid or propose on contracts and whether any proceedings to determine eligibility to bid or propose on contracts are pending;

(12) the contract sanction history for the prior five years of affiliates of the contractor including, but not limited to, all cautions, suspensions, debarments, cancellations of a contract based upon such entity's business conduct, declarations of default on any contract made by any governmental entity, determinations of ineligibility to bid or propose on contracts and whether any proceedings to determine eligibility to bid or propose on contracts are pending;

(13) the name and telephone number of the chief contracting officer or other employee of the agency, elected official or the council responsible for supervision of those charged with day-to-day management of the contract;

(14) judgments or injunctions obtained within the prior five years in any judicial actions or proceedings initiated by any agency, any elected official or the council against the contractor with respect to a contract and any such judicial actions or proceedings that are pending;

(15) record of all sanctions imposed within the prior five years as a result of judicial or administrative disciplinary proceedings with respect to any professional licenses held by the contractor, or a principal owner or officer of the contractor;

(16) whether city of New York income tax returns, where required, have been filed for the past five years;

(17) outstanding tax warrants and unsatisfied tax liens, as reflected in the records of the city;

(18) information from public reports of the organized crime control bureau and the New York state organized crime task force which indicates involvement in criminal activity;

(19) criminal proceedings pending against the contractor and any principal owner or officer of such contractor;

(20) record of all criminal convictions of the contractor, any current principal owner or officer for any crime related to truthfulness or business conduct and for any other felony committed within the prior ten years, and of any former principal owner or officer, within the prior ten years, for any crime related to truthfulness or business conduct and for any other felony committed while he or she held such position or status;

(21) all pending bankruptcy proceedings and all bankruptcy proceedings initiated within the past seven years by or against the contractor and its affiliates;

(22) whether the contractor has certified that it was not founded or established or is not operated in a manner to evade the application or defeat the purpose of this section and is not the successor, assignee or affiliate of an entity which is ineligible to bid or propose on contracts or against which a proceeding to determine eligibility to bid or propose on contracts is pending;

(23) the name and main business address of anyone who the contractor retained, employed or designated influence the preparation of contract specifications or the solicitation or award of this contract[.];

*(24) if the contractor is a not-for-profit organization, the compensation, including salary, bonuses, and any other type of remuneration for services to the organizations, of each officer of such not-for-profit organization and the compensation of the three highest paid employees;*

*(25) if the contractor is a not-for-profit organization, the most recent completed Federal 990 form with regard to the organization.*

§ 2. Subdivision i of section 6-116.2 of the administrative code of the city of New York, as amended by local law 72 for the year 2017, is amended to read as follows:

i. Except as otherwise provided, for the purposes of subdivision b of this section,

[(1)] "affiliate" shall mean an entity in which the parent of the contractor owns more than fifty percent of the voting stock, or an entity in which a group of principal owners which owns more than fifty percent of the contractor also owns more than fifty per cent of the voting stock;

[(2)] "cautionary information" shall mean, in regard to a contractor, any adverse action by any New York city affiliated agency, including but not limited to poor performance evaluation, default, non-responsibility determination, debarment, suspension, withdrawal of prequalified status, or denial of prequalified status;

[(3)] "contract" shall mean and include any agreement between an agency, New York city affiliated agency, elected official or the council and a contractor, or any agreement between such a contractor and a subcontractor, which (a) is for the provision of goods, services or construction and has a value that when aggregated with the values of all other such agreements with the same contractor or subcontractor and any franchises or concessions awarded to such contractor or subcontractor during the immediately preceding twelve-month period is valued at \$250,000 or more; or (b) is for the provision of goods, services or construction, is awarded to a sole source and is valued at \$10,000 or more; or (c) is a concession and has a value that when aggregated with the value of all other contracts held by the same concessionaire is valued at \$100,000 or more; or (d) is a franchise. However, the amount provided for in clause a herein may be varied by rule of the procurement policy board, where applicable, or rule of the council relating to procurement, or, for franchises and concessions, rule of the franchise and concession review committee, as that amount applies to the information required by paragraphs 7, 8, 9 and 12 of subdivision b of this section, and the procurement policy board, where applicable, or the council, or, for franchises and concessions, the franchise and concession review committee, may by rule define specifically identified and limited circumstances in which contractors may be exempt from the requirement to submit information otherwise required by subdivision b of this section, but the rulemaking procedure required by chapter forty-five of the charter may not be initiated for such rule of the procurement policy board or franchise and concession review committee less than forty-five days after the submission by the procurement policy board or, for franchises and concessions, the franchise and concession review committee, to the council of a report stating the intention to promulgate such rule, the proposed text of such rule and the reasons therefor;

[(4)] "contractor" shall mean and include all individuals, sole proprietorships, partnerships, joint ventures or corporations who enter into a contract, as defined in paragraph three herein, with an agency, New York city affiliated agency, elected official or the council;

[(5)] "officer" shall mean any individual who serves as chief executive officer, chief financial officer, or chief operating officer of the contractor, by whatever titles known;

[(6)] "New York city affiliated agency" shall mean any entity the expenses of which are paid in whole or in part from the city treasury and the majority of the members of whose board are city officials or are appointed directly or indirectly by city officials, but shall not include any entity established under the New York city charter, this code or by executive order, any court or any corporation or institution maintaining or operating a public library, museum, botanical garden, arboretum, tomb, memorial building, aquarium, zoological garden or similar facility;

*"not-for-profit organization" shall mean any entity that is either incorporated as a not-for-profit corporation under the laws of the state of its incorporation or exempt from federal income tax pursuant to subdivision c of section five hundred one of the United States internal revenue code;*

*"officer" shall mean any individual who serves as chief executive officer, chief financial officer, or chief operating officer of the contractor, by whatever titles known;*

[(7)] "parent" shall mean an individual, partnership, joint venture or corporation which owns more than fifty percent of the voting stock of a contractor;

[(8)] "principal owner" shall mean an individual, partnership, joint venture or corporation which holds a ten percent or greater ownership interest in a contractor or subcontractor;

[(9)] "subcontract" shall mean any contract[, as defined in paragraph three herein,] between a subcontractor and a contractor; and

[(10)] "subcontractor" shall mean an individual, sole proprietorship, partnership, joint venture or corporation which is engaged by a contractor pursuant to a contract[, as defined in paragraph three herein].

§ 3. Chapter 1 of title 6 of the administrative code of the city of New York is amended by adding a new section 6-116.3 to read as follows:

*§ 6-116.3 Not-for-profit organizations compensation report. a. Not later than October first of each year, the mayor and the comptroller shall submit to the speaker of the city council a report detailing the one hundred most highly compensated officers or employees of not-for-profit organizations for which information was collected pursuant to subparagraph 24 of paragraph i of subdivision b of section 6-116.2. Such report shall include:*

- (1) the name of the officer or employee;*
- (2) the name of the not-for-profit organization in which such officer or employee serves;*
- (3) the total number of contracts registered to such organization in the preceding fiscal year;*
- (4) the total value of such contracts;*
- (5) the agency, elected official and/or council that awarded such contracts; and*
- (6) the goods or services procured pursuant to such contracts.*

§ 4. This law takes effect 45 days after it becomes law and applies to contracts for which a request for bids or proposals is issued on or after the effective date.

Referred to the Committee on Contracts.

Int. No. 219

By Council Members Brannan and Stevens.

**A Local Law to amend the administrative code of the city of New York, in relation to pass through contracts**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 6 of the administrative code of the city of New York is amended by adding a new section 6-147 to read as follows:

*§ 6-147 Pass through contracts. a. Definitions. For the purposes of this section, the term "New York city affiliated agency" shall mean any entity the expenses of which are paid in whole or in part from the city treasury and the majority of the members of whose board are city officials or are appointed directly or indirectly by city officials.*

*b. The commissioner of the department of design and construction shall prepare and submit to the speaker of the council quarterly reports regarding sole source contracts with New York city affiliated agencies for construction projects. Such reports, which shall be submitted to the speaker of the council and posted on the website of the department of design and construction by January first, April first, July first, and October first of each year, shall include, but not be limited to, the following information for each contract: (i) the New York city affiliated agency with which the department of design and construction contracts; (ii) a description of the construction project undertaken by such New York city affiliated agency; (iii) the manner in which such New York city affiliated agency circulated information to prospective bidders regarding such construction project, including the publication(s) and frequency with which any such notice was posted; (iv) the number of bids received; (v) the contract value; (vi) the name and business address of the contractor(s) selected; and (vii) the name and business address of subcontractor(s) utilized, if any.*

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

Referred to the Committee on Finance.

## Int. No. 220

By Council Members Brannan, Restler, Abreu and Krishnan.

**A Local Law to amend the New York city charter, in relation to the establishment of a department of coastal protection**

*Be it enacted by the Council as follows:*

Section 1. The New York city charter is amended by adding a new chapter 78 to read as follows:

*CHAPTER 78  
DEPARTMENT OF COASTAL PROTECTION*

*§ 3400. Department; commissioner.*

*§ 3401. Deputies.*

*§ 3402. Definition.*

*§ 3403. Powers and duties.*

*§ 3400. Department; commissioner. There shall be a department of coastal protection, the head of which shall be the commissioner of coastal protection. The commissioner may appoint deputies within available appropriations.*

*§ 3401. Deputies. The commissioner may appoint a deputy.*

*§ 3402. Definition. For purposes of this chapter, the term “coastal protection” means measures taken or infrastructure designed to protect the shoreline and coast from storms, erosion and the effects of climate change.*

*§ 3403. Powers and duties. a. The commissioner shall have the following powers and duties:*

*1. to develop policies and programs to address the city’s current and future needs relating to coastal protection measures;*

*2. to receive and expend funds made available for coastal protection measures;*

*3. to prepare and submit reports on coastal protection needs, coastal infrastructure and measures taken to address the effects of coastal storms caused by climate change;*

*4. to promulgate rules where provided for by law; and*

*5. to develop and carry out programs to promote public awareness and education in issues of coastal protection.*

*b. The commissioner may coordinate with state, federal and other governmental bodies to effectuate the purposes of the department.*

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

Referred to the Committee on Governmental Operations.

## Int. No. 221

By Council Members Brannan, Yeger, Stevens, Williams, Ung and Abreu.

**A Local Law to amend the administrative code of the city of New York, in relation to procedures to be adopted by the 311 call center for responding to certain repeat anonymous complaints against the same property**

*Be it enacted by the Council as follows:*

Section 1. The administrative code of the city of New York is amended by adding a new section 23-308 to read as follows:

*§ 23-308 Repeated anonymous unfounded complaints. a. The 311 customer service center, upon receipt of any non-emergency anonymous complaint relating solely to a property classified as harassed, shall document such call but shall not refer such call to any agency.*

*b. For the purposes of this section:*

*1. a property shall be classified as “harassed”: (i) if it is a privately-owned property that, within a six month period, is the sole subject of three or more anonymous complaints made to the 311 customer service center and referred to an agency; and (ii) such agency is unable to substantiate the condition or circumstance complained of, despite reasonable efforts; or (iii) such agency substantiates such condition or circumstance, but the condition or circumstance is not a violation of any applicable law. Such classification shall last for three months from the date of the third such complaint; and*

*2. “anonymous complaint” means a complaint made to the 311 customer service center where the complaining individual does not give his or her name and address, whether or not such information is requested.*

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

Referred to the Committee on Governmental Operations.

Int. No. 222

By Council Members Brannan, Yeger and Restler.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring an office or agency designated by the mayor to provide outreach and education to public housing tenants regarding smoking cessation**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 3 of the administrative code of the city of New York is amended by adding a new section 3-153 to subchapter 5 to read as follows:

*§ 3-153 Outreach and education regarding smoking cessation. a. By September 1, 2022, an office or agency designated by the mayor, in consultation with all other relevant agencies, shall establish and implement an outreach and education program to promote smoking cessation for public housing residents. Such outreach and education program shall at a minimum include: (i) creating educational materials concerning the health effects of smoking and ceasing smoking, which shall be made available to the public in writing and online in English and the six languages most commonly spoken by limited English proficient individuals in the city as determined by the department of city planning; and (ii) conducting targeted outreach to public housing residents, including holding events in or near public housing developments. Such program may thereafter be modified from time to time as needed.*

*b. In establishing and implementing such program, such designated office or agency shall seek the cooperation of the New York city housing authority.*

*c. Report. By September 1, 2023, and by September 1 in each year thereafter, such designated office or agency shall submit to the mayor and the speaker of the council, and make publicly available online, a report on implementation and efficacy of the program required by subdivision a of this section.*

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

Referred to the Committee on Public Housing.



## Int. No. 223

By Council Members Brannan, Yeger, Stevens, Williams and Abreu.

**A Local Law to amend the administrative code of the city of New York, in relation to a prohibition on sharing location data with third parties**

*Be it enacted by the Council as follows:*

Section 1. Title 23 of the administrative code of the city of New York is amended by adding a new chapter 13 to read as follows:

**CHAPTER 13  
PROHIBITION ON SHARING LOCATION DATA**

*§ 23-1301 Definitions. As used in this chapter, the following terms have the following meanings:*

*Authorized use. 1. The term “authorized use” means the sharing of a customer’s location data:*

*(a) For the purpose of providing a service explicitly requested by such customer;*

*(b) Exclusively for the purpose of providing a service explicitly requested by such customer; and*

*(c) Where such data is not collected, shared, stored or otherwise used by a third party for any purpose other than providing a service explicitly requested by such customer.*

*2. Such term does not include any instance in which a customer’s location data is shared in exchange for products or services.*

*Customer. The term “customer” means a current or former subscriber to a telecommunications carrier or a current or former user of a mobile application.*

*Location data. The term “location data” means information related to the physical or geographical location of a person or the person’s mobile communications device, regardless of the particular technological method used to obtain this information.*

*Mobile application. The term “mobile application” means a software program that runs on the operating system of a mobile communications device.*

*Mobile application developer. The term “mobile application developer” means a person that owns, operates or maintains a mobile application and makes such application available for the use of customers, whether for a fee or otherwise.*

*Mobile communications device. The term “mobile communications device” means any portable wireless telecommunications equipment that is utilized for the transmission or reception of data, including location data, and that is or may be commonly carried by or on a person or commonly travels with a person, including in or as part of a vehicle a person drives.*

*Share. The term “share” means to make location data available to another person, whether for a fee or otherwise.*

*Telecommunications carrier. The term “telecommunications carrier” means a service offered to the public for a fee that transmits sounds, images or data through wireless telecommunications technology.*

*§ 23-1302 Prohibition on sharing location data. a. It is unlawful for a mobile application developer or a telecommunications carrier to share a customer’s location data where such location data was collected while the customer’s mobile communications device were physically present in the city.*

*b. It is unlawful for a person who receives location data that is shared in violation of subdivision a of this section to share such data with any other person.*

*c. Each instance in which a mobile application developer, telecommunications carrier or other person shares a customer’s location data with another person in a manner prohibited by this section constitutes a separate violation of this section.*

*§ 23-1303 Exceptions. Section 23-1302 does not apply to:*

*1. Information provided to a law enforcement agency in response to a lawful process;*

*2. Information provided to an emergency service agency responding to a 911 communication or any other communication reporting an imminent threat to life or property;*

*3. Information required to be provided by federal, state or local law; or*

4. A customer providing the customer's own location data to a mobile application or telecommunications carrier to be shared for an authorized use.

§ 23-1304 Enforcement. The department of information technology and telecommunications shall enforce the provisions of this section.

§ 23-1305 Penalties. a. Except as provided in subdivision b, any person who violates section 23-1302 shall be subject to a civil penalty of \$1,000 for each such violation.

b. Where a person commits multiple violations of subdivisions a or b of section 23-1302 on the same day, the maximum civil penalty assessed against such person for all violations occurring on such day shall be a cumulative penalty of \$10,000 per person whose location data was shared unlawfully.

§ 23-1306 Private right of action. a. Any customer whose location data has been shared in violation of this chapter may bring an action in any court of competent jurisdiction. If a court of competent jurisdiction finds that a person has violated a provision of this chapter, the court may award: (i) actual damages, computed at a rate of \$1,000 per violation up to \$10,000 per day; and (ii) reasonable attorney's fees and costs incurred in maintaining such civil action.

b. The private right of action provided by this section does not supplant any other claim or cause of action available to a customer under common law or by statute. The provisions of this section are in addition to any such common law and statutory remedies.

c. Nothing in this chapter shall be construed as creating a private right of action against the city or any agency or employee thereof.

§ 23-1307 Rulemaking. The commissioner of information technology and telecommunications may promulgate and amend rules in furtherance of the administration of this chapter.

§ 2. This local law takes effect 120 days after it becomes law, provided that where the provisions of section 23-1302 of the administrative code of the city of New York, as added by section one of this local law, cannot be applied consistently with currently applicable contracts, such provisions shall only apply with respect to contracts entered into or renewed after the effective date of this local law.

Referred to the Committee on Technology.

Int. No. 224

By Council Members Brannan, Yeger, Ayala and Restler.

**A Local Law to amend the administrative code of the city of New York, in relation to restricting the use of bus lanes by sight-seeing buses**

*Be it enacted by the Council as follows:*

Section 1. Subdivision a of section 19-175.6 of the administrative code of the city of New York, as added by local law number 175 for the year 2018, is amended to read as follows:

a. The commissioner shall provide written authorization for on-street bus stops for sight-seeing bus companies pursuant to subdivision d of section 20-374 of this code on the basis of the following criteria: (i) traffic, bicycle and pedestrian flow, and public safety; (ii) preferences of the sight-seeing bus permit applicant; (iii) consultation with the local community board for the district encompassing the location to be authorized, including but not limited to a notice and comment period of 45 days prior to the authorization or permanent amendment thereto; (iv) the number of stops proposed and the viability of a proposed bus stop schedule as determined by the commissioner; (v) the availability and location of planned garage or other parking space for periods when buses picking up or discharging passengers at the authorized stops are not in use; and (vi) any other criteria deemed appropriate by the commissioner. *The commissioner shall not authorize any such bus stop in any lane in which bus lane restrictions are in effect for use between the hours of 7:00 am and 10:00 a.m. and between the hours of 4:00 p.m. and 7:00 p.m. on weekdays.* The commissioner shall approve or deny such authorizations no later than 180 days from the date of the application.

§ 2. Subchapter 2 of chapter 1 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-175.8 to read as follows:

*§ 19-175.8 Sight-seeing buses in bus lanes. Except for the permissible uses allowed under subparagraphs (iii) through (vi) of paragraph (1) of subdivision (m) of section 4-12 of title 34 of the rules of the city of New York and section 19-175.4, no sight-seeing bus may use a lane in which bus lane restrictions are in effect between the hours of 7:00 am and 10:00 a.m. or between the hours of 4:00 p.m and 7:00 p.m. on weekdays.*

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

Referred to the Committee on Transportation and Infrastructure.

Int. No. 225

By Council Members Brewer, Stevens, Kagan, Restler, Krishnan and Ossé.

**A Local Law to amend the New York city charter, in relation to creating a historic and cultural marker program**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of the New York city charter is amended by adding a new section 20-m to read as follows:

*§ 20-m. Historic and cultural marker program. a. For the purposes of this section, the term “marker” shall mean a visual indicator, such as a sign or plaque, to commemorate a person, place, or event.*

*b. Not later than January 1, 2023, the mayor shall create a historic and cultural marker program. The mayor shall determine which agency shall be responsible for developing, implementing, and overseeing the program. The program would:*

*1. Commemorate important people, places and events significant to New York City’s history and identity through historic and cultural markers;*

*2. Provide interpretive, interactive, and online materials to educate New York City residents and visitors about a diverse range of cultural and historic sites; and*

*3. Provide a searchable online database on an official website of the city accessible to the public that shall include a list of all historic and cultural markers.*

*c. The mayor or, as designated by the mayor, an office of the mayor or any department the head of which is appointed by the mayor shall create a process by which a member of the public may submit a proposal for a historic or cultural marker.*

§ 2. This local law takes effect immediately.

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

Int. No. 226

By Council Members Brewer, Restler, Marte, Yeger, Hanif, Hudson, Powers, Schulman, Kagan, Joseph, Farías, Bottcher, Abreu, Krishnan and Rivera.

**A Local Law to amend the administrative code of the city of New York, in relation to reducing noise caused by sightseeing helicopters that meet federal noise reduction standards**

*Be it enacted by the Council as follows:*

Section 1. Legislative findings and intent. The Council finds that there is significant noise pollution caused by the dozens of sightseeing helicopters operating daily from heliports owned by the city. The heliports used by

sightseeing helicopters are near water which carries the sound of those helicopters and significantly disrupts the daily lives of city residents who live and work near the heliports or across the East River. A previous local law limited sightseeing tour operators to the stage 3 noise levels as determined by the federal aviation administration, however the Council finds that no current noise reduction measures will be acceptable to ensure the quiet repose of the affected communities. Therefore the Council finds that the prohibition on sightseeing helicopters needs to be extended to include helicopters that meet the stage 3 noise levels as well.

§ 2. Subdivision a of section 24-244.1 of the administrative code of the city of New York, as added by proposed introduction number 859-2015, is amended by adding a new definition of “stage 3 noise level” in alphabetical order to read as follows:

*Stage 3 noise level. The term “stage 3 noise level” means stage 3 noise level as such term is defined by subsection (h) of section 36.1 of title 14 of the code of federal regulations.*

§ 3. Subdivision b of section 24-244.1 of the administrative code of the city of New York, as added by proposed introduction number 859-2015, is amended to read as follows:

b. Sightseeing helicopters. No person shall use or permit the use of any sightseeing helicopter that meets stage 1 noise levels, [or] stage 2 noise levels *or stage 3 noise levels* to take off or land from any property owned or managed by the city of New York, except in emergency situations or as otherwise directed by an aviation control tower or air traffic control center.

§ 4. This local law takes effect 270 days after it becomes law, provided that it is approved by the United States secretary of transportation pursuant to the federal airport noise and capacity act of 1990.

Referred to the Committee on Environmental Protection.

Int. No. 227

By Council Members Brewer, Yeger, Kagan, Ung, Barron, Ayala and Abreu (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 the department of transportation to make available on its website biographical information pertaining to all street and park name changes**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 25 of the administrative code of the city of New York, is amended by adding a new section 25-102.2, to read as follows:

*§ 25-102.2 Posting certain information related to street and park names. Whenever a street, park, playground, facility or structure, or portion thereof, is renamed or co-named pursuant to section 25-102.1 of this chapter, the department of transportation shall make biographical and/or background information about the person or entity for whom the naming is on behalf of available on its website within ninety days of the enactment of the local law which named the street, park, playground, facility or structure, or portion thereof.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Parks and Recreation.

Int. No. 228

By Council Members Brewer, Dinowitz, Feliz, Yeger, Hanif, Stevens, Schulman, Kagan, Barron, Joseph, Ayala, Ung, Abreu and Krishnan.

**A Local Law to amend the administrative code of the city of New York, in relation to increasing the number of drinking fountains adjacent to public parks and greenstreets**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 18 of the administrative code of the city of New York is amended by adding a new section 18-158 to read as follows:

*§18-158 Drinking fountains and parks. a. For purposes of this section, “greenstreets” shall mean a location under the jurisdiction of the commissioner that is used as a pedestrian thoroughfare that is not inside of or adjacent to a park.*

*b. The commissioner shall on a regular basis, beginning on January 1, 2023 and no less than every five years thereafter, complete an evaluation of the need for drinking fountains on locations under the jurisdiction of the commissioner, that are adjacent to non-park land, including both greenstreets and the perimeters of public parks. Such evaluation shall consider both the proximity of existing sources of public drinking water and how heavily trafficked such locations are by pedestrians and bicyclists. At the conclusion of each evaluation, the commissioner shall report to the council on the seventy-five such locations, as identified by the commissioner, that would most benefit from the installation of drinking fountains for public use.*

*c. Prior to July 1, 2023, no less than twenty-five drinking fountains available for public use shall be installed and maintained at locations identified by the commissioner in the report issued pursuant to subdivision b of this section. Every five years hence, the department shall install and maintain no less than twenty-five additional drinking fountains for public use, at locations identified by the commissioner pursuant to subdivision b. Anytime after July 2, 2033, the commissioner may determine not to install any further drinking fountains under this section and shall inform the speaker of the council in writing of such determination and the reasons therefor.*

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

Referred to the Committee on Parks and Recreation.

Res. No. 130

**Resolution calling on the Federal Government to halt the planned closure of Manhattan and Brooklyn’s Veteran Affairs Medical Centers.**

By Council Members Brewer, Holden, Yeger, Hanif, Sanchez, Stevens, Schulman, Kagan, Ung, Barron, Joseph, Ayala, Restler, Paladino, Carr and Ariola.

**Whereas**, As of 2021, an estimated 210,000 veterans live in New York City (NYC) according to NYC Department of Veteran Services; and

**Whereas**, Veterans selflessly served and sacrificed for our city and our country, and we owe them a great deal of gratitude; and

**Whereas**, Veteran Affairs medical centers were created to best help veterans with services “under one roof” with (1) system-wide clinical expertise regarding service-connected conditions and disorders; (2) a team approach to primary care that is veteran-centric; (3) a holistic view that includes physical, psychosocial, and economic determinants; (4) and critical support services for family members and caregivers; and

**Whereas**, Veteran Affairs medical centers are essential and extraordinary in terms of bringing together comprehensive expertise in a single health care system with experts in preventive care, inpatient hospital services, urgent and emergency care services, mental health, and support services; and

**Whereas**, COVID-19 has greatly affected the veteran population’s health, has exacerbated social isolation and mental health needs, and made these centers more needed than ever; and

**Whereas**, The Veteran Affairs New York Harbor Healthcare System is a set of hospitals run by the United States Department of Veterans Affairs in the NYC area; and

**Whereas,** It is comprised of three medical centers, two community outpatient clinics, and three veteran centers; and

**Whereas,** We continue to keep our promise to veterans that dates back to President Lincoln's second inauguration when he charged a wounded nation to care for those "who shall have borne the battle" and for their families and their survivors; and

**Whereas,** That promise echoes into today that there is no more noble mission in this country than keeping that fundamental promise; and

**Whereas,** The U.S. Department of Veteran Affairs recently recommended closing the Veteran Affairs medical centers in Brooklyn and Manhattan and establishing partnerships with community affiliates and outpatient clinics; and

**Whereas,** Now more than ever, the federal government should remain fully committed to fulfill the sacred obligation we have for those who served by continuing to advocate for our local NYC Veteran Affairs medical centers to continue to be premier, all-in-one centers for our veterans, their families, caregivers, and survivors; now, therefore, be it

**Resolved,** That the Council of the City of New York calls on the Federal Government to halt the planned closure of Manhattan and Brooklyn Veteran Affairs Medical Centers.

Referred to the Committee on Veterans.

Int. No. 229

By Council Members Cabán, Ayala, Hudson, Brewer, Stevens, Williams, Restler, Abreu and Krishnan.

**A Local Law to amend the administrative code of the city of New York, in relation to monthly rental assistance payments for households with rental assistance vouchers**

*Be it enacted by the Council as follows:*

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

*§ 21-151 Monthly rental assistance payments. a. Definitions. For purposes of this section, the following terms have the following meanings:*

*Household rent contribution. The term "household rent contribution" means the percent of income that a household with a rental assistance voucher contributes towards the rent of an apartment or a single room occupancy.*

*Maximum monthly rent. The term "maximum monthly rent" means the amount of monthly rent that an apartment or a single room occupancy shall not exceed, based on the size of the household with a rental assistance voucher.*

*Rental assistance voucher. The term "rental assistance voucher" means any rental housing subsidy established by the department for families and individuals experiencing homelessness.*

*Utility allowance. The term "utility allowance" means a monthly allowance for utility services, excluding cable, internet and telephone services, paid by a subsidized housing tenant.*

*b. The amount of monthly rental assistance that the department provides to an owner or a landlord on behalf of a household with a rental assistance voucher to rent an apartment or a single room occupancy shall be equal to the actual monthly rent of such apartment or single room occupancy, up to the maximum monthly rent, minus a household rent contribution. The department shall not deduct a utility allowance from the maximum monthly rent when calculating such monthly rental assistance.*

*c. Beginning within 15 days of the effective date of the local law that added this section, and continuing thereafter, the commissioner, in consultation with the commissioner of housing preservation and development, shall conduct culturally appropriate outreach on this section to relevant agencies, stakeholders, landlords and*

*families and individuals experiencing homelessness in the designated citywide languages, as defined in section 23-1101.*

§ 2. This local law takes effect 90 days after it becomes law, except that the commissioner of social services shall take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

Referred to the Committee on General Welfare.

Int. No. 230

By Council Members Carr, Borelli, Stevens and Yeger.

**A Local Law to amend the administrative code of the city of New York, in relation to recycled paper facilities**

*Be it enacted by the Council as follows:*

Section 1. Section 28-320.1, as amended by local law number 147 for the year 2019, is amended by amending the definition of “covered building” to read as follows:

**COVERED BUILDING.** The term "covered building" means, as it appears in the records of the department of finance, (i) a building that exceeds 25,000 gross square feet (2322.5 m<sup>2</sup>) or (ii) two or more buildings on the same tax lot that together exceed 50,000 gross square feet (4645 m<sup>2</sup>), or (iii) two or more buildings held in the condominium form of ownership that are governed by the same board of managers and that together exceed 50,000 gross square feet (4645 m<sup>2</sup>).

**Exceptions:**

1. An industrial facility primarily used for the generation of electric power or steam.
2. Real property, not more than three stories, consisting of a series of attached, detached or semi-detached dwellings, for which ownership and the responsibility for maintenance of the HVAC systems and hot water heating systems is held by each individual dwelling unit owner, and with no HVAC system or hot water heating system in the series serving more than 25,000 gross square feet (2322.5 m<sup>2</sup>), as certified by a registered design professional to the department.
3. A city building.
4. A housing development or building on land owned by the New York city housing authority.
5. A rent regulated accommodation.
6. A building whose main use or dominant occupancy is classified as occupancy group A-3 religious house of worship.
7. Real property owned by a housing development fund company organized pursuant to the business corporation law and article eleven of the private housing finance law.
8. A building that participates in a project-based federal housing program.

*9. An industrial facility that produces 100 percent recycled paper products from 100 percent recycled paper.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Environmental Protection.

Int. No. 231

By Council Members De La Rosa, Stevens, Narcisse, Yeger, Moya, Ossé and Ayala (by the request of the Manhattan Borough President).

**A Local Law to amend the administrative code of the city of New York, in relation to the creation of a residential parking permit system in Northern Manhattan**

*Be it enacted by the Council as follows:*

Section 1. Subchapter 2 of chapter 1 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-175.8 to read as follows:

*§19-175.8 Residential parking permit system in Northern Manhattan. a. The department shall create and implement a residential parking permit system in Northern Manhattan, to include all areas north of 60<sup>th</sup> street through Inwood, as bounded by the intersection of Spuyten Duyvil Creek and Harlem River, which fixes and requires the payment of fees applicable to parking within the area in which such parking system is in effect in accordance with the provisions of this section.*

*b. In creating such residential parking system, the department shall:*

*1. designate the specific areas in which such parking system applies;*

*2. provide the times of the day and days of the week during which permit requirements shall be in effect; and*

*3. make not less than twenty percent of all spaces within the permit area available to non-residents and provide for short-term parking of not less than ninety minutes in duration in such area;*

*and*

*4. provide that motor vehicles registered pursuant to section 404-a of the New York vehicle and traffic law be exempt from any permit requirement; and*

*5. provide the schedule of fees to be paid for residential permits; and*

*6. provide that such fees shall be credited to the general fund of the city of New York.*

*c. Notwithstanding the provisions of this section, no such residential parking permit shall be required on streets where the adjacent properties are zoned for commercial, office and/or retail use.*

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

Referred to the Committee on Transportation and Infrastructure.

Int. No. 232

By Council Members De La Rosa, Farías, Sanchez, Williams, Ayala, Restler, Narcisse, Bottcher, Moya, Ossé, Abreu, Rivera and Richardson Jordan.

**A Local Law in relation to the establishment of a task force to study the gender pay disparity and economic self-sufficiency among the labor force in the city**



*Be it enacted by the Council as follows:*

Section 1. Definitions. For purposes of this local law, the following terms have the following meanings:

City. The term “city” means the city of New York.

Economic self-sufficiency. The term “economic self-sufficiency” means earning the amount of income necessary in the city of New York to meet basic needs, including food, housing, utilities, health care, transportation, taxes, dependent care, and clothing, without public subsidies and without private or informal assistance.

Task force. The term “task force” means the gender pay disparity and economic self-sufficiency task force established by this local law.

§ 2. Task force established. There is hereby established a task force to be known as the gender pay disparity and economic self-sufficiency task force.

§ 3. Duties. The task force shall review the public, private, and non-profit labor force to:

- a. Determine the best method or methods to measure the gender pay disparity in the labor force in the city;
- b. Determine an economic self-sufficiency standard for the labor force in the city; and
- c. Conduct a study of the gender pay disparity and economic self-sufficiency among the labor force in the city.

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

1. The executive director of the commission on gender equity or such executive director’s designee, who shall serve as chair;
2. The executive director of the office for economic opportunity or such executive director’s designee;
3. The commissioner of citywide administrative services or such commissioner’s designee;
4. The commissioner of the office of labor relations or such commissioner’s designee;
5. The president of the New York city economic development corporation or such president’s designee;
6. Three members appointed by the mayor, at least one of whom shall be a representative from a labor union and two of which shall be representatives from nonprofits; and
7. Three members appointed by the speaker of the council who shall be individuals with expertise in gender pay disparity or economic self-sufficiency, including individuals who do advocacy work or research in such topics.

b. All appointments required by this section shall be made no later than 90 days after the effective date of this local law.

c. Each member of the task force shall serve at the pleasure of the officer who appointed the member. In the event of a vacancy on the task force, a successor shall be selected in the same manner as the original appointment. All members of the task force shall serve without compensation.

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

b. The task force may invite relevant experts and stakeholders to attend its meetings and to otherwise provide testimony and information relevant to its duties.

c. The task force shall meet no less than once each quarter to carry out the duties described in section three. The task force shall hold at least one public hearing before submitting the report required by section six.

d. The meeting requirement of subdivision c shall be suspended when the task force submits its report as required by section six.

§ 6. Report. a. No later than one year after the first meeting of the task force, the task force shall submit a report to the mayor and the speaker of the council setting forth its recommendations for legislation, policy and best practices relating to decreasing the gender pay disparity and increasing economic self-sufficiency in the city. The report shall include a summary of information the task force considered in formulating its recommendations.

b. The commission on gender equity shall publish the task force’s report electronically on its website no later than 30 days after its submission to the mayor and the speaker of the council.

§ 7. Agency support. Each agency affected by this local law shall provide appropriate staff and resources to support the work of such agency related to the task force.

§ 8. Termination. The task force shall terminate 180 days after the date on which it submits its report, as required by section six.

§ 9. Effective date. This local law takes effect immediately.

Referred to the Committee on Women and Gender Equity.

Res. No. 131

**Resolution calling on Wendy's to join the Fair Food Program and support farmworkers' human rights.**

By Council Members De La Rosa, Hanif, Brewer, Sanchez, Stevens, Cabán, Restler, Narcisse, Bottcher, Moya, Abreu, Rivera and Richardson Jordan (by request of the Manhattan Borough President).

**Whereas**, In 2011, the Fair Food Program (FFP) was created by the Coalition of Immokalee Workers (CIW) in an effort to bring together farmworkers, consumers, major food retailers and growers to achieve humane labor standards and better wages in United States agriculture; and

**Whereas**, The FFP works by having "Participating Buyers" of farm produce agree to purchase covered produce, mainly tomatoes, only from "Participating Growers"; and

**Whereas**, These Participating Growers are farms that meet strict standards required by the Fair Food Code of Conduct, which was designed by farmworkers themselves and is independently monitored by the Fair Food Standards Council, that include certain requirements for farmworkers, such as the right to work free from sexual harassment and assault; safe and non-abusive working conditions including shade, water and clean bathrooms in the fields; the ability to report mistreatment or unsafe conditions without retaliation; know-your-rights trainings; access to breaks and safe transportation to work; and

**Whereas**, In addition to certain labor standards, Participating Buyers pay Participating Growers a small premium on the purchased produce, known as the "Fair Food Premium," which goes to supplement farmworkers' regular paychecks; and

**Whereas**, To solidify these partnerships, the FFP and thus, the Fair Food Code of Conduct, are backed by legally-binding agreements between the CIW and many of the world's largest produce buyers, such as McDonald's and Subway, with farms that fail to comply with these standards facing risk of suspension from the FFP and losing the ability to sell their produce to Participating Buyers; and

**Whereas**, As the CIW has established that there is an underlying imbalance of power between farmworkers and corporations, it has focused its efforts on engaging with large corporations at the top of the agricultural supply chain to become Participating Buyers; and

**Whereas**, Currently, the FFP's Participating Buyers include Walmart, Chipotle Mexican Grill, Trader Joe's, Burger King, Subway and McDonald's; however, there still exist corporations that do not participate in the FFP and thus, may not ensure farmworkers are provided basic protections and fundamental human rights in their work; and

**Whereas**, The popular and large fast-food corporation Wendy's is one such company that has yet to join the FFP, having faced considerable criticism and protests over its refusal to participate, with a number of cities passing resolutions urging Wendy's to join the FFP and advocating for the boycott of Wendy's, according to the New York Times; and

**Whereas**, In New York City, Wendy's has locations throughout the five boroughs, and is one of the only major fast-food chains to reject the opportunity to join the FFP; and

**Whereas**, In March 2018, over 100 farmworkers and supporters fasted for five days outside the Park Avenue offices of the hedge fund investment firm, Triun Partners, one of the largest shareholders of Wendy's, calling on the fast-food company to join the FFP, with over 2,000 New Yorkers joining in protest through midtown Manhattan on the last day of the fast, according to the CIW; and

**Whereas**, In New York State there are a substantial number of farmworkers, as an August 2019 New York State Comptroller report indicates that New York State's more than 33,000 farms generated \$5.7 billion in revenue in 2017, accounting for up to 55,000 farmworkers within the state; and

**Whereas,** In New York City, specifically, there are approximately 36 farms located in four boroughs, according to an August 2019 New York State Comptroller report; and

**Whereas,** In addition, there are hundreds of GreenThumb registered community gardens and registered public school garden projects in New York City, according to the 2020 New York City Food Metrics Report required pursuant to Local Law 52 of 2011; and

**Whereas,** As New York has a large number of farmworkers, encouraging Wendy's to join the FFP would ensure that farmworkers that provide produce to Wendy's are provided with the benefits, wages and work conditions that they deserve; now, therefore, be it

**Resolved,** That the Council of the City of New York calls on Wendy's to join the Fair Food Program and support farmworkers' human rights.

Referred to the Committee on Civil Service and Labor.

Int. No. 233

By Council Members Dinowitz, Hanif, Brewer, Sanchez, Stevens, Yeger, Williams, Ung, Ayala, Restler, Bottcher, Abreu and Krishnan.

**A Local Law in relation to requiring the department of education to conduct a study on the feasibility of installing green roofs on schools**

*Be it enacted by the Council as follows:*

Section 1. Green roofs on schools. a. Definitions. For the purposes of this local law, the following terms have the following meanings:

Chancellor. The term "chancellor" means the chancellor of the city school district of the city of New York.

Green roof. The term "green roof" means a living vegetative system partially or wholly covering a roof.

b. The chancellor, or such other agency or city official as the mayor shall designate, shall conduct a study to assess the feasibility of installing a green roof on at least two schools in each community school district. Such study shall be conducted in consultation with the New York city school construction authority, the department of environmental protection, the department of buildings, and any other office or agency as the mayor shall designate. No later than 180 days after the effective date of this local law, the chancellor shall submit to the speaker of the council a report with the findings of such study.

§ 2. This local law takes effect immediately and expires and is deemed repealed upon the issuance of the final report required by section one of this local law.

Referred to the Committee on Education.

Int. No. 234

By Council Members Farías, Hudson, Stevens, Williams and Aviles.

**A Local Law to amend the New York city charter and the administrative code of the city of New York, in relation to the preparation of community impact reports for city-subsidized economic development projects**

*Be it enacted by the Council as follows:*

Section 1. Paragraph a of subdivision 1 of section 1301 of the New York city charter, as added by local law number 61 for the year 1991, is amended to read as follows:

a. to establish business, industrial and commercial policies, programs and projects which affect the business, industrial, commercial or economic well-being, development, growth and expansion of the economic life of the city *and to examine the impact on communities for which an economic development project is proposed*;

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

### CHAPTER 13 COMMUNITY IMPACT REPORTS

§ 22-1301 *Definitions. a. For the purposes of this chapter, the following terms have the following meanings: Department. The term “department” means the department of small business services.*

*City economic development entity. The term “city economic development entity” means a not-for-profit corporation of which a majority of its members are appointed by the mayor and that is under contract with the department to provide or administer economic development benefits on behalf of the city and expend city capital appropriations in connection therewith.*

*Economic development benefit. The term “economic development benefit” means the sale or lease of city-owned land or the provision or administration of financial assistance by the city economic development entity to a person or entity for the purpose of job creation, retention, growth or other economic development project. The term “economic development benefit” shall not include: (i) the sale or lease of city-owned property or the provision of financial assistance in connection with contracts or other agreements for the provision of social services; (ii) as-of-right assistance, tax abatements or benefits, such as those under the Industrial and Commercial Abatement Program, the J-51 Program, and other similar programs; (iii) projects for affordable housing where such affordable housing units shall be affordable to individuals earning less than 120 percent of area median income and where any market rate housing units created within such project comprise no more than 30 percent of all units created within such project; or (iv) projects that include less than 25,000 square feet of gross commercial space.*

*Economic development project. The term “economic development project” means a project undertaken by a person or entity that receives an economic development benefit for such project.*

*Financial assistance. The term “financial assistance” means the provision of more than \$150,000 in cash payments or grants, bond financing, tax abatements or exemptions (including, but not limited to, abatements or exemptions from real property, mortgage recording, sales and use taxes, or the difference between any payments in lieu of taxes and the amount of real property or other taxes that would have been due if the property were not exempted from the payment of such taxes), tax increment financing, filing fee waivers, energy cost reductions, environmental remediation costs, write-downs in the market value of building, land, or leases, or the cost of capital improvements undertaken for the benefit of a project subject to a project agreement. The term “financial assistance” includes only discretionary assistance that is negotiated or awarded by the city or by a city economic development entity, and does not include as-of-right assistance, tax abatements or benefits, such as those under the Industrial and Commercial Abatement Program, the J-51 Program, and other similar programs. Any tax abatement, credit, reduction or exemption that is given to all persons who meet criteria set forth in the state or local legislation authorizing such tax abatement, credit, reduction or exemption is deemed to be as-of-right (or non-discretionary); further, the fact that any such tax abatement, credit, reduction or exemption is limited solely by the availability of funds to applicants on a first come, first served or other non-discretionary basis set forth in such state or local law does not render such abatement, credit, reduction or exemption discretionary. Where assistance takes the form of leasing city property at below-market lease rates, the value of the assistance shall be determined based on the total difference between the lease rate and a fair market lease rate over the duration of the lease. Where assistance takes the form of loans or bond financing, the value of the assistance shall be determined based on the difference between the financing cost to a borrower and the cost to a similar borrower who does not receive financial assistance from the city or a city economic development entity.*

§ 22-1302 *Community impact reports. a. For each economic development project, the department shall prepare or cause to be prepared a community impact report that describes and assesses certain economic and social data related to the proposed economic development project and the community in which it will be located, along with the following:*

*1. A general, functional description of the proposed project; its prospective location; its initial owner, operator or manager; existing number of employees; whether the project is a new or continuing endeavor; a full*

*description of the funding source benefit or program name, dollar amount or equivalent along with the term of all economic development benefits being contemplated including a list of as-of-right business incentive program benefits provided by the city;*

*2. Information on whether the economic development project would be located in a highly distressed area as defined under subdivision (18) of section 854 of the general municipal law with a listing of such qualifying characteristics. Where a project would be located in a highly distressed area, the community impact report shall describe the impact, if any, the proposed project is projected to have on (i) alleviating unemployment; (ii) spurring private or public investment in employment, housing or educational opportunities for residents; (iii) increasing wages or other employment compensation, such as health benefits, of other businesses in the distressed area; (iv) providing opportunities for training and skills development and improving employment opportunities for entry-level or low-skill workers; and (v) facilitating and supporting local entrepreneurial efforts;*

*3. Where a business will be created or moved to a prospective location in furtherance of the economic development project, a description of the current use of the prospective location;*

*4. Information regarding the estimated number of residential units to be directly created or renovated as a result of such project; proposed rents for such units; how such rents compare to current rents of unit types in closest similarity within the community district or districts within which such project will be located; and the estimated increase in rents to such units and other units within such community district or districts that may result from such project;*

*5. Information regarding the estimated number of residents who will be displaced as a direct result of the project and as to such residents, a demographic profile compiled from non-confidential government and other data publicly available to include, but not be limited to, the racial, ethnic and gender composition of such residents; the estimated number of residents over 65 years of age and under 18 years of age; the estimated average individual and household income; the estimated number of residents receiving subsidized housing assistance from vouchers, grants or other program; the number of any rent regulated units in an existing building at risk of elimination; and such other information determined by the department to be appropriate;*

*6. The estimated number of businesses that will be displaced as a direct result of the project; the estimated number of full-time employees and part-time employees to be displaced; the business type classification as commercial, industrial or retail and to the extent reasonably available from non-confidential government data, the percentage representation, average gross floor area and the final actual assessed total value of the business properties to be displaced;*

*7. The estimated number of permanent and seasonal full-time jobs to be directly created by such project; the method by which the estimate was derived; and the aggregation of such jobs by business sector including, but not limited to, construction, retail, professional services, financial services, tourism and hospitality, information and technology, and building services and the method by which each such estimate was derived;*

*8. The estimated number of permanent full-time jobs to be indirectly created by such project and the method by which such estimate was derived;*

*9. The estimated percentage of employees in each category set forth in paragraphs 7 and 8 of this subdivision, respectively, whom it is estimated will earn up to \$35,000 per year; the percentage of employees who it is estimated will earn more than \$35,000 per year and up to \$50,000 per year; and the percentage of employees who it is estimated will earn more than \$50,000 per year; and for those employees who are not salaried but are paid based upon an hourly wage, the percentage of employees in each such category, respectively, who it is estimated will be paid an hourly wage between the minimum wage and \$20 per hour, above \$20 per hour, and up to \$25 per hour;*

*10. Information on whether the project will utilize local job recruitment programs and the number of jobs which may be filled by such programs;*

*11. The estimated number of persons in each category set forth in paragraphs 7 and 8 of this subdivision, respectively, whom it is estimated will receive employer provided health benefits; and*

*12. A statement as to the sources and computational methodology of all information relied upon to produce the estimates and data required by this subdivision.*

*b. A community impact report shall be submitted to the council at least 30 days prior to the approval by the city or the economic development entity of the proposed economic development benefit and related project. Each report shall also be made available on the website of the economic development entity or on the city's website.*

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

Referred to the Committee on Economic Development.

Int. No. 235

By Council Members Farías, Menin, Stevens, Williams, Restler and Abreu.

**A Local Law to amend the New York city charter, in relation to an office of tourism recovery**

*Be it enacted by the Council as follows:*

Section 1. Chapter one of the New York city charter is amended by adding a new section 20-O to read as follows:

*20-O. Office of Tourism Recovery a. Definitions. There shall be established in the executive office of the mayor an office of tourism recovery. The office shall be headed by a director, who shall be appointed by the mayor.*

*b. The office of tourism recovery shall have the power and duty to:*

- 1. Coordinate with city agencies to facilitate the recovery of the city's tourism industry;*
- 2. Liaise between the public and the administration on issues relating to the tourism industry;*
- 3. Disseminate information on behalf of the city to concerns from local businesses and attractions relating to the city's tourism recovery efforts;*

*4. Respond on behalf of the city to concerns from tourists or potential tourists on the safety measures in place at various city attractions; and*

*5. Work with city agencies to communicate tourism recovery efforts to other agencies and the general public.*

*c. Beginning on April 1, 2023 and each quarter thereafter, the director of tourism recovery shall submit a report to the mayor and speaker of the council containing, at a minimum:*

- 1. An estimate of the lost tourism revenue to the city during the preceding quarter;*
- 2. An analysis of the recovery efforts taken by each city agency engaged in tourism recovery;*
- 3. Identification of appropriate areas of the city where tourism recovery efforts could be directed more effectively, and recommendations on how to do so; and*
- 4. Any other recommendations in furtherance of tourism recovery.*

*d. This section expires five years after the effective date of the local law that added this section.*

§ 2. This local law takes effect 120 days after it becomes law, except that the mayor's office or any agency designated by the mayor must take such measures as are necessary for the implementation of this local law prior to such effective date. This local law is deemed repealed 5 years after it becomes law.

Referred to the Committee on Economic Development.

Int. No. 236

By Council Members Farías, Stevens, Hanif, Sanchez, Yeger, Velázquez, Ayala, Restler, Abreu and Krishnan.

**A Local Law to amend the administrative code of the city of New York, in relation to providing ferry service at reduced cost to individuals under the age of 18 or enrolled in a high school located with New York city**

*Be it enacted by the Council as follows:*

Section 1. Section 22-824 of the administrative code of the city of New York, as amended by local law 221 of 2017, is amended by adding a new subdivision c to read as follows:

*c. In each covered contract with a contracted entity executed or amended on or after the effective date of this section, the commissioner shall require that such contracted entity ensure that all future subcontracts with a third party for the delivery of ferry services include a provision whereby individuals who under the age of 18 or enrolled in a high school located within New York city are guaranteed access to such ferry service at half the cost of a standard fare.*

§ 2. This local law takes effect immediately after it becomes law.

Referred to the Committee on Economic Development

Int. No. 237

By Council Members Gennaro, Stevens and Restler.

**A Local Law to amend the administrative code of the city of New York, in relation to buildings required to be benchmarked for energy and water efficiency**

*Be it enacted by the Council as follows:*

Section 1. Section 28-309.2, as amended by local law number 133 for the year 2016 and local law 126 for the year 2021, is amended by amending the definition of “covered building” to read as follows:

**COVERED BUILDING.** As it appears in the records of the department of finance: (i) a building that exceeds [25,000] 10,000 gross square feet [(2323 m<sup>2</sup>)], (ii) two or more buildings on the same tax lot that together exceed [100,000] 50,000 gross square feet [(9290 m<sup>2</sup>)], (iii) two or more buildings held in the condominium form of ownership that are governed by the same board of managers and that together exceed [100,000] 50,000 gross square feet [(9290 m<sup>2</sup>)], or (iv) a city building.

**Exceptions:** The term “covered building” shall not include:

1. Any building owned by the city that participates in the tenant interim lease apartment purchase program.
2. Real property classified as class one pursuant to subdivision one of section 1802 of the real property tax law.
3. Real property, not more than three stories, consisting of a series of attached, detached or semi-detached dwellings, for which ownership and the responsibility for maintenance of the HVAC systems and hot water heating systems is held by each individual dwelling unit owner, and with no HVAC system or hot water heating system in the series serving more than two dwelling units, as certified by a registered design professional to the department.

§ 2. This local law takes effect January 1, 2023.

Referred to the Committee on Housing and Buildings

## Int. No. 238

By Council Members Gennaro, Stevens, Yeger and Bottcher.

**A Local Law to amend the administrative code of the city of New York, in relation to collection of recyclable materials after a holiday**

*Be it enacted by the Council as follows:*

Section 1. Subdivision b of section 16-305.1 of the administrative code of the city of New York, as amended by local law number 50 for the year 2003, is amended to read as follows:

b. [Effective July first, two thousand three, and notwithstanding any inconsistent provision of this chapter, the department shall be authorized, by written order of the commissioner, to implement and maintain alternate week collection of designated recyclable materials in all local service delivery districts, provided that the department may, by written order of the commissioner, provide for more frequent collection of designated recyclable materials in designated local service delivery districts. Any such written order of the commissioner implementing alternate week collection shall expire no later than March thirty-first, two thousand four.] *If a scheduled day to collect designated recyclable materials falls on a holiday, collection shall occur within two days following the holiday.*

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

Referred to the Committee on Sanitation and Solid Waste Management

## Int. No. 239

By Council Members Gennaro, Dinowitz, Stevens, Yeger, Restler and Krishnan.

**A Local Law to amend the administrative code of the city of New York, in relation to education and outreach regarding solar and green roof requirements**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 28 of the administrative code of the city of New York is amended by adding a new section 28-103.37 to read as follows:

**§ 28-103.37 Education and outreach on solar and green roof requirements.** *No later than January 31, 2023, and by January 31 every five years thereafter, the department shall conduct targeted outreach to notify and educate building owners about the requirements of section 1511 of the New York city building code. Notices and educational materials distributed pursuant to this section shall include, but not be limited to, information regarding the requirements of section 1511 of the New York city building code and notice as to which buildings such requirements apply. Such notices and educational materials shall be prepared in plain language using words with common everyday meanings and made available in all of the designated citywide languages, as defined in section 23-1101. Such notices and educational materials shall also be made available on the department's website.*

**§ 28-103.37.1 Reporting.** *No later than May 31, 2023, and by May 31 every five years thereafter, the department shall submit to the speaker of the council a report describing the methods of targeted outreach used to comply with this section.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Environmental Protection.



## Int. No. 240

By Council Members Gutiérrez, Joseph, Brooks-Powers, Stevens, Yeger, Menin, Williams, Schulman, Riley, Narcisse, Barron, Ossé, Ayala, Restler, Cabán, Abreu, Richardson Jordan and Ariola.

**A Local Law to amend the administrative code of the city of New York, in relation to the department of information technology and telecommunications updating 311 complaint types and reporting on such updates**

*Be it enacted by the Council as follows:*

Section 1. Chapter 3 of title 23 of the administrative code of the city of New York is amended by adding a new section 23-308 to read as follows:

§ 23-308 *Updating 311 complaint types.* a. *By no later than the effective date of any local law that involves a request for service, the commissioner of information technology and telecommunications shall add the associated complaint type to the 311 customer service center website and mobile device platforms, and notify the 311 customer service center call takers of such complaint type.*

b. *For the purposes of subdivision a of this section, a local law involves a request for service if such local law:*

1. *Requires the department of information technology and telecommunications to implement the capability to file a complaint on the 311 customer service center website and mobile device platforms;*
2. *Establishes a program or requires an agency to provide information or services to the public;*
3. *Establishes or expands a right or a protection for a business or person; or*
4. *Prohibits conduct by an agency, business or person.*

c. *Report. No more than 180 days after the effective date of the local law that added this section, and semiannually thereafter, the commissioner of information technology and telecommunications shall report to the mayor and the speaker of the council on updating complaint types on the 311 customer service center website and mobile device platforms. Such report shall be posted on the website of the department of information technology and telecommunications and the 311 customer service center and shall include:*

1. *Data regarding the updating of complaint types on the 311 customer service center website and mobile device platforms after the enactment of a local law that involves a request for service, including, but not limited to, the number of complaint types that the department of information technology and telecommunications added by such local law's effective date;*

2. *A list of the local laws enacted during the reporting period that involve a request for service, along with (i) the complaint type that each local law added, (ii) when such complaint type was added to the 311 customer service center website and mobile device platforms and (iii) an explanation of any delays, if applicable, in adding the complaint type to the 311 customer service center website and mobile device platforms; and*

3. *Any challenges that the department of information technology and telecommunications faced in timely updating the complaint types on the 311 customer service center website and mobile device platforms and any efforts to address such challenges.*

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

Referred to the Committee on Technology.

## Int. No. 241

By Council Members Gutiérrez, Hanif, Joseph, Brooks-Powers, Stevens, Menin, Williams, Schulman, Riley, Narcisse, Ung, Barron, Ossé, Ayala, Restler, Cabán, Abreu, Krishnan and Richardson Jordan.

**A Local Law to amend the administrative code of the city of New York, in relation to providing public school students with mobile hotspot devices**

*Be it enacted by the Council as follows:*

Section 1. The administrative code of the city of New York is amended by adding a new title 34 to read as follows:

*TITLE 34*  
*DEPARTMENT OF INFORMATION TECHNOLOGY AND TELECOMMUNICATIONS*  
*CHAPTER 1*  
*GENERAL PROVISIONS*

*§ 34-101 Definitions. As used in this title, the following terms have the following meanings:*

*Commissioner. The term “commissioner” means the commissioner of information technology and telecommunications.*

*Department. The term “department” means the department of information technology and telecommunications.*

*Mobile hotspot device. The term “mobile hotspot device” means an ad hoc wireless access point that is created by a dedicated hardware device.*

*Student. The term “student” means any pupil under the age of 21 as of September 1 of the academic period being reported, who does not have a high school diploma and who is enrolled in a district school within the city district, not including pre-kindergarten students.*

*§ 34-102 Mobile hotspot devices. In consultation with the department of education and any other agency the commissioner deems necessary, the department shall provide every student with a mobile hotspot device. Such distribution shall be subject to terms and conditions as determined by the commissioner in consultation with the department of education.*

*CHAPTER 2*  
*REPORTING*

*§ 34-201 Reporting on mobile hotspot devices. a. On or before December 1, 2022, and annually thereafter, the department shall submit to the mayor and speaker of the council and post on the department’s website a mobile hotspot device report reflecting information from September 1 of the year in which the report is issued, which shall include, but not be limited to, the following:*

*1. The number of mobile hotspot devices in the custody of the department and the date on which the count was conducted;*

*2. The number and total cost of new mobile hotspot devices purchased by the department since the date of the last report submitted pursuant to this section. The department shall also list the reasons for the purchase of new mobile hotspot devices;*

*3. The number of mobile hotspot devices no longer in the custody of the department since the date of the last report submitted pursuant to this subdivision and the reason for such loss of custody;*

*4. The number of mobile hotspot devices loaned to the department of education; and*

*5. The annual cost to the department to maintain an inventory of mobile hotspot devices. Such cost shall be further disaggregated by repair cost and general maintenance cost.*

*b. On August 1, 2023, and annually thereafter, the department shall submit to the mayor and speaker of the council and post on the department’s website a mobile hotspot device report which shall include, but not be limited to, the following:*

*1. The number of mobile hotspot devices in the custody of the department and the date on which the count was conducted; and*

*2. The number of mobile hotspot devices returned by the department of education since the end of the academic year in the year which the report required pursuant to this subdivision is issued. If such number differs from the number in paragraph 4 of the report required pursuant to subdivision a of this section, a detailed explanation of why the numbers differ.*

*c. The reports required pursuant to this section shall be archived for three years on the department’s website and shall remain publicly available.*

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

Referred to the Committee on Technology.

Int. No. 242

By Council Members Gutiérrez, Won, Sanchez, Hanif, Joseph, Brewer, Brooks-Powers, Stevens, Menin, Schulman, Riley, Narcisse, Barron, Ossé, Ayala, Restler, Cabán, Abreu, Krishnan and Richardson Jordan.

**A Local Law in relation to the establishment of a Marshall plan for moms task force to develop and issue recommendations on how to support working mothers and caregivers, particularly in light of the issues that have become more acute due to the COVID-19 pandemic**

*Be it enacted by the Council as follows:*

Section 1. Marshall plan for moms task force. a. Definitions. For purposes of this local law, the following terms have the following meanings:

City. The term “city” means the city of New York.

COVID-19. The term “COVID-19” means the 2019 novel coronavirus or 2019-nCoV.

Task force. The term “task force” means the Marshall plan for moms task force.

b. There shall be a Marshall plan for moms task force. Such task force shall study, develop and issue proposals and recommendations on how to support working mothers and caregivers, particularly in light of the issues that have become more acute due to the COVID-19 pandemic. Such proposals and recommendations shall include, but not be limited to, the following:

1. The benefits of providing recurring direct cash payments to moms and other caregivers and of a comprehensive paid family leave policy for all employers in the city and any barriers to the implementation of such policies;

2. How to best revitalize and restore the role of mothers in the workforce through the COVID-19 pandemic and following recovery;

3. The biggest contributors to and solutions for addressing the lack of family-supportive workplaces;

4. Access to rent relief, public assistance and financial support for mothers and caregivers in the workforce, including with regard to addressing barriers to such relief and assistance;

5. Rebuilding and stabilizing the childcare industry, including with regard to addressing the lack of care infrastructure and with regard to improving support for individuals working in the childcare industry;

6. Access to culturally sensitive, affordable and quality healthcare for women and families, regardless of job status; and

7. Access to mental health support for mothers and other caregivers, which is essential to maintaining the health of the family.

c. Membership. 1. The task force shall be composed of the following members:

(a) The executive director of the commission on gender equity or such executive director’s designee, who shall serve as chair;

(b) The executive director of the office for economic opportunity or such executive director’s designee;

(c) The commissioner of citywide administrative services or such commissioner’s designee;

(d) The commissioner of the office of labor relations or such commissioner’s designee;

(e) The commissioner of the department of social services or such commissioner’s designee;

(f) Three members appointed by the mayor who shall be individuals with expertise in gender pay disparity or economic self-sufficiency, including individuals who do advocacy work or research in such topics; and

(g) One member appointed by the speaker of the council who shall be an individual with expertise in gender pay disparity or economic self-sufficiency, including individuals who do advocacy work or research in such topics.

2. All appointments required by this section shall be made no later than 90 days after the effective date of this local law.

3. Each member of the task force shall serve at the pleasure of the officer who appointed the member. In the event of a vacancy on the task force, a successor shall be selected in the same manner as the original appointment. All members of the task force shall serve without compensation.

d. Meetings. 1. The chair shall convene the first meeting of the task force no later than 30 days after the last member has been appointed.

2. The task force may invite relevant experts and stakeholders to attend its meetings and to otherwise provide testimony and information relevant to its duties.

3. The task force shall meet no less than once each quarter to carry out the duties described in section three. The task force shall hold at least one public hearing before submitting the report required by subdivision 2.

4. The meeting requirement of paragraph 3 of this subdivision shall be suspended when the task force submits its report as required by subdivision e.

e. Report. 1. No later than one year after the first meeting of the task force, the task force shall submit a report to the mayor and the speaker of the council setting forth its recommendations for legislation, policy and best practices relating to supporting working mothers, particularly in light of the issues that have become more acute due to the COVID-19 pandemic. The report shall include a summary of information the task force considered in formulating its recommendations.

2. The commission on gender equity shall publish the task force's report electronically on its website no later than 30 days after its submission to the mayor and the speaker of the council.

f. Agency support. Each agency affected by this local law shall provide appropriate staff and resources to support the work of such agency related to the task force.

g. Termination. The task force shall terminate 180 days after the date on which it submits its report, as required by section subdivision e.

§ 2. This local law takes effect immediately.

Referred to the Committee on Women and Gender Equity.

Int. No. 243

By Council Members Hanif, Sanchez, Stevens, Williams, Joseph, Velázquez, Farías, Schulman, Brooks-Powers, Hanks, Barron, Ossé, Richardson Jordan, Ayala, Restler, Abreu, Narcisse, Krishnan and Riley.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring multiple dwelling owners to post notices regarding electric space heater safety**

*Be it enacted by the Council as follows:*

Section 1. Article 8 of subchapter 2 of chapter 2 of title 27 of the administrative code of the city of New York is amended by adding a new section 27-2032.1 to read as follows:

§ 27-2032.1 *Electric space heater safety; notice.* a. An owner of a multiple dwelling shall post conspicuously in the common areas of such building notices to occupants and tenants regarding electric space heater safety. Each such notice shall recommend:

1. Purchasing an electric space heater with the seal of a qualified testing laboratory, such as Underwriters Laboratories, Inc.;

2. Choosing a heater with a thermostat and overheat protection, including tip-over automatic shut-off functionality;

3. Operating the heater at least 3 feet away from anything flammable;

4. Operating the heater only on a solid, flat surface;

5. Keeping the heater away from heavily trafficked areas in the dwelling;

6. Never blocking a dwelling exit;

7. Keeping children and pets away from the heater;

8. Plugging the heater directly into the wall outlet and never using an extension cord or surge protector;

9. Turning off and unplugging the heater when leaving a room or going to sleep; and

*10. Any additional recommendations issued by the department.*

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

Referred to the Committee on Housing and Buildings.

Int. No. 244

By Council Members Hanif, the Speaker (Council Member Adams), Won, Nurse, Bottcher, Gennaro, Menin, Hudson, Cabán, Powers, Brewer, Rivera, Sanchez, Marte, Stevens, De La Rosa, Joseph, Ung, Ossé, Avilés, Restler, Dinowitz, Abreu, Krishnan, Ayala, Moya, Richardson Jordan and Riley (by request of the Brooklyn Borough President).

**A Local Law to amend the administrative code of the city of New York, in relation to residential curbside organics collection**

*Be it enacted by the Council as follows:*

Section 1. Paragraphs 1, 3 and 5 of subdivision a of section 16-308 of the administrative code of the city of New York, as added by local law number 77 for the year 2013, are amended to read as follows:

1. [No later than October first, two thousand thirteen, the commissioner shall establish a voluntary residential organic waste curbside collection pilot program for the diversion of organic waste from households in one designated collection area. Such pilot program shall end no earlier than July first, two thousand fifteen. For purposes of this subdivision, a household shall mean a single dwelling or a residential unit within a dwelling that contains two or more residential units and a designated collection area shall mean a contiguous area within a borough comprised of no fewer than one thousand households.] *Reserved.*

3. [No later than January first, two thousand fourteen, the commissioner shall expand the voluntary residential organic waste curbside collection pilot program established pursuant to paragraph one of this subdivision to no fewer than a total of three designated collection areas, each of which shall be in a different borough. No later than June first, two thousand fourteen, the commissioner shall expand the voluntary residential organic waste curbside collection pilot program established pursuant to paragraph one of this subdivision to no fewer than a total of four designated collection areas, each of which shall be in a different borough, with a goal of expanding such pilot program to no fewer than one hundred thousand households by such date.] *Reserved.*

5. [The commissioner shall have the authority, during the duration of the pilot program established pursuant to paragraph one of this subdivision, to discontinue voluntary residential organic waste curbside collection service to a designated collection area, provided, however, that the commissioner shall select a replacement designated collection area within sixty days of any such discontinuation.] *Reserved.*

§ 2. Subchapter 2 of chapter 3 of title 16 of the administrative code of the city of New York is amended by adding a new section 16-308.1 to read as follows:

§ 16-308.1 *Residential curbside organics collection. a. Definitions. For the purposes of this section, the term “organic waste” has the same meaning as set forth in section 16-303.*

*b. No later than January 15, 2023, the department shall establish a mandatory citywide residential organic waste curbside collection program for the diversion of organic waste from group R-2 residential buildings as defined in section 310.1.2 of the New York city building code.*

*c. No later than June 15, 2023, the department shall establish a mandatory citywide residential organic waste curbside collection program for the diversion of organic waste from group R-3 residential buildings as defined in section 310.1.3 of the New York city building code.*

*d. Reporting. No later than January 15, 2024, and every January 15 thereafter, the department shall report to the mayor and the speaker of the council and post on the department’s website the total amount of organic waste diverted for the previous year. Such report shall be disaggregated by community district. The department shall include such diversion information in the department’s annual recycling report required pursuant to subdivision k of section 16-305.*

*e. Education and outreach. The department shall develop an outreach and education program to educate residents of residential buildings on the citywide residential organic waste curbside collection program. Such materials shall be distributed to residential building owners and made available on the department's website and shall include:*

- 1. a detailed explanation of organic waste and the benefits of curbside organic collection;*
- 2. information on how the curbside organics program will be implemented and instructions for how to properly source separate organic waste; and*
- 3. any other information as determined by the commissioner.*

*f. Rules. The commissioner shall adopt and implement rules as necessary to effectuate this section.*

*g. Penalty. A residential building owner who violates this section shall be liable for a civil penalty, as set forth in section 16-324.*

§ 3. This local law takes effect immediately.

Referred to the Committee on Sanitation and Solid Waste Management.

Int. No. 245

By Council Members Holden, Stevens and Yeger.

**A Local Law to amend the administrative code of the city of New York, in relation to light pollution from light fixtures in a residential district**

*Be it enacted by the Council as follows:*

Section 1. Chapter 4 of title 24 of the administrative code of the city of New York is amended by adding a new section 24-426 to read as follows:

*§ 24-426 Light pollution reduction. In the case of light posts, fixtures or other lighting neither operated by a local, state or federal agency nor operated for the illumination of a parking lot or sidewalk shed, no person shall operate or cause to be operated a light post, fixture or other lighting causing outdoor illumination greater than 3,000 lumens in a residential district, unless such post, fixture or lighting is fully shielded to reduce light trespass. Any person in violation of this section shall be liable for a civil penalty of \$50, recoverable in a proceeding before the office of administrative trials and hearings.*

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

Referred to the Committee on Environmental Protection.

Int. No. 246

By Council Members Holden, Yeger, Carr and Ariola.

**A Local Law to amend the New York city charter, in relation to requiring an affirmative vote of at least two-thirds of all council members for the passage of any local law or resolution that raises taxes**

*Be it enacted by the Council as follows:*

Section 1. Section 34 of the New York city charter, as amended by a vote of the electors on November 4, 195, is amended to read as follows:

§34. Vote required for local law or resolution. *a.* Except as otherwise provided by law, no local law or resolution shall be passed except by at least the majority affirmative vote of all the council members.

*b. A local law or resolution shall not be passed except by an affirmative vote of at least two-thirds of all the council members if such local law, as determined by the council's director of finance or his or her designee, provides for a net increase in city revenues in the form of:*

- 1. the imposition of any new tax;*
  - 2. an increase in a tax rate or rates;*
  - 3. a reduction or elimination of a tax deduction, exemption, exclusion, credit or other tax exemption feature in computing tax liability;*
  - 4. an increase in a statutorily prescribed city fee or assessment or an increase in a statutorily prescribed maximum limit for an administratively set fee;*
  - 5. the imposition of any new city fee or assessment or the authorization of any new administratively set fee;*
- or*
- 6. the elimination of an exemption from a statutorily prescribed city fee or assessment.*

*c. The requirements contained in subdivision b shall not apply to:*

- 1. the effects of inflation, increasing assessed valuation or any other similar effect that increases city revenue but is not caused by an affirmative act of the council; or*
- 2. fees and assessments that are authorized by law, but are not prescribed by formula, amount or limit, and are set by a city officer or agency.*

§ 2. This local law takes effect immediately upon approval by the electorate at the next general election succeeding its enactment.

Referred to the Committee on Governmental Operations.

Int. No. 247

By Council Members Holden, Yeger, Restler and Ariola.

**A Local Law to amend the administrative code of the city of New York, in relation to prohibiting new electronic cigarette retailers near schools**

*Be it enacted by the Council as follows:*

Section 1. Paragraph 1 of subdivision d of section 20-561 of the administrative code of the city of New York, as added by local law number 144 for the year 2017, is amended to read as follows:

1. A license or renewal thereof shall be issued to a person to conduct the business of an electronic cigarette retail dealer for each place of business where such person engages in the retail sale of electronic cigarettes in the city only where:

(a) an applicant for a license or renewal thereof meets all the requirements prescribed herein and any criteria in addition thereto established by the commissioner by rule as deemed necessary to effectuate the purposes of this subchapter;

(b) an applicant satisfies the commissioner that such person is fit and able to conduct the business of an electronic cigarette retail dealer;

(c) the commissioner has not received notification from the commissioner of health and mental hygiene that the applicant is not in full compliance with any provision of chapter 7 of title 17 of this code or any rules promulgated by the commissioner of health and mental hygiene to effectuate the purposes of such provisions; [and]

(d) the number of licenses in the community district in which the place of business of such applicant is located is lower than the community district electronic cigarette retail dealer cap[.]; and

(e) the place of business for which such applicant seeks to engage in the sale of electronic cigarettes is located no less than 500 feet from any public or non-public school serving children in any grade from kindergarten through high school.

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

Referred to the Committee on Health.

Int. No. 248

By Council Members Holden, Yeger and Ariola.

**A Local Law to amend the administrative code of the city of New York, in relation to violations of certain requirements for places of assembly**

*Be it enacted by the Council as follows:*

Section 1. Section 28-201.2.1 of the administrative code of the city of New York is amended by adding a new item 21 to read as follows:

*21. A violation of section 28-117.4, a violation of section 28-117.1 in the case of a violator that offers for sale beverages for on-premises consumption, or a violation of section 28-117.1.2 in the case of a violator that offers for sale beverages for on-premises consumption.*

§ 2. Section 28-117.4.2 of title 28 of the administrative code of the city of New York is amended to read as follows:

**§ 28-117.4.2 Responsibility for violations.** Notwithstanding any provision of this section, only the holder of a certificate of operation shall be liable for violations of this article that relate to such holder's obligations regarding security guards, *except that a person who pays a certificate holder for the use of the premises is deemed to be a certificate holder for purposes of this section, including with respect to penalties imposed for violations of this section.*

§ 3. This local law takes effect immediately.

Referred to the Committee on Housing and Buildings.

Int. No. 249

By Council Members Holden, Stevens, Yeger, Ayala and Ariola.

**A Local Law to amend the administrative code of the city of New York, in relation to protecting the identities of victims of crimes of violence**

*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 Crime victim identity information.** *a. Upon request of a victim of a crime of violence, the police department shall not disclose the name of such victim in reports made available to the public in accordance with Public Officers Law § 87(2).*

*b. Nothing in this section prohibits the police department from disclosing the name of a victim of a crime of violence in a criminal or civil court proceeding or when the commissioner has determined that such disclosure is necessary to protect the public safety.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Public Safety.



## Int. No. 250

By Council Members Holden, Yeger and Ariola.

**A Local Law to amend the administrative code of the city of New York, in relation to revising criteria for enforcement of civil and criminal offenses for specified unlawful acts, and to repeal and replace section 14-155 of such code in relation thereto**

*Be it enacted by the Council as follows:*

Section 1. Section 14-155 of the administrative code of the city of New York is REPEALED and a new section 14-155 is added to read as follows:

§ 14-155 Enforcement criteria. a. *The department shall review and revise as appropriate its guidance regarding the determination of whether to use civil or criminal enforcement for specified unlawful acts, in accordance with the requirements of this section. Such guidance shall recommend that criminal enforcement be used for specified unlawful acts unless certain criteria specified by the department are met for the use of civil enforcement.*

b. *The department shall provide such guidance to its uniformed officers and make such guidance publicly available.*

c. *Nothing in this section or in the administration or application thereof shall be construed as creating a right to be subject to civil or criminal enforcement or prosecution in connection with any alleged specified unlawful act, or as creating a private right of action on the part of any person or entity against the city of New York, the department or any official or employee thereof.*

§ 2. This local law takes effect 180 days after it becomes law, except that the police department shall take such measures as are necessary for the implementation of this local law before such date.

Referred to the Committee on Public Safety.

## Int. No. 251

By Council Members Holden, Yeger and Abreu.

**A Local Law to amend the administrative code of the city of New York, in relation to community notification of proposed major transportation projects**

*Be it enacted by the Council as follows:*

Section 1. Section 19-101.2 of the administrative code of the city of New York, as added by local law number 90 for the year 2009, subdivision c of such section as amended by local law number 64 for the year 2011, and subdivision j of such section as added by local law number 64 for the year 2011, is amended to read as follows:

§ 19-101.2. Review of major transportation projects. a. For the purposes of this section, the following terms shall be defined as follows:

1. "Affected council member(s) and community board(s)" shall mean the council member(s) and community board(s) in whose districts a proposed major transportation project is to be located, in whole or in part.

2. "Major transportation project" shall mean any project that, after construction will alter four or more consecutive blocks, or 1,000 consecutive feet of street, whichever is less, involving a major realignment of the roadway, including either removal of a vehicular lane(s) or full time removal of a parking lane(s) or addition of vehicular travel lane(s). *Any project that involves the construction or removal of a bus lane, busway, or bike lane shall be considered a major transportation project, regardless of the number of consecutive blocks or consecutive feet of street that the project alters.*

b. If an agency of the city other than the department implements a major transportation project, such agency, in lieu of the department, shall provide the notice required by this section.

c. Prior to the implementation of a major transportation project, the department shall forward notice of such project, including a description of such project, to affected council member(s) and community board(s) by electronic mail, *and shall offer a presentation of the project plan to the affected community board(s).*

d. Within ten business days after receipt of such notice *and offer of a presentation to the affected community board(s):* (i) the affected council member(s) may submit recommendations and/or comments on such notice to the department; and (ii) the affected community board(s) may [either] submit recommendations and/or comments on such notice to the department and/or [request] *accept the offer of* a presentation of the major transportation project plan by the department, which shall be made to the community board within thirty days of such community board's [request] *acceptance of such offer.*

e. Each presentation shall include, at a minimum, the project limits, a description, and a justification of such plan, and a map showing the streets affected by such plan and, within three days of such presentation, shall be forwarded to the affected council member(s).

f. The department shall consider (i) recommendations [and/or] *and* comments, if any, made under the provisions of subdivision d of this section [and/or] *and* (ii) *recommendations and comments, if any, made* within [seven] *sixty* days of the presentation to the community board, from the affected council member(s) and affected community board(s)[, and]. *The department* may incorporate changes, where appropriate, into the plan.

g. The department may implement its plan fourteen or more days after it sends an amended plan or notice that it will proceed with its original plan to the affected council member(s) and community board(s).

h. Nothing in this section shall be construed to prohibit the department from providing notice of its major transportation projects on its website and to affected council member(s) and community board(s) and other interested parties by other means in addition to those specified in this section.

i. Nothing in this section shall be construed to require the department to provide notification of major transportation projects requiring immediate implementation to preserve public safety.

j. Prior to the implementation of a major transportation project, the department shall consult with the police department, the fire department, the department of small business services and the mayor's office for people with disabilities. The department shall include a certification of such consultations in the notice required by subdivision c of this section.

§ 2. Subdivision b of section 19-101.4 of the administrative code of the city of New York, as added by local law number 23 for the year 2012, is amended to read as follows:

b. The department shall post on its website, in a format accessible to people with disabilities:

i. The location of all major transportation projects and all installations or removals of bicycle lanes, pedestrian plazas, leading pedestrian signals, exclusive pedestrian signals and accessible pedestrian signals. Such posting shall be made not less than seventy-two hours prior to the expected completion date of each project, installation or removal.

ii. The location of all major transportation projects subject to section 19-101.2 of this code completed on or after January 1, 2010 and all bicycle lanes, pedestrian plazas, leading pedestrian signals, exclusive pedestrian signals and accessible pedestrian signals in existence on the effective date of this section. Such posting shall be made on or before the effective date of this section, except that all such leading pedestrian signals and exclusive pedestrian signals shall be posted on or before December 31, 2012.

iii. *The location of all proposed major transportation projects and all proposed installations or removals of bicycle lanes, bus lanes and busways. Such postings shall be made within fourteen days of the date of their proposal. Such postings shall provide progress reports on a quarterly basis for each such posted proposed major transportation project and each such proposed installation or removal, including, at a minimum, information about the estimated date of completion for any such project, installation or removal and information regarding opportunities for community members to provide input or feedback on any such project, installation or removal.*

§ 3. This local law takes effect 180 days after becoming law.

Referred to the Committee on Transportation and Infrastructure.

## Int. No. 252

By Council Members Holden, Stevens, Yeger and Ariola.

**A Local Law to amend the administrative code of the city of New York, in relation to the installation and maintenance of tree guards**

*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 section 19-159.6 to read as follows:

§ 19-159.6 *Tree guard. a. Definitions. For the purposes of this section, the following term has the following meaning:*

*Tree guard. The term “tree guard” means a fence installed around the perimeter of a tree pit that provides a barrier between a tree and the surrounding environment for the purposes of protecting such tree from physical damage and other harm.*

*b. The department shall have jurisdiction over the installation and maintenance of any tree guard in a tree pit that is in or adjacent to a public sidewalk on property under the jurisdiction of either the department or the department of parks and recreation.*

*c. The department shall, in conjunction with the department of parks and recreation, develop a website that describes the process for tree guard design, installation and maintenance.*

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

Referred to the Committee on Transportation and Infrastructure.

## Int. No. 253

By Council Members Holden, Brannan, Velázquez and Ariola.

**A Local Law to amend the administrative code of the city of New York, in relation to prohibiting school bus parking on city streets overnight and on weekends**

*Be it enacted by the Council as follows:*

Section 1. Subdivision 1 of section 19-162 of the administrative code of the city of New York, as amended by local law number 104 for the year 1993, is amended to read as follows:

1. Notwithstanding any local law or regulation to the contrary, but subject to the provisions of the vehicle and traffic law, it shall be permissible for a bus owned, used or hired by public or nonpublic schools to park [at any time, including overnight,] upon any street or roadway, provided said bus occupies a parking spot in front of and within the building lines of the premises of the said public school or nonpublic school, *and further provided said bus shall not park on any street or roadway on weekdays between the hours of 5:00 p.m. and 5:00 a.m. or on weekends between the hours of 5:00 p.m. on Friday and 5:00 a.m. on Monday.*

§ 2. This local law takes effect 120 days after it becomes law, provided that the commissioner of transportation must take such measures as are necessary for the implementation of this local law, including the promulgation of rules, prior to such effective date.

Referred to the Committee on Transportation and Infrastructure.

## Int. No. 254

By Council Members Holden, Yeger, Stevens and Ariola.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the police department to inform car accident victims on the directed accident response program**

*Be it enacted by the Council as follows:*

Section 1. Subdivision b of section 20-518 of the administrative code of the city of New York is amended by adding a new paragraph 6 to read as follows:

*6. A police officer arriving at the scene of a vehicular accident shall inform a person in charge of a disabled vehicle of towing procedures under the directed accident response program, which shall include, but need not be limited to, the following:*

*(a) The police department's procedures under the directed accident response program;*

*(b) The rights and responsibilities of any person in charge of a disabled vehicle relating to such person's disabled vehicle;*

*(c) How to determine whether a tow truck is licensed pursuant to section 20-498 of this subchapter;*

*(d) How to determine whether a tow truck is the tow truck directed by police officers to tow the disabled vehicle pursuant to the directed accident response program; and*

*(e) How to report a tow truck that attempts to tow a disabled vehicle and is either unlicensed or is not the tow truck directed by police officers to tow the disabled vehicle.*

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

Referred to the Committee on Public Safety.

## Res. No. 132

**Resolution calling upon the New York State Legislature to pass, and the Governor to sign, S.4921/A.5716, which would extend the State's property tax levy cap to New York City.**

By Council Members Holden and Yeger.

**Whereas**, The State Legislature passed, and the Governor signed, legislation in 2011 limiting real property tax levies by local governments and school boards by capping annual tax levy increases by the lesser of two percent or inflation; and

**Whereas**, Such property tax levy cap was extended by the State in 2015 and was made permanent in 2019; and

**Whereas**, Such property tax cap levy specifically excluded New York City and the counties contained therein; and

**Whereas**, Former-Governor Cuomo has credited the property tax levy cap with having “succeeded in taming out-of-control property tax increases” and protecting property taxpayers from “the crushing burden of skyrocketing tax increases,” saving property taxpayers approximately \$24.4 billion between Fiscal Year 2012 and Fiscal Year 2019; and

**Whereas**, In New York City, the property tax levy has expanded from \$19.3 billion in Fiscal 2012 to \$29.6 billion in Fiscal 2019, representing a 6.3 percent annual rate of growth;

**Whereas**, According to the New York City Comptroller's Affordability Index, many New Yorkers are burdened by sharp cost of living increases, leaving a declining share of income after taxes for basic needs and other expenses; and

**Whereas**, In New York City, the property tax levy increases the burden to not only property owners, but also renters, whom tax increases are often passed onto in the form of rent increases; and

**Whereas,** In an effort to relieve the burden the property tax levy puts on those living in New York City, S.4921, sponsored by State Senator Andrew Lanza, and A.5716, sponsored by Assembly Member Michael Cusick, were both introduced in the 2021 to 2022 New York State Legislative Session, with similar versions introduced every session since 2011; and

**Whereas,** The bills would establish limitations upon real property tax levies in cities with a population of one million or more; now, therefore be it

**Resolved,** That the Council of the City of New York calls upon the New York State Legislature to pass, and the Governor to sign, S.4921/A.5716, which would extend the State's property tax levy cap to New York City.

Referred to the Committee on Finance.

Int. No. 255

By Council Members Hudson, Brewer, Stevens, Yeger, Williams, Ung, Restler, Avilés and Abreu.

**A Local Law to amend the administrative code of the city of New York, in relation to the senior citizen rent increase exemption and the disability rent increase exemption**

*Be it enacted by the Council as follows:*

Section 1. Section 11-137 of the administrative code of the city of New York, as added by local law number 40 for the year 2015, is amended by adding new subdivisions d and e to read as follows:

*d. Information System. The department shall develop and maintain a secure citywide system that allows tenants to access their information related to the rent increase exemption programs. A link to such system shall be prominently displayed on the website of the department and any other city agency website that administers such programs. The information presented in such system shall be updated with any applicable changes no less frequently than daily. Such system shall include, but not be limited to, the following functionality:*

*(1) allowing any tenant who has submitted an application, renewal application or any other application form required by the department or city agency for a rent increase exemption program to view the current status of their application. Such system shall indicate for each individual whether the department or city agency has:*

*(i) received such tenant's application;*

*(ii) approved or rejected such application, if applicable, and if rejected, a brief statement of the reason for rejection as well as a list of any missing documents that led the department or city agency to reject the application; and*

*(iii) mailed or delivered a letter to such tenant containing information regarding the determination to approve or reject the application, and shall include the ability for such tenant to view an electronic version of the letter.*

*(2) allowing the tenant to view their benefit status, including but not limited to, for each exemption:*

*(i) active status, with the inclusion of the date on which the benefit became active, the date by which the tenant must apply to renew the benefit, and the date on which the benefit will become inactive; and*

*(ii) inactive status, with a brief explanation of what this status means and why the benefit is categorized as such, as well as information on how the tenant can restore the benefit to active status.*

*(3) allowing the tenant to view, if applicable, any documents such tenant has submitted to the department or city agency, or that the department or city agency has submitted to such tenant, including the date on which such document was received by the department or city agency or submitted to such tenant;*

*(4) providing any tenant with the option to receive written or electronic alerts including, but not limited to, notification of a change in their exemption status; and*

*(5) allowing the tenants to access existing online resources including, but not limited to, resources allowing such property owner to:*

*(i) submit an initial application, a renewal application and any other form other than an application or renewal application form;*

*(ii) update tenant or household information; and*

(iii) submit questions regarding the rent increase exemption programs.

e. Outreach. The department shall, to the extent practicable, contact by telephone or electronic mail any person who (i) has registered their telephone number or electronic mail address with the department and (ii) has received the notice described in subdivision b of this section. Any such contact shall be made within a time period reasonably proximate to the mailing of such notice.

§ 2. Paragraph (9) of subdivision m of section 26-405 administrative code of the city of New York, as amended by local law number 44 for the year 2009, is amended to read as follows:

(9) Notwithstanding any other provision of law to the contrary, where a head of household holds a current, valid rent exemption order and, after the effective date of this paragraph, there is a permanent decrease in aggregate disposable income in an amount which exceeds twenty percent of such aggregate disposable income as represented in such head of the household's last approved application for a rent exemption order or for renewal thereof, such head of the household may apply for a redetermination of the amount set forth therein. Upon application, such amount shall be redetermined so as to re-establish the ratio of adjusted rent to aggregate disposable income which existed at the time of the approval of such eligible head of the household's last application for a rent exemption order or for renewal thereof; provided, however, that in no event shall the amount of the adjusted rent be redetermined to be (i) in the case of a head of the household who does not receive a monthly allowance for shelter pursuant to the social services law, less than one-third of the aggregate disposable income unless such head of the household has been granted a rent exemption order that is in effect as of January first, two thousand fifteen or takes effect on or before July first, two thousand fifteen; or (ii) in the case of a head of the household who receives a monthly allowance for shelter pursuant to the social services law, less than the maximum allowance for shelter which such head of the household is entitled to receive pursuant to such law. *For purposes of this paragraph, a decrease in aggregate disposable income shall include an event in which (i) a member of the household has died; (ii) a member of the household has permanently moved to a nursing home; (iii) a member of the household has permanently retired or has a permanent disability; (iv) a member of the household is no longer receiving social security disability income benefits; and (v) a member of the household has experienced a termination of employment for a period no less than six months. Notwithstanding any other provision of law if, upon the approval of a redetermination application and prior to renewal, there is a change to the employment status to such member of the household who experienced a termination of employment for a period no less than six months, the head of the household shall re-apply for a redetermination so as to re-establish the ratio of adjusted rent to aggregate disposable income.* For purposes of this paragraph, a decrease in aggregate disposable income shall not include any decrease in such income resulting from the manner in which such income is calculated pursuant to any amendment to paragraph c of subdivision one of section four hundred sixty-seven-b of the real property tax law, any amendment to the regulations of the department of finance made on or after the effective date of the local law that added this clause, or any amendment to the regulations of such other agency as the mayor shall designate made on or after October tenth, two thousand five. For purposes of this paragraph, "adjusted rent" shall mean maximum rent less the amount set forth in a rent exemption order.

§ 3. Paragraph (9) of subdivision b of section 26-509 administrative code of the city of New York, as amended by chapter 553 of the laws of 2015, is amended to read as follows:

(9) Notwithstanding any other provision of law to the contrary, where a head of household holds a current, valid rent exemption order and, after the effective date of this paragraph, there is a permanent decrease in aggregate disposable income in an amount which exceeds twenty percent of such aggregate disposable income as represented in such head of the household's last approved application for a rent exemption order or for renewal thereof, such head of the household may apply for a redetermination of the amount set forth therein. Upon application, such amount shall be redetermined so as to reestablish the ratio of adjusted rent to aggregate disposable income which existed at the time of approval of such head of the household's last application for a rent exemption order or for renewal thereof; provided, however, that in no event shall the amount of adjusted rent be redetermined to be (i) in the case of a head of the household who does not receive a monthly allowance for shelter pursuant to the social services law, less than one-third of the aggregate disposable income unless such head of the household has been granted a rent exemption order that is in effect as of January first, two thousand fifteen or takes effect on or before July first, two thousand fifteen; or (ii) in the case of a head of the household who receives a monthly allowance for shelter pursuant to such law, less than the maximum allowance for shelter which such head of the household is entitled to receive pursuant to the social services law. *For purposes of this*

*paragraph, a decrease in aggregate disposable income shall include an event in which (i) a member of the household has died; (ii) a member of the household has permanently moved to a nursing home; (iii) a member of the household has permanently retired or has a permanent disability; (iv) a member of the household is no longer receiving social security disability income benefits; and (v) a member of the household has experienced a termination of employment for a period no less than six months. Notwithstanding any other provision of law if, upon the approval of a redetermination application and prior to renewal, there is a change to the employment status to such member of the household who experienced a termination of employment for a period no less than six months, the head of the household shall re-apply for a redetermination so as to re-establish the ratio of adjusted rent to aggregate disposable income.* For purposes of this paragraph, a decrease in aggregate disposable income shall not include any decrease in such income resulting from the manner in which such income is calculated pursuant to any amendment to paragraph c of subdivision one of section four hundred sixty-seven-b of the real property tax law, any amendment to the regulations of the department of finance made on or after the effective date of the local law that added this clause, or any amendment to the regulations of such other agency as the mayor shall designate made on or after October tenth, two thousand five. For purposes of this paragraph, “adjusted rent” shall mean legal regulated rent less the amount set forth in a rent exemption order.

§ 4. Subdivision d of section 26-605 administrative code of the city of New York, as amended by chapter 553 of the laws of 2015, is amended to read as follows:

(d) Notwithstanding any other provision of law to the contrary, where an eligible head of the household holds a current, valid rent increase exemption order/tax abatement certificate and, after the effective date of this subdivision, there is a permanent decrease in income in an amount which exceeds twenty percent of such income as represented in such eligible head of household's last approved application for a rent increase exemption order/tax abatement certificate or for renewal thereof, such eligible head of the household may apply for a redetermination of the amount set forth therein. Upon application, such amount shall be redetermined so as to reestablish the ratio of adjusted rent to income which existed at the time of approval of such eligible head of the household's last application for a rent increase exemption order/tax abatement certificate or for renewal thereof; provided, however, that in no event shall the amount of the adjusted rent be redetermined to be (i) in the case of an eligible head of the household who does not receive a monthly allowance for shelter pursuant to the social services law, less than one-third of income unless such head of the household qualifies as a person with a disability pursuant to section 26-617 of this chapter and has been granted a rent increase exemption order/tax abatement certificate that is in effect as of January first, two thousand fifteen or takes effect on or before July first, two thousand fifteen; or (ii) in the case of an eligible head of the household who receives a monthly allowance for shelter pursuant to the social services law, less than the maximum allowance for shelter which such eligible head of the household is entitled to receive pursuant to law. *For purposes of this paragraph, a decrease in aggregate disposable income shall include an event in which (i) a member of the household has died; (ii) a member of the household has permanently moved to a nursing home; (iii) a member of the household has permanently retired or has a permanent disability; (iv) a member of the household is no longer receiving social security disability income benefits; and (v) a member of the household has experienced a termination of employment for a period no less than six months. Notwithstanding any other provision of law if, upon the approval of a redetermination application and prior to renewal, there is a change to the employment status to such member of the household who experienced a termination of employment for a period no less than six months, the head of the household shall re-apply for a redetermination so as to re-establish the ratio of adjusted rent to aggregate disposable income.* For purposes of this subdivision, a decrease in income shall not include any decrease in income resulting from the manner in which income is calculated pursuant to any amendment to paragraph f of subdivision one of section four hundred sixty-seven-c of the real property tax law or an amendment to subdivision f of section 26-601 of this code made on or after April first, nineteen hundred eighty-seven. For purposes of this subdivision, “adjusted rent” shall mean maximum rent less the amount set forth in a rent increase exemption order/tax abatement certificate.

§ 5. This local law takes effect 120 days after it becomes law, except that the administering agency shall take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

Referred to the Committee on Finance.

## Int. No. 256

By Council Members Hudson, Stevens, Williams, Restler and Krishnan (by request of the Brooklyn Borough President).

**A Local Law to amend the administrative code of the city of New York, in relation to use of force incidents involving police department use of a motor vehicle**

*Be it enacted by the Council as follows:*

Section 1. Subdivision a of section 14-158 of the administrative code of the city of New York, as added by local law 85 for the year 2016, is amended by amending the definition of “use of force incident” to read as follows:

Use of force incident. The term "use of force incident" means any instance where a member of the department, while taking police action, responds to an incident or condition and takes action in a manner intended to have an immediate effect on the body of another person, and consists of the following categories: (i) the use of hand strikes, foot strikes, forcible take-downs or the wrestling of the subject to the ground; (ii) the discharge of oleoresin capsicum spray; (iii) the deployment of a conducted electrical weapon; (iv) the use of a mesh restraining blanket to secure an individual; (v) the intentional striking of a person with any object *other than a motor vehicle*, including a baton or other equipment; (vi) a police canine bite; [and] (vii) the use of physical force that is readily capable of causing death or serious physical injury, including the discharge of a firearm, *but not including the use of a motor vehicle; and (viii) the use of a motor vehicle to gain control of a subject.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Public Safety.

## Int. No. 257

By Council Members Hudson, Hanif, Abreu, Menin, Brewer, Sanchez, Yeger, Williams, Ung, Ayala, Restler and Krishnan.

**A Local Law to amend the New York city charter, in relation to establishing a universal youth employment program**

*Be it enacted by the Council as follows:*

Section 1. Chapter 30 of the New York city charter is amended by adding a new section 737 as follows:

§ 737 Universal Youth Employment Program

*a. For the purposes of this section, the term “youth” means:*

*1. Any person aged 14 to 17 who is authorized to work in accordance with the provisions of article 4 of the labor law; and*

*2. Any person aged 18 to 21 who is enrolled full time in a middle school or high school provided that their work hours are limited to those prescribed for minors aged 16 and 17 pursuant to section 143 of title 4 of the labor law.*

*b. The department shall develop and administer a program for youth in consultation with the department of small business services and department of education. Subject to appropriation, the program shall:*

*1. Provide a summertime or part-time school year job to every youth who seeks one through the program;*

*2. Identify and cultivate relationships with employers from the public and private sectors that may offer youth employment opportunities;*

*3. Identify obstacles to youth obtaining a job through the program, including but not limited to, issues related to transportation, child care, language and cultural barriers; and*



4. *Ensure that youth are connected with city agencies, or community based organizations that will enable them to address obstacles identified pursuant to paragraph 3 of this section.*

c. *The commissioner, or such other entity as determined by such commissioner, shall engage in outreach to inform youth about the program created pursuant to subdivision b of this section. Such outreach shall include, but is not limited to, posting information about the program on the department's website.*

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

Referred to the Committee on Youth Services.

#### Int. No. 258

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 and Riley (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. No later than June 1, 2023, the department of transportation shall coordinate with the department of parks and recreation to submit to the mayor and to the speaker of the council a report identifying at least 1 location in each zip code in the city where a public bathroom facility may be installed. The department of transportation and department of parks and recreation shall consider input from community boards and the public when determining such locations for public bathroom facilities. In addition to identifying appropriate locations for installing public bathroom facilities, such report shall include, but need not be limited to, the following information:

a. The factors considered in determining such locations are appropriate for installing public bathroom facilities;

b. Any safety measures necessary for installing and maintaining public bathroom facilities, including compliance with accessibility requirements;

c. The costs associated with installing and maintaining public bathroom facilities and implementing necessary safety measures;

d. Any challenges associated with installing and maintaining public bathroom facilities, including any community opposition; and

e. Recommendations for installing public bathroom facilities and implementing necessary safety measures for each location identified to address any challenges associated with such installation.

§ 2. This local law takes effect immediately.

Referred to the Committee on Transportation and Infrastructure.

#### Int. No. 259

By Council Members Marte, Stevens and Nurse.

#### **A Local Law to amend the administrative code of the city of New York, in relation to the preservation of trees on public and private property**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 18 of the administrative code of the city of New York is amended by adding a new section 18-142.1 to read as follows:

*§ 18-142.1 Heritage trees, special trees; removal, topping, destruction prohibited.*

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

*Circumference. The term "circumference" means the linear distance around the trunk of a tree, when measured at a height of four and a half feet.*

*Heritage tree. The term "heritage tree" means a tree located on private property or property under the jurisdiction of the department with a circumference of 100 inches or more.*

*Special tree. The term "special tree" means a tree located on private property or property under the jurisdiction of the department with a circumference of at least 55 inches, but less than 100 inches.*

*Topping. The term "topping" means the practice of removing whole tops of trees, large branches or trunks from the tops of trees, resulting in the indiscriminate reduction of the crown of a tree, leading to the disfigurement or death of such tree.*

*b. No person or city agency shall remove, cut down, engage in topping or otherwise commit any act that destroys a heritage tree or a special tree without first having obtained a permit from the commissioner pursuant to section 18-107.*

*c. No permit to remove, cut down, engage in topping or otherwise commit any act that destroys a heritage tree shall be granted unless such tree, after an evaluation conducted by the department, is determined to be diseased, dying, dead or has the potential to cause injury to people or damage to property.*

*d. Nothing in this section shall prohibit a utility company or city agency from removing any tree that poses an immediate threat to public safety or pruning any tree for the purposes of limiting interference with utility lines.*

*e. Nothing in this section shall prohibit a person from pruning a special tree or a heritage tree located on the property of such person, so long as such pruning does not result in the topping of such special tree or heritage tree.*

*f. The commissioner shall establish an outreach and education program aimed at educating residents on tree maintenance practices, how to identify special trees and heritage trees and the requirements in this section restricting the removal of special trees and heritage trees. Such outreach and education program shall include, but not be limited to, a multilingual public education program, including advertisements about the program in newspapers of general circulation, radio, and public venues such as subways and buses.*

*§ 2. Section 18-147 of the administrative code of the city of New York is amended to read as follows:*

*§ 18-147 Destruction of trees and property. Any violation of a department rule or regulation concerning the cutting, removal or destruction of any tree under the jurisdiction of the department or any special tree or heritage tree, as defined in section 18-142.1, or concerning the destruction or abuse of other public property under the charge and control of the department, where such destruction or abuse results in significant damage or expense, shall be a misdemeanor punishable by not more than six months imprisonment or by a fine of not more than 15,000 dollars, or by both. Any violation of a rule or regulation concerning the unlawful cutting, removal or destruction of any tree under the jurisdiction of the department or any special tree or heritage tree, as defined in section 18-142.1, or concerning the destruction or abuse of other public property, where such destruction or abuse results in significant damage or expense, shall also subject the violator to a civil penalty of not more than 10,000 dollars for each violation which may be recovered in a proceeding before the office of administrative trials and hearings pursuant to section 1049-a of the charter. Such proceeding shall be commenced by the service of a notice of violation returnable to such office pursuant to such section. The office of administrative trials and hearings shall have the power to impose the civil penalties prescribed herein in accordance with such section.*

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

Referred to the Committee on Parks and Recreation.

Int. No. 260

By Council Member Marte.

**A Local Law to amend the administrative code of the city of New York, in relation to creating a website to produce and sign petitions seeking particular actions by city government**

*Be it enacted by the Council as follows:*

Section 1. Title 23 of the administrative code of the city of New York is amended by adding a new chapter 9 to read as follows:

**CHAPTER 9**  
**PETITIONING CITY GOVERNMENT**

*§ 23-901 Definitions. For the purposes of this chapter, the following terms have the following meanings:*

*Department. The term “department” means the department of information technology and telecommunications.*

*Public authority. The term “public authority” means a state authority or local authority as defined in section 2 of the public authorities law that operates within the city of New York.*

*Online petition. The term “online petition” means a petition that:*

- 1. Calls for an action to be taken by an agency or public authority;*
- 2. Is available on the website required by subdivision a of section 23-902; and*
- 3. Can be signed with individual electronic signatures.*

*§ 23-902 Website for petitioning city government. a. The department shall establish a website that allows members of the public to create and sign online petitions and allows city agencies or public authorities to post public responses to online petitions.*

*b. After an online petition reaches a threshold number of electronic signatures, as determined by the department by rule, such petition shall be transmitted to the appropriate agency or public authority for a public response.*

*c. The department shall make a request for information at least once every six months from each agency or public authority that received at least one online petition from the department during the preceding six months. Such request shall be for information including, but not limited to, (i) the public response from each agency or public authority to each petition it received from the department, if any, and (ii) a summary of the actions taken by such agency or public authority in response to such petition, if any.*

*d. This section does not prohibit an agency from maintaining a separate process for public submission of petitions.*

*§ 23-903 Reporting. a. The department shall maintain an automated reporting system, available to the public, on the website created pursuant to subdivision a of section 23-902. Such reporting system shall include, at a minimum, (i) the number of online petitions transmitted to each agency or public authority, (ii) the number of such petitions to which each agency or public authority has responded, and (iii) each agency or public authority’s public response to each petition.*

*b. No later than June 30 of the year following effective date of this chapter, and each year thereafter, the department shall issue a report to the speaker of the council and the mayor containing, at a minimum, a list of online petitions transmitted to each agency or public authority, the relevant agency or public authority’s public response to such petition, if any, and a summary of the actions taken by the relevant agency or public authority in response to such petition, if any.*

*§ 2. This local law takes effect 120 days after it becomes law, except that the department of information technology and telecommunications 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 Technology.

## Int. No. 261

By Council Members Menin, Hanif, Hudson, Stevens, Ayala, Abreu and Krishnan.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring curb extensions at certain dangerous intersections**

*Be it enacted by the Council as follows:*

Section 1. Subchapter 3 of chapter 1 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-197.3 to read as follows:

*§ 19-197.3 Curb extensions. The department shall establish a curb extensions program. As part of such program, the department shall identify intersections or parts thereof without curb extensions where such extensions may be implemented that reflect the greatest danger for pedestrians, based upon the incidence of traffic crashes involving pedestrians occurring at such intersections. Commencing in 2023, the department shall annually implement curb extensions on all or part of a minimum of five intersections in each borough identified by the department as part of such program. For the purposes of this section, “curb extension” shall mean an expansion of the curb line into the lane of the roadway adjacent to the curb for at least 15 feet closest to a corner or mid-block where pedestrians are permitted to cross the roadway.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Transportation and Infrastructure.

## Int. No. 262

By Council Members Menin, Won, Williams, Hanif, Brewer, Stevens, Ung, Farías, Abreu and Krishnan.

**A Local Law to amend the administrative code of the city of New York, in relation to letter grades for achieving agency participation goals regarding minority and women-owned business enterprises**

*Be it enacted by the Council as follows:*

Section 1. Subdivision h of section 6-129 of the administrative code of the city of New York is amended by adding a new paragraph (3) to read as follows:

*(3) The division shall develop and establish a letter-grading system for each agency based on each such agency’s level of achievement of the participation goals established in each such agency’s utilization plan submitted pursuant to subdivision g of this section, and an evaluation by the division of each such agency’s overall engagement with MBEs and WBEs. Letter grades for each such agency’s performance during the previous fiscal year, as well as a brief explanation of the methodology and findings used to determine each such grade, shall be issued and published on the division’s website annually.*

§ 2. This local law takes effect 180 days after becoming law, except that the commissioner of small business services shall take all actions necessary for its implementation, including the promulgation of rules, before such effective date.

Referred to the Committee on Small Business.

## Int. No. 263

By Council Members Menin, Brewer, Stevens, Williams, Ung, Ayala, Farías and Abreu (by request of the Queens Borough President).

**A Local Law to amend the New York city charter, in relation to requiring the department of small business services to report on the services provided at workforce1 centers**

*Be it enacted by the Council as follows:*

Section one. Paragraph e and f of subdivision 5 of section 1301 of the New York city charter are amended and a new paragraph g is added to read as follows:

e. promote cooperation among business, labor and community organizations in response to labor market conditions; [and]

f. promote public awareness of resources available for the economically disadvantaged and unemployed, and to refer the public to appropriate job training and employment services[.]; *and*

g. *submit to the mayor and the speaker of the council no later than January 31 of each year, a report for the prior fiscal year on the performance of workforce1 centers in the city. Such report shall include a list of all workforce1 centers in the city and for each such center: (1) the number of new registrants; (2) the number of workforce1 registrants who obtained employment through such center during the previous fiscal year; (3) the six-month and one-year job retention rates for workforce1 registrants who obtained employment through such center; and (4) the number of registrants who received job training disaggregated by industry.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Small Business.

## Int. No. 264

By Council Members Moya, Hanif, Hudson, Brewer, Stevens, Ayala, Restler and Krishnan.

**A Local Law to amend the administrative code of the city of New York, in relation to prohibiting the provision of probation services by for-profit companies**

*Be it enacted by the Council as follows:*

Section 1. Chapter 2 of title 9 of the administrative code of the city of New York is amended by adding a new section 9-208 to read as follows:

§ 9-208 *Prohibition of private probation companies. No probation service, including supervision of probationers and collection of fees from probationers, shall be provided by any for-profit entity or person.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Criminal Justice.

## Int. No. 265

By Council Members Moya and Farías.

**A Local Law in relation to establishing a task force to examine labor issues related to neighborhood rezonings**

*Be it enacted by the Council as follows:*

Section 1. Task force to examine labor issues related to neighborhood rezonings. a. Definitions. For the purposes of this section, the following terms have the following meanings:

City economic development entity. The term “city economic development entity” means a local development corporation or other not-for-profit organization, public benefit corporation or other entity that provides or administers economic development benefits on behalf of the city pursuant to paragraph b of subdivision 1 of section 1301 of the charter.

HireNYC. The term “HireNYC” means a workforce development program administered by a city agency or city economic development entity, in coordination with the department of small business services, that connects construction-related or permanent job openings generated by affordable housing and economic development projects to low-income city residents.

Neighborhood rezoning. The term “neighborhood rezoning” means an application on which the city or a city economic development entity is either the applicant or co-applicant that:

1. The city planning commission has approved or approved with modifications for a matter described in paragraph (1), (3), (4), (5), (6), (8), (10) or (11) of subdivision a of section 197-c of the charter or a change in the text of the zoning resolution pursuant to section 200 or 201 of the charter;

2. The city planning commission decision has been approved or approved with modifications by the council pursuant to section 197-d of the charter and is not subject to further action pursuant to subdivision e or f of such section; and

3. Involves at least 10 adjacent blocks of real property.

b. There shall be a task force to examine labor issues related to neighborhood rezonings approved after January 1, 2016, consisting of at least 11 members as follows:

1. The commissioner of housing preservation and development, or the commissioner’s designee, who shall serve as chair;

2. The president of a city economic development entity, or the president’s designee;

3. The commissioner of small business services, or the commissioner’s designee;

4. The commissioner of buildings, or the commissioner’s designee;

5. The director of city planning, or the director’s designee;

6. At least three members appointed by the mayor, including representatives from construction, labor and community organizations; and

7. At least three members appointed by the speaker of the council, including representatives from construction, labor and community organizations.

c. Each member of the task force shall serve without compensation. All members shall be appointed within 60 days after the effective date of this local law.

d. No appointed member of the task force shall be removed except for cause by the appointing authority. In the event of a vacancy on the task force during the term of an appointed member, a successor shall be selected in the same manner as the original appointment to serve the balance of the unexpired term.

e. Each member of the task force may designate a representative who shall be counted as a member for the purpose of determining the existence of a quorum and who may vote on behalf of such member, provided that such representative is an officer or employee from the same agency or organization as the designating member. The designation of a representative shall be made by a written notice of the member delivered to the chairperson of the task force prior to the designee participating in any meeting of the task force, but such designation may be rescinded or revised by the member at any time.

f. The mayor may designate one or more agencies to provide staffing and other administrative support to the task force.

g. The task force shall meet at least quarterly and shall submit a report of its findings and recommendations to the mayor and the speaker of the council no later than 12 months after the final member of the task force is appointed. In developing the report, the task force shall examine the following:

1. The use of any contractors or subcontractors with a history of labor, construction or worker safety violations on affordable housing or economic development projects related to neighborhood rezonings approved after January 1, 2016;

2. The efficacy of HireNYC and other efforts to connect job openings to city residents in connection with neighborhood rezonings approved after January 1, 2016; and

3. Any other labor issues related to neighborhood rezonings that the task force deems appropriate.

h. The task force shall dissolve 180 days after submission of the report required pursuant to subdivision g of this section.

§ 2. This local law takes effect immediately.

Referred to the Committee on Economic Development.

Int. No. 266

By Council Members Moya, Yeger and Ayala.

**A Local Law to amend the administrative code of the city of New York, in relation to required notice for maintenance of a civil action against the city for damages or injuries sustained in consequence from unsafe conditions on streets, sidewalks or similar public spaces**

*Be it enacted by the Council as follows:*

Section 1. Paragraph 2 of subdivision c of section 7-201 of the administrative code of the city of New York is amended to read as follows:

2. No civil action shall be maintained against the city for damage to property or injury to person or death sustained in consequence of any street, highway, bridge, wharf, culvert, sidewalk or crosswalk, or any part or portion of any of the foregoing including any encumbrances thereon or attachments thereto, being out of repair, unsafe, dangerous or obstructed, unless it appears that written notice of the defective, unsafe, dangerous or obstructed condition, was actually given to the commissioner of transportation or any person or department authorized by the commissioner to receive such notice, or where there was previous injury to person or property as a result of the existence of the defective, unsafe, dangerous or obstructed condition, and written notice thereof was given to a city agency, or there was written acknowledgement from the city of the defective, unsafe, dangerous or obstructed condition, and there was failure or neglect within [fifteen] 15 days after the receipt of such notice to repair or remove the defect, danger or obstruction complained of, or the place otherwise made reasonably safe, *provided that for the purposes of this subdivision, submission of a complaint or similar information relating to the defective, unsafe, dangerous or obstructed condition to the city's 311 system, or a successor system, shall constitute written notice to the commissioner of transportation.*

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

Referred to the Committee on Governmental Operations.

Int. No. 267

By Council Members Moya, Sanchez and Stevens.

**A Local Law to amend the New York city building code, in relation to distribution of employer identification cards at construction sites**

*Be it enacted by the Council as follows:*

Section 1. Section 3301.12.2 of the New York city building code, as amended by local law number 126 for the year 2021, is amended to read as follows:

**3301.12.2 Pre-shift safety meeting content.** The pre-shift safety meeting shall include a review of activities and tasks to be performed during the shift, including specific safety concerns or risks associated with fulfilling such work. *The competent person who conducts such meeting shall distribute an employer identification card to each worker. Such card shall include the name and contact information of the employer, the name and contact information of the site safety manager and the address of the site.*

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

Referred to the Committee on Housing and Buildings.

Int. No. 268

By Council Members Moya and Stevens.

**A Local Law to amend the administrative code of the city of New York, in relation to stop work order inspections of worksites with major renovations**

*Be it enacted by the Council as follows:*

Section 1. Article 207 of chapter 2 of title 28 of the administrative code of the city of New York is amended by adding a new section 28-207.2.7 to read as follows:

**§ 28-207.2.7 Stop work order inspections.** *The department shall conduct an inspection of a worksite no more than 14 days after the issuance of a stop work order or partial stop work order in order to verify that no work has been performed since the issuance of such stop work order or partial stop work order, and to determine whether the violating condition that gave rise to such stop work order or partial stop work order still exists, where the work: (i) involves demolition of more than 50 percent of such worksite's floor area; (ii) will result in the removal of one or more floors of such worksite; or (iii) is a horizontal or vertical enlargement affecting the exterior envelope of such worksite. Subsequent inspections shall occur every 14 days after such initial inspection, and shall continue until such violating condition has been corrected. Such subsequent inspections shall be conducted jointly by an inspector from the unit that issued the stop work order and inspectors from at least two other units within the department that are related to such violating condition.*

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

Referred to the Committee on Housing and Buildings.

Int. No. 269

By Council Members Moya, Stevens and Ayala.

**A Local Law to amend the administrative code of the city of New York, in relation to assessing organizations and individuals who have been issued permits for the use of athletic fields and courts under the jurisdiction of the parks department**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 18 of the administrative code of the city of New York is amended by adding a new section 18-160 to read as follows:



*§ 18-160 Review for athletic field permit applicants. a. The commissioner shall conduct an assessment of any applicant who has applied for any permit for the use of an athletic field or court under the jurisdiction of the commissioner for a fifth consecutive year after having been issued a permit for the previous four consecutive years to determine whether such applicant has conducted any action that may preclude such applicant from being issued a new permit. Such assessment shall include, but not be limited to:*

*1. A records review by the department of whether the applicant violated any rules of the department, permit conditions or engaged in any other illegal activity while present on the field or court for which previous permits had been issued;*

*2. An interview, in person or by telephone, between the department and the applicant, where the department shall discuss the findings made during the review of the applicant and allow such applicant to respond to any finding that may preclude the requested permit from being issued; and*

*3. A written determination provided to the applicant that communicates each reason why such applicant shall or shall not be issued the requested permit.*

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

Referred to the Committee on Parks and Recreation.

Int. No. 270

By Council Members Moya, Stevens and Ayala.

**A Local Law in relation to establishing a task force to study and report on training provided to members of the police department**

*Be it enacted by the Council as follows:*

Section 1. Task force established. There is hereby established a task force to study the police department training curriculum.

§ 2. Duties. The task force established by section one shall be required to study the police department training curriculum and materials provided to recruits and members of the police department and make recommendations for a new police training curriculum. The new training curriculum shall include, but need not be limited to, recommendations for training related to de-escalation tactics, including sociological, psychological and social work programming, policing in minority communities and cultural sensitivity. In formulating its recommendations, the task force shall consider the current police training offered to recruits and members of the police department, the training provided to members of police departments in other large cities, and any other considerations the task force deems relevant.

§ 3. Membership. a. All appointments required by this section shall be made no later than 90 days after the effective date of this local law. Each member of the task force shall serve at the pleasure of the officer who appointed the member. In the event of a vacancy on the task force, a successor shall be appointed in the same manner as the original appointment for the remainder of the unexpired term. The task force shall be composed of the following members:

1. The police commissioner or such commissioner's designee;
2. The chief of training of the police department or such chief's designee;
3. The chief of community affairs of the police department or such chief's designee;
4. The chief of collaborative policing of the police department or such chief's designee;
5. The commissioner of health and mental hygiene or such commissioner's designee;
6. Three members appointed by the mayor, provided that one member shall be an employee of the police department with knowledge of such department's training curriculum; and
7. Two members appointed by the speaker of the council, provided that they shall each have relevant expertise in the area of police reform.

b. The mayor may invite officers and representatives of relevant federal, state, and local agencies and authorities to participate in the work of the task force.

c. One member shall be designated chairperson by the mayor.

§ 4. Meetings. a. The chairperson shall convene the first meeting of the task force no later than 30 days after the last member has been appointed, except that where not all members of the task force have been appointed within the time specified in subdivision a of section three, the chairperson shall convene the first meeting of the task force within 10 days of the appointment of a quorum.

b. The task force may invite experts and stakeholders to attend its meetings and to provide testimony and information relevant to its duties.

c. The task force shall meet no less than once each quarter to carry out the duties described in section two, however such meeting requirement may be suspended when the task force submits its report as required by section five.

d. Following the submission of the initial report required by section five, the task force may continue to meet if it deems such meetings necessary, and may make supplemental recommendations, as needed, to the mayor and the speaker of the council until such task force is terminated pursuant to section seven.

§ 5. Report. No later than one year after the effective date of this local law, the task force shall submit a report to the mayor and the speaker of the council setting forth its recommendations for a revised police training curriculum. The report shall also include a summary of information the task force considered in formulating its recommendations. The police commissioner shall publish the task force's report electronically on the website of the police department no later than 10 days after its submission to the mayor and the speaker of the council.

§ 6. Agency support. Each agency affected by this local law shall provide appropriate staff and resources to support the work of such agency related to the task force.

§ 7. Termination. The task force shall terminate 180 days after the date on which it submits its report as required by section five.

§ 8. This local law takes effect immediately.

Referred to the Committee on Public Safety.

Int. No. 271

By Council Member Moya.

**A Local Law to amend the administrative code of the city of New York, in relation to the creation of a residential parking permit system in East Elmhurst**

*Be it enacted by the Council as follows:*

Section 1. Subchapter 2 of chapter 1 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-175.8 to read as follows:

*§ 19-175.8 Residential parking permit system in East Elmhurst. a. The department shall create and implement a residential parking permit system in the neighborhood of East Elmhurst, which fixes and requires the payment of fees for parking within the area in which such parking system is in effect in accordance with the provisions of this section.*

*b. In creating such residential parking system, the department shall:*

- 1. Designate specific areas in which such parking system applies;*
- 2. Provide the times of the day and days of the week during which permit requirements shall be in effect;*
- 3. Make not less than 20 percent of all spaces within the permit area available to non-residents and provide for short-term parking of not less than 90 minutes in duration in such area;*
- 4. Provide that motor vehicles registered pursuant to section 404-a of the vehicle and traffic law be exempt from any permit requirement;*
- 5. Provide the schedule of fees to be paid for residential permits; and*
- 6. Provide that such fees shall be credited to the general fund of the city of New York.*

*c. Notwithstanding the provisions of this section, no such residential parking permit shall be required on streets where the adjacent properties are zoned for commercial, office or retail use.*

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

Referred to the Committee on Transportation and Infrastructure.

#### Int. No. 272

By Council Members Moya, Hanif, Stevens, Yeger, Restler and Abreu.

### **A Local Law to amend the administrative code of the city of New York, in relation to prohibiting dynamic pricing under the city's bike share program**

*Be it enacted by the Council as follows:*

Section 1. Subchapter 3 of chapter 1 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-194.1 to read as follows:

*§ 19-194.1 Dynamic pricing under city bike share program prohibited. a. Definitions. For the purposes of this section, the following terms have the following meanings:*

*Bike share operator. The term “bike share operator” has the meaning ascribed to such term in section 19-194.*

*Bike share program. The term “bike share program” has the meaning ascribed to such term in section 19-194.*

*Dynamic pricing. The term “dynamic pricing” means any increase in fees charged for the services of the bike share operator based on increased demand.*

*b. Dynamic pricing prohibited. The department shall not allow dynamic pricing as part of the bike share program.*

§ 2. This local law takes effect 45 days after it becomes law.

Referred to the Committee on Transportation and Infrastructure.

#### Res. No. 133

### **Resolution calling on the New York State Division of Criminal Justice Services, Office of Public Safety to update its mandatory security guard training curriculum to include sexual harassment prevention and bystander intervention training for all security guards who work in nightlife establishments.**

By Council Members Moya, Stevens, Ung, Ayala, Restler and Abreu.

**Whereas**, Every 68 seconds a person in the United States is sexually assaulted, according to statistics from RAINN, the country's largest organization focused on preventing sexual violence; and

**Whereas**, While sexual assault and harassment can occur in any public or private space, nightlife venues are a common location for this type of behavior; and

**Whereas**, Studies consistently show that a majority of women expect to experience sexual harassment during a night out with friends and view this as a normal part of the nightlife experience; and

**Whereas**, Alcohol also acts as a catalyst for sexual assault, as studies consistently indicate that alcohol consumption is a factor in nearly half of all sexual assault cases in America; and

**Whereas**, Research also shows that nightlife establishment staff rarely intervene in instances of sexual harassment because such behavior is assumed to be a normal part of nightlife culture; and

**Whereas,** While nightlife venues are designed for socializing and are traditionally romantically charged, they should also be free from unwanted sexual advances and harassment; and

**Whereas,** Creating an atmosphere that limits the ability to commit opportunistic acts of sexual harassment and assault helps to prevent the normalization of sexual harassment in nightlife establishments; and

**Whereas,** However, in environments with a lax approach, this attitude greatly enhances the threat and incidence of offending behavior; and

**Whereas,** As the #MeToo movement has shown, the ability of sexual abusers to act with impunity for so long has, in part, been facilitated by a capitulation that sexual harassment is simply part of an industry or culture; and

**Whereas,** To combat such attitudes and change the culture of nightlife there needs to be clear indicators that sexual harassment will not be tolerated or ignored; and

**Whereas,** Bystander intervention training has proven to be one approach with demonstrated success in curtailing the prevalence of sexual assaults; and

**Whereas,** Bystander intervention training has been used in schools and on college campuses across the country to teach students how to safely intervene if they see sexual harassment or assault unfolding; and

**Whereas,** This training is powerful because it communicates to victims that they have allies and that their safety is a community responsibility, not simply an individual one; and

**Whereas,** At the same time, it indicates to offenders that their aggressive actions will not be tolerated; and

**Whereas,** Similarly, other training programs such as those offered through the ‘Safe Bars!’ program specifically target nightlife establishment staff by providing them with strategies to prevent sexual harassment and assault in their venues; and

**Whereas,** As workers on the frontlines of nightlife establishments, security guards have an important role to play in preventing and intervening in sexual harassment and assault; and

**Whereas,** Security guards have both the authority and the responsibility to ensure that their nightlife venue is safe for all patrons; and

**Whereas,** Security guards in New York are currently licensed under the New York State Division of Licensing Services; and

**Whereas,** In order to obtain a license in New York, security guards must also undertake mandatory training that is administered by the New York State Division of Criminal Justice Services, Office of Public Safety; and

**Whereas,** While the minimum standards for the training curriculum includes topics such as legal powers, ethics and conduct, and public relations, there are currently no requirements for training on sexual harassment prevention or intervention; and

**Whereas,** Educating security guards on effective methods to identify, prevent and intervene in sexual harassment would be an important step in making nightlife spaces more safe for patrons; now, therefore, be it

**Resolved,** That the Council of the City of New York calls on the New York State Division of Criminal Justice Services, Office of Public Safety to update its mandatory security guard training curriculum to include sexual harassment prevention and intervention training for all security guards who work in nightlife establishments.

Referred to the Committee on Consumer and Worker Protection.

Int. No. 273

By Council Members Narcisse, Hanks, Mealy, Stevens, Yeger, Restler and Abreu.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring police officers to receive training related to recognizing and interacting with individuals with autism**

*Be it enacted by the Council as follows:*

Section 1. Title 14 of the administrative code of the city of New York is amended by adding a new section 14-193 to read as follows:

*§14-193 Autism safety training. a. Definitions. For the purposes of this section, the following terms have the following meanings:*

*Autism. The term “autism” means a range of conditions characterized by challenges with social skills, repetitive behaviors, speech and nonverbal communication, as well as other unique conditions which may be caused by different combinations of genetic and environmental influences.*

*b. Training. The New York city police department shall train patrol officers in recognizing and responding to individuals with autism as part of their academy training. The training shall be sensitive to a wide variation in challenges and strengths possessed by each individual with autism.*

§2. This local law shall take effect immediately after it becomes law.

Referred to the Committee on Public Safety.

#### Int. No. 274

By Council Members Nurse, Bottcher, Ossé, Menin, Gutiérrez, Hanif, Powers, Hudson, Brewer, Sanchez, Stevens, Yeger, Marte, Joseph, Ayala, Restler, Abreu, Krishnan, Avilés, Rivera, Moya, Williams, Richardson Jordan and Riley (in conjunction with the Brooklyn Borough President).

#### **A Local Law to amend the administrative code of the city of New York, in relation to establishing a goal of zero waste for New York city by 2030**

*Be it enacted by the Council as follows:*

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

*§ 16-144 Zero waste goal. a. Diversion of citywide-generated waste. The department shall establish a goal of diverting citywide-generated waste by one hundred percent by calendar year 2030.*

*b. If the department determines that such citywide-generated waste diversion goal is not feasible despite the best efforts of city government, the department shall report such findings and make recommendations with respect to policies, programs and actions that may be undertaken to achieve such diversion within 180 days of such determination.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Sanitation and Solid Waste Management.

#### Int. No. 275

By Council Members Nurse, Cabán, Bottcher, Hudson, Brewer, Sanchez, Stevens, Yeger, Hanif, Ayala, Powers, Restler, Abreu, Krishnan, Avilés, Rivera, Joseph, Ossé, Marte, Moya, Williams, Richardson Jordan and Riley (by request of the Brooklyn Borough President).

#### **A Local Law to amend the administrative code of the city of New York, in relation to the goal of zero waste to landfill**

*Be it enacted by the Council as follows:*

Section 1. Subchapter 3 of chapter 3 of title 16 of the administrative code of the city of New York is amended by adding a new section 16-316.5 to read as follows:

*§ 16-316.5 Zero Waste plan and reporting. On or before July 1, 2023, the commissioner shall submit to the mayor and speaker of the council a plan to send zero waste to landfill by 2030. On or before July 1, 2024, and annually thereafter, the commissioner shall submit to the mayor and speaker of the council a report on the city's progress toward the goal of sending zero waste to landfill pursuant to this section. The plan and each report shall include, but need not be limited to:*

- a. A timeline to send zero waste to landfill, including annual targets for waste diversion, disaggregated by waste stream;*
  - b. Diversion rates for recyclable material collected curbside by the department, disaggregated by material and by community district;*
  - c. Diversion rates for recyclable materials that are not collected curbside, disaggregated by material;*
  - d. The department's plan to increase diversion, which shall include, but not be limited to strategies to increase diversion for each material, strategies to increase compliance with existing law and a description of all education and outreach programs available to the public and strategies to increase or update such education and outreach programs;*
  - e. A plan for separate initiatives to increase diversion in residential buildings with various numbers of units, and buildings owned or operated by the New York city housing authority;*
  - f. A plan for separate initiatives to increase diversion in commercial establishments;*
  - g. A list and description of materials that are not easily diverted from landfill and strategies for eliminating such materials from the waste stream;*
  - h. An analysis of the economic market for recyclable materials, disaggregated by material;*
  - i. An analysis of current processing capacity for recyclable materials, disaggregated by material;*
  - j. An analysis of current availability of capacity at landfills utilized by the city;*
  - k. A plan to increase diversion of materials disposed of in public litter baskets; and*
  - l. A plan to increase the reuse of materials that would otherwise be disposed of.*
- § 2.** This local law takes effect immediately.

Referred to the Committee on Sanitation and Solid Waste Management.

Int. No. 276

By Council Members Ossé, Avilés, Narcisse, Bottcher, Hanif, Hudson, Joseph, Sanchez, Brooks-Powers, Velázquez, Dinowitz, Stevens, Yeger, Williams, Hanks, Schulman, Riley, Ung, Barron, Cabán, Richardson Jordan, Gutiérrez, Louis, Ayala, Restler, Abreu, Krishnan and Marte.

**A Local Law to amend the administrative code of the city of New York, in relation to de-escalation and trauma-informed training for department of homeless services employees**

*Be it enacted by the Council as follows:*

Section 1. Chapter 3 of title 21 of the administrative code of the city of New York is amended by adding a new section 21-328 to read as follows:

*§ 21-328 Client service trainings. a. The department shall ensure all employees whose primary responsibilities include interacting with members of the public in a client service role receive an annual training on best practices for improving interactions between department employees and clients of the department. Such trainings shall include techniques to improve professionalism, increase cultural sensitivity, de-escalate conflict and use trauma-informed theory.*

*b. The department shall ensure any individual employed by a contractor providing services under a contract with the department having regular contact with the public in a client service role receives the training described in subdivision a of this section annually. All new or renewed contracts for such services shall contain a provision requiring employees of any contractor having regular contact with the public to be provided with the training described in subdivision a of this section.*

*c. On or before January 31, 2024, and annually thereafter, the department shall report to the mayor and the speaker of the council the number of individuals who have received the trainings pursuant to subdivisions a and b of this section, disaggregated by the positions held by such individuals.*

*d. Nothing in this section shall preclude the department from providing such training to employees other than those identified by the department pursuant to subdivision a of this section.*

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

Referred to the Committee on General Welfare.

Int. No. 277

By Council Members Ossé, Stevens, Hanif, Hudson, Joseph, Avilés, Dinowitz, Williams, Riley, Barron, Cabán, Richardson Jordan, Gutiérrez, Louis, Restler, Abreu and Krishnan.

**A Local Law to amend the administrative code of the city of New York, in relation to prohibiting the police department from deploying the strategic response group to a nonviolent gathering of individuals exercising the right of freedom of speech or peaceably to assemble**

*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 Prohibition against deployment of strategic response group to nonviolent gathering to exercise certain first amendment rights. The department shall not deploy an officer in the strategic response group to a nonviolent gathering of individuals exercising the right of freedom of speech or peaceably to assemble, including during any nonviolent protest or nonviolent demonstration.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Public Safety.

Int. No. 278

By Council Members Ossé, Hanif, Brooks-Powers, Velázquez, Stevens, Hanks, Marte, Schulman, Riley, Narcisse, Richardson Jordan, Gutiérrez, Louis, Holden, Restler, Abreu, Krishnan 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 requiring secure package storage in certain buildings**

*Be it enacted by the Council as follows:*

Section 1. Chapter 5 of title 28 of the administrative code of the city of New York is amended by adding a new article 507 to read as follows:

**ARTICLE 507  
SECURE PACKAGE STORAGE**

**§ 28-507.1 Applicability.** *This section shall apply to any class A multiple dwelling constructed after January 1, 2023, and any existing class A multiple dwelling undergoing “work not constituting minor alterations or ordinary repairs” as defined in section 28-105.4.2.1 after January 1, 2023.*

**§ 28-507.2 Definitions.** *For the purposes of this section, the term “secure package storage” means a designated room or locker used for the temporary storage of packages that is designed and secured to prevent unauthorized access.*

**§ 28-507.3 Secure package storage.** *The owner of a building to which this article is applicable shall make available secure package storage. The owner shall restrict access to building and property personnel, tenants, subtenants, and delivery service companies only.*

**§ 28-507.4 General.** *The location and description of such secure package storage shall be clearly identified on construction documents. The department shall adopt rules and/or reference standards governing the implementation and location of such secure package storage.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Transportation and Infrastructure.

Int. No. 279

By Council Members Powers, Rivera, Hudson, Brewer, Stevens, Yeger, Ayala, Farías, Restler, Abreu, Krishnan and Marte (in conjunction with the Manhattan Borough President).

**A Local Law to amend the administrative code of the city of New York, in relation to the purchase of zero emission vehicles by the city**

*Be it enacted by the Council as follows:*

Section 1. Section 6-121 of the administrative code of the city of New York is amended to read as follows:

§ 6-121 Purchase of low-emission motor vehicles. a. As used in this section, the terms “as defined” and “as specified” shall mean as defined and as specified from time to time in the relevant regulations of the administrator of the United States environmental protection agency *or the California air resources board*.

b. As used in this section, the term “low-emission motor vehicle” shall mean a self-propelling light duty vehicle, as defined which is certified in accordance with the terms of subdivision d of this section.

c. Low-emission motor vehicles which meet the standards prescribed by subdivision e of this section, and which have been determined by the department of citywide administrative services to be suitable for use as a substitute for a class or model of motor vehicles presently in use by the city of New York, shall be purchased by the city for use by the city government in lieu of other vehicles, provided that the commissioner of citywide administrative services shall first determine that such low-emission motor vehicles have procurement and maintenance costs not substantially greater than those of the class or model of motor vehicles for which they are to be substituted.

d. The commissioner of environmental protection of the city of New York shall, upon request of the commissioner of citywide administrative services, and after such tests as he or she may deem appropriate, certify as a low-emission motor vehicle any particular class or model of motor vehicles that:

1. *meets the California Low-Emission Vehicle (LEV) III or successor standards; or*

2. *meets either (i) the hydrocarbon and carbon monoxide exhaust emission standards as defined and as specified for nineteen hundred seventy-five model year vehicles and the oxides of nitrogen exhaust emission standard as defined and as specified for the then current model year or (ii) the oxides of nitrogen exhaust emission standard as defined and as specified for nineteen hundred seventy-six model year vehicles and the hydrocarbon and carbon monoxide exhaust emission standards as defined and as specified for the then current model year; and*

[2.] *3. meets the crankcase emission standard as defined and as specified and the fuel evaporative emission standard as defined and as specified; and*

[3.] *4. will not emit an air contaminant not emitted by the class or model of motor vehicle presently in use in the city of New York unless the commissioner of environmental protection determines that such air*



contaminant will not cause significant detriment to the health, safety, welfare or comfort of any person, or injury to plant and animal life, or damage to property or business.

[4.] 5. After conducting such tests the commissioner of environmental protection shall advise the commissioner of citywide administrative services whether such class or model of motor vehicles has been so certified. Any such certification shall be valid until the end of the then current model year unless sooner revoked by the commissioner of environmental protection.

e. The commissioner of environmental protection of the city of New York shall, upon request of the commissioner of citywide administrative services, and after such tests as he or she may deem appropriate, advise the commissioner of citywide administrative services, as to any class or model of low-emission motor vehicle, with respect to:

- (1) the safety of the vehicle;
- (2) its performance characteristics;
- (3) its reliability potential; and
- (4) its fuel availability.

§ 2. Section 24-163.1 of the administrative code of the city of New York, as amended by local law number 38 for the year 2015, is amended to read as follows:

§ 24-163.1 Purchase of cleaner [light-duty and medium-duty] vehicles. a. Definitions. When used in this section or in section 24-163.2 of this chapter:

"Alternative fuel" means natural gas, liquefied petroleum gas, hydrogen, electricity, and any other fuel which is at least eighty-five percent, singly or in combination, methanol, ethanol, any other alcohol or ether.

"Alternative fuel motor vehicle" means a motor vehicle that is operated using solely an alternative fuel or is operated using solely an alternative fuel in combination with gasoline or diesel fuel, and shall not include bi-fuel motor vehicles.

"Average fuel economy" means the sum of the fuel economies of all motor vehicles in a defined group divided by the number of motor vehicles in such group.

"Bi-fuel motor vehicle" means a motor vehicle that is capable of being operated by both an alternative fuel and gasoline or diesel fuel, but may be operated exclusively by any one of such fuels.

"Equivalent carbon dioxide" means the metric measure used to compare the emissions from various greenhouse gases emitted by motor vehicles based upon their global warming potential according to the California air resources board or the United States environmental protection agency.

"Fuel economy" means the United States environmental protection agency city mileage published label value for a particular motor vehicle, pursuant to 49 U.S.C. § 32908(b).

"Gross vehicle weight rating" means the value specified by the manufacturer of a motor vehicle model as the maximum design loaded weight of a single vehicle of that model.

"Light-duty vehicle" means any motor vehicle having a gross vehicle weight rating of 8,500 pounds or less.

"Medium-duty vehicle" means any motor vehicle having a gross vehicle weight rating of more than 8,500 pounds but not more than 14,000 pounds.

*"Heavy-duty vehicle" means any motor vehicle having a gross vehicle weight rating of more than 14,000 pounds.*

"Motor vehicle" means a vehicle operated or driven upon a public highway which is propelled by any power other than muscular power, except electrically-driven mobility assistance devices operated or driven by a person with a disability, provided, however, that this term shall not include vehicles that are specially equipped for emergency response by the department, office of emergency management, sheriff's office of the department of finance, police department, fire department, department of correction, or office of the chief medical examiner.

"Purchase" means purchase, lease, borrow, obtain by gift or otherwise acquire.

*"Specialized motor vehicle" means a vehicle operated or driven upon a public highway which is propelled by any power other than muscular power, except electrically-driven mobility assistance devices operated or driven by a person with a disability. The term "specialized motor vehicle" includes, but is not limited to, vehicles that are specially equipped for emergency response by the department, office of emergency management, sheriff's office of the department of finance, police department, fire department, department of correction, or office of the chief medical examiner.*

"Use-based fuel economy" means the total number of miles driven by all light-duty and medium-duty vehicles in the city fleet during the previous fiscal year divided by the total amount of fuel used by such vehicles during the previous fiscal year.

b. (1) Except as provided for in paragraphs two and three of this subdivision, beginning July 1, 2006, each light-duty vehicle and medium-duty vehicle that the city purchases shall achieve the highest of the following ratings, with subparagraph one of this paragraph being the highest vehicle rating, applicable to motor vehicles certified to California LEV II *or successor* standards and available within the applicable model year for a light-duty vehicle or medium-duty vehicle that meets the requirements for the intended use by the city of such vehicle:

- (i) zero emission vehicle (ZEV)
- (ii) advanced technology partial zero emission vehicle (ATPZEV)
- (iii) partial zero emission vehicle (PZEV)
- (iv) super ultra low emission vehicle (SULEV)
- (v) ultra low emission vehicle (ULEV)
- (vi) low emission vehicle (LEV)

(2) The city shall not be required to purchase a zero emission vehicle or advanced technology partial zero emission vehicle in accordance with paragraph one of this subdivision if the only available vehicle or vehicles that achieve such a rating cost greater than fifty percent more than the lowest bid as determined by the applicable procurement process for a vehicle available in the next highest rating category that meets the requirements for the intended use by the city of such vehicle or if, after consultation with the affected agency, the commissioner determines that the use of such vehicle would be impractical or would unduly hinder the operations of a city agency, or if the commissioner determines that the city lacks the charging and fueling infrastructure to support use of such a vehicle, provided that the next highest rating category that meets the requirements for the intended use by the city of such vehicle shall be selected.

(3) Notwithstanding the requirements of paragraph one of this subdivision, such requirements need not apply to a maximum of five percent of the light-duty vehicles and medium-duty vehicles purchased within each fiscal year.

(4) For the fiscal year beginning July 1, 2005, at least eighty percent of the light-duty vehicles the city purchases in such fiscal year shall be alternative fuel motor vehicles.

c. (1) *Except as provided for in paragraph two of this subdivision, beginning July 1, 2025, each light-duty vehicle and medium-duty vehicle that the city purchases shall meet the ZEV emission standard applicable to motor vehicles certified to California LEV III standards or successor standards and available within the applicable model year for a light-duty vehicle or medium-duty vehicle that meets the requirements for the intended use by the city of such vehicle, such that by July 1, 2035 all light and medium-duty vehicles shall be replaced with zero emission vehicles subject to the commercial availability and reliability of zero emission light and medium-duty vehicles, and the technical and physical availability of related planned infrastructure, including but not limited to charging stations and depots for zero emission light and medium-duty vehicles.*

(2) *The city shall not be required to purchase a zero emission vehicle in accordance with paragraph one of this subdivision if the only available vehicle or vehicles that achieve such a rating cost greater than fifty percent more than the lowest bid as determined by the applicable procurement process for a vehicle available in the next highest rating category that meets the requirements for the intended use by the city of such vehicle or if, after consultation with the affected agency, the commissioner determines that the use of such vehicle would be impractical or would unduly hinder the operations of a city agency, or if the commissioner determines that the city lacks the charging and fueling infrastructure to support use of such a vehicle, provided that the next highest rating category as exists under the California LEV III standards or any successor standard, that meets the requirements for the intended use by the city of such vehicle shall be selected.*

d. (1) *Except as provided for in paragraph two of this subdivision, beginning July 1, 2030, each heavy-duty vehicle and specialized motor vehicle that the city purchases shall meet the ZEV emission standard applicable to motor vehicles certified to California LEV III standards or successor standards and available within the applicable model year for a vehicle that meets the requirements for the intended use by the city of such vehicle, such that by July 1, 2035 all heavy-duty and specialized motor vehicles shall be replaced with zero emission vehicles subject to the commercial availability and reliability of zero emission heavy-duty and specialized motor vehicles, and the technical and physical availability of related planned infrastructure, including but not limited to charging stations and depots for zero emission heavy-duty and specialized motor vehicles.*

*(2) The city shall not be required to purchase a zero emission vehicle in accordance with paragraph one of this subdivision if the only available vehicle or vehicles that achieve such a rating cost greater than fifty percent more than the lowest bid as determined by the applicable procurement process for a vehicle available in the next highest rating category that meets the requirements for the intended use by the city of such vehicle or if the commissioner of an affected agency determines that the use of such vehicle would be impractical or would unduly hinder the operations of such city agency, or if the commissioner determines that the city lacks the charging and fueling infrastructure to support use of such a vehicle, provided that the next highest rating category as exists under the California LEV III standards or any successor standard, that meets the requirements for the intended use by the city of such vehicle shall be selected.*

e. (1) The city shall not purchase additional bi-fuel motor vehicles.

(2) Any bi-fuel motor vehicle that is owned or operated by the city shall be powered on the alternative fuel on which it is capable of operating, except that such vehicle may be operated on gasoline or diesel fuel (i) where, as of the date of enactment of this section, such vehicle is no longer mechanically able to operate on such alternative fuel and cannot be repaired, or (ii) solely for the period of time recommended by the vehicle manufacturer.

[d.] f. (1) Not later than October 1, 2005, the city shall complete an inventory of the fuel economy of all light-duty vehicles purchased by the city during the fiscal year beginning July 1, 2004, and shall calculate the average fuel economy of all such light-duty vehicles.

(2) The city shall achieve the following minimum percentage increases in the average fuel economy of all light-duty vehicles purchased by the city during the following fiscal years, relative to the average fuel economy of all such vehicles purchased by the city during the fiscal year beginning July 1, 2004, calculated pursuant to paragraph one of this subdivision:

- (i) For the fiscal year beginning July 1, 2006, five percent;
- (ii) For the fiscal year beginning July 1, 2007, eight percent;
- (iii) For the fiscal year beginning July 1, 2008, ten percent;
- (iv) For the fiscal year beginning July 1, 2009, twelve percent;
- (v) For the fiscal years beginning July 1, 2010 and July 1, 2011, fifteen percent;
- (vi) For the fiscal years beginning July 1, 2012, July 1, 2013 and July 1, 2014, eighteen percent;
- (vii) For the fiscal year beginning July 1, 2015, twenty percent;
- (viii) For the fiscal year beginning July 1, 2016, twenty percent;
- (ix) For the fiscal year beginning July 1, 2017, twenty-five percent;
- (x) For the fiscal year beginning July 1, 2018, twenty-five percent;
- (xi) For the fiscal year beginning July 1, 2019, thirty-percent;
- (xii) For the fiscal year beginning July 1, 2020, thirty-percent;
- (xiii) For the fiscal year beginning July 1, 2021, thirty-five percent; and
- (xiv) For the fiscal year beginning July 1, 2022, and for each fiscal year thereafter, forty percent.

[e.] g. (1) Not later than January 1, 2007, and not later than January 1 of each year thereafter, the mayor shall submit to the comptroller and the speaker of the council a report regarding the city's purchase of [light-duty vehicles and medium-duty] vehicles during the immediately preceding fiscal year. The information contained in this report shall also be included in the preliminary mayor's management report and the mayor's management report for the relevant fiscal year and shall include, but not be limited to, for each city agency: (i) the total number of light-duty vehicles and medium-duty vehicles and all other motor vehicles, respectively, purchased by such agency; (ii) the total number of light-duty vehicles and medium-duty vehicles, respectively, purchased by such agency that are certified to California LEV II or successor standards in each of the six rating categories listed in subdivision b of this section, disaggregated according to vehicle model; (iii) *the total number of zero emission vehicles purchased pursuant to subdivision c of this section*; (iv) the reason as to why each vehicle model was purchased, rather than a vehicle model rated in a higher category listed in subdivision b of this section; [(iv)] (v) if an available zero emission vehicle or advanced technology partial zero emission vehicle is not purchased, in accordance with paragraph two of [subdivision] *subdivisions b, c, or d* of this section, specific information regarding the cost analysis or other basis for such decision; [(v)] (vi) the percentage of [light-duty vehicles and medium-duty] vehicles purchased within each fiscal year in accordance with paragraphs one and two of [subdivision] *subdivisions b, c, or d* of this section; and [(vi)] (vii) for the report required not later than January

1, 2007, the percentage of light-duty vehicles purchased by the city during the fiscal year beginning July 1, 2005 that were alternative fuel motor vehicles.

(2) Not later than January 1, 2007, and not later than January 1 of each year thereafter, the mayor shall submit to the comptroller and the speaker of the council a report regarding the fuel economy of light-duty vehicles purchased by the city during the immediately preceding fiscal year. The information contained in this report shall also be included in the preliminary mayor's management report and the mayor's management report for the relevant fiscal year and shall include, but not be limited to: (i) the average fuel economy of all light-duty vehicles purchased by the city during the preceding fiscal year; and (ii) the percentage increase in the average fuel economy of all such light-duty vehicles, relative to the average fuel economy of all light-duty vehicles purchased by the city during the fiscal year beginning July 1, 2004, calculated pursuant to paragraph one of subdivision d of this section, that this total amount represents.

(3) Not later than January 1, 2016, and not later than January 1 of each year thereafter, the mayor shall submit to the comptroller and the speaker of the council a report regarding the use-based fuel economy for the immediately preceding fiscal year. The information contained in such report shall also be included in the preliminary mayor's management report and the mayor's management report for the relevant fiscal year.

[f.] *h.* (1) Beginning July 1, 2006, for each fiscal year, the city shall measure the amount of fuel consumed by the city's fleet of motor vehicles and the equivalent carbon dioxide emitted by such vehicles, for each type of fuel consumed by such vehicles.

(2) For the fiscal year beginning July 1, 2006, and for each fiscal year thereafter, the department shall publish on its website by October 1 following the close of each fiscal year and the mayor shall include in the preliminary mayor's management report and the mayor's management report for the relevant fiscal year the estimated total amount of fuel consumed by the city's fleet of motor vehicles and the estimated total amount of equivalent carbon dioxide emitted by such vehicles, disaggregated according to fuel type. For the purposes of this subdivision, the city's fleet of motor vehicles shall include vehicles specially equipped for emergency response by the department, office of emergency management, sheriff's office of the department of finance, police department, fire department, or office of the chief medical examiner.

[g.] *i.* This section shall not apply:

(1) where federal or state funding precludes the city from imposing the purchasing requirements of this section;

(2) to purchases that are emergency procurements pursuant to section three hundred fifteen of the charter; or

(3) except for subdivision [f] *h* of this section, to diesel fuel-powered motor vehicles subject to paragraph two of subdivision b of section 24-163.4 of this chapter.

[h.] *j.* To the extent not prohibited by law, [alternative fuel] motor vehicles *that meet the ZEV standards* may be purchased by the city in concert with any public or private entity.

§ 3. Section 24-163.2 of the administrative code of the city of New York, as amended by local law number 38 for the year 2015, is amended to read as follows:

§ 24-163.2 Alternative fuel buses and sanitation vehicles. a. Definitions. When used in this section:

“Alternative fuel bus” means a bus that is operated using solely an alternative fuel or is operated using solely an alternative fuel in combination with gasoline or diesel fuel, and shall not include bi-fuel motor vehicles.

“Alternative fuel sanitation vehicle” means a sanitation vehicle that is operated using solely an alternative fuel or is operated using solely an alternative fuel in combination with gasoline or diesel fuel, and shall not include bi-fuel motor vehicles.

“Alternative fuel street sweeping vehicle” means a vehicle used by the department of sanitation for street cleaning purposes that is operated using solely an alternative fuel or is operated using solely an alternative fuel in combination with gasoline or diesel fuel, and shall not include bi-fuel motor vehicles.

“Bus” means a motor vehicle that is designed to transport more than twenty individuals.

“Recyclable materials” means solid waste that may be separated, collected, processed, marketed and returned to the economy in the form of raw materials or products, including but not limited to types of metal, glass, paper, plastic, food waste, tires and yard waste.

“Sanitation vehicle” means a vehicle used by the department of sanitation for street cleaning purposes or for the collection of solid waste or recyclable materials.

“Solid waste” means all materials or substances discarded or rejected as being spent, useless, or worthless, including but not limited to garbage, refuse, industrial and commercial waste, sludges from air or water pollution control facilities or water supply treatment facilities, rubbish, ashes, contained gaseous material, incinerator residue, demolition and construction debris and offal, but not including sewage and other highly diluted water-carried materials or substances and those in gaseous forms.

b. For the fiscal year commencing July 1, 2005, and for each fiscal year thereafter, at least twenty percent of the buses the city purchases in such fiscal year shall be alternative fuel buses.

c. *For the fiscal year commencing July 1, 2030, and for each fiscal year thereafter, all buses and sanitation vehicles purchased by the city shall meet the requirements for vehicles purchased pursuant to section 24.163.1.*

d. (1) Beginning no later than March 1, 2006, the commissioner of sanitation shall implement a program for testing the mechanical reliability and operational feasibility of alternative fuel street sweeping vehicles. Such program shall include a pilot project regarding the exclusive utilization of alternative fuel street sweeping vehicles in at least four sanitation districts, to be identified at the discretion of the commissioner of sanitation. At least one such district shall be located in an area where high rates of asthma are found and the commissioner shall consider asthma rates in his or her determination of where such other districts will be located.

(2) The department of sanitation shall collect and analyze data to further develop its initiatives for and assess the feasibility of incorporating new alternative fuel sanitation vehicles and technology into its fleet.

d. (1) Not later than January 1, 2007, and not later than January 1 of each year thereafter, the mayor shall submit to the comptroller and the speaker of the council a report regarding the city's purchase of alternative fuel buses during the immediately preceding fiscal year. This report shall be included in the mayor's preliminary management report and the mayor's management report for the relevant fiscal year and shall include, but not be limited to: (i) the total number of buses purchased by the city in the preceding fiscal year; and (ii) the number of such buses that are alternative fuel buses, disaggregated according to agency, bus model and type of alternative fuel used.

(2) Not later than January 1, 2007, and not later than January 1 of each year thereafter, the commissioner of sanitation shall report to the mayor, the comptroller and the speaker of the council on the department of sanitation's alternative fuel street sweeping vehicle pilot project and all testing, analyses and assessments completed pursuant to subdivision c of this section. Such report shall include, but not be limited to: (i) a description of all testing, analyses and assessments, respectively, completed pursuant to that subdivision and all conclusions based upon such testing, analyses and assessments, including specific information regarding efforts made by the department of sanitation to further develop initiatives for the incorporation of alternative fuel sanitation vehicles into its fleet, in addition to specific information regarding the feasibility of incorporating such vehicles into such fleet; (ii) the number of alternative fuel street sweeping vehicles included in the pilot project required pursuant to paragraph one of that subdivision, the districts where such vehicles are located and the type of alternative fuel used by such vehicles; and, (iii) the total number of alternative fuel sanitation vehicles owned or operated by the department of sanitation, disaggregated according to vehicle model and type of alternative fuel used.

e. [Purchases] *Subject to the requirements of section 24-261.1, purchases* of alternative fuel buses that exceed the minimum mandatory purchase requirements of subdivision b of this section for a particular fiscal year may be used to satisfy such applicable requirements for the immediately succeeding fiscal year.

f. [To the extent not prohibited by law, alternative fuel buses and alternative fuel sanitation vehicles may be purchased by the city in concert with any public or private entity.

g.] This section shall not apply:

(1) where federal or state funding precludes the city from imposing the purchasing requirements of this section;

(2) to purchases that are emergency procurements pursuant to section three hundred fifteen of the charter; or

(3) to the purchase of buses for use by any city agency where the commissioner of such agency has made a written determination that there are no alternative fuel buses available that meet the needs of such agency with respect to bus size, passenger capacity or other special requirement, and has within ten business days thereafter submitted the determination to the speaker of the council accompanied by the detailed analysis that formed the basis for such determination; provided, however, that the purchase of buses for use by the agency shall become subject to the provisions of this section immediately after a determination by the commissioner, after consultation

with the department of citywide administrative services, that an alternative fuel bus that meets such needs has become available; and provided, further, however, that the city shall not be required to purchase an alternative fuel bus for use by the agency if the only available alternative fuel bus that meets the needs of such agency with respect to bus size, passenger capacity or other special requirement costs more than fifty percent more than other buses that meet such needs of such agency.

[h.] g. The commissioner may by rule require periodic testing of alternative fuel buses and the submission of information concerning the operation and maintenance of such buses purchased or newly operated in the city to ensure compliance with this section and to collect information for reports required by this section.

[i.] h. The commissioner may order a city agency that owns or operates a bus to which this section applies to conduct such tests, or the department may conduct such tests, as are necessary in the opinion of the commissioner to determine whether such bus is in compliance with this section.

[j.] i. The department may inspect at a reasonable time and in a reasonable manner any equipment, apparatus, fuel, matter or thing that affects or may affect the proper maintenance or operation of an alternative fuel bus to which this section applies.

§ 4. Section 24-163.9 of the administrative code of the city of New York, as amended by local law number 120 for the year 2021, is amended to read as follows:

§ 24-163.9 Retrofitting, age limitations, fuel use of diesel-powered school buses and use of all-electric zero emission school buses. a. Definitions. For the purposes of this section only, the following terms shall have the following meanings:

“Department of education” means the New York city department of education, formerly known as the New York city board of education, and any successor agency or entity thereto, the expenses of which are paid in whole or in part from the city treasury.

“School bus” means any vehicle of the designation “Type A bus,” “Type B bus,” “Type C bus,” or “Type D bus,” as set forth in subdivisions x, y, z, and aa of section 720.1 of title seventeen of New York codes, rules and regulations, that is operated pursuant to a school bus contract and is used to transport children to or from any school located in the city of New York.

“School bus contract” means any agreement between any person and the department of education to transport children on a school bus.

b. Diesel fuel-powered school buses shall utilize a closed crankcase ventilation system, selected from among the mobile sources devices identified and approved as part of the diesel retrofit verified technologies list by the United States environmental protection agency or the list of currently verified diesel emission control strategies by the California air resources board, to reduce engine emissions to the school bus cabin, in accordance with the following schedule:

(1) fifty percent of diesel fuel-powered school buses used to fulfill each school bus contract shall be equipped with such a closed crankcase ventilation system by September 1, 2010;

(2) one hundred percent of diesel fuel-powered school buses used to fulfill each school bus contract shall be equipped with such a closed crankcase ventilation system by September 1, 2011;

c. Notwithstanding subdivision b of this section, any diesel fuel-powered school bus of the designation “Type A bus” or “Type B bus,” as set forth in subdivisions x and y of section 720.1 of title seventeen of New York codes, rules and regulations, with a pre-2007 engine model year shall utilize a closed crankcase ventilation system within six months of a finding by the United States environmental protection agency or the California air resources board that such technology is available for use in such bus and is available from the manufacturer, provided however, that such technology shall not be required to be installed if such bus is scheduled to be retired within twelve months of such finding pursuant to the schedule set forth in paragraph two of subdivision d of this section.

d. (1) No diesel fuel-powered school bus of the designation “Type A bus” or “Type B bus,” as set forth in subdivisions x and y of section 720.1 of title seventeen of New York codes, rules and regulations, with an engine model year of 2007 or later or that is utilizing a closed crankcase ventilation system pursuant to subdivision c of this section and no diesel fuel-powered school bus of the designation “Type C bus” or “Type D bus,” as set forth in subdivisions z and aa of section 720.1 of title seventeen of New York codes, rules and regulations, shall be used to fulfill any school bus contract beyond the end of the sixteenth year from the date of manufacture, as noted on the vehicle registration, or the end of the school year in which that date falls, whichever is later.

(2) Except for any “Type A bus” or “Type B bus” utilizing a closed crankcase ventilation system pursuant to subdivision c of this section, no diesel fuel-powered school bus of the designation “Type A bus” or “Type B bus,” as set forth in subdivisions x and y of section 720.1 of title seventeen of New York codes, rules and regulations, with a pre-2007 engine model year shall be used to fulfill any school bus contract entered into pursuant to a request for proposals or request for bids issued after July 1, 2014 beyond the dates set forth in the following schedule:

- i. All 1997 engine model years, September 1, 2014;
- ii. All 1998 engine model years, September 1, 2015;
- iii. All 1999 engine model years, September 1, 2016;
- iv. All 2000 engine model years, September 1, 2017, and provided, further, that five percent of any contractor's “Type A buses” or “Type B buses” with 2001 through 2004 engine model years that are not utilizing a closed crankcase ventilation system pursuant to subdivision c of this section that are used to fulfill any school bus contract shall be replaced pursuant to subdivision e of this section by September 1, 2017;
- v. All 2001 engine model years, September 1, 2018, and provided, further, that twenty percent of any contractor's “Type A buses” or “Type B buses” with 2002 through 2005 engine model years that are not utilizing a closed crankcase ventilation system pursuant to subdivision c of this section that are used to fulfill any school bus contract shall be replaced pursuant to subdivision e of this section by September 1, 2018;
- vi. All 2002 engine model years, September 1, 2019, and provided, further, that twenty percent of any contractor's “Type A buses” or “Type B buses” with 2003 through 2006 engine model years that are not utilizing a closed crankcase ventilation system pursuant to subdivision c of this section that are used to fulfill any school bus contract shall be replaced pursuant to subdivision e of this section by September 1, 2019;
- vii. All 2003 through 2006 engine model years, September 1, 2020.

e. School buses *replaced on or before June 30, 2025* shall be replaced pursuant to subdivision d of this section with (1) a school bus meeting the most recent diesel engine emissions standards issued by the United States environmental protection agency, or (2) an all-electric, gasoline-powered, compressed natural gas, or hybrid school bus, as long as the particulate matter emissions of such school bus do not exceed emission levels permitted in the most recent diesel engine emissions standards issued by the United States environmental protection agency, provided that by September 1, 2035 such school buses shall be replaced with all-electric zero emission school buses, such that all school buses in use by that date shall be all-electric zero emission school buses, subject to the commercial availability and reliability of all-electric zero emission school buses, and the technical and physical availability of related planned infrastructure, including but not limited to charging stations and bus depots for all-electric zero emission school buses.

f. School buses *replaced on or after July 1, 2025* shall be all-electric zero emission school buses, subject to the commercial availability and reliability of all-electric zero emission school buses, and the technical and physical availability of related planned infrastructure, including but not limited to charging stations and bus depots for all-electric zero emission school buses.

g. Reporting requirements. (1) No later than December 31, 2011 and no later than December 31 of every year thereafter, the department of education shall submit a report to the mayor and the speaker of the council on compliance with this section. Such report shall include, but not be limited to, data on the age and crankcase retrofit status of every school bus pursuant to a school bus contract. The department of education shall also perform yearly reviews on a sample of school buses from at least ten different vendors to verify the accuracy of data reported.

(2) Before the end of the fiscal year commencing on July 1, 2023, July 1, 2028, and July 1, 2033, the department of education shall submit a report to the mayor and the speaker of the council on:

- i. actions taken to achieve the [requirement] *requirements* provided by [subdivision] *subdivisions e and f* to replace school buses with all-electric zero emission school buses by September 1, 2035;
- ii. barriers, if any, to achieving such replacement by such date;
- iii. plans to address the barriers described in subparagraph ii;
- iv. a date by which such replacement will be complete;
- v. the safety and reliability of the all-electric zero emission school buses in use pursuant to a school bus contract;
- vi. the percentage of routes served by all-electric zero emission school buses where the origin or destination is located in an environmental justice area as defined in section 3-1001;

vii. a description of each model of all-electric zero emission school bus that is in use pursuant to a school bus contract, including but not limited to the name of the manufacturer and the number of buses of each such model in use;

viii. applications that have been submitted by the department for federal, state, private or other funding for the purpose of achieving such replacement; and

ix. progress that vendors have made in developing charging infrastructure, including the proportion of such charging infrastructure that has been installed in an environmental justice area as defined in section 3-1001.

(3) The first report required pursuant to paragraph 2 of this subdivision shall include whether there are, or the status of achieving by the date of the next report, 75 all-electric zero emission school buses. The second report required pursuant to paragraph 2 of this subdivision shall include whether there are, or the status of achieving by the date of the next report, 20 percent of school buses in use being all-electric zero emission school buses, and whether there are, or the status of achieving by September 1, 2030, 100 percent of New York city school bus umbrella corporation, or its successor entity, school buses in use being all-electric zero emissions school buses. The third report required pursuant to paragraph 2 of this subdivision shall include whether there are, or the status of achieving, 66 percent of school buses in use being all-electric zero emission school buses.

[g.] *h.* This section shall not apply:

(1) where federal or state funding precludes the city from imposing the requirements of this section;

(2) to purchases that are emergency procurements pursuant to section three hundred fifteen of the New York city charter; or

(3) where federal or state law prohibits the application of the requirements of this section.

[h.] *i.* Any person who violates any provision of this section shall be liable for a civil penalty in accordance with section 24-178 of the code.

[i.] *j.* Where a person has been found to have made a false claim with respect to the provisions of this section, such person shall be subject to enforcement pursuant to the provisions of chapter eight of title seven of the code.

[j.] *k.* Nothing in this section shall be construed to limit the authority of the department of education or of the city of New York to cancel or terminate a contract, deny or withdraw approval to perform a subcontract or provide supplies, issue a non-responsibility finding, issue a non-responsiveness finding, deny a person or entity prequalification as a vendor, or otherwise deny a person or entity city business.

[k.] *l.* (i) Diesel fuel-powered school buses shall be powered by fuel that is ultra low sulfur diesel fuel.

(ii) The chancellor of the New York city department of education and the commissioner of citywide administrative services shall conduct a study to determine the feasibility of utilizing at least five percent biodiesel (B5) and up to twenty percent biodiesel (B20) by volume in city contracted diesel fuel-powered buses used for pupil and school transportation. The study shall include a review of the types and models of buses that are used pursuant to existing school bus contracts and their compatibility with biodiesel blends; the mode of fueling by school bus contractors including in-house, retail or fuel truck; supply availability of biodiesel for each mode of fueling for the use of biodiesel in school buses; and other relevant issues including barriers, opportunities, and regulatory requirements related to the use of biodiesel in buses used pursuant to school bus contracts. No later than June 30, 2019, the chancellor of the department of education and the commissioner of citywide administrative services shall submit a report to the mayor and the speaker of the council detailing the findings of this study with recommendations relating to the use of biodiesel blends of at least five percent (B5) and up to twenty percent (B20) by volume in city contracted diesel fuel-powered buses used for pupil and school transportation.

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

Referred to the Committee on Environmental Protection.

Int. No. 280

By Council Members Powers, Rivera, Brewer, Nurse, Hanif, Cabán, Bottcher, Hudson, Menin, Stevens, Joseph, Ayala, Restler, Abreu, Krishnan, Avilés, Ossé, Marte, Moya, Williams, Dinowitz, Richardson Jordan and Riley (by request of the Brooklyn Borough President).



**A Local Law to amend the administrative code of the city of New York, in relation to community recycling centers**

*Be it enacted by the Council as follows:*

Section 1. Title 16 of the administrative code of the city of New York is amended by adding a new section 16-315.1 to read as follows:

§ 16-315.1 *Community recycling centers.* a. *The commissioner shall ensure that at least three community recycling centers are established and operational in each community district by no later than June 1, 2023. Each such center shall have a minimum of 20 hours available per week for drop offs and be located in a geographic area that is easily accessible, including for persons with disabilities, and in close proximity to public transportation. Notice of a center's hours of operation shall be clearly displayed on such center and on the department's website.*

b. *Each community recycling center shall accept inorganic material that is not collected curbside but that can be recycled or reused. Any food waste or yard waste drop off or collection site otherwise provided for by local law may also be co-located within such recycling centers. Each community recycling center shall also accept hazardous material, as practicable and as defined by the department, that should not be disposed of curbside waste.*

c. *The commissioner shall make available on the department's website information about each of the community recycling centers, including its address, contact information, hours of operation and services provided.*

d. *The commissioner, in consultation with any agencies identified by the mayor, shall establish and engage in outreach and education efforts to inform residents about the community recycling centers, including their locations, contact information, hours of operation and the services they provide.*

e. *The commissioner shall, beginning January 1, 2024 and every six months thereafter, submit a report to the mayor and the speaker of the council regarding the operation of the community recycling centers established pursuant to this section. Such report shall include, but not be limited to, the following information for the prior six-month period, disaggregated by center: (i) the number of individuals utilizing such center; (ii) the material collected at each such center, disaggregated by material type; (iii) the number of full-time and part-time staff persons working at such center; (iv) where each type of material is sent; and (v) any education programs offered to the public.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Sanitation and Solid Waste Management.

Int. No. 281

By Council Members Powers, Nurse, Rivera, Brewer, Hanif, Cabán, Bottcher, Hudson, Menin, Stevens, Joseph, Ayala, Restler, Abreu, Krishnan, Avilés, Ossé, Marte, Moya, Williams, Dinowitz, Richardson Jordan and Riley (by request of the Brooklyn Borough President).

**A Local Law to amend the administrative code of the city of New York, in relation to organic waste drop off sites**

*Be it enacted by the Council as follows:*

Section 1. Title 16 of the administrative code of the city of New York is amended by adding a new section 16-308.1 to read as follows:

§ 16-308.1 *Organic waste drop off sites.* a. *The commissioner shall ensure that at least three drop off sites for food waste and yard waste are established and operational in each community district no later than January 1, 2023. Each such site shall have a minimum of 20 hours available per week for residents to drop off food waste and yard waste, and shall be located in a geographic area that is easily accessible, including for persons with*

*disabilities, and in close proximity to public transportation. Notice of a site's hours of operation shall be clearly displayed on such site and on the department's website.*

*b. The commissioner shall make available on the department's website information about each of the drop off sites, including its address, contact information, hours of operation and services provided.*

*c. The commissioner, in consultation with any agencies identified by the mayor, shall establish and engage in outreach and education efforts to inform residents about the drop off sites, including their locations, contact information, hours of operation and the services they provide.*

*d. The commissioner shall, beginning June 1, 2023 and every six months thereafter, submit a report to the mayor and the speaker of the council regarding the operation of the drop off sites established pursuant to this section. Such report shall include, but not be limited to, the following information for the prior six-month period, disaggregated by drop off site: (i) the amount of material collected at such site; (ii) the number of individuals utilizing such site; (iii) the number of full-time and part-time staff persons working at such site, if any; and (iv) where the food waste and yard waste collected at such site was sent.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Sanitation and Solid Waste Management.

Int. No. 282

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

**A Local Law in relation to establishing a task force to study, document and summarize the impact of COVID-19 on New York city**

*Be it enacted by the Council as follows:*

Section 1. Definitions. For purposes of this local law, the following terms have the following meanings:  
City. The term "city" means the city of New York.

COVID-19. The term "COVID-19" means the disease caused by the severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2).

Task force. The term "task force" means the COVID-19 impact review task force established by this local law.

§ 2. COVID-19 impact review task force established. There is hereby established a task force to be known as the COVID-19 impact review task force.

§ 3. Duties. The task force shall study, document and summarize the impact of COVID-19 on New York city beginning from the date of the first confirmed case of COVID-19 on March 1, 2020.

§ 4. Membership. a. The task force shall be composed of seven members as follows:

1. The commissioner of mental health and hygiene or his or her designee, who shall serve as chair;
2. Three members appointed by the speaker of the council; and
3. Three members appointed by the mayor.

b. The mayor may invite officers and representatives of relevant federal, state and local agencies and authorities to participate in the work of the task force.

c. All appointments required by this section shall be made no later than 120 days after the effective date of this local law.

d. Each member of the task force shall serve at the pleasure of the officer who appointed the member. In the event of a vacancy on the task force, a successor shall be appointed in the same manner as the original appointment for the remainder of the unexpired term. All members of the task force shall serve without compensation.

§ 5. Meetings. a. The chair shall convene the first meeting of the task force no later than 30 days after the last member has been appointed, except that where not all members of the task force have been appointed within the time specified in section four, the chair shall convene the first meeting of the task force within 10 days of the appointment of a quorum.

b. The task force may invite experts and stakeholders to attend its meetings and to provide testimony and information relevant to its duties.

c. The task force shall meet no less than once each quarter to carry out the duties described in section 3.

d. The meeting requirement of subdivision d shall be suspended when the task force submits its report as required by section 6.

§ 6. Report. No later than 24 months after the effective date of this local law, the task force shall submit to the mayor and to the speaker of the council a report summarizing the total impact of COVID-19 on the city and shall, at a minimum, include analyses of the following:

a. The total number of cases of COVID-19 in the city, broken down by borough, residence, age, sex, gender, race and income;

b. The total number of lives lost to COVID-19 in the city, broken down by borough, residence, age, sex, gender, race and income; and

c. The total economic impact of COVID-19 on the city.

§ 7. Agency support. Each agency affected by this local law shall provide appropriate staff and resources to support the work of such agency related to the task force.

§ 8. Termination. The task force shall terminate 60 days after the date on which it submits its report, as required by section 6.

§ 9. This local law takes effect immediately.

Referred to the Committee on Health.

Int. No. 283

By the Public Advocate (Mr. Williams) and Council Members Hanif, Hudson, Stevens, Williams, Restler and Krishnan.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the police department to post quarterly reports on its website relating to the use of seat belt holds and chokeholds**

*Be it enacted by the Council as follows:*

Section 1. Title 14 of the administrative code of the city of New York is amended by adding a new section 14-192 to read as follows:

*§14-192. Use of seat belt holds and chokeholds. a. Definitions. As used in this section, the following terms have the following meanings:*

*Chokehold. The term “chokehold” means to wrap an arm around or grip a person’s neck in a manner that may limit or cut off either the flow of air by compressing the windpipe, or the flow of blood through the carotid arteries on each side of the neck.*

*Seat belt hold. The term “seat belt hold” means to wrap an arm over a person’s shoulder with the other arm wrapped under the opposite armpit with hands clasped together in front of the body.*

*b. Reports on the use of seat belt holds and chokeholds. Beginning January 1, 2023, and quarterly thereafter, the commissioner shall submit to the mayor and the speaker of the council and post a report on the department website containing information pertaining to the use of force for the prior quarter. Such quarterly report shall include:*

*1. The total number of seat belt holds employed by department personnel; and*

*2. The total number of seat belt holds that were deemed failed and resulted in the use of a chokehold.*

§2. This local law shall take effect immediately.

Referred to the Committee on Public Safety.

Int. No. 284

By the Public Advocate (Mr. Williams) and Council Members Narcisse, Hudson, Stevens, Williams, Ayala and Restler.

**A Local Law to amend the administrative code of the city of New York, in relation to social workers in city correctional facilities**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 9 of the administrative code of the city of New York is amended by adding a new section 9-163 to read as follows:

*§ 9-163 Social workers in city correctional facilities. a. Definitions. For the purposes of this section, the following terms have the following meanings:*

*Full-time. The term “full-time” means working an average of 30 hours or more per week.*

*Social worker. The term “social worker” means any personnel, licensed and certified by New York state as a licensed master of social work or a clinical social worker as defined in section 7701 of the education law.*

*b. No later than January 1, 2026, the department of correction shall maintain a ratio of at least one full-time social worker for every 10 incarcerated persons at each city correctional facility.*

*c. No later than January 31, 2023, and quarterly thereafter, the commissioner of correction shall submit to the mayor and the speaker of the council and shall post conspicuously on the department of correction’s website a quarterly report regarding the number of full-time social workers and the number of incarcerated persons at each city correctional facility.*

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

Referred to the Committee on Criminal Justice.

Res. No. 134

**Resolution calling on the New York State Legislature to pass, and the Governor to sign, S. 3351, requiring the department of health to collect and maintain data relating to the sexual orientation and gender identity of individuals diagnosed with COVID-19, and S. 2051, requiring the department of health to collect and report certain data concerning COVID 19.**

By The Public Advocate (Mr. Williams) and Council Members Hudson and Bottcher.

**Whereas**, Since 2019, the novel coronavirus, and the resulting disease, COVID-19, has infected millions of people and has killed hundreds of thousands across the country; and

**Whereas**, The COVID-19 pandemic has highlighted the persistent health disparities within our society that lead to vast health inequities along racial, socioeconomic, and various other lines; and

**Whereas**, According to the Centers for Disease Control and Prevention (CDC), racial and ethnic minority groups have experienced a disproportionate burden of illness and death from COVID-19; and

**Whereas**, According to the New York City Department of Health and Mental Hygiene (DOHMH), in New York City, Black and Latinx New Yorkers are twice as likely to die from COVID-19 than their White counterparts; and

**Whereas**, Black and Latinx individuals in New York City are also more than twice as likely to be hospitalized for COVID-19; and

**Whereas**, Although data to highlight the impact in other minority communities is not available, anecdotally, COVID-19 has had a large impact on the Hasidic Jewish community, the LGBTQIA+/TGNCNB community, and other communities that traditionally experience inequitable health outcomes; and

**Whereas**, If New York State were required to report more demographic data, the government, the health care system, community leaders, and others would better understand the impact of COVID-19 on all communities and the appropriate response to address such impacts; and

**Whereas**, Currently, the New York State Department of Health (DOH) includes gender when presenting information about COVID-19 testing rates, and includes information about age, race, and gender when reporting deaths; and

**Whereas**, S. 3351, sponsored by Senator Brad Hoylman, would require the DOH to collect and maintain data relating to the sexual orientation and gender identity of individuals diagnosed with COVID-19; and

**Whereas**, S. 2051, sponsored by Senator James Sanders Jr., would require the DOH to collect and report certain data concerning COVID 19; and

**Whereas**, S. 2051 would require the DOH to provide data disaggregated by race, ethnicity, sex, age, primary language, socioeconomic status, disability status, and county; and

**Whereas**, Comprehensive and transparent data from the State would inform the work needed to address and resolve the health inequities that persist throughout the City; 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. 3351, requiring the department of health to collect and maintain data relating to the sexual orientation and gender identity of individuals diagnosed with COVID-19, and S. 2051, requiring the department of health to collect and report certain data concerning COVID 19.

Referred to the Committee on Health.

Int. No. 285

By Council Members Riley, Williams, Stevens, Farías, Nurse, Hanif, Hudson, Menin, Velázquez, Ayala, Restler, Abreu, Krishnan, Avilés, Rivera, Moya and Louis.

**A Local Law to amend the New York city charter, in relation to the establishment of an office of cannabis business services**

*Be it enacted by the Council as follows:*

Section 1. Chapter 56 of the New York city charter is amended by adding a new section 1309 to read as follows:

*§ 1309 Office of cannabis business services. a. Definitions. As used in this section, the following terms have the following meanings:*

*Cannabis. The term “cannabis” has the same meaning as such term is defined in section three of the cannabis law.*

*Cannabis control board. The term “cannabis control board” has the same meaning as such term is defined in section three of the cannabis law.*

*Cannabis establishment. The term “cannabis establishment” means any business engaging in commercial cannabis activity.*

*Commercial cannabis activity. The term “commercial cannabis activity” means the production, processing, possession, storing, laboratory testing, packaging, labeling, transportation, delivery, or sale of cannabis and cannabis products.*

*Communities disproportionately impacted. The term “communities disproportionately impacted” has the same meaning as such term is defined in section eighty-seven of the cannabis law.*

*Social and economic equity applicant. The term “social and economic equity applicant” has the same meaning as such term is defined in section three of the cannabis law.*

*b. There shall be an office of cannabis business services within the department. The purpose of such office shall be to establish goals and promote equitable ownership and participation in cannabis establishments for individuals who are from communities disproportionately impacted by the enforcement of cannabis prohibition in the city.*

*c. The responsibilities of the office shall include:*

1. monitoring the implementation of regulations pursuant to the cannabis law governing cannabis and cannabis establishments in the city;
  2. establishing citywide social and economic cannabis equity goals at no less than those established under section eighty-seven of the cannabis law;
  3. assisting social and economic equity applicants in applying for a license to operate cannabis establishments in accordance with article four of the cannabis law; and
  4. offering, to the extent permitted under the cannabis law, incentives and programs to social and economic equity applicants in the city.
- d. The office shall offer the following incentives and programs for social and economic equity applicants, to the extent permitted under the cannabis law:
1. legal and technical advice;
  2. a subsidized loan program or programs;
  3. assistance in identifying appropriate commercial locations including affordable retail space; and
  4. any other benefit or mechanism that the office believes will further the purpose of an equity program.
- e. One year from the enactment of this local law and every six months thereafter, the commissioner shall submit a report to the mayor and the council on matters relating to the status of commercial cannabis activity within the city. Such report shall include, but shall not be limited to, the total number of cannabis establishments, total local tax revenue collected from such establishments, the participation of social and economic equity applicants in cannabis establishments, and the impact of cannabis legalization on public safety, land use, environmental protection, health, consumer protection and social justice. Such report shall also include an evaluation of the social and economic equity incentives and programs offered by the office of cannabis business services and recommendations for improvement.

§ 3. This local law takes effect immediately.

Referred to the Committee on Governmental Operations.

Editor's Note: This bill was subsequently re-assigned to the Committee on Economic Development on May 3, 2022.

#### Res. No. 135

**Resolution calling on the New York State Legislature to pass, and the Governor to sign, legislation that would require all school buses operating within the state, regardless of seating capacity, to have a stop-arm on each side, and to prohibit any school buses from operating if they do not have functioning stop-arms.**

By Council Members Riley, Brannan, Stevens, Menin, Restler, Avilés, Moya, Abreu, Hanif and Vernikov.

**Whereas,** According to the Governor's Traffic Safety Committee (GTSC), 2.3 million children are transported by more than 50,000 school buses annually within New York State (NYS); and

**Whereas,** The New York City (NYC) Department of Education provides all eligible NYC students in public, charter, and non-public schools with transportation, and it is estimated that the City spends about \$1.25 billion annually to transport about 150,000 students to and from school; and

**Whereas,** As school buses have bigger blind spots, take longer to stop, and need more room to maneuver than a standard vehicle, school buses are and should be treated differently; and

**Whereas,** The NYS Department of Motor Vehicles (DMV) advises that when drivers encounter a school bus they should slow down, be alert, come to a complete stop at least 20 feet away from the bus, and be extra careful before moving their vehicle, as children and pedestrians may be walking in front of, behind, or on the side of the buses; and

**Whereas,** In 2019, according to data from the National Highway Traffic Safety Administration, 109 people were killed nationwide in school bus-related crashes with 8 deaths, or 7% of the total, occurring within NYS; and

**Whereas,** According to the DMV, fatal crashes involving students who were struck by passing motorists typically involved motorists in one or more of the following circumstances: attempting to pass the bus; claiming they did not have time to wait; not seeing the flashing lights of the bus due to visibility issues; being waved on by the bus driver; being unaware of a child crossing; and/or simply disregarding the law and children's safety; and

**Whereas,** Surveys conducted by the New York Association for Pupil Transportation, in partnership with the GTSC, show that approximately 50,000 motorists illegally pass school buses in NYS each school day, and that illegally passing a school bus has the potential for serious injury or even fatality; and

**Whereas,** According to NYS law, the Commissioner of the DMV, in consultation with the NYS Commissioner of Transportation, has the authority to promulgate rules and regulations for the use of stop-arms on school buses which shall include provisions for an additional stop-arm to be located on the right side of the bus and/or an additional stop-arm to be located on the driver's side as close as is practical to the rear corner of the bus; and

**Whereas,** Presently, NYS law requires that every school bus designed with a capacity of 45 persons or more, and manufactured for use in NYS on or after 2002, be equipped with an additional stop-arm on the rear corner of the driver's side in compliance with regulations; and

**Whereas,** However, all school buses operating in NYS still do not have a stop-arm on each side of the school bus, which proponents think will enhance student safety; and

**Whereas,** The adoption of a state law requiring that all school buses, regardless of seating capacity, have a stop-arm on each side, and that any school bus without properly functioning stop-arms be prohibited from being used would ensure that motorists on any side of a school bus are alerted to the presence of children and pedestrians, so that children may be safely picked up and dropped off by school buses; now, therefore, be it

**Resolved,** That the Council of the City of New York calls on the New York State Legislature to pass, and the Governor to sign, legislation that would require all school buses operating within the state, regardless of seating capacity, to have a stop-arm on each side, and to prohibit any school buses from operating if they do not have functioning stop-arms.

Referred to the Committee on Education.

Int. No. 286

By Council Members Rivera, Stevens, Velázquez, Brewer, Restler and Abreu.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring alternating high and low, two-toned signal devices on emergency vehicles**

*Be it enacted by the Council as follows:*

Section 1. Section 24-241 of the administrative code of the city of New York, as added by local law 113 for the year 2005, is amended to read as follows:

§ 24-241. Emergency signal devices. [(a)]a. No person shall operate or use or cause to be operated or used any emergency signal device, except on an authorized emergency vehicle when such vehicle is in the act of responding to an emergency; provided that such device shall not be operated for a period of time longer than is necessary to respond to such emergency. Notwithstanding the foregoing, such a device on a motor vehicle shall be lawful if designed and used solely as an audible motor vehicle burglar alarm in accordance with section 24-238 and a device attached to a vehicle for the purpose of providing an audible warning when the vehicle is backing up shall be permitted even though the audible warning may consist of a gong or bell sound.

[(b)]b. No person shall operate or permit to be operated an emergency signal device installed on an authorized emergency vehicle [that] *unless*:

1. [when] *When* operated at the maximum level *such emergency signal device* creates a sound level [in excess of] *that does not exceed* 90 dB(A) when measured at a distance of fifty feet from the center of the forward face of such vehicle; *and*

2. *Such emergency signal device produces an alternating high and low, two-toned sound in accordance with implementation standards established by the department.*

c. Within one year after the effective date of [this] subdivision b and every two years thereafter, emergency signal devices installed on authorized emergency vehicles shall be tested and certification shall be submitted, in a form approved by the department, that such devices meet the standards set forth in [this] subdivision b for operation at maximum level *and with an alternating high and low two-toned sound*. Notwithstanding the foregoing provisions, where compliance with the provisions of [this] subdivision *b* would create an undue hardship, the owner or operator of an authorized emergency vehicle may submit a plan to the commissioner for emergency signal devices to meet the standards set forth in [this] subdivision *b* within two years after the effective date of [this] subdivision b. Such plan shall be submitted within one year after the effective date of [this] subdivision *b* in lieu of the required certification. [This subdivision shall not apply to authorized emergency vehicles of the police department, fire department or authorized emergency vehicles responding to medical emergencies.]

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

Referred to the Committee on Environmental Protection.

Int. No. 287

By Council Members Rivera, Stevens and Restler.

**A Local Law to amend the New York city charter and the administrative code of the city of New York, in relation to establishing an office of active transportation and an active transportation advisory board**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of the New York city charter is amended by adding a new section 20-h to read as follows:

§ 20-h. *Office of active transportation. a. Definitions. For the purposes of this section the following terms have the following meanings:*

*Advisory board. The term “advisory board” means the active transportation advisory board.*

*Active transportation. The term “active transportation” means all non-vehicular methods of transportation that use a wheeled device propelled by human power. Such term also includes electric bicycles, electric skateboards and electric scooters.*

*Director. The term “director” means the director of active transportation.*

*Office. The term “office” means the office of active transportation.*

*b. The mayor shall establish an office of active transportation. Such office may be established within any office of the mayor or as a separate office or within any agency that does not conduct enforcement against active transportation. Such office shall be headed by a director of active transportation, who shall be appointed by the mayor or, if the office is established within an agency other than the office of the mayor, by the head of such agency, or if the mayor has established an office of pedestrians, the director of such office shall be the director of active transportation.*

*c. Powers and duties. The director shall have the power and duty to:*

*1. Serve as a liaison to active transportation users in relation to policies and procedures affecting active transportation in the city and, in such capacity, shall:*



(a) Conduct outreach to active transportation users and provide information and assistance to such users in relation to existing city policies and procedures for responding to complaints, violations and other enforcement actions, and assist in the resolution of conditions that lead to enforcement actions;

(b) Serve as a point of contact for active transportation users and ensure adequate access to the office for users of active transportation;

(c) Work with other city agencies to grow and improve cycling and other methods of active transportation by coordinating infrastructure and policy initiatives;

(d) Work with other city agencies to develop educational materials and programs about using active transportation, observing rules and best practices; and

(e) Work with other city agencies to refer active transportation users to city services that exist to help them apply for relevant licenses, permits or approvals from city agencies;

2. Advise and assist the mayor and the heads of city agencies that have powers and duties relating to the use of active transportation, including, but not limited to, the department of transportation, the police department, the fire department, the department of consumer affairs, the department of city planning, the department of parks and recreation, department of small business services, department of sanitation, economic development corporation, the office for media and entertainment and the department of buildings, on issues relating to active transportation;

3. Develop a plan, in conjunction with the other city agencies and the office of management and budget, on future capital planning for active transportation infrastructure;

4. Review information obtained from 311 or city agencies on complaints regarding and violations issued to active transportation users and develop recommendations to address recurring problems or trends, in consultation with industry representatives, advocates, city agencies, community boards and residents;

5. Serve as an intermediary between active transportation users, local residents and city agencies, including law enforcement agencies, to pursue, through policy recommendations, long-term solutions to issues related to active transportation;

6. Review and convey to the office of labor standards information about workforce conditions for businesses that utilize active transportation and, upon request, assist such office in developing recommendations to address common issues or trends related to such conditions;

7. Promote a robust active transportation community to further the city's interests in health, environmental sustainability and efficiency of transportation, while accounting for the best interests of the city and its residents; and

8. Perform such other relevant duties as the mayor may assign.

d. Report. Within 18 months of the effective date of the local law that added this section, and annually thereafter, the director shall prepare and submit to the mayor, the speaker of the council and, if the office is established within an agency other than the office of the mayor, the head of such agency and post on its website, a report that shall include, but need not be limited to, the activities of the office, information received by the office and any recommendations for legislation or policy developed by the director pursuant to this section or section 19-199.1 of the administrative code.

e. Active transportation advisory board. 1. There shall be an active transportation advisory board to advise the mayor and the council on issues relating to active transportation. The advisory board shall identify and study common issues and trends relating to active transportation and shall make recommendations, as appropriate, to the mayor and the council on ways to improve laws and policies that affect active transportation users. The advisory board shall examine the following:

(a) The regulatory structure affecting active transportation users;

(b) Common complaints regarding active transportation users;

(c) Public safety concerns related to active transportation users;

(d) The enforcement of active transportation-related laws and rules;

(e) Zoning and other community development concerns related to active transportation;

(f) Equitable access to active transportation resources and integration of active transportation into the city's various neighborhoods;

(g) Active transportation users' workforce conditions, including but not limited to, wages and workforce safety, where such work duties make the use of active transportation a requirement or practical necessity;

*(h) The availability and responsiveness of the office of active transportation to the concerns of active transportation users;*

*(i) The efficacy of bicycle share programs and complaints related to such programs; and*

*(j) Any other issues the active transportation advisory board finds are relevant.*

*2. The advisory board shall consist of 12 members, of whom eight members shall be appointed by the speaker of the council and four by the mayor. Such board shall provide reasonable notice of its meetings to the director, who may attend such meetings and may coordinate the attendance of relevant agency heads or their designees.*

*3. All members shall serve for a term of two years and may be removed by the appointing official for cause. Upon appointment of all the members, the advisory board shall elect a chair from its membership by a majority vote of such advisory board. Any vacancy on the advisory board shall be filled in the same manner as the original appointment.*

*4. The advisory board shall keep a record of its deliberations and determine its own rules of procedure, which shall include a procedure or mechanism by which members of the public may make submissions to the board. The first meeting of the advisory board shall be convened within 120 days after the effective date of the local law that added this section.*

*5. The advisory board shall meet quarterly and review the city's capital and infrastructure plans for active transportation at an annual meeting. Such advisory board meetings shall be open to the public.*

*6. Within 18 months of the effective date of the local law that added this section, the advisory board shall submit recommendations to the mayor, the speaker of the council and the director. After such date, the advisory board may submit additional recommendations to the mayor, the speaker of the council and the director as appropriate.*

*g. Nothing in this section shall be construed to limit the powers of any other agency pursuant to any other law or to limit, bind or affect the decision of any agency or officer pursuant to any process required pursuant to the charter or any other law.*

*§ 2. Within 1 year after the effective date of this local law, the director of active transportation, established pursuant to section 20-h of the New York city charter, as added by section one of this local law, shall hold at least one public hearing in each borough and shall notify members of the active transportation advisory board of such hearing, at which public comments and testimony shall be received. A summary of such comments and testimony shall be included in such director's first report to the mayor and the speaker of the council pursuant to subdivision d of section 20-h of the New York city charter.*

*§ 3. This local law takes effect 60 days after it becomes law. The mayor and any affected city agency may take any steps necessary for the implementation of this local law before such effective date.*

Referred to the Committee on Transportation and Infrastructure.

Int. No. 288

By Council Members Rivera, Stevens, Restler and Krishnan.

### **A Local Law to amend the New York city charter, in relation to establishing an office of pedestrians**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of the New York city charter is amended by added a new section 20-n to read as follows:

*§ 20-n. Office of pedestrians. a. The mayor shall establish an office of pedestrians. Such office may be established within any office of the mayor or as a separate office or within any agency that does not conduct enforcement against pedestrians.*

*b. Director. 1. Such office shall be headed by a director who shall be appointed by the mayor or, if the office is established within an agency other than the office of the mayor, by the head of such agency.*

*2. Notwithstanding paragraph 1 of this subdivision, if the mayor has established an office of active transportation, the director of such office shall be the director of the office established by this section.*

*c. Powers and duties. The director shall have the power and duty to:*

1. Advise and assist the mayor and the heads of city agencies that have powers and duties relating to pedestrian safety, including, but not limited to, the department of transportation, the police department, the department of city planning, the department of parks and recreation and the department of buildings;

2. Review information obtained from 311 or city agencies on complaints relating to pedestrian safety and develop recommendations to address recurring problems or trends in consultation with advocates, city agencies, community boards, industry representatives and other relevant stakeholders;

3. Serve as an intermediary between pedestrians and city agencies to pursue, through policy recommendations, long-term solutions to issues related to pedestrian safety;

4. Promote a robust pedestrian community to further the city's interest in health and environmental sustainability while also accounting for the best interests of the city and its residents; and

5. Perform other relevant duties as the mayor may assign.

d. Report. Within 18 months of the effective date of the local law that added this section and annually thereafter, the director shall prepare and submit a report to the mayor, the speaker of the council and, if the office is established within an agency other than the office of the mayor, the head of such agency. The report shall include, but not be limited to, the activities of the office and any recommendations for legislation or policy developed by the director.

e. Nothing in this section shall be construed to limit the powers of any other agency pursuant to any other law or to limit, bind or affect the decision of any agency or officer pursuant to any process required pursuant to the charter or any other law.

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

Referred to the Committee on Transportation and Infrastructure.

Int. No. 289

By Council Members Rivera, Hudson, Sanchez, Stevens, Yeger, Restler, Avilés and Krishnan.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of transportation to develop a map of current bicycle infrastructure conditions**

*Be it enacted by the Council as follows:*

Section 1. Subchapter 1 of chapter 1 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-159.6 to read as follows:

§ 19-159.6. Map of current bicycle infrastructure conditions. a. No later than October 1, 2022, and on the first day of each month thereafter, the department shall make available on its website a searchable map of every bicycle lane in the city.

b. Such map shall include:

1. The location of any bicycle lane that is obstructed, in whole or in part, by street construction, maintenance or repair, or pursuant to any permit issued by an agency of the city, where such obstruction persists for a period of 14 days or longer;

2. The location of any temporary bicycle lane, as set forth in section 19-159.3;

3. Following any emergency weather declaration, the location of any bicycle lane that is obstructed, in whole or in part, by hazardous conditions including snow, ice and flooding, and weather specific recommendations for cycling in such conditions;

4. Locations exhibiting a pattern of crashes involving pedestrians and/or cyclists, as set forth in section 19-181;

5. The location of any bicycle lanes that exist in space shared with pedestrian paths;

6. The location of bicycle lane features that may lead to conflict with vehicles or other hazards, including, but not limited to narrow lane widths, high vehicle speeds or traffic volumes, and nonstandard lane or intersection designs;

7. The location of any active street resurfacing or reconstruction projects;

8. *The location of any other potentially hazardous conditions present in bicycle lanes known to the department;*

9. *The location of all bicycle parking infrastructure;*

10. *The location of docks for bicycle share programs, and real time bicycle availability data, if available;*

11. *The locations of and information on any streets closed to vehicle traffic and open to bicycle travel;*

12. *The location of and information on businesses or other entities that provide bicycle repair, maintenance or other related services;*

13. *Information on reporting bicycle lane issues to appropriate agencies;*

14. *Reports of bicycle lane issues made through the 311 system;*

15. *Any bicycle traffic volume data collected by the department on an annual or more frequent basis; and*

16. *Information on planned bicycle lane projects for new or existing lanes.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Transportation and Infrastructure.

Int. No. 290

By Council Members Rivera, Louis, Hanif, Stevens and Krishnan.

**A Local Law to amend the administrative code of the city of New York, in relation to establishing a climate migrant services coordinator**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of Title 3 of the administrative code of the city of New York is amended by adding a new section 3-119.6 to read as follows:

*§3-119.6 Climate Migrant Services Coordinator. a. There shall be established a climate migrant services coordinator, to be located in an agency designated by the mayor, who shall provide guidance to individuals who have relocated to the city of New York after being displaced from their homes by severe weather or natural disaster events.*

*b. Such coordinator shall, at minimum, coordinate among appropriate city, state, and federal agencies and other relevant organizations to conduct outreach to identify such individuals and identify and coordinate the legal and social services needs of such individuals, including but not limited to:*

*1. Disaster relief claim assistance;*

*2. Case management;*

*3. Assistance in applying for local, state, or federal benefits;*

*4. Immigration legal services;*

*5. Mental health support;*

*6. Long-term healthcare access;*

*7. Nutrition assistance;*

*8. Housing assistance;*

*9. Workforce development; and*

*10. Youth and adult education programs.*

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

Referred to the Committee on Environmental Protection.

## Int. No. 291

By Council Members Rivera, Brooks-Powers, Hudson, Sanchez, Stevens, Williams, Ung, Ayala, Restler, Abreu and Krishnan.

**A Local Law to amend the administrative code of the city of New York, in relation to a citywide greenway master 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 MASTER PLAN**

*§ 19-1100 Citywide greenway master plan a. Definitions. For the purposes of this section, the following term has the following meaning:*

*Greenway. The term “greenway” means a linear open space developed as right of way for recreational pedestrian use or non-motorized vehicle use.*

*b. The department and the department of parks and creation, 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 of the code, shall develop a citywide greenway master plan that details the development and maintenance of greenways throughout the city. Such master plan shall:*

*1. Identify thoroughfares and other rights of way throughout the city that are feasible for development into a greenway or connection to the existing greenway network, including the costs and estimated timeline associated with the completion of such development;*

*2. Develop a map, to be updated no less than quarterly, that shall be posted on the website of the department that displays greenways throughout each borough currently available for public use and greenways that are proposed for development, construction or other maintenance; and*

*3. Include, for any section of an existing greenway that is closed for public use, a description of the reason for such closure and an estimate of the cost and timeline required to reopen such greenway for public use.*

*c. Such plan shall be completed by July 1, 2023, posted on the website of the department and be updated no less than once every four years.*

*d. No later than December 31 of each year, the department shall submit a report to the mayor and council that provides a summary on the implementation of the plan required under subdivision b of this section. Such report shall also include, but not be limited to:*

*1. The state of repair needs for existing greenway sections, including the dates of the most recent maintenance or upgrade work;*

*2. Any section of a greenway that is a priority for repair and other upgrade needs, the anticipated costs and timeline for repairing such greenway section and the proposed solutions for repairing and upgrading such greenway section; and*

*3. A description of any government entity that is overseeing each repair or upgrade project that is performed on any greenway.*

*e. For the purposes of implementing the plan and report required pursuant to 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 greenway section and, where feasible, consult with any state or federal entity that may engage in any aspect of greenway development or repair.*

*f. For each new greenway section that is proposed for development, closure or repair, the department shall present such proposal to the community board for each community district where such proposed greenway section may be constructed, no later than 60 days after such proposal is identified in the master plan.*

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

Referred to the Committee on Transportation and Infrastructure.

Res. No. 136

**Resolution calling upon the New York City Department of Education to offer lactose-free milk as a milk alternative to students upon request by a parent or guardian.**

By Council Members Salamanca, Hanif, Sanchez, Williams, Yeger, Ung, Ayala, Abreu and De La Rosa.

**Whereas**, According to the United States (U.S.) National Library of Medicine, lactose intolerance is the inability to digest lactose, a sugar in dairy products including milk; and

**Whereas**, The U.S. National Library of Medicine also reports that lactose products may cause individuals who are lactose intolerant to experience abdominal pain, nausea, bloating, and diarrhea within 30 minutes to 2 hours after consumption; and

**Whereas**, While there is limited New York City-specific data on the number of lactose intolerant individuals, about 65 percent of the human population has a decreased ability to digest lactose following infancy, according to the U.S. National Library of Medicine; and

**Whereas**, The Nemours Foundation reports that individuals of African, Asian, Hispanic, and Native American backgrounds are more likely to develop lactose intolerance at a young age; and

**Whereas**, During school year 2020-21, Asian, Black and Hispanic students represented about 16 percent, 25 percent and 41 percent respectively, of the New York City Department of Education's (DOE) student population; and

**Whereas**, Despite the prevalence of lactose intolerance and its impact on lactose intolerant individuals, the DOE does not currently require schools to provide lactose-free milk to students who are lactose intolerant, potentially resulting in digestive discomfort and other symptoms for affected 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 offer lactose-free milk as a milk alternative to students upon request by a parent or guardian.

Referred to the Committee on Education.

Int. No. 292

By Council Members Salamanca, Hanif, Abreu and Krishnan.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring automated external defibrillators in private schools and police cars**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 10 of the administrative code of the city of New York is amended by adding a new section 10-184 to read as follows:

*§ 10-184 Automated external defibrillators in patrol cars. a. All patrol vehicles used by the department shall be equipped with an automated external defibrillator.*

*b. For the purposes of this section, the term "automated external defibrillator" means a medical device, approved by the United States food and drug administration, that: (i) is capable of recognizing the presence or absence in a patient of ventricular fibrillation and rapid ventricular tachycardia; (ii) is capable of determining, without intervention by an individual, whether defibrillation should be performed on a patient; (iii) upon determining that defibrillation should be performed, automatically charges and requests delivery of an electrical*

*impulse to a patient's heart; and (iv) upon action by an individual, delivers an appropriate electrical impulse to a patient's heart to perform defibrillation.*

*c. Nothing contained in this section imposes any duty or obligation on any person to provide assistance with an automated external defibrillator to a victim of a medical emergency.*

§ 2. Paragraph 3 of subdivision a of section 17-188 is amended to read as follows:

3. "Public place" means the publicly accessible areas of the following places to which the public is invited or permitted: (i) public buildings maintained by the division of facilities management and construction of the department of citywide administrative services or any successor; (ii) parks under the jurisdiction of the department of parks and recreation identified pursuant to subdivision e of this section; (iii) ferry terminals owned and operated by the city of New York served by ferry boats with a passenger capacity of one thousand or more persons; (iv) nursing homes, as defined in section 2801 of the New York state public health law; (v) senior centers, which include facilities operated by the city of New York or operated by an entity that has contracted with the city to provide services to senior citizens on a regular basis, such as meals and other on-site activities; (vi) golf courses, stadia and arenas; [and] (vii) health clubs that are commercial establishments offering instruction, training or assistance and/or facilities for the preservation, maintenance, encouragement or development of physical fitness or well-being that have a membership of at least two hundred and fifty people, and which shall include, but not be limited to, health spas, health studios, gymnasiums, weight control studios, martial arts and self-defense schools or any other commercial establishment offering a similar course of physical training; and (viii) non-public schools serving students in any combination of grades pre-kindergarten through twelve.

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

Referred to the Committee on Health.

Int. No. 293

By Council Members Stevens, Krishnan, Hanif, Avilés, Sanchez, Joseph, Velázquez, Menin, Williams, Brooks-Powers, Ossé, Schulman, Riley, Ung, Barron, Richardson Jordan, Louis, Restler, Bottcher, Kagan, Abreu, Narcisse and Marte.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of transportation to establish a program to allow community centers, schools, arts and cultural institutions and religious institutions to use adjacent outdoor spaces**

*Be it enacted by the Council as follows:*

Section 1. Subchapter 2 of chapter 1 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-175.8 to read as follows:

§ 19-175.8 *Open spaces program. a. Definitions. As used in this section, the following terms have the following meanings:*

*Covered establishment. The term "covered establishment" means a community center, school, arts and cultural institution or religious institution.*

*Program. The term "program" means the program established pursuant to subdivision b of this section.*

*b. Program established. The commissioner shall establish a program whereby a covered establishment may apply for a permit to use outdoor spaces on a sidewalk or curb lane adjacent to such establishment for free community programming. The commissioner shall establish guidelines in accordance with state and federal regulations for such covered establishments to use such outdoor spaces.*

*c. Application. A covered establishment applying for a permit to participate in the program shall submit an application by mail or online through the department's website. Such application shall include a site safety plan in accordance with state and local regulations. Such application shall also include a self-certification in accordance with subdivision d of this section.*

*d. Self-certification. The commissioner shall develop a method for a covered establishment to submit with an online application a digital affirmation in which such establishment self-certifies that it (i) has submitted an*

application that includes a site safety plan in accordance with state and local regulations and (ii) has read and understands the guidelines promulgated by the commissioner pursuant to subdivision b of this section.

*e. Approval; denial.* Except as otherwise provided by law, the commissioner shall approve an application submitted by a covered establishment pursuant to subdivision c of this section if the application satisfies all of the requirements of this section. Notwithstanding the foregoing sentence, the commissioner may deny an application where approval would infringe on pre-existing property rights or a valid license, permit or other agreement between the city and another party. Approval of an application shall be valid for one year, subject to subdivision f of this section.

*f. Suspension.* Each covered establishment that has been approved by the department to use outdoor space pursuant to this section shall comply with all applicable state and local guidelines at all times during such use of outdoor space and shall keep a copy of the site safety plan on site and available for inspections upon request of an employee or agent of the department. Where a covered establishment violates such guidelines or the requirements of this section, the commissioner may suspend such establishment's permit to participate in the program, upon due notice and opportunity to be heard, until the establishment has demonstrated full compliance. The commissioner may immediately suspend a covered establishment's permit to participate in the program without a prior hearing where the commissioner determines that such establishment's continued participation poses a serious danger to the public health, safety or welfare, provided that after such suspension an opportunity for hearing shall be provided on an expedited basis. Where a covered establishment has had its participation in the program suspended two times or more for violations, and the establishment violates such guidelines or the requirements of this section, the commissioner may suspend its participation for the duration of the program.

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

Referred to the Committee on Transportation and Infrastructure.

Int. No. 294

By Council Members Ung, Hanif, Hudson, Sanchez, Stevens, Velázquez, Williams, Joseph, Ayala, Restler and Abreu.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the administration for children's services to provide a multilingual disclosure form to parents or guardians during a child protective investigation**

*Be it enacted by the Council as follows:*

Section 1. Chapter 9 of title 21 of the administrative code of the city of New York is amended by adding a new section 21-922 to read as follows:

§ 21-922 *Multilingual Disclosure Form.* *a. Definitions.* For purposes of this section, the following terms have the following meanings:

*Designated citywide languages.* The term "designated citywide languages" has the meaning ascribed to such term in section 23-1101.

*Designated organization.* The term "designated organization" means a not-for-profit organization or association that has the capacity to provide legal services to parents or caretaker.

*Office of advocacy.* The term "office of advocacy" means the office within ACS which provides information and responds to the concerns of parents, youth, foster parents, and others affected by the child welfare system, juvenile justice system, and other ACS services.

*b. Upon the commencement of a child protective investigation, ACS shall provide to the parent or caretaker a multilingual disclosure form available in the designated citywide languages. Such form shall be posted on the ACS website and shall include, but need not be limited to:*

- 1. Information regarding the rights of parents and caretakers during a child protective investigation;*
- 2. Resources which may be available to parents and caretakers including access to legal services from a designated organization;*



3. *The telephone number and address of ACS' office of advocacy and information on common issues handled by the office; and*

4. *Any other information ACS deems appropriate.*

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

Referred to the Committee on General Welfare.

Int. No. 295

By Council Members Ung, Hanif, Stevens, Velázquez, Williams, Ayala, Restler and Abreu.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring reporting by the department of health and mental hygiene on language services for post-visit instructions and care**

*Be it enacted by the Council as follows:*

Section 1. Title 17 of the administrative code of the city of New York is amended by adding a new chapter 21 to read as follows:

**CHAPTER 21  
LANGUAGE SERVICES REPORTING LAW**

*§ 17-2101 Definitions. For the purposes of this chapter, the following terms have the following meanings:*

*City agency. The term "city agency" means a city, county, borough, administration, department, division, bureau, board or commission, or a corporation, institution or agency of government, the expenses of which are paid in whole or in part from the city treasury.*

*Data. The term "data" means final versions of statistical or factual information in alphanumeric form that can be digitally transmitted or processed.*

*Health care provider. The term "health care provider" means an individual, partnership, corporation or other association that operates a health care facility for treatment of patients.*

*In-person interpreter. The term "in-person interpreter" means a person who provides live interactive translation, sign language, or reading services on-site.*

*Miscellaneous accommodation. The term "miscellaneous accommodation" means any service or combination of services provided other than an in-person interpretation or a request for a form to be translated.*

*§ 17-2102 Annual report. a. By no later than October 31 of each year, the commissioner shall compile data from all health care providers administered by city agencies and submit to the speaker of the council and post to the department's website an annual report, based on data from the preceding fiscal year, on the use and availability of in-person interpreters, health care form translations, and accommodations for patients with varying degrees of literacy for post-visit instructions and care.*

*b. The data in the report required by subdivision a shall be disaggregated by health care provider, race, ethnicity, gender, year of birth, and native language and shall show the following:*

- 1. The number of in-person interpreter requests for post-visit instructions and care;*
- 2. The number of in-person interpreter requests for post-visit instructions and care fulfilled;*
- 3. The number of health care form translations requests for post-visit instructions and care;*
- 4. The number of health care form translations requests for post-visit instructions and care fulfilled;*
- 5. The number of miscellaneous accommodation requests for post-visit instructions and care;*
- 6. The number of miscellaneous accommodation requests for post-visit instructions and care fulfilled; and*
- 7. The citywide total number of in-person interpreters, health care form translations, and accommodations for patients with varying degrees of literacy for post-visit instructions and care for all health care providers that fall under the authority of city agencies.*

§ 2. This local law takes effect 90 days after it becomes law and expires and is deemed repealed 2 years after such date.

Referred to the Committee on Health.

Int. No. 296

By Council Members Ung, Hanif, Brewer, Stevens, Velázquez, Williams, Yeger, Farías, Restler, Abreu and Krishnan.

**A Local Law to amend the administrative code of the city of New York, in relation to the identification of languages spoken by callers to the 311 customer service center**

*Be it enacted by the Council as follows:*

Section 1. Chapter 3 of title 23 of the administrative code of the city of New York is amended to add a new section 23-308 to read as follows:

§ 23-308 *Identification of spoken language.* a. *The 311 customer service center shall implement a protocol for identifying the language spoken by a telephone caller to the 311 customer service center.*

b. *Such protocol shall include the use of automated language recognition software to assist in the identification, either for an automated message system or for the call taker, of the language possibly spoken by the caller.*

c. *The 311 customer service center shall examine every call that disconnects during the process of identifying the caller's language without having completed such process, determine the cause of such disconnection, and implement remedies for such disconnections where appropriate to ensure that callers to the 311 system in any language are properly addressed. By January 30 of each year, the department of information technology and telecommunications shall submit to the council and post on its website a report summarizing such causes and remedies.*

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

Referred to the Committee on Technology.

Int. No. 297

By Council Members Ung, Hudson, Sanchez, Stevens, Williams, Yeger, Ayala, Restler, Abreu and Krishnan.

**A Local Law to amend the administrative code of the city of New York, in relation to providing rental assistance to survivors of domestic violence**

*Be it enacted by the Council as follows:*

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

§ 21-151 *Rental assistance for survivors of domestic violence.* a. *Definitions. For purposes of this section, the following terms have the following meanings:*

*Domestic violence survivor. The term "domestic violence survivor" means any individual who is covered by the term "victim of domestic violence" as such term is defined in section 8-102 or as such term is defined in section 459-a of the social services law.*

*Rental assistance program. The term "rental assistance program" means any city rental assistance program that is designed to help individuals experiencing homelessness by subsidizing rent in which (i) the human resources administration or the department of homeless services determines eligibility and (ii) the program's eligibility requirements do not require approval from an agency of the state of New York.*

*b. Rental assistance for domestic violence survivors. A domestic violence survivor who is at risk of losing their home due to their status as a domestic violence survivor and who is not eligible for rental assistance through a federal or state program shall be eligible for rental assistance pursuant to the rental assistance program provided that the applicant has a gross income at or below 400% of the federal poverty level as established annually by the United States department of health and human services and meets other requirements as determined by the human resources administration or the department of homeless services.*

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

Referred to the Committee on Women and Gender Equity.

Int. No. 298

By Council Members Ung, Stevens, Williams, Yeger, Ayala, Holden, Restler and Abreu.

**A Local Law to amend the administrative code of the city of New York, in relation to domestic violence related calls to 311**

*Be it enacted by the Council as follows:*

Section 1. Chapter 3 of title 23 of the administrative code of the city of New York is amended by adding a new section 23-308 to read as follows:

§ 23-308 *Domestic violence related 311 calls. a. Definitions. For purposes of this section, the following terms have the following meanings:*

*Department. The term “department” means the department of information technology and telecommunications.*

*Domestic violence. The term “domestic violence” means any crime or violation, as defined in the penal law, alleged to have been committed by any family or household member against any member of the same family or household, as the term family or household member is defined in the social services law.*

*New York city domestic violence hotline. The term “New York city domestic violence hotline” means the hotline coordinated by the office to end domestic and gender based violence, to connect survivors of domestic violence and gender based violence with resources.*

*b. The department shall implement on its 311 citizen service center website, telephone and mobile device platforms a policy whereby complaints related to domestic violence are immediately transferred to the New York city domestic violence hotline.*

*c. The department shall also implement on its 311 citizen service center telephone platform the capability for callers to directly connect with the New York city domestic violence hotline from the menu.*

§ 2. This local law takes effect immediately after it becomes law.

Referred to the Committee on Women and Gender Equity.

Int. No. 299

By Council Members Won, Brewer, Stevens, Ayala, Farías, Restler and Krishnan.

**A Local Law to amend the administrative code of the city of New York, in relation to the voluntary submission of data on leadership diversity by companies bidding on city contracts**

*Be it enacted by the Council as follows:*

Section 1. Subparagraph (23) of paragraph (i) of subdivision b of section 6-116.2 of the administrative code of the city of New York, as added by local law number 49 for the year 1992, is amended and new subparagraphs (24), (25) and (26) are added, to read as follows:

(23) the name and main business address of anyone who the contractor retained, employed or designated to influence the preparation of contract specifications or the solicitation or award of this contract[.];

(24) *the directors of the contractor, if any;*

(25) *the gender of each director and principal officer of the contractor, if provided by the contractor; and*

(26) *the race or ethnicity of each director and principal officer of the contractor, if provided by the contractor.*

§ 2. Paragraph (ii) of subdivision b of section 6-116.2 of the administrative code of the city of New York, as amended by local law number 13 for the year 1991, and paragraph (vi) of such subdivision, as amended by local law number 64 for the year 1993, are amended and a new paragraph (viii) is added, to read as follows:

(ii) When personnel from any agency, elected officials or their staff, or members of the council or council staff learn that the certification required by subparagraph twenty-two of paragraph (i) *of this subdivision* may not be truthful, the appropriate law enforcement official shall be immediately informed of such fact and the fact of such notification shall be reflected in the data base, except when confidentiality is requested by the law enforcement official.

(vi) For the calendar year commencing on January 1, 1992, subcontractors shall be required to provide the information required by subparagraph nine of paragraph [i] *(i) of this subdivision* and on or after June 30, 1994, subcontractors shall be subject to paragraph [i] *(i) of this subdivision* in its entirety.

(viii) *Notwithstanding any other provision of this section, subparagraphs twenty-four, twenty-five and twenty-six of paragraph (i) of this subdivision shall not apply to any contract entered into prior to January 1, 2020.*

§ 3. Subdivision h of section 6-116.2 of the administrative code of the city of New York, as amended by local law number 22 for the year 2004, is amended to read as follows:

h. Except for submissions to elected officials or to the council, contractors or subcontractors may only be required to submit information required under subdivision b of this section to a single agency, and any such submission shall be applicable to all contracts or subcontracts or bids for contracts or subcontracts of that contractor or subcontractor with any agency. Any contractor or subcontractor that has submitted to any agency, elected official or the council, the information required to be provided in accordance with subdivision b of this section shall be required to update that information only at three-year intervals, and except as provided in paragraph [iv] *(iv)* or [v] *(v)* of subdivision b, no contract or subcontract shall be awarded unless the contractor or subcontractor has certified that information previously submitted as to those requirements is correct as of the time of the award of the contract or subcontract. The contractor or subcontractor may only be required to submit such updated information to a single agency and such submission shall be applicable to all contracts or subcontracts or bids for contracts or subcontracts of that contractor or subcontractor with any agency. The procurement policy board may, by rule, provide for exceptions to this subdivision.

§ 4. Paragraph (3) of subdivision i of section 6-116.2 of the administrative code of the city of New York, as amended by local law number 72 for the year 2017, is amended to read as follows:

(3) "contract" shall mean and include any agreement between an agency, New York city affiliated agency, elected official or the council and a contractor, or any agreement between such a contractor and a subcontractor, which (a) is for the provision of goods, services or construction and has a value that when aggregated with the values of all other such agreements with the same contractor or subcontractor and any franchises or concessions awarded to such contractor or subcontractor during the immediately preceding twelve-month period is valued at \$250,000 or more; or (b) is for the provision of goods, services or construction, is awarded to a sole source and is valued at \$10,000 or more; or (c) is a concession and has a value that when aggregated with the value of all other contracts held by the same concessionaire is valued at \$100,000 or more; or (d) is a franchise. However, the amount provided for in clause a herein may be varied by rule of the procurement policy board, where applicable, or rule of the council relating to procurement, or, for franchises and concessions, rule of the franchise and concession review committee, as that amount applies to the information required by [paragraphs 7, 8, 9 and 12] *subparagraphs seven, eight, nine and twelve of paragraph (i) of subdivision b of this section*, and the procurement policy board, where applicable, or the council, or, for franchises and concessions, the franchise and

concession review committee, may by rule define specifically identified and limited circumstances in which contractors may be exempt from the requirement to submit information otherwise required by subdivision b of this section, but the rulemaking procedure required by chapter forty-five of the charter may not be initiated for such rule of the procurement policy board or franchise and concession review committee less than forty-five days after the submission by the procurement policy board or, for franchises and concessions, the franchise and concession review [committe] *committee*, to the council of a report stating the intention to promulgate such rule, the proposed text of such rule and the reasons therefor;

§ 5. Paragraphs (5), (6), (7), (8), (9) and (10) of subdivision i of section 6-116.2 of the administrative code of the city of New York, as amended by local law number 44 for the year 1992, are redesignated paragraphs (6), (7), (8), (9), (10) and (11), respectively, and a new paragraph (5) is added to read as follows:

(5) “*director*” shall mean any member of the governing board of a corporation, whether designated as director, trustee, manager, governor, or by any other title;

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

Referred to the Committee on Contracts.

Int. No. 300

By Council Members Won, Stevens, Williams, Yeager and Farías.

**A Local Law in relation to establishing a special inspector within the department of investigation to review contracts that were entered into in response to the 2019 novel coronavirus, and providing for the repeal of such provision upon the expiration thereof**

*Be it enacted by the Council as follows:*

Section 1. Special inspector of contracts in relation to COVID-19. a. The commissioner of investigation shall appoint a special inspector who shall monitor emergency procurement contracts that, in the judgment of such special inspector, are or were entered into by any agency or contracted entity in response to the COVID-19 pandemic. The special inspector shall collect and review the details of such procurement contracts with the cooperation of the agency or agencies, or contracted entity, executing such contracts, and the mayor’s office of contract services. For the purposes of this local law, the term “agency” has the same meaning as such term is defined in section 1150 of the New York city charter, and the term “contracted entity” has the same meaning as such term is defined in section 22-821 of the administrative code.

b. Within 30 days of the effective date of the local law that added this section, and continuing in real-time thereafter until this local law expires, the special inspector shall report in a publicly available online database about the city emergency procurement contracts the special inspector has reviewed pursuant to subdivision a of this section. The special inspector shall continually evaluate such contracts to identify potential or actual deficiencies in monitoring and integrity, and shall notify the affected agency, agencies or contracted entity, and the mayor’s office of contract services, of any such deficiencies along with recommendations for remedying them going forward, in addition to publishing such deficiencies and recommendations in the online database.

c. Such online database shall also include, but not be limited to, the following information:

1. The requirements of the contract;
2. The dollar value of the contract;
3. The type of business in which the vendor engages;
4. The vendor’s inventory of any goods included in the contract;
5. The timeline for delivery of the agreed upon goods or services to the city;
6. Whether the vendor has a record of previously doing business with the city;
7. Whether the vendor has a record of providing the goods or services required by the contract;
8. Whether the contractor has provided the agreed upon goods or services to date to the city; and
9. Any other information that the mayor or commissioner of investigation may require.

§ 2. This local law takes effect 30 days after it becomes law, except that the commissioner of investigation may take such measures as are necessary for its implementation before such date. This local law remains in

effect until 1 year after the declaration of a state of emergency contained in mayoral executive order number 98 for the year 2020, as extended, has expired, at which time this local law expires and is deemed repealed.

Referred to the Committee on Contracts.

Int. No. 301

By Council Members Won, Stevens, Williams, Yeger, Ayala, Farías and Restler.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the establishment of standards and procedures to determine the existence of conflicts of interest and other misconduct concerning city contracts**

*Be it enacted by the Council as follows:*

Section 1. Title 6 of the administrative code of the city of New York is amended by adding a new section 6-147 to read as follows:

§ 6-147 *Conflicts of interest and misconduct concerning city contracts.* a. As used in this section, the following terms have the following meanings:

*City chief procurement officer.* The term “city chief procurement officer” means the individual to whom the mayor has delegated authority to coordinate and oversee the procurement activity of mayoral agency staff, including the agency chief contracting officers and any offices that have oversight responsibility for procurement, and who is the head of the mayor’s office of contract services.

*Contract.* The term “contract” means any written agreement, purchase order or instrument by which the city is committed to expend or does expend funds in return for an interest in real property, work, labor, services, supplies, equipment, materials, construction, construction-related service or any combination of the foregoing, and includes a subcontract between a contractor and a subcontractor. Such term does not include a contract or subcontract resulting from an emergency procurement or that is a government-to-government procurement.

*Contractor.* The term “contractor” means a person, including but not limited to any natural person, sole proprietorship, partnership, joint venture or corporation, that enters into a contract with an agency or the council.

*Covered contract.* The term “covered contract” means a contract entered into on or after the effective date of the local law that added this section by a contractor and an agency or the council, that by itself or when aggregated with all contracts awarded to such contractor by any agency or the council during the immediately preceding 12 months has a value in excess of \$100,000.

*Mayor’s office of contract services.* The term “mayor’s office of contract services” means the office of contracts established within the office of the mayor by mayoral executive order number 114, dated April 13, 1988, as continued, amended or succeeded by executive order thereafter.

*Subcontractor.* The term “subcontractor” means a person, including but not limited to any natural person, sole proprietorship, partnership, joint venture or corporation, that is a party or a proposed party to a contract with a contractor.

b. 1. In consultation with the conflicts of interest board and the department of investigation, the city chief procurement officer shall establish standards and procedures to be used by a contractor that is a party to a covered contract for determining the existence of any conflict of interest:

(a) As set forth in chapter 68 of the charter, that may exist between a city employee and any officer or employee of such contractor that concerns such covered contract;

(b) As set forth in chapter 68 of the charter, that may exist between a city employee and any officer or employee of a subcontractor of such contractor that concerns such covered contract;

(c) That may exist otherwise for any officer or employee of such contractor that concerns such covered contract; and

(d) That may exist otherwise for any officer or employee of a subcontractor of such contractor that concerns such covered contract.

2. In consultation with the department of investigation, the city chief procurement officer shall also establish standards and procedures to be used by a contractor that is a party to a covered contract for determining the existence of any conduct involving corruption, criminal activity, gross mismanagement or abuse of authority that concerns such covered contract by any officer or employee of such contractor or by any officer or employee of a subcontractor of such contractor.

3. Within 7 days after the establishment of the standards and procedures pursuant to paragraphs 1 and 2 of this subdivision, the city chief procurement officer shall submit copies of such standards and procedures to the mayor and the speaker of the council.

c. The mayor's office of contract services shall require an agency that is a party to a covered contract, or the council as a party to a covered contract, to include the standards and procedures established by the city chief procurement officer pursuant to paragraphs 1 and 2 of subdivision b of this section in such covered contract.

d. A contractor shall submit a certification to the mayor's office of contract services when entering into a covered contract that such contractor has complied with the standards and procedures established by the city chief procurement officer pursuant to paragraphs 1 and 2 of subdivision b of this section and included in such contract pursuant to subdivision c of this section, and that no conflict of interest, corruption, criminal activity, gross mismanagement or abuse of authority that concerns such covered contract exists with respect to its officers and employees and to officers and employees of its subcontractors.

e. Not later than July 1, 2023, and by July 1 annually thereafter, the city chief procurement officer shall post publicly online and submit to the mayor and the speaker of the council a report on certifications submitted by contractors pursuant to subdivision d of this section during the past 12 months, including but not limited to (i) a summary of all such certifications submitted during such period, including but not limited to the parties to and subject matter of the covered contracts for which such certifications were submitted; (ii) the number of such certifications submitted during such period as compared to the total number of covered contracts that took effect during such period and (iii) a description of any conflict of interest or conduct involving corruption, criminal activity, gross mismanagement or abuse of authority discovered by the mayor's office of contract services during such period in connection with a covered contract for which a contractor submitted such a certification.

§ 2. This local law takes effect 120 days after it becomes law, provided that it only applies to contract solicitations that occur on and after its effective date, and except that the procurement policy board shall take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

Referred to the Committee on Oversight and Investigations.

Int. No. 302

By Council Members Yeger, Stevens, Ung and Abreu.

**A Local Law to amend the administrative code of the city of New York, in relation to panic buttons for houses of worship**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 10 of the administrative code of the city of New York is amended by adding a new section 10-184 as follows:

a. *Definitions.* For the purposes of this section, the following terms shall have the following meanings:  
House of worship. The term "house of worship" has the same meaning as that in section 19-162.1.

Panic button. The term "panic button" means a help or distress signaling system that connects an individual in distress or someone assisting that individual with the police department, and that can alert nearby pedestrians when activated, by visual sign or sound.

b. Establishment of a panic button program for houses of worship. Upon request, the police department shall fully reimburse houses of worship for the costs of purchasing and installing panic buttons.

§ 2. This local law takes effect 120 days after it becomes a law, except that the police commissioner shall take such measures as are necessary for the implementation of this local law, including the promulgation of rules, prior to such date.

Referred to the Committee on Public Safety.

Preconsidered L.U. No. 43

By Council Member Brannan:

**13-12 Beach Channel Drive; Block 15528, Lots 5, 6, and 9; Queens, Community District No. 14, Council District No. 31.**

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

Preconsidered L.U. No. 44

By Council Member Salamanca:

**Application number G 220013 CCQ (Mount Neboh-Mount Carmel Cemetery Merger Request) submitted by Mount Carmel Cemetery pursuant to Section 1506(c) of the New York State Not-for-Profit Corporation Law requesting approval to merge the Mount Carmel Cemetery located at 83-55 Cypress Hills Street (Block 3750, Lot 655) with the Mount Neboh Cemetery located at 82-07 Cypress Hills Street (Block 3750, Lot 705), Borough of Queens, Community District 5, Council District 30.**

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. 45

By Council Member Salamanca:

**Application number G 220012 XAM (34 Morningside Avenue Cluster) submitted by the New York City Department of Housing Preservation and Development (HPD) pursuant to Article 16 of the General Municipal Law and Article XI of the Private Housing Finance Law, requesting approval of an Urban Development Action Area Project, waiver of the designation requirement of Section 693 of the General Municipal Law and waiver of the requirements of Charter Sections 197-c and 197-d, and approval of an exemption from real property taxation for properties located at 494 Manhattan Avenue (Block 1947, Lot 118), 321 West 116 Street (Block 1943, Lot 18), 231 West 116 Street (Block 1922, Lot 14), 357 West 115 Street (Block 1849, Lot 27), and 34 Morningside Avenue (Block 1944, Lot 4), Borough of Manhattan, Community District 10, Council District 9.**

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. 46

By Council Member Salamanca:

**Application number C 220209 HAK (Broadway Triangle-Bartlett Crossing) 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 31 Bartlett Street (Block 2269, Lot 52), Borough of Brooklyn, Community District 1, Council District 33.**

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. 47

By Council Member Salamanca:

**Application number C 200358 ZMK (2300 Cropsey Avenue) submitted by Cropsey Partners, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 28c, by establishing within an existing R6 District a C2-4 District, Borough of Brooklyn, Community District 11, Council District 43.**

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. 48

By Council Member Salamanca:

**Application number C 220050 ZMQ (35-01 Vernon Boulevard Rezoning) submitted by Agayev Holding, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 9a, changing from an R5 District to an M1-4/R7A District and establishing a Special Mixed Use District (MX-23), Borough of Queens, Community District 1, Council District 26.**

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. 49

By Council Member Salamanca:

**Application number N 220051 ZRQ (35-01 Vernon Boulevard Rezoning) submitted by Agayev Holding, LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of Queens, Community District 1, Council District 26.**

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. 50

By Council Member Salamanca:

**Application number C 210299 ZMK (840 Lorimer Street Rezoning) submitted by Zucker Enterprises, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 13a, eliminating from within an existing R6A District a C2-4 District, eliminating a Special Mixed Use District (MX-8), changing from an R6A District to a C4-5D District, and changing from an M1-2/R6 District to a C4-5D District, Borough of Brooklyn, Community District 1, 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. 51

By Council Member Salamanca:

**Application number N 210300 ZRK (840 Lorimer Street Rezoning) submitted by Zucker Enterprises, LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of Brooklyn, Community District 1, 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).

NEW YORK CITY COUNCIL**A N N O U N C E M E N T S****Friday, April 29, 2022**Committee on Criminal Justice

Carlina Rivera, Chairperson

**Oversight** - Self-Harm and Suicide Prevention in City Jails.**Int 30** – By Council Members Rivera, De La Rosa, Louis, Schulman, Narcisse, Hanif, Won, Hudson, Williams, Joseph, Restler and Brewer – **A Local Law** to amend the administrative code of the city of New York, in relation to requiring the department of correction to create and implement policies to address medical needs during and after lock-ins.**Int 181** – By Council Members Powers, Rivera, Cabán, Hanif, Won, Restler, Hudson, Nurse, Abreu and Narcisse – **A Local Law** to amend the administrative code of the city of New York, in relation to requiring the department of correction to publish all of its rules, policies and directives.

Remote Hearing (Virtual Room 1).....10:00 a.m.

Committee on Sanitation and Solid Waste Management

Sandy Nurse, Chairperson

**Oversight** - Waste Equity, Transfer Facilities, and Update on Commercial Waste Zones

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

Committee on Governmental Operations

Sandra Ung, Chairperson

**Oversight** - New York City's Civic Engagement Commission.

Remote Hearing (Virtual Room 2).....12:00 p.m.

**Tuesday, May 3, 2022**Committee on General Welfare

Diana I. Ayala, Chairperson

**Oversight** - Unsheltered Homelessness in New York City.

Remote Hearing (Virtual Room 3).....10:00 a.m.

Committee on Technology

Jennifer Gutiérrez, Chairperson

**Oversight** – LINK NYC

Remote Hearing (Virtual Room 1).....10:00 a.m.

Committee on Civil & Human Rights jointly with the

Nantasha Williams, Chairperson

Committee on Public Safety

Kamillah Hanks, Chairperson

**Oversight** – Citywide Response to Hate Crimes and Discrimination.

Remote Hearing (Virtual Room 2).....10:30 a.m.

Committee on Public Housing

Alexa Avilés, Chairperson

**Oversight** - The Impact of RAD/PACT

Hybrid Hearing – Council Chambers – City Hall.....1:00 p.m.

**Thursday, May 5, 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 that April was recognized as Sexual Assault Awareness Month and that April 27<sup>th</sup> marked Denim Day. She noted that Denim Day was a day of action when denim was worn to make it known that women could wear anything, including jeans, and not be looked upon as sexual objects. She spoke of how, in pre-COVID days, the Council's Women's Caucus would gather on the steps of City Hall to vocally show solidarity and combat the notion that rape and sexual violence were the fault of the survivors.

The Speaker (Council Member Adams) acknowledged Essential Worker's Day and thanked Council Member De La Rosa for bringing her attention to it. She noted that it was a day for commemorating those who had perished in the line of duty -- it was also a time to remember the labor workers who had put themselves on the front line during the pandemic when many others did not. The Speaker (Council Member Adams) thanked those front line workers, who were not able to work remotely, for all of their great work.

The Speaker (Council Member Adams) reminded everyone that wearing masks in the Chambers throughout the Stated Meeting was strongly recommended. She acknowledged that the city was still in the midst of a pandemic and that the contagious BA.2 Omicron subvariant had led to an increase in COVID-19 cases across New York. The Speaker (Council Member Adams) urged everyone to continue exercising caution and being safe.

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 on Thursday, May 5, 2022.

MICHAEL M. McSWEENEY, City Clerk  
Clerk of the Council