THE COUNCIL

Minutes of the Proceedings for the
STATED MEETING
of
Wednesday, February 28, 2024, 2:00 p.m.

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

Council Members

Adrienne E. Adams, *The Speaker*

Joann Ariola	Robert F. Holden	Yusef Salaam
Alexa Avilés	Crystal Hudson	Rafael Salamanca, Jr
Diana I. Ayala	Rita C. Joseph	Pierina A. Sanchez
Chris Banks	Shekar Krishnan	Lynn C. Schulman
Joseph C. Borelli	Linda Lee	Althea V. Stevens
Erik D. Bottcher	Farah N. Louis	Sandra Ung
Justin Brannan	Kristy Marmorato	Inna Vernikov
Gale A. Brewer	Christopher Marte	Nantasha M. Williams
Tiffany L. Cabán	Julie Menin	Kalman Yeger
David M. Carr	Francisco P. Moya	Susan Zhuang
Carmen N. De La Rosa	Mercedes Narcisse	
Eric Dinowitz	Sandy Nurse	
Amanda C. Farías	Chi A. Ossé	
Oswald J. Feliz	Vickie Paladino	
James F. Gennaro	Keith Powers	
Jennifer Gutiérrez	Lincoln Restler	
Shahana K. Hanif	Carlina Rivera	

Absent: Council Members Abreu, Brooks-Powers, Hanks, Mealy, and Riley;
Parental Leave: Council Member Won.

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

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

There were 45 Council Members marked present at this Stated Meeting held in the Council Chambers at City Hall, New York, N.Y. (including Council Members Moya, Sanchez, and Schulman who participated remotely).

INVOCATION

The Invocation was delivered by Pastor Louis Lam, Brooklyn Alliance Church, located at 7504 Bay Parkway, Brooklyn, N.Y. 11214.

I'm going to pray in English first
and then Cantonese afterwards.

Let us pray.

Dear heavenly Father,
thank you for bringing us here
to serve the people of New York City,
may you give us the wisdom to serve;
may you open our eyes
to see things without bias;
may you open our hearts
to love others dearly;
may you open our ears
to understand our people.
Father bless this Council,
and make this Council a blessing
to the city of New York;
to the region around us;
to the whole nation.

This is our prayer in the name of Jesus.
Amen.

(The Pastor spoke in Cantonese at this point)

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

ADOPTION OF MINUTES

Council Member Marte moved that the Minutes of the Stated Meetings of January 30, 2024 and the Stated Meeting of February 8, 2024 be adopted as printed.

REPORTS OF THE STANDING COMMITTEES

Report of the Committee on Consumer and Worker Protection

Report for Int. No. 19-A

Report of the Committee on Consumer and Worker Protection in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to requiring the posting of lithium-ion or other storage battery safety information in powered bicycle or powered mobility device businesses.

The Committee on Consumer and Worker Protection, to which the annexed proposed amended local law was referred on February 8, 2024 (Minutes, page 275), respectfully

REPORTS:

I. INTRODUCTION

On February 28, 2024, the Committee on Consumer and Worker Protection, chaired by Council Member Julie Menin, held a vote on five bills: Introduction Number 19-A (Int. No. 19-A), related to requiring the posting of lithium-ion or other storage battery safety information in powered bicycle and powered mobility device businesses; Introduction Number 21-A (Int. No. 21-A), related to increasing penalties for illegal powered mobility device sales, leases or rentals, requiring that online sales of such devices include certification of accredited testing, imposing record keeping requirements on any person who sells, leases, rents or offers to sell, lease or rent any such devices, and providing that the fire department has concurrent enforcement authority for violations of this section; Introduction Number 49-A (Int. No. 49-A), related to vendor display and storage of goods, and to repeal sections 17-313 and 20-463 of such code relating to bookkeeping requirements for vendors; Introduction Number 50-A (Int. No. 50-A), related to the requirement of food vendors to obtain a certificate of authority to collect sales tax, to repeal sections 17-310 and 20-457 of such code, relating to tax clearance and minimum payments for the renewal of mobile food licenses and permits and general vending licenses, and to make other technical corrections; and Introduction Number 51-A (Int. No. 51-A), related to prohibiting vending in bicycle lanes. All measures were approved by the Committee by a vote of 4 in the affirmative, 0 in the negative and no abstentions.

The Committee heard earlier versions of these bills as Preconsidered Introductions in a hearing on January 31, 2024. The bills were also heard last session on October 23, 2023 and December 13, 2023 as Introduction Number 819, related to requiring the posting of lithium-ion battery safety guides in places of business and online retail platforms that sell powered mobility devices; Introduction Number 1220, related to creating licensing requirements for electric bicycle or scooter businesses; Introduction Number 1060, in relation to prohibiting vending or vendor-related activity in bicycle lanes; Introduction Number 1062, in relation to vendor display and storage of goods and to repeal sections 17-313 and 20-463 of such code, relating to bookkeeping requirements; and Introduction Number 1188, in relation to the requirement of food vendors to obtain a certificate of authority to collect sales tax. At the hearings on these bills, the Committee heard from the Department of Consumer and Worker Protection, Department of Sanitation, Department of Health and Mental Hygiene, general and mobile food vendors, delivery workers, third-party delivery platforms, business representatives and other stakeholders. All testimony from the October 23, 2023 and December 13, 2023 hearings was carried over to the hearing on January 31, 2024.

II. E-BIKE AND LITHIUM-ION BATTERY BACKGROUND

New York's Legalization of E-Bikes

In 2020, through the adoption of the New York State budget, the State legalized electric bicycles ("e-bikes") and electric scooters ("e-scooters") while also giving localities the ability to regulate their use.[1] The law established three classes of e-bikes: Class 1 is pedal-assisted with no throttle; Class 2 is throttle-assisted with a maximum speed of 20 mph; and Class 3 is throttle-powered with a maximum speed of 25 mph. E-scooters were capped at 15 mph, and riders under 18 years of age are required to wear a helmet. Helmets are also required for riders of Class 3 e-bikes.[2]

Pursuant to the State's legalization of electric bicycles and scooters, the Council passed Local Laws 72 and 73 of 2020, which legalized such devices throughout the City.[3] The legislation removed prohibitions on three classes of e-bikes with speeds under 25 miles per hour and e-scooters with speeds under 20 miles per hour.

Since their legalization, e-bikes and e-scooters have become ubiquitous on City streets: delivery workers use them to carry take-out orders, tourists use electric Citi Bikes to explore, and parents transport their kids to school on e-cargo bikes.[4] While there is no data on the number of e-bikes in circulation, advocates estimate there are at least 65,000 delivery workers using these devices and at least 20 times more e-bikes and e-scooters than cars.[5]

Lithium-Ion Batteries

E-bikes, e-scooters, and powered mobility devices use lithium-ion batteries, which contain a pressurized electrolyte fluid that makes them very dangerous in a range of circumstances. Circumstances that may compromise the battery's integrity and cause the battery to explode or ignite include but are not limited to: (i) impact damage to the battery; (ii) a manufacturing flaw; (iii) aging and deterioration of the battery components; (iv) extreme temperatures; and (v) overcharging.[6] Overcharging lithium-ion may produce an exothermic decomposition of the battery cell, which leads to potential rupturing and creating a highly dangerous thermal explosion called thermal runaway.[7] Lithium-ion battery fires can be extremely dangerous because they are self-sustaining and are difficult to contain and extinguish.[8]

The dangers of lithium-ion batteries are particularly acute for products that have not been tested or certified for safety.[9] However, there are limited models of certified e-bikes available and they are cost prohibitive for some New Yorkers. According to according to Los Deliveristas Unidos, a group representing 65,000 app-based delivery workers, 90 percent of their members use non-certified batteries.[10]

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[1] Erik Bascome, "E-Bikes, E-Scooters legalized in New York budget bill," *SI Live*, April 3, 2020, available at: https://www.silive.com/news/2020/04/e-bikes-e-scooters-legalized-in-new-york-budget-bill.html

[2] *Id.*

[3] Local Law 72 of 2020 at https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=3763645&GUID=1B9B8689-094C-46D1-8F0C-8BB71C99E149&Options=ID|Text|&Search=1250
Local Law 73 of 2020 at https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=3763646&GUID=5EEC4A3E-AF9D-4532-9E0E-2DE4333476F7&Options=ID|Text|&Search=1264

[4] John Surico, "The E-Bike Effect Is Transforming New York City," *Bloomberg*, May 5, 2022, available at: https://www.bloomberg.com/news/features/2022-05-05/as-e-bikes-surge-new-york-city-tries-to-keep-up

[5] Alissa Walker, "Don't Blame the E-Bike," *Curbed*, November 17, 2022, available at: https://www.curbed.com/2022/11/e-bike-fires-batteries-deliveristas.html

[6] Lithium-ion Safety Concerns, available at: https://batteryuniversity.com/article/lithium-ion-safety-concerns.

[7] *Id.*

[8] *Id.*

[9] Rebecca Bellan, "Everything you need to know about e-bike battery fires," *Tech Crunch*, July 11, 2023, available at: https://techcrunch.com/2023/07/11/everything-you-need-to-know-about-e-bike-battery-fires/.

[10] Testimony of Los Deliveristas Unidos to the City Council, April 17, 2023, at: https://legistar.council.nyc.gov/MeetingDetail.aspx?ID=1090460&GUID=E14F6B0E-5BE4-45DB-B0C7-1234FBC383C3

Lithium-Ion Battery Related Fires in New York City

Over the past few years, as e-bikes, e-scooters and powered mobility devices have become more prevalent, the City has experienced a rapid increase in lithium-ion battery related fires in both residential and commercial properties that not only destroy property but result in injuries and fatalities. It has been reported that an e-bike or e-scooter battery causes a fire in the City four times per week, on average.[11]

Below is FDNY data on fires caused by lithium-ion batteries in e-bikes and e-scooters:[12]

Year	Investigations	Injuries	Deaths	Structural	Non-Structural
2019	30	13	0	23	7
2020	44	23	0	37	7
2021	104	79	4	77	27
2022	220	147	6	162	58
2023	268	150	18	178	90

In 2023 the number of fires increased almost 20 percent from the previous year, and the number of deaths tripled from six to 18.[13]

Some of the most hazardous environments are e-bike shops, where many lithium-ion batteries are stored at once. On June 20, 2023, a fire broke out in an e-bike shop on the Lower East Side, killing four people and critically injuring two others.[14] The Fire Department had inspected the shop in August 2022 and issued citations for safety violations related to battery charging, the number of batteries at the site and the electrical system.[15] On June 29, City inspectors found more than 100 lithium-ion batteries, damaged batteries and overloaded power strips inside an e-bike shop on Canal Street—and several of the batteries caught fire as they were being removed from the premises.[16]

III. RELEVANT FIRE CODE REGULATIONS

Recent updates to the New York City Fire Code ("Fire Code") established safety regulations related to the charging of powered mobility devices, including e-bikes and e-scooters that are powered by lithium-ion or other storage batteries. First, section FC 202 was amended to define powered mobility devices as "Motorized bicycles, motorized scooters and other personal mobility devices powered by a lithium-ion or other storage battery. The term does not include motor vehicles or motorcycles or other mobility devices that must be registered with the New York State Department of Motor Vehicle."[17] Further, section FC 309, which was previously limited to ventilation requirements for battery-charging areas, was expanded to incorporate fire safety provisions for charging and storage of battery-powered industrial trucks, equipment and mobility devices.[18] These provisions

[11] NPR – Fires from Exploding E-Bike Batteries Multiply in NYC – Sometimes Fatally at https://www.npr.org/2022/10/30/1130239008/fires-from-exploding-e-bike-batteries-multiply-in-nyc-sometimes-fatally
[12] 2019-2022 data provided by FDNY to staff for the Committee on Fire and Emergency Management; 2023 data from the 2024 Annual Report pursuant to Local Law 40 of 2023.
[13] Jaclyn Jeffrey-Wilensky, "E-bike battery fires keep climbing in NYC", Gothamist, January 17, 2024, available at: https://gothamist.com/news/e-bike-battery-fires-keep-climbing-in-nyc.
[14] "4 dead after battery causes fire at New York City e-bike shop that spreads to apartments," *Associated Press*, June 20, 2023, available at: https://apnews.com/article/new-york-ebike-store-fatal-fire-789d04a128a93160810743acf9c4f893.
[15] *Id.*
[16] Winnie Hu, "Fire Dept. Targets E-Bike Shops in Crackdown on Battery Hazards," *The New York Times*, June 29, 2023, available at: https://www.nytimes.com/2023/06/29/nyregion/e-bike-shop-lithium-ion-batteries.html
[17] FC 202
[18] FC 309.3

included: (i) adoption of Underwriters Laboratory (UL) standards for charging equipment;[19] (ii) requiring battery inspection prior to charging or re-charging if the battery has been dropped, involved in a collision or otherwise subjected to a potential mechanism of damage;[20] and (iii) establishing requirements for battery charging[21], and storage areas for such powered devices.[22] The Fire Code regulations for indoor battery charging areas include: (i) requiring adequate natural or mechanical ventilation in accordance with the Mechanical Code to prevent accumulation of flammable or other gases; (ii) requiring adequate electrical supply and sufficient number of electrical receptacles (outlets) to permit equipment or battery packs to be directly connecting to an electric receptacle while charging, prohibiting the use of extension cords or power strips, and establishing clearance requirements between devices or battery packs during charging operations; (iii) prohibiting such areas from including storage of combustible materials, combustible waste or hazardous materials; (iv) requiring such areas be separated by a fire barrier with a minimum 1-hour fire-resistance from areas where repairs or servicing of batteries or powered devices occurs; (v) requiring such areas be equipped with portable fire extinguishers; and (vi) where 6 or more devices are charged in a single indoor location, charging rooms must be fully enclosed by fire barriers, be equipped with automatic sprinklers, and be temperature controlled to prevent overheating.[23] Indoor areas used for storage of powered devices, but where charging or repairs do not occur, must comply with above-mentioned regulations pertaining to combustible waste, fire extinguishers, and required fire barriers separating the area from where charging or repairs occurs.[24]

Finally, the above-mentioned provisions exempt storage and charging of up to five powered mobility devices using a storage battery in a Group R-3 occupancy (one- and two-family homes) or in a dwelling unit in a Group R-2 occupancy, provided that such devices are for personal use; and charging of a single powered mobility device by and in the presence of its owner or user.[25]

To mitigate the fire risks posed by lithium-ion batteries, and electrical bicycles and scooters, safety standards have been developed with the aim of minimizing the occurrence of battery malfunctions that can result in fires. Such standards, some of which are established by Underwriter Labs ("UL"), were developed by technical experts in consultation with industry representatives[26] and can be utilized for product certification testing by any nationally recognized testing laboratories. Relevant standards include: UL 2849, the Standard for Electrical Systems for e-bikes;[27] UL 2272, the Standard for Electrical Systems for Personal E-Mobility Devices;[28] and UL 2271, the Standard for Safety of Light Electric Vehicle Batteries.[29]

UL standard 2849 evaluates the electrical system of an e-bike, to ensure compatibility of various components of the device, including the "electrical drive train system, battery system, charger system combination, interconnecting wiring and e-bike power inlet."[30] UL standard 2272 similarly evaluates the electrical systems of other electric powered mobility devices, such as e-scooters.[31] These standards go beyond a standard that applies only to a battery because they consider the complete electrical system, including other points of potential failure and risk. Complete electrical system evaluations, such as those required by UL 2849 and UL 2272, aim to provide additional safeguards against device or battery malfunctions by testing component compatibility within a device's electrical system.

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[19] FC 309.3.1
[20] FC 309.3.2
[21] FC 309.3.3
[22] FC 309.3.4
[23] FC 309.3.3
[24] FC 309.3.4
[25] FC 309.3
[26] "E-Bike Certification: Evaluating and Testing to UL 2849," *UL Solutions*, available at: https://www.ul.com/services/e-bikes-certificationevaluating-and-testing-ul-2849.
[27] *See* UL Solutions, "Micromobility How to Guide," available at: https://collateral-library-production.s3.amazonaws.com/uploads/asset_file/attachment/46596/Micromobility_How_to_Guide.pdf.
[28] *Id*.
[29] *See* American National Standards Institute, UL 2271; available at: https://webstore.ansi.org/standards/ul/ul2271ed2018.
[30] *See* UL Solutions, "Micromobility How to Guide," available at: https://collateral-library-production.s3.amazonaws.com/uploads/asset_file/attachment/46596/Micromobility_How_to_Guide.pdf.
[31] *Id*.

IV. RELEVANT LITHIUM-ION BATTERY AND POWERED MOBILITY LEGISLATION IN NYC

In March 2023, the Council passed a package of e-bike fire safety legislation:

(i) Local Law 38 of 2023, which requires the FDNY to develop an informational campaign to educate the public on fire risks posed by powered mobility devices;[32]
(ii) Local Law 39 of 2023, which prohibits the sale, lease, or rental of powered mobility devices, such as e-bikes and electric scooters, and storage batteries for these devices, that fail to meet recognized safety standards;[33]
(iii) Local Law 40 of 2023, which requires the FDNY to report on safety measures to mitigate fire risk associated with powered mobility devices;[34]
(iv) Local Law 41 of 2023, which requires that DWCP, in consultation with the FDNY, establish materials that provide guidance on safe use and storage of powered mobility devices;[35] and
(v) Local Law 42 of 2023, which prohibits the sale of lithium-ion batteries assembled or reconditioned using cells removed from used batteries.[36]

From September 16, 2023, when Local Law 39 went into effect, and January 16, 2024, DCWP conducted over 400 inspections and issued summonses to 89 brick-and-mortar retailers for selling, leasing, or renting uncertified lithium-ion batteries or the devices that use them (e-bikes, scooters, mopeds). Additionally, DCWP issued 40 Cease-and-Desist letters and 14 summonses to online retailers for noncompliance with the law.[37]

In October 2023, the Council enacted Local Law 131, which established a trade-in program for powered mobility devices and lithium-ion batteries used in powered mobility devices. Eligible individuals may exchange devices and batteries that do not comply with relevant safety standards in exchange for devices that meet relevant fire safety standards at reduced or no cost to the individual seeking an exchange.[38]

V. STREET VENDING BACKGROUND

Street vendors in New York City contribute to the vibrancy of the City's streets and to the City's food and retail landscape. They often offer cheaper food and merchandise alternatives to that sold in traditional stores, or sell fresh fruit and vegetables in underserved areas that are considered food deserts. Street vending in this City has existed for centuries and has consistently been an avenue for newly arrived immigrants and those with minimal work opportunities to make a living, from peddlers selling oysters and clams in the early 1800s to vendors to selling hot dogs and halal food.[39] However, over their centuries of operation in New York City, street vendors have consistently struggled to be seen as equal counterparts to other small business merchants. This quote from the 1906 Mayoral Push-Cart Commission aptly captures the situation to as it did back then: "While adding materially to the picturesqueness of the city's streets and imparting that air of foreign life which is so

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[32] Local Law 38/2023, at: https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=5839380&GUID=5D3D6F91-1E29-416E-80FC-5B0C66B9C65B.
[33] Local Law 39/2023, at: https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=5839354&GUID=D0854615-5297-460B-BCBC-646D24A75B2E.
[34] Local Law 40/2023, at: https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=5858563&GUID=4756C5C1-07B1-4D5A-883C-CD7F92C441E0.
[35] Local Law 41/2023, at: https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=5865910&GUID=77C3CB30-DB10-4410-8514-90A42146651E.
[36] Local Law 42/2023, at: https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=5865911&GUID=A8974463-3FC2-4E68-92F4-07654DBCC658.
[37] Information provided by DCWP to the Council, January 17, 2024.
[38] Local Law 131/2023, at: https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=6047910&GUID=B66B61A8-E867-4071-9984-4176A3DD30F6.
[39] See for example Rembert Browne et al "New York City street vendors", Columbia University Graduate School of Architecture, Planning and & Preservation, Spring 2011, available at: http://www.spacesofmigration.org/migration/wordpress/wp-content/uploads/2017/05/StreetVendorReport_Final.pdf, pp. 10-11; Devin Gannon "From oysters to falafel: The complete history of street vending in NYC", *6sqft*, August 10, 2017, available at: https://www.6sqft.com/from-oysters-to-falafel-the-complete-history-of-street-vending-in-nyc/.

interesting to the traveler, lending an element of gaiety and charm to the scene which is otherwise lacking, the practical disadvantages from the undue congestion of peddlers in certain localities are so great as to lead to a demand in many quarters for the entire abolition of this industry, if it may be dignified by that term."[40] The legislation being considered by the Committee aims to mitigate some of these problems, while balancing the competing needs of vendors, customers, residents and brick and mortar establishments.

A. Current New York City Street Vending Regulations and Restrictions

Selling food, merchandise or other items on the streets of New York City requires adhering to a series of complicated rules and procedures. Separate regulations administered by different agencies apply depending on the item for sale, where the sale takes place, and who is doing the selling. Street vendors are regulated by Department of Consumer and Worker Protection (DCWP), the Department of Health and Mental Hygiene (DOHMH), the Department of Sanitation (DSNY), the NYPD, as well as the Departments of Environmental Protection, Finance, and Parks and Recreation. This patchwork of laws and agencies often causes confusion for both vendors and enforcement agencies.

Broadly speaking, street vending falls into the following four categories: first amendment street vending; street vending by veterans; general merchandise vending; and mobile food vending (MFV). Each type of street vending is governed by specific laws and guidelines, and in some cases, the number of licenses available are capped, as illustrated in the table below. All vendors must abide by various time, place and manner restrictions.[41]

Types of street vending in New York City[42]

General Merchandise Sell goods or services including newspapers, periodicals, books, pamphlets, art **Capped number of licenses: 853**	**First Amendment** *Exclusively* sell newspapers, periodicals, books, pamphlets, art **No license required** **No cap**
Veterans Allowed unlimited general vending permits **License required** **No cap** (unless vending food, or disabled veterans who wish to vend in the midtown core)	**Mobile Food Vending (MFV)** • 2,900 citywide permits • 100 citywide permits for veterans and disabled veterans and persons • 1,000 seasonal permits • 200 borough specific permits • 1,000 green cart permits • 445 new supervisory licenses and permits each year for ten years beginning in 2022

[40] NYC Mayor's Push-Cart Commission "Report of the Mayor's Push-Cart Commission", September 10, 1906, available at: http://www.archive.org/stream/reportofmayorspu00newyrich/reportofmayorspu00newyrich_djvu.txt.
[41] NYC Business Solutions "Street Vending" available at: http://www.nyc.gov/html/sbs/nycbiz/downloads/pdf/educational/sector_guides/street_vending.pdf.
[42] Information from: Street Vending in NYC Overview and Recommendations from the Street Vendor Advisory Board, May 2022, available at: https://www.nyc.gov/assets/dca/downloads/pdf/partners/SVAB-Report-2022.pdf#:~:text=Overview%20of%20Street%20Vending%20Regulations,-Street%20vending%20in&text=The%20Administrative%20Code%20and%20the,services%20in%20a%20public%20place).

Mobile food vending licenses and permits

Selling food on the streets of New York City is known as mobile food vending (MFV) and it is regulated by a number of different agencies and provisions. Before 2021, a critical component of MFV was securing a permit for the physical vending cart. Unlike personal vending licenses that apply to the individual food seller, MFV permits are linked to the food cart, which means that the food vendor and the permit holder could be two different people. The number of available MFV permits has been capped at 3,000 for citywide permits, 200 borough specific permits, 1,000 temporary/seasonal permits and 1,000 green cart permits. The waiting list for new vendors to obtain a permit was also capped at 2,500 and closed in 2007.[43]

The decades-long cap on permits created an underground market for legacy permit holders to illegally rent their permits to new vendors for thousands of dollars per year.[44] It is alleged that the rental price for a cart permit on the illegal market could run between $15,000 and $30,000 annually.[45] It was estimated that the illegal market in New York City's mobile food vending industry was worth between $15 million and $20 million per year and approximately 70%-80% of permits were illegally in use.[46] The proliferation of the underground market meant that it was "harder for immigrant entrepreneurs to build equity and take the first step up the economic ladder."[47]

To address these issues, the Council passed Local Law 18 of 2021, which established a new licensing and permitting scheme for MFVs and required the City to issue 445 new permits each year for 10 consecutive years.[48] Pursuant to this law, beginning in 2032, all MFVs would be required to obtain a supervisory license. All supervisory license holders would be entitled to a supervisory permit. Under the new scheme, a supervisory permit holder or another holder of a supervisory license must be physically present and vending at the mobile vending unit to prevent the illegal market in vending permits.[49]

To sell food from a mobile vending unit in New York City, individuals must obtain a personal license for MFV. The application for this license can be made in person at New York's Citywide Licensing Center (under DCWP), although the license is issued by DOHMH.[50] A full-term license is valid for two years and costs $50, while a seasonal license (valid from April 1 to October 31) costs $10.[51] There are no costs for honorably discharged U.S. veterans, or their surviving spouse/domestic partner. These licenses are issued as a photo ID. There are no caps on the number of Mobile Food Vendor Personal Licenses issued by DOHMH,[52] and there are estimated to be about 19,000 vendors with these licenses.[53]

As part of securing a personal MFV license, all applicants must take a mobile food vending protection course.[54] The course is run over two s with a four-hour class each. The course costs $53 and is available to take in multiple languages.[55] Lastly, mobile food vendors also need to obtain a Certificate of Authority from the New

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[43] David Gonzalez, "$20,000 for a Permit? New York May Finally Offer Vendors Some Relief", *New York Times*, September 28, 2021, available at https://www.nytimes.com/2021/01/29/nyregion/street-vendors-permits-nyc.html.
[44] Id.
[45] See for example Adam Davidson "The food-truck business stinks", *New York Times*, May 7, 2013, available at: https://www.nytimes.com/2013/05/12/magazine/the-food-truck-business-stinks.html; Tejal Rao "A in the life of a food vendor", *New York Times*, April 18, 2017, available at: https://www.nytimes.com/2017/04/18/dining/halal-cart-food-vendor-new-york-city.html.
[46] Id.
[47] Jeff Koyen, "Inside the Underground Economy Propping Up New York City's Food Carts" *Crains*, June 12, 2016, available at: https://www.crainsnewyork.com/article/20160612/HOSPITALITY_TOURISM/160619986/hot-dog-vendors-and-coffee-carts-turn-to-a-black-market-operating-in-the-open-to-buy-permits-and-licen.
[48] Local Law 18 of 2021, available at: https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=3686667&GUID=A0683818-66E6-4651-8B31-3D65EE4D61B1&Options=ID|Text|&Search=18.
[49] NYC Health "Supervisory Licenses: What Mobile Food Vendors Need to Know" available at: https://www.nyc.gov/assets/doh/downloads/pdf/rii/supervisory-licenses-what-vendors-need-to-know.pdf.
[50] NYC Health "Instructions for applying for an initial mobile food vendor license form the NYC Health Department", available at: https://www1.nyc.gov/assets/doh/downloads/pdf/permit/mfv_application_forms_package.pdf, last accessed December 6, 2023.
[51] Id. Note that supervisory licenses, which come with the right to a permit, cost more.
[52] Id.
[53] Kathleen Dunn "Decriminalize street vending: Reform and social justice", in Julian Agyeman, Caitlin Matthews and Hannah Sobel *Food Trucks, Cultural Identity, and Social Justice* (2017), MIT Press; Cambridge, MA, p. 51.
[54] NYC Business "Mobile food vending license – About", available at: https://www1.nyc.gov/nycbusiness/description/mobile-food-vending-license, last accessed December 8, 2023.
[55] NYC Business "Food protection course for mobile vendors – About", available at: https://www1.nyc.gov/nycbusiness/description/food-protection-course-for-mobile-vendors, last accessed December 8, 2023.

York State Department of Taxation and Finance, which bestows the right to collect tax on applicable items.[56]

Local Law 18, which created a new type of MFV license called a supervisory license, changed what is required of vendors operating a food vending cart. Pursuant to this local law, a supervisory license holder must be working at a cart with a supervisory license permit, or risk a penalty of $1,000 for operating without a supervisory licensee. By July 1, 2032, all permitted vending carts must be operated by a supervisory licensee. Pursuant to this law, MVF licensees may work on a mobile food vending unit, but a supervisory license holder must also be present.

Mobile food vending equipment and placement regulations

In addition to the license and permit required to sell food in New York City, the cart used to sell food must meet a long list of regulations. These regulations vary and are determined by the types of foods sold. For example, carts for prepacked foods require overhead structures (such as an umbrella or canopy), thermometers and both hot and cold storage (i.e. food warmers or refrigeration). Carts that sell grilled meats are also required to have these elements, in addition to potable water, sinks for washing food and cooking utensils as well as a handwashing sink and ventilation.[57] The size of the cart is also restricted and regulated, as are the water and propane tanks.[58] These tables below demonstrate the variety of regulations.

Equipment requirments: MFV processing units[59]

Food Type and Cooking Method	Examples	Equipment Required								
		Potable Water	Washing Sinks for Food and Cooking Tools[1]	Hand Wash Sink	Waste Water Tank[2]	Overhead Structure	Ventilation	Cold Holding	Hot Holding	Thermo-meters
Prepare and cook raw, potentially hazardous foods on the unit	• fried/grilled sausages • poultry • shish kebabs • hamburgers • eggs • gyros	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Prepare potentially hazardous foods on the unit	• sandwiches • raw fruits • vegetables/salads • breads • bagels/rolls buttered or topped with cream cheese • smoothies • soft-serve ice cream									

Equipment requirments: MFV non-processing units[60]

[56] NYC Business "Mobile food vending license – Apply", available at: https://www1.nyc.gov/nycbusiness/description/mobile-food-vending-license/apply, last accessed December 6, 2023.
[57] NYC Health, Rules and Regulations for Mobile Food Vending, available at: www.nyc.gov/assets/doh/downloads/pdf/rii/rules-regs-mfv.pdf.
[58] Id.
[59] John C. Jones "The regulation of mobile food vending in New York City", *Graduate Association For Food Studies*, September 13, 2016, vol. 3, no. 1, available at: https://gradfoodstudies.org/2016/09/13/regulation-of-mobile-food-vending/.
[60] Id.

Food Type and Preparation Method	Examples	Equipment Required								
		Potable Water	Washing Sinks for Food and Cooking Tools	Hand Wash Sink	Waste Water Tank[1]	Overhead Structure	Ventilation	Cold Holding	Hot Holding	Thermo meters
Sell only unopened, prepackaged potentially hazardous foods that require temperature control.	• prepackaged frozen desserts • prepackaged sandwiches • prepackaged and pre-sliced fruits/vegetables	No	No	No	Yes	Yes	No	Yes	Yes	Yes
Sell only non-potentially hazardous unpackaged or packaged foods that do not require temperature control.	• brewed coffee/tea • donuts • pastries • rolls/bagels buttered or topped with cream cheese at a commissary • popcorn • cotton candy • plain/candied nuts • soft pretzels • chestnuts	Yes	No	No	Yes	Yes	Yes	No	No	No
Sell only non-potentially hazardous unpackaged or packaged foods that require temperature control.	• boiled frankfurters/ sausages • knishes	Yes	No	No	Yes	Yes	Yes	Yes	Yes	Yes
Sell uncut, whole fruits and vegetables.	• Green Carts	No	No	No	No	Yes	No	No	No	No

Note:
1. Mobile food vending units that create liquid waste from operations including, but not limited to, serving beverages such as coffee or tea, boiling frankfurters or holding ice, must be equipped with a waste water tank.

DOHMH is required to inspect food vending carts before a permit is initially issued and. at least once a year thereafter. Inspections are also conducted when the permit requires renewal, if modifications are made to the cart, if there have been complaints or reports made about potential violations, to follow up a Health Commissioner order, or to correct a violation.[61] Since the passage of Local Law 108 of 2017, mobile food vending carts must also be inspected and issued a letter grade similar to restaurants and other food establishments.[62]

Broadly speaking, mobile food vendors who have citywide permits or supervisory license permits are permitted to sell food on many New York City streets; however, there are many limitations. For instance, there are more than five hundred specific streets where vending is banned,[63] while other streets are restricted to certain times and s of the year.[64] This may be due to the width of the sidewalk, a need to keep the street clear from obstructions (for example, around security checkpoints), or because the area is overly congested. Once a suitable street has been located, food vendors must then navigate the sidewalk regulations. Listed below are but a few examples of where the cart can be set-up:

1) On a sidewalk that is at least 12 feet wide;
2) Within 6-12 inches of the curb;
3) At least 10 feet away from any crosswalk, driveway or subway entrance/exit; or
4) In an area that is not designated as a 'no standing zone', a bus stop or a hospital.[65]

At the close of business, food vendors must remove their carts from the street, and the carts must be stored and cleaned in a DOHMH approved facility – usually a commissary or depot. Regulations also require MFVs to prepare their foods for the at, or to purchase pre-prepared foods from, the commissary.[66] The cost to store a cart

[61] Id.
[62] NYC Health "Letter grading for mobile food vending units: What vendors need to know", available at: https://www1.nyc.gov/assets/doh/downloads/pdf/rii/mfv-what-vendors-need-to-know.pdf, last accessed December 8, 2023.
[63] Kathleen Dunn, at note 42, p. 52.
[64] See "Mobile food vending restricted streets guide," available at: https://www1.nyc.gov/assets/doh/downloads/pdf/permit/mfv_restricted_streets.pdf, last accessed December 8, 2023.
[65] NYC Health, at note 46.
[66] Id.

at a depot or commissary is in the hundreds of dollars per month.[67]

VI. BILL ANALYSIS

Int. No. 19-A, in relation to requiring the posting of lithium-ion or other storage battery safety information in powered bicycle or other powered mobility device businesses.

This bill would require all businesses that sell, rent or lease e-bikes, e-scooters and other personal mobility devices powered by lithium-ion or other storage batteries to post safety information. Subdivision a of section 20-610.1 would define "powered bicycle or powered mobility device business" as any business that sells, leases or rents powered bicycles, powered mobility devices or batteries used by such bicycles or devices. Subdivision b of section 20-610.1 would require the commissioner, in coordination with the fire department, to develop informational materials regarding lithium-ion or other storage batteries. Subdivision c of section 20-610.1 would require powered bicycle and powered mobility device businesses to post such materials where the device would be sold. Subdivision d of section 20-610.1 would require online retailers to post such materials. Subdivision e of section 20-610.1 would establish civil penalties of $150 for the first violation, $250 for the second violation and $350 for the third and subsequent violations. This bill would take effect 180 s after it becomes law.

Since introduction, this bill has been amended so that DCWP would be able to coordinate with the Fire Department to create such safety materials.

Int. No. 21-A, in relation to increasing the penalties for illegal powered mobility device sales, leases or rentals, requiring that online sales of such devices include certification of accredited testing, imposing record keeping requirements of any person who distributes, sells, leases, rents or offers to sell, lease or rent, any such devices, and, providing that the fire department have concurrent enforcement authority for violations of this section.

Section 1 of this bill would give the Fire Department concurrent enforcement authority to enforce the violations of this section.

Section 2 of this bill would require that online sales of such devices display the certification of the accredited testing laboratory. It would increase civil penalties for subsequent violations of this section. It would establish a record keeping requirement for any person who distributes, sells, leases, rents or offers to sell, lease or rent a powered bicycle, powered mobility device or storage battery for a powered bicycle or powered mobility device. It would authorize DCWP and the Fire Department to seal any premises where any person is found to have violated this section on at least three occasions within a three-year period.

This bill would take effect 180 s after becoming law.

Since introduction, this bill has been amended to enhance preexisting regulations in the Administrative Code related to the sale, lease or rental of powered bicycles and powered mobility devices. The amended version of this bill would not establish a licensing requirement, but it would give DCWP and the Fire Department the authority to seal businesses that are not compliant with certification and other requirements.

Int. No. 49-A, in relation to vendor display and storage of goods, and to repeal sections 17-313 and 20-463 of such code, relating to bookkeeping requirements for vendors.

Currently, food vendors must keep items either inside or under their food carts. Section 1 of this bill would allow mobile food vendors to place their items on top of their cart. Section 2 of this bill would clarify the size

[67] See for example Jeff Koyen "Inside the underground economy propping up New York city's food carts", *Crains*, June 12, 2016, available at: https://www.crainsnewyork.com/article/20160612/HOSPITALITY_TOURISM/160619986/hot-dog-vendors-and-coffee-carts-turn-to-a-black-market-operating-in-the-open-to-buy-permits-and-licen.

requirements for general vendor displays. General vendor displays would not exceed five feet in height unless such vendor display includes an umbrella.

Currently, general vendors and mobile food vendors must keep written records of sales, purchases and expenses, which must be available for inspection by the City. Sections 4 and 5 of this bill would repeal all bookkeeping requirements for general vendors and mobile food vendors. This bill would take effect immediately.

Int. No. 50-A, in relation to the requirement of food vendors to obtain a certificate of authority to collect sales tax, to repeal sections 17-310 and 20-457 of such code, relating to tax clearance and minimum tax payments for the renewal of mobile food licenses and permits and general vending licenses, and to make other technical corrections.

Currently, all mobile food vendor licensees are required to obtain a certificate of authority to collect sales tax. This bill would remove such a requirement unless the applicant is applying for a permit or a supervisory license. This bill would also remove the requirement that mobile food vendors and general vendors obtain a tax clearance certificate from the Department of Finance each time they renew their license. This bill would take effect immediately.

Since introduction, this bill has been amended to relieve vendors of their obligation to obtain a tax clearance certificate from the Department of Finance. This bill would not, however, relieve vendors of state requirements to register with the Tax Department and obtain a Certificate of Authority.

Int. No. 51-A, in relation to prohibiting vending in bicycle lanes.

This bill would prohibit mobile food vendors and general vendors from vending in bicycle lanes. It would also prohibit mobile food vendors and general vendors from blocking a bicycle lane with vending-related items. This bill would take effect 30 s after it becomes law.

(The following is the text of the Fiscal Impact Statement for Int. No. 19-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

RICHARD LEE, FINANCE DIRECTOR

FISCAL IMPACT STATEMENT

PROPOSED INTRO. NO: 19-A

COMMITTEE: Consumer and Worker Protection

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to requiring the posting of lithium-ion or other storage battery safety information in powered bicycle or powered mobility device businesses.	**SPONSOR(S):** Council Members Brewer, Rivera, Stevens, Gennaro, Hudson, Louis and Schulman.

SUMMARY OF LEGISLATION: The bill would require all businesses that sell e-bikes, e-scooters and other personal mobility devices powered by batteries, to post lithium-ion or other storage battery safety information. Such materials and guides would be required to be posted both in physical stores and on online retail platforms. A violation would be subject to civil penalties ranging from $150 to $350 per violation.

EFFECTIVE DATE: This local law takes effect 180 s after becoming law.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal Year 2026

FISCAL IMPACT STATEMENT:

	Effective FY25	FY Succeeding Effective FY26	Full Fiscal Impact FY26
Revenues	$0	$0	$0
Expenditures	$0	$0	$0
Net	$0	$0	$0

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

IMPACT ON EXPENDITURES: It is estimated that there would be no impact on expenditures resulting from the enactment of this legislation, as the agency responsible for its implementation will utilize existing resources to fulfill the requirements of this legislation.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

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

ESTIMATE PREPARED BY: Glenn Martelloni, Financial Analyst

ESTIMATE REVIEWED BY: Jack Storey, Unit Head
Chima Obichere, Deputy Director
Jonathan Rosenberg, Managing Deputy Director
Kathleen Ahn, Counsel

LEGISLATIVE HISTORY: This legislation was first introduced to the Council on November 22, 2022, as Proposed Intro. No. 819, and was referred to the Committee on Consumer and Worker Protection (the Committee). A hearing was held by the Committee on October 23, 2023, and the legislation was laid over. The legislation was filed due to the end of session. Subsequently, the legislation was heard by the Committee as a Pre-considered Introduction on January 31, 2024, reintroduced to the Council, and referred back to the Committee as Proposed Introduction No. 19 on February 8, 2024. The legislation has been amended and the final amended version, Proposed Intro. No. 19-A, will be considered by the Committee on February 28, 2024. Upon a successful vote by the Committee, Proposed Intro. No. 19-A will be submitted to the full Council for a vote on February 28, 2024.

DATE PREPARED: February 23, 2024.

(For text of Int. Nos. 21-A, 49-A, 50-A and 51-A and their Fiscal Impact Statements, please see the Report of the Committee on Consumer and Worker Protection for Int. Nos. 21-A, 49-A, 50-A, and 51-A, respectively, printed in these Minutes; for text of Int. No. 19-A, please see below)

Accordingly, this Committee recommends the adoption of Int. Nos. 19-A, 21-A, 49-A, 50-A, and 51-A.

(The following is the text of Int. No. 19-A:)

Int. No. 19-A

By Council Members Brewer, Rivera, Stevens, Gennaro, Hudson, Louis, Schulman, Won, Farías and Dinowitz.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the posting of lithium-ion or other storage battery safety information in powered bicycle or powered mobility device businesses

Be it enacted by the Council as follows:

Section 1. Subchapter 2 of chapter 4 of title 20 of the administrative code of the city of New York is amended by adding a new section 20-610.1 to read as follows:

§ 20-610.1 Fire safety; posting of information. a. Definitions. For purposes of this section, the term "powered bicycle or powered mobility device business" means a business that sells, leases or rents powered bicycles or powered mobility devices, or batteries used by such bicycles and devices.

b. The commissioner shall, in coordination with the fire department, develop informational materials regarding lithium-ion and other storage battery safety to be posted by powered bicycle or powered mobility device businesses.

c. Powered bicycle or powered mobility device businesses shall conspicuously post such materials near the location where powered bicycles or powered mobility devices are offered for sale, lease or rent.

d. Powered bicycle or powered mobility device businesses operating an online retail platform shall conspicuously post a hyperlink to such materials from each webpage where powered bicycles or powered mobility devices are offered for sale, lease or rent.

e. The violation of any provision of this section shall be punishable by a civil penalty of up to $150 for a first violation, up to $250 for a second violation, and up to $350 for a third or subsequent violation. Each in which a violation continues constitutes a separate violation. Any authorized officer or employee of the department, or of the fire department, shall have the power to enforce this section or any rule promulgated pursuant to this section.

f. The commissioner, in collaboration with relevant agencies, shall conduct culturally appropriate outreach in designated citywide languages, as defined in section 23-1101, to alert powered bicycle or powered mobility device businesses to the requirements of this section.

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

JULIE MENIN, *Chairperson*; GALE A. BREWER, AMANDA FARIAS, SHEKAR KRISHNAN; 4-0-0; *Absent*: Shaun Abreu and Chi A. Ossé; *Maternity*: Julie Won; 4-0-0; Committee on Consumer and Worker Protection, February 28, 2024.

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. 21-A

Report of the Committee on Consumer and Worker Protection in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to increasing the penalties for illegal powered mobility device sales, leases, or rentals, requiring that online sales of such devices include certification of accredited testing, imposing record keeping requirements on any person who distributes, sells, leases, rents, or offers to sell, lease or rent, any such devices, and, providing that the fire department have concurrent enforcement authority for violations of this section.

The Committee on Consumer and Worker Protection, to which the annexed proposed amended local law was referred on February 8, 2024 (Minutes, page 278), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Consumer and Worker Protection for Int. No. 19-A printed above in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 21-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

RICHARD LEE, FINANCE DIRECTOR

FISCAL IMPACT STATEMENT

PROPOSED INTRO. NO: 21-A

COMMITTEE: Consumer and Worker Protection

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to increasing the penalties for illegal powered mobility device sales, leases or rentals, requiring that online sales of such devices include certification of accredited testing, imposing record keeping requirements of any person who distributes, sells, leases, rents or offers to sell, lease or rent, any such devices, and providing that the fire department have concurrent enforcement authority for violations of this section.

SPONSOR(S): Council Members Brewer, Rivera, Stevens, Gennaro, Hudson, Louis and Schulman.

SUMMARY OF LEGISLATION: This bill would authorize the Fire Department to have concurrent authority with the Department of Consumer and Worker Protection to enforce violations related to the prohibition of the sale, lease or rental of powered mobility devices and powered bicycles that fail to meet recognized safety standards.

This bill would require that online sales of such devices display the certification of the accredited testing laboratory. This bill would require maintaining records that each device sold, leased or rented is certified. This bill would also increase penalties for illegal device sales, leases or rentals, which would include sealing the premises where such illegal devices are sold, leased or rented when there are repeated violations.

EFFECTIVE DATE: This local law takes effect 180 s after becoming law.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal Year 2026

FISCAL IMPACT STATEMENT:

	Effective FY25	FY Succeeding Effective FY26	Full Fiscal Impact FY26
Revenues	$0	$0	$0
Expenditures	$0	$0	$0
Net	$0	$0	$0

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

IMPACT ON EXPENDITURES: It is estimated that there would be no impact on expenditures resulting from the enactment of this legislation, as the agency responsible for its implementation will utilize existing resources to fulfill the requirements of this legislation.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

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

ESTIMATE PREPARED BY: Glenn P. Martelloni, Financial Analyst

ESTIMATE REVIEWED BY: Jack Storey, Unit Head
Chima Obichere, Deputy Director
Jonathan Rosenberg, Managing Deputy Director
Kathleen Ahn, Counsel

LEGISLATIVE HISTORY: This legislation was first introduced to the Council on October 19, 2023, as Proposed Intro. No. 1220, and was referred to the Committee on Consumer and Worker Protection (the Committee). A hearing was held by the Committee on October 23, 2023, and the legislation was laid over. The legislation was filed due to the end of session. Subsequently, the legislation was heard by the Committee as a Pre-considered Introduction on January 31, 2024, reintroduced to the Council, and referred back to the Committee as Proposed Introduction No. 21 on February 8, 2024. The legislation has been amended and the final amended version, Proposed Intro. No. 21-A, will be considered by the Committee on February 28, 2024. Upon a successful vote by the Committee, Proposed Intro. No. 21-A will be submitted to the full Council for a vote on February 28, 2024.

DATE PREPARED: February 23, 2024.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 21-A:)

Int. No. 21-A

By Council Members Brewer, Rivera, Stevens, Gennaro, Hudson, Louis, Schulman, Won and Farías.

A Local Law to amend the administrative code of the city of New York, in relation to increasing the penalties for illegal powered mobility device sales, leases, or rentals, requiring that online sales of such devices include certification of accredited testing, imposing record keeping requirements on any person who distributes, sells, leases, rents, or offers to sell, lease or rent, any such devices, and, providing that the fire department have concurrent enforcement authority for violations of this section

Be it enacted by the Council as follows:

Section 1. Chapter 3 of the New York city fire code, set forth in chapter 2 of title 29 of the administrative code of the city of New York, is amended to add a new provision, FC 309.4, to read as follows:

309.4 Enforcement of certification requirements. The department is hereby authorized to enforce the provisions of section 20-610 of the administrative code, which, in part, prohibits the distribution, sale, lease, or rental of powered bicycles and powered mobility devices, as defined in that section, unless the storage batteries and electrical systems of such devices have been certified by an accredited testing laboratory, as defined in the rules of the Department of Consumer and Worker Protection.

§ 2. Section 20-610 of the administrative code of the city of New York, as added by local law number 39 of 2023, is amended to read as follows:

§ 20-610 Sale, lease, and rental of powered bicycles, powered mobility devices, and storage batteries for such devices.

a. No person shall distribute, sell, lease, rent or offer for sale, lease or rental a powered bicycle unless:

1. The electrical system for such bicycle has been certified by an accredited testing laboratory for compliance with Underwriters Laboratories (UL) standard 2849, or such other safety standard as the department has established by rule in consultation with the fire department; and

2. Such certification or the logo, wordmark, or name of such accredited testing laboratory is displayed: (i) on packaging or documentation provided at the time of sale for such powered bicycle; or (ii) directly on such powered bicycle or the battery of such bicycle.

b. No person shall distribute, sell, lease, rent, or offer for sale, lease, or rental, a powered mobility device unless:

1. The electrical system for such powered mobility device has been certified by an accredited testing laboratory for compliance with Underwriters Laboratories (UL) standard 2272, or such other safety standard as the department has established by rule in consultation with the fire department; and

2. Such certification or the logo, wordmark, or name of such accredited testing laboratory is displayed: (i) on packaging or documentation provided at the time of sale for such powered mobility device; or (ii) directly on such powered mobility device or the battery of such device.

c. No person shall distribute, sell, lease, rent or offer for sale, lease or rental a storage battery for a powered bicycle or powered mobility device unless:

1. Such storage battery has been certified by an accredited testing laboratory for compliance with Underwriters Laboratories (UL) standard 2271, or such other safety standard as the department has established by rule in consultation with the fire department; and

2. Such certification, or the logo, wordmark, or name of such accredited testing laboratory is displayed: (i) on packaging or documentation provided at the time of sale for such storage battery; or (ii) directly on such storage battery.

d. No powered bicycle or powered mobility device, or storage battery for a powered bicycle or powered mobility device, shall be required to display the certification or the logo, wordmark, or name of an accredited testing laboratory as required by subdivision a, b, or c of this section if such powered bicycle, powered mobility device, or storage battery: (i) is being sold or leased second-hand, or is being rented; and (ii) does not include packaging, or does not include printed documentation, at the time of distribution, sale, lease, rental or offer for sale, lease or rental, as applicable.

e. *No person shall distribute, sell, lease, rent or offer for sale, lease or rental a powered bicycle, powered mobility device, or storage battery for a powered bicycle or powered mobility device online unless the certification, or the logo, wordmark, or name of such accredited testing laboratory is displayed on the online product listing page.*

f. A person who violates [subdivision a, b, or c of] this section, or any rule promulgated thereunder, is liable for a civil penalty as follows:

1. For the first violation, a civil penalty of zero dollars; and

2. For each subsequent violation [issued for the same offense] *of subdivision a, b or c of this section issued* on a different within two years of the date of a first violation, a civil penalty of not more than [one] *two* thousand dollars[.]*; and*

3. For each subsequent violation of subdivision e or h of this section issued on a different within two years of the date of a first violation, a civil penalty of not more than five hundred dollars.

[f.] *g.* Each failure to comply with [subdivision a, b, or c of] this section with respect to any one stock keeping unit constitutes a separate violation.

h. Records. Any person who distributes, sells, leases, rents, or offers to sell, lease or rent a powered bicycle, powered mobility device, or storage battery for a powered bicycle or powered mobility device shall maintain proof of certification that each such bicycle, device, or battery complies with under this section. All records required by this subdivision or by the commissioner by rule shall be maintained for three years and shall be made available to the department or the fire department electronically upon request, consistent with applicable law and in accordance with rules promulgated hereunder and with appropriate notice.

i. The commissioner, or the fire commissioner, after providing notice and an opportunity to be heard, shall be authorized to order the sealing of any premises where any person has been found:

1. to have violated this section on at least three occasions within a three-year period; or

2. to have violated any rule promulgated pursuant to this section, on at least three occasions within a three-year period.

j. Any authorized officer or employee of the department, or of the fire department, shall have the power to enforce this section or any rule promulgated pursuant to this section.

§ 3. Prior to the effective date of this local law, the department of consumer and worker protection, in coordination with the fire department, shall make efforts to identify all powered bicycle and powered mobility device businesses currently operating and notify such businesses of requirements as established by this local law.

§ 4. This local law takes effect 180 s after becoming law, except that the fire commissioner and the commissioner of consumer and worker protection may take such actions, including the promulgation of rules, as are necessary for timely implementation of this local law, prior to the effective date of this local law.

JULIE MENIN, *Chairperson*; GALE A. BREWER, AMANDA FARIAS, SHEKAR KRISHNAN; 4-0-0; *Absent*: Shaun Abreu and Chi A. Ossé; *Maternity*: Julie Won; 4-0-0; Committee on Consumer and Worker Protection, February 28, 2024.

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. 49-A

Report of the Committee on Consumer and Worker Protection in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to vendor display and storage of goods, and to repeal sections 17-313 and 20-463 of such code, relating to bookkeeping requirements for vendors.

The Committee on Consumer and Worker Protection, to which the annexed proposed amended local law was referred on February 8, 2024 (Minutes, page 252), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Consumer and Worker Protection for Int. No. 19-A printed above in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 49-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
RICHARD LEE, FINANCE DIRECTOR
FISCAL IMPACT STATEMENT

PROPOSED INTRO. NO: 49-A

COMMITTEE: Consumer and Worker Protection

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to vendor display and storage of goods, and to repeal sections 17-313 and 20-463 of such code, relating to bookkeeping requirements for vendors.

SPONSOR(S): Council Members Menin, Stevens and Won.

SUMMARY OF LEGISLATION: This bill would allow mobile food vendors to display or store goods on top of their carts, and it would simplify the display requirements for general vendors. Additionally, this bill would remove bookkeeping requirements for general vendors and mobile food vendors.

EFFECTIVE DATE: This local law takes effect immediately after it becomes a law.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal Year 2025

FISCAL IMPACT STATEMENT:

	Effective FY24	FY Succeeding Effective FY25	Full Fiscal Impact FY25
Revenues	$0	$0	$0
Expenditures	$0	$0	$0
Net	$0	$0	$0

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

IMPACT ON EXPENDITURES: It is estimated that there would be no impact on expenditures resulting from the enactment of this legislation, as the agency responsible for its implementation will utilize existing resources to fulfill the requirements of this legislation.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

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

ESTIMATE PREPARED BY: Glenn P. Martelloni, Financial Analyst

ESTIMATE REVIEWED BY: Jack Storey, Unit Head
Chima Obichere, Deputy Director
Jonathan Rosenberg, Managing Deputy Director
Kathleen Ahn, Counsel

LEGISLATIVE HISTORY: This legislation was first introduced to the Council on May 25, 2023, as Proposed Intro. No. 1062, and was referred to the Committee on Consumer and Worker Protection (the Committee). A hearing was held by the Committee on December 13, 2023, and the legislation was laid over. The legislation was filed due to the end of session. Subsequently, the legislation was heard by the Committee as a Pre-considered Introduction on January 31, 2024 and reintroduced to the Council and referred back to the Committee as Proposed Introduction No. 49 on February 8, 2024. The legislation has been amended and the final amended version, Proposed Intro. No. 49-A, will be considered by the Committee on February 28, 2024. Upon a successful vote by the Committee, Proposed Intro. No. 49-A will be submitted to the full Council for a vote on February 28, 2024.

DATE PREPARED: February 23, 2024.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 49-A:)

Int. No. 49-A

By Council Members Menin, Stevens, Won, Rivera and Farías.

A Local Law to amend the administrative code of the city of New York, in relation to vendor display and storage of goods, and to repeal sections 17-313 and 20-463 of such code, relating to bookkeeping requirements for vendors

Be it enacted by the Council as follows:

Section 1. Subdivision c of section 17-315 of the administrative code of the city of New York, as amended by local law number 39 for the year 2006, is amended to read as follows:

c. All items relating to the operation of a food vending business shall be kept in, on, or under the vending vehicle or pushcart[, except that samples of the non-perishable items sold may be displayed on the vending vehicle or pushcart]. No items relating to the operation of a food vending business other than an adjoining acceptable waste container shall be placed upon any public space adjacent to the vending vehicle or pushcart, and no food shall be sold except from an authorized vehicle or pushcart.

§ 2. Subdivision n of section 20-465 of the administrative code of the city of New York, as added by local law number 112 for the year 1989, is amended to read as follows:

n. No general vendor shall vend using the surface of the sidewalk, or a blanket or board placed immediately on the sidewalk or on top of a trash receptacle or cardboard boxes to display merchandise. No general vendor display may exceed five feet in height from ground level[. The display may not be less than twenty-four inches

above the sidewalk where the display surface is parallel to the sidewalk, and may not be less than twelve inches above the sidewalk where the display surface is vertical. Where a rack or other display structure is placed on top of or above a table or other base, the size of the base shall not be less than the size of the display structure placed thereon. Nothing shall be placed on the base so as to exceed the size limitations contained in this section. No general vendor shall use any area other than that area immediately beneath the surface of the display space for the storage of items for sale], *provided that a general vendor may use an umbrella that exceeds such height*.

§ 3. Section 20-473 of the administrative code of the city of New York, as amended by chapter 11 of the laws of 2004, is amended to read as follows:

§ 20-473 Exemptions for general vendors who exclusively vend written matter. General vendors who exclusively vend written matter are exempt from the following provisions of this subchapter: sections 20-454, 20-455, 20-456, 20-457, 20-459, 20-461, 20-462[, 20-463] and 20-464; paragraph [one] *1* of subdivision g of section 20-465; subdivision j of section 20-465, except that nothing herein shall be construed to deprive the commissioner of the department of parks and recreation of the authority to regulate the vending of written matter in a manner consistent with the purpose of the parks and the declared legislative intent of this subchapter; section 20-465.1 and any rules promulgated thereunder, except that on any street where both general vending is prohibited pursuant to section 20-465.1 [of this subchapter] and any rules promulgated thereunder and food vending is prohibited pursuant to section 20-465.1 [of this subchapter] and any rules promulgated thereunder or pursuant to subdivision 1 of section 17-315 [of this code], general vendors who exclusively vend written matter shall not be permitted to vend with the use of any vehicle, pushcart or stand; sections 20-466 and 20-467; subdivisions c and d of section 20-468; sections 20-469 and 20-470; and subdivision a, and paragraph [one] 1 of subdivision c of section 20-472.

§ 4. Section 17-313 of the administrative code of the city of New York is REPEALED.

§ 5. Section 20-463 of the administrative code of the city of New York is REPEALED.

§ 6. This local law takes effect immediately.

JULIE MENIN, *Chairperson*; GALE A. BREWER, AMANDA FARIAS, SHEKAR KRISHNAN; 4-0-0; *Absent*: Shaun Abreu and Chi A. Ossé; *Maternity*: Julie Won; 4-0-0; Committee on Consumer and Worker Protection, February 28, 2024.

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. 50-A

Report of the Committee on Consumer and Worker Protection in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to the requirement of food vendors to obtain a certificate of authority to collect sales tax, to repeal sections 17-310 and 20-457 of such code, relating to tax clearance and minimum tax payments for the renewal of mobile food licenses and permits and general vending licenses, and to make other technical corrections.

The Committee on Consumer and Worker Protection, to which the annexed proposed amended local law was referred on February 8, 2024 (Minutes, page 253), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Consumer and Worker Protection for Int. No. 19-A printed above in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 50-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

RICHARD LEE, FINANCE DIRECTOR

FISCAL IMPACT STATEMENT

PROPOSED INTRO. NO: 50-A

COMMITTEE: Consumer and Worker Protection

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to the requirement of food vendors to obtain a certificate of authority to collect sales tax, to repeal sections 17-310 and 20-457 of such code, relating to tax clearance and minimum tax payments for the renewal of mobile food licenses and permits and general vending licenses, and to make other technical corrections.

SPONSOR(S): By Council Members Menin, Stevens, Brewer, Hudson, Won, Bottcher and Schulman.

SUMMARY OF LEGISLATION: The bill would eliminate the requirement that individual employees of mobile food vending carts or trucks each have a New York State Certificate of Sales Tax Authority. This bill would also eliminate the requirement that mobile food vendors and general vendors obtain a tax clearance certificate upon renewal of a license or permit.

EFFECTIVE DATE: This local law takes effect immediately after it becomes a law.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal Year 2025

FISCAL IMPACT STATEMENT:

	Effective FY24	FY Succeeding Effective FY25	Full Fiscal Impact FY25
Revenues	$0	$0	$0
Expenditures	$0	$0	$0
Net	$0	$0	$0

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

IMPACT ON EXPENDITURES: It is estimated that there would be no impact on expenditures resulting from the enactment of this legislation, as the agency responsible for its implementation will utilize existing resources to fulfill the requirements of this legislation.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

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

ESTIMATE PREPARED BY: Glenn P. Martelloni, Financial Analyst

ESTIMATE REVIEWED BY: Jack Storey, Unit Head
Chima Obichere, Deputy Director
Jonathan Rosenberg, Managing Deputy Director
Kathleen Ahn, Counsel

LEGISLATIVE HISTORY: This legislation was first introduced to the Council on September 14, 2023, as Proposed Intro. No. 1188, and was referred to the Committee on Consumer and Worker Protection (the Committee). A hearing was held by the Committee on December 13, 2023, and the legislation was laid over. The legislation was filed due to the end of session. Subsequently, the legislation was heard by the Committee as a Pre-considered Introduction on January 31, 2024, reintroduced to the Council, and referred back to the Committee as Proposed Introduction No. 50 on February 8, 2024. The legislation has been amended and the final amended version, Proposed Intro. No. 50-A, will be considered by the Committee on February 28, 2024. Upon a successful vote by the Committee, Proposed Intro. No. 50-A will be submitted to the full Council for a vote on February 28, 2024.

DATE PREPARED: February 23, 2024.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 50-A:)

Int. No. 50-A

By Council Members Menin, Stevens, Brewer, Hudson, Won, Bottcher, Schulman, Rivera and Farías.

A Local Law to amend the administrative code of the city of New York, in relation to the requirement of food vendors to obtain a certificate of authority to collect sales tax, to repeal sections 17-310 and 20-457 of such code, relating to tax clearance and minimum tax payments for the renewal of mobile food licenses and permits and general vending licenses, and to make other technical corrections

Be it enacted by the Council as follows:

Section 1. Paragraph 4 of subdivision b of section 17-309 of the administrative code of the city of New York is amended to read as follows:

4. [Proof] *Where the application is for a permit, proof* that the applicant has obtained a certificate of authority to collect sales taxes pursuant to section eleven hundred thirty-four of the tax law [and has a tax clearance certificate from the state tax commission of the state of] *from the* New York *state department of taxation and finance*.

§ 2. Section 17-310 of the administrative code of the city of New York is REPEALED.

§ 3. Paragraph 4 of subdivision b of section 17-317 of the administrative code of the city of New York, as added by local law number 15 for the year 1995, is amended to read as follows:

4. [with respect to renewal of a food vendor license, a licensee is not in compliance with the rules promulgated by the commissioner of finance pursuant to subdivision b of section 17-310 of this subchapter] *Reserved*.

§ 4. Paragraph 4 of subdivision b of section 20-455 of the administrative code of the city of New York is amended to read as follows:

4. Proof that the applicant has complied with all applicable laws, including compliance with section eleven hundred thirty-four of the tax law by obtaining from the [state tax commission of the state of] New York *state department of taxation and finance* a certificate of authority designating the applicant's sales tax identification number [and a tax clearance certificate].

§ 5. Section 20-457 of the administrative code of the city of New York is REPEALED.

§ 6. Paragraph 5 of subdivision c of section 20-474.1 of the administrative code of the city of New York, as added by local law number 113 for the year 1989, is amended to read as follows:

5. Proof that the applicant has obtained from the [state tax commission of the state of] New York *state department of taxation and finance* a certificate of authority designating the applicant's sales tax identification number;

§ 7. This local law takes effect immediately.

JULIE MENIN, *Chairperson*; GALE A. BREWER, AMANDA FARIAS, SHEKAR KRISHNAN; 4-0-0; *Absent*: Shaun Abreu and Chi A. Ossé; *Maternity*: Julie Won; 4-0-0; Committee on Consumer and Worker Protection, February 28, 2024.

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. 51-A

Report of the Committee on Consumer and Worker Protection in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to prohibiting vending in bicycle lanes.

The Committee on Consumer and Worker Protection, to which the annexed proposed amended local law was referred on February 8, 2024 (Minutes, page 253), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Consumer and Worker Protection for Int. No. 19-A printed above in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 51-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
RICHARD LEE, FINANCE DIRECTOR
FISCAL IMPACT STATEMENT

PROPOSED INTRO. NO: 51-A

COMMITTEE: Consumer and Worker Protection

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to prohibiting vending in bicycle lanes.

SPONSOR(S): Council Members Menin, Brooks-Power, Stevens, Hudson, Louis and Schulman.

SUMMARY OF LEGISLATION: This bill would prohibit general vendors and mobile food vendors from vending in bicycle lanes, and it would prohibit vendor-related activity from occupying bicycle lanes.

EFFECTIVE DATE: This local law takes effect 30 days after it becomes law.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal Year 2025

FISCAL IMPACT STATEMENT:

	Effective FY24	FY Succeeding Effective FY25	Full Fiscal Impact FY25
Revenues	$0	$0	$0
Expenditures	$0	$0	$0
Net	$0	$0	$0

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

IMPACT ON EXPENDITURES: It is estimated that there would be no impact on expenditures resulting from the enactment of this legislation, as the agency responsible for its implementation will utilize existing resources to fulfill the requirements of this legislation.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

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

ESTIMATE PREPARED BY: Glenn P. Martelloni, Financial Analyst

ESTIMATE REVIEWED BY: Jack Storey, Unit Head
Chima Obichere, Deputy Director
Jonathan Rosenberg, Managing Deputy Director
Kathleen Ahn, Counsel

LEGISLATIVE HISTORY: This legislation was first introduced to the Council on May 25, 2023, as Proposed Intro. No. 1060, and was referred to the Committee on Consumer and Worker Protection (the Committee). A hearing was held by the Committee on December 13, 2023, and the legislation was laid over. The legislation was filed due to the end of session. Subsequently, the legislation was heard by the Committee as a Pre-considered Introduction on January 31, 2024, reintroduced to the Council, and referred back to the Committee as Proposed Introduction No. 51 on February 8, 2024. The legislation has been amended and the final amended version, Proposed Intro. No. 51-A, will be considered by the Committee on February 28, 2024. Upon a successful vote by the Committee, Proposed Intro. No. 51-A will be submitted to the full Council for a vote on February 28, 2024.

DATE PREPARED: February 23, 2024.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 51-A:)

Int. No. 51-A

By Council Members Menin, Brooks-Powers, Stevens, Hudson, Louis, Schulman, Won, Rivera, Farías and Dinowitz.

A Local Law to amend the administrative code of the city of New York, in relation to prohibiting vending in bicycle lanes

Be it enacted by the Council as follows:

Section 1. Section 17-315 of the administrative code of the city of New York is amended by adding a new subdivision g to read as follows:

g. No vending vehicle or pushcart or any other item related to the operation of a food vending business shall be placed within a bicycle lane. For purposes of this section, the term "bicycle lane" means a portion of the roadway that has been marked off or separated for the preferential or exclusive use of bicycles.

§ 2. Section 20-465 of the administrative code of the city of New York is amended by adding a new subdivision h to read as follows:

h. No vending vehicle, pushcart, stand, goods or any other item related to the operation of a vending business shall be placed within a bicycle lane. For purposes of this section, the term "bicycle lane" means a portion of the roadway that has been marked off or separated for the preferential or exclusive use of bicycles.

§ 3. This local law takes effect 30 s after it becomes law.

JULIE MENIN, *Chairperson*; GALE A. BREWER, AMANDA FARIAS, SHEKAR KRISHNAN; 4-0-0; *Absent*: Shaun Abreu and Chi A. Ossé; *Maternity*: Julie Won; 4-0-0; Committee on Consumer and Worker Protection, February 28, 2024.

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 M-26

Report of the Committee on Finance in favor of approving a Communication from the Office of Management & Budget regarding an Appropriation of new City revenues in Fiscal Year 2024, pursuant to Section 107(e) of the New York City Charter (MN-4).

The Committee on Finance, to which the annexed communication was referred on February 28, 2024 and which same communication was coupled with the resolution shown below, respectfully

REPORTS:

Introduction. At the meeting of the Committee on Finance of the City Council on February 28, 2024, the Council considered a communication from the Office of Management and Budget of the Mayor, dated February 1, 2024, of a proposed request to modify, pursuant to Section 107(e) of the Charter of the City of New York, the Fiscal 2024 Expense Budget Plan, and the revenue estimate related thereto prepared by the Mayor as of February 1, 2024.

Analysis. The Council annually adopts the City's budget covering expenditures pursuant to Section 254 of the Charter. On June 30, 2023, the Council adopted the expense budget for fiscal year 2024 (the "Fiscal 2024 Expense Budget"). On December 7, 2023, the administration submitted MN-1, modifying the Fiscal 2024 Expense Budget, and a revenue estimate MN-2, related to the Fiscal 2024 Expense Budget. On January 29, 2024 the administration withdrew such MN-2. On February 1, 2024, the administration submitted to the Council MN-3, modifying the Fiscal 2024 Expense Budget, and a revenue estimate MN-4, related to the Fiscal 2024 Expense Budget.

Circumstances have changed since the Council last adopted the Fiscal 2024 Expense Budget.

Section 107(e) provides one mechanism for the Mayor and the Council to amend the Expense Budget and related revenue estimate to reflect changes in circumstances that occur after adoption of a budget. Section 107(e) permits the modification of the budget in order to create new units of appropriation, to appropriate new revenues from any source other than categorical federal, state and private funding, or to use previously unappropriated funds received from any source.

Discussion of Above-captioned Resolution. The above-captioned resolution would authorize the modifications to the Fiscal 2024 Expense Budget and related revenue estimate requested in the communication.

The Revenue Modification (MN-4) recognizes $2.44 billion in new revenues, including $1.89 billion in tax revenue, $533.29 million in miscellaneous revenue, and $17 million in unrestricted categorical aid. This represents an increase in City funds of approximately 3.17 percent.

The tax revenue increase of $1.89 billion includes $1,063 million in general corporation, $1,058 million in personal income plus pass through entity, $154 million in sales, $122 million in real estate and $73 million in unincorporated.

Partially offsetting the increase in tax revenues are a subtraction of $341 million in mortgage recording and $287 million in real property transfer.

The miscellaneous revenues increase of $533.29 million includes $203.03 million water and sewage charges, $197.19 million in interest income and $86.47 million in fines and forfeitures.

MN-4 appropriates the new revenues into thirteen units of appropriation within ten agencies

The resolution would also direct the City Clerk to forward a certified copy thereof to the Mayor and the Comptroller so that the Mayor, the Comptroller and the City Clerk may certify the Fiscal 2024 Expense Budget as amended thereby as the budget for the remainder of the fiscal year. The above-captioned resolution would take effect as of the date adopted.

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

TO: Honorable Adrienne E. Adams
Speaker
Honorable Justin Brannan
Chair, Finance Committee

FROM: Tanisha S. Edwards, Esq.,
Chief Financial Officer and Deputy Chief of Staff to the Speaker
Richard Lee, Director, Finance Division
Jonathan Rosenberg, Managing Director, Finance Division
Emre Edev, Deputy Director, Finance Division
Dilara Dimnaku, Chief Economist, Finance Division
Paul Sturm, Supervising Economist, Finance Division
Kathleen Ahn, Counsel
Michael Twomey, Assistant Counsel

DATE: February 28, 2024

SUBJECT: A Budget Modification (MN-4) for Fiscal 2024 that will appropriate $2.44 billion in new revenues.

INITIATION: By letter dated February 1, 2024, the Director of the Office of Management and Budget submitted to the Council, pursuant to section 107(e) of the New York City Charter, a request to appropriate $2.44 billion in new revenues.

BACKGROUND: This modification (MN-4) seeks to recognize $2.44 billion in new revenues, implementing the combined changes reflected in the November 2023 Financial Plan and the January 2024 Financial Plan. These funds will add $2.44 billion to thirteen units of appropriation within ten agencies.

FISCAL IMPACT: This modification represents a net increase in the Fiscal 2024 budget of $2.44 billion.

Accordingly, this Committee recommends its adoption.

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

Preconsidered Res. No. 199

RESOLUTION APPROVING A MODIFICATION (MN-4) PURSUANT TO SECTION 107(e) OF THE CHARTER OF THE CITY OF NEW YORK.

By Council Member Brannan.

Whereas, At a meeting of the Committee on Finance of the City Council of the City of New York (the "City Council") on February 28, 2024, the Committee on Finance considered a communication, dated February 1, 2024, from the Office of Management and Budget of the Mayor of the City of New York (the "Mayor"), of a proposed request to recognize a net increase in revenue pursuant to Section 107(e) of the Charter of the City of New York (the "Charter"), attached hereto as Exhibit A (the "Request to Appropriate"); and

Whereas, Section 107(e) of the Charter requires the City Council and the Mayor to follow the procedures and required approvals pursuant to Sections 254, 255, and 256 of the Charter, without regard to the dates specified therein, in the case of the proposed appropriation of any new revenues and the creation of new units of appropriation; and

Whereas, Section 107(e) of the Charter requires that any request by the Mayor respecting an amendment of the budget that involves an increase in the budget shall be accompanied by a statement of the source of current revenues or other identifiable and currently available funds required for the payment of such additional amounts, attached hereto as Exhibit B (together with the Request to Appropriate, the "Revenue Modification");

NOW, THEREFORE, The Council of the City of New York hereby resolves as follows:

1. Approval of Modification. The City Council hereby approves the Revenue Modification pursuant to Section 107(e) of the Charter.

2. Further Actions. The City Council directs the City Clerk to forward a certified copy of this resolution to the Mayor and the Comptroller as soon as practicable so that the Mayor, the Comptroller and the City Clerk may certify the Fiscal 2024 Expense Budget as amended by this resolution as the budget for the remainder of the fiscal year.

3. Effective Date. This resolution shall take effect as of the date hereof.

(For text of the MN-4 numbers and related Exhibits, please see the New York City Council website at https://council.nyc.gov/ for the respective attachments section of the M-26 & Res. No. 199 of 2024 files)

JUSTIN BRANNAN, *Chairperson*; DIANA I. AYALA, FRANCISCO P. MOYA, FARAH N. LOUIS, GALE A. BREWER, AMANDA C. FARIAS, KAMILLAH M. HANKS, CRYSTAL HUDSON, PIERINA A. SANCHEZ, NANTASHA M. WILLIAMS, DAVID M. CARR; 11-0-0; *Absent*: Selvena N. Brooks-Powers; Chi A. Ossé, Keith Powers, Yusef Salaam, and Althea Stevens; *Maternity*: Julie Won; Committee on Finance, February 28, 2024.

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. 19

Report of the Committee on Finance in favor of a Resolution approving 2257 Grand Ave: Block 3208, Lot 46, Bronx, Community District 5, Council District 14.

The Committee on Finance, to which the annexed preconsidered Land Use item was referred on February 28, 2024 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:)

THE COUNCIL OF THE CITY OF NEW YORK

February 28, 2024

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

FROM: Michael Twomey, Assistant Counsel, Finance Division
Kathleen Ahn, Counsel, Finance Division

RE: Finance Committee Agenda of February 28, 2024 – Resolution approving a tax exemption for two Land Use items (Council Districts 14, 7)

Item #1: 2257 Grand Avenue
2257 Grand Avenue, located in the University Heights neighborhood of the Bronx, is a proposed new construction project of seven stories and will include 28 residential units with basic residential amenities. Unit mix will be 14 studios, 12 one-bedrooms, and 2 two-bedrooms. All of the rents will be affordable to households with incomes between 30% and 70% of area median income (AMI). Up to 8 units will be set aside for extremely low income and/or formerly homeless tenants referred by DHS and other City agencies, who will pay up to 30% of their income as rent. All units will be subject to rent stabilization. The project will also feature 4,920 SF of community facility space ("CFS"), which will be exempted from real property taxes.

Summary:

- Borough – Bronx
- Block 3208, Lot 46
- Council District – 14
- Council Member – Sanchez
- Council Member approval –Yes
- Number of buildings – 1
- Number of units – 28 residential
- Type of exemption – Article XI, full, 40-year
- Population – Rental
- Sponsors – 2257 Grand Development LLC
- Purpose – new construction
- Cost to the city – $2.25 million projected (net present value)
- Housing Code Violations

- Class A – n/a
- Class B – n/a
- Class C – n/a

Anticipated AMI Targets: 8 units at 30%, 3 units at 40%, 9 units at 60%, 8 units at 70%

Item #2: Red Oak amendment
On September 15, 2023, the Council approved Resolution No. 798, which authorized a partial Article V exemption in Council District 7. The amendment would correct a definition in relation to the payment of real property taxes during the retroactive period to affirm the Sponsor will pay the intended amount.

(For text of the coupled resolution for L.U. No. 20, please see the Report of the Committee on Finance for L.U. No. 20 printed in these Minutes; for the coupled resolution for L.U. No. 19, please see below:)

Accordingly, this Committee recommends the adoption of L.U. Nos. 19 and 20.

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

Preconsidered Res. No. 200

Resolution approving an exemption from real property taxes for property located at (Block 3208, Lot 46), Bronx, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 19).

By Council Member Brannan.

WHEREAS, The New York City Department of Housing Preservation and Development ("HPD") submitted to the Council its request dated February 6, 2024 that the Council take the following action regarding a housing project located at (Block 3208, Lot 46), Bronx ("Exemption Area"):

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

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

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

RESOLVED:

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 2257 Grand Avenue 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) 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 the Bronx, City and State of New York, identified as Block 3208, Lot 46 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 2257 Grand Housing Development Fund Corporation or a housing development fund company that acquires 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 BRANNAN, *Chairperson*; DIANA I. AYALA, FRANCISCO P. MOYA, FARAH N. LOUIS, GALE A. BREWER, AMANDA C. FARIAS, KAMILLAH M. HANKS, CRYSTAL HUDSON, PIERINA A. SANCHEZ, NANTASHA M. WILLIAMS, DAVID M. CARR; 11-0-0; *Absent*: Selvena N. Brooks-Powers; Chi A. Ossé, Keith Powers, Yusef Salaam, and Althea Stevens; *Maternity*: Julie Won; Committee on Finance, February 28, 2024.

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. 20

Report of the Committee on Finance in favor of a Resolution approving Red Oak: Block 1861, Lot 10, Manhattan, Community District 7, Council District 7.

The Committee on Finance, to which the annexed preconsidered Land Use item was referred on February 28, 2024 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 Finance for L.U. No. 19 printed above in these Minutes)

Accordingly, this Committee recommends its adoption.

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

Preconsidered Res. No. 201

Resolution approving an amendment to a previously approved real property tax exemption pursuant to Section 125(1)(a) of the Private Housing Finance Law for property located at (Block 1861, Lot 10), Manhattan (Preconsidered L.U. No. 20).

By Council Member Brannan.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council its request dated February 9, 2024 that the Council amend a previously approved tax exemption for real property located at (Block 1861, Lot 10), Manhattan ("Exemption Area") pursuant to Section 125(1)(a) of the Private Housing Finance Law;

WHEREAS, the HPD's request for amendments is related to a previously approved Council Resolution adopted on September 15, 2023 (Res. No. 798) (the "Prior Resolution"), granting the Exemption Area a real property tax exemption pursuant to Section 125(1)(a) of the Private Housing Finance Law;

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

RESOLVED:

The Council approves the amendments to the Prior Resolution requested by HPD for the Exemption Area pursuant to Section 125(1)(a) of the Private Housing Finance Law as follows:

Paragraph 3 of the Prior Resolution is deleted in its entirety and replaced with the following:

3. Commencing upon the Effective Date and during each year thereafter until the Expiration Date, the Owner shall make, to the extent not already made, for real property tax payments in the sum of (i) $398,632 for the period beginning on the Effective Date and ending on June 30, 2022, (ii) $1,399,044 for the period beginning on July 1, 2022, and ending on June 30, 2023, and (iii) the Contract Rent Differential Tax for each year thereafter until the Expiration Date.

Except as specifically amended above, all other terms, conditions, provisions and requirements of the Prior Resolution remain in full force and effect.

JUSTIN BRANNAN, *Chairperson*; DIANA I. AYALA, FRANCISCO P. MOYA, FARAH N. LOUIS, GALE A. BREWER, AMANDA C. FARIAS, KAMILLAH M. HANKS, CRYSTAL HUDSON, PIERINA A. SANCHEZ, NANTASHA M. WILLIAMS, DAVID M. CARR; 11-0-0; *Absent*: Selvena N. Brooks-Powers; Chi A. Ossé, Keith Powers, Yusef Salaam, and Althea Stevens; *Maternity*: Julie Won; Committee on Finance, February 28, 2024.

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. 11

Report of the Committee on Land Use in favor of approving, as modified, Application number N 230288 ZRK (230 Kent Avenue Rezoning) submitted by Kent Riverview, 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 provisions of Article XII, Chapter 3 (Special Mixed Use District) and APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of Brooklyn, Community District 1, Council District 33.

The Committee on Land Use, to which the annexed Land Use item was referred on January 18, 2024 (Minutes, page 46), respectfully

REPORTS:

SUBJECT

BROOKLYN CB-1 – TWO APPLICATIONS RELATED TO 230 KENT AVENUE

N 230288 ZRK (L.U. No. 11)

City Planning Commission decision approving an application submitted by Kent Riverview, 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 provisions of Article XII, Chapter 3 (Special Mixed Use District) and APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area.

C 230289 ZMK (L.U. No. 12)

City Planning Commission decision approving an application submitted by Kent Riverview LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 12c:

1. changing from an M1-4 District to an M1-4/R7X District property bounded by Metropolitan Avenue, Kent Avenue, North 1st Street, and River Street; and

2. establishing a Special Mixed-Use District bounded by Metropolitan Avenue, Kent Avenue, North 1st Street, and River Street;

as shown on a diagram (for illustrative purposes only) dated August 21, 2023, and subject to the conditions of CEQR Declaration E-723.

INTENT

To approve with modifications the rezoning of the project area from an M1-4 zoning district to an M1-4/R7X (MX-8) zoning district and zoning text amendment to designate the project area as a Mandatory Inclusionary Housing (MIH) area utilizing Option 1 to facilitate the development of an eight-story, 32,847-square-foot mixed-use building containing 40 dwelling units, approximately 12 of which would be permanently income-restricted, as well as 3,000 square feet of commercial ground-floor area at 230 Kent Avenue in the Williamsburg neighborhood of Community District 1, Brooklyn. The modifications consist of removing MIH Option 2 and removing the utility site, owned by ConEdison, from the rezoning.

PUBLIC HEARING

DATE: January 23, 2024

Witnesses in Favor: One **Witnesses Against:** None

SUBCOMMITTEE RECOMMENDATION

DATE: February 26, 2024

The Subcommittee recommends that the Land Use Committee approve with modifications the decisions of the City Planning Commission on L.U. Nos. 11 and 12.

In Favor:	**Against:**	**Abstain:**
Riley Moya Abreu Hanks Schulman Salaam	None	None

COMMITTEE ACTION

DATE: February 27, 2024

The Committee recommends that the Council approve the attached resolutions.

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

Editor's Note:
In Favor: Salamanca, Rivera, Riley, Brooks-Powers, Abreu, Farías, Hanks, Sanchez and Borelli;
Conflict: Hudson;
Medical: Moya.

Accordingly, this Committee recommends its adoption, as modified.

RAFAEL SALAMANCA, Jr., *Chairperson*; CARLINA RIVERA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, SHAUN ABREU, AMANDA C. FARÍAS, KAMILLAH M. HANKS, PIERINA A. SANCHEZ, JOSEPH C. BORELLI; 9-0-0; *Conflict:* Crystal Hudson; *Medical*: Francisco P. Moya; Committee on Land Use, February 27, 2024.

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

Report for L.U. No. 12

Report of the Committee on Land Use in favor of approving, as modified, Application number C 230289 ZMK (230 Kent Avenue Rezoning) submitted by Kent Riverview, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 12c, changing from an M1-4 District to an M1-4/R7X District and establishing a Special Mixed Use District, Borough of Brooklyn, Community District 1, Council District 33.

The Committee on Land Use, to which the annexed Land Use item was referred on January 18, 2024 (Minutes, page 78), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Land Use for L.U. No. 11 printed above in these Minutes)

Accordingly, this Committee recommends its adoption, as modified.

RAFAEL SALAMANCA, Jr., *Chairperson*; CARLINA RIVERA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, SHAUN ABREU, AMANDA C. FARÍAS, KAMILLAH M. HANKS, PIERINA A. SANCHEZ, JOSEPH C. BORELLI; 9-0-0; *Conflict:* Crystal Hudson; *Medical*: Francisco P. Moya; Committee on Land Use, February 27, 2024.

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

GENERAL ORDERS CALENDAR

Resolution approving various persons Commissioners of Deeds

By the Presiding Officer –

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

Approved New Applicants

Name	*Address*	*District #*
NICOLE STERN	536 E.158th Street, Apt. 64 New York, New York 10032	10
AMANDA REED	1595 E.174th Street, Apt. 5A Bronx, New York 10472	17
ELIZABETH MUNOZ	1158 Boynton Ave, Apt. 3A Bronx, New York 10472	18
ASHLEY URENA	102-32 43rd Avenue Queens, New York 11368	21
TANISHA ROMERO	35-05 102nd Street Queens, New York 11368	21
PETER MRAKOVCIC	224-02B 67th Ave., Apt. B Queens, New York 11364	23
MARLIN SIERRA	30-45 75TH Street, Apt. 2 Queens, New York 11370	25
GEOVANNA CHELSEA GOMEZ	131-05 135th Street, Apt. 1 Queens, New York 11420	28
KATHERINE SOSA	112-05 93rd Avenue, Apt. 2 Queens, New York 11418	29
NEO YANG	76-12 Grand Central Parkway Queens, New York 11375	29
SABRINA TAVOYA SMITH	1145 E.35th Street, Apt. 1E Brooklyn, New York 11229	48

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

(1)	**M-26 & Res. No. 199 -**	Appropriation of new City revenues in Fiscal Year 2024, pursuant to Section 107(e) of the New York City Charter **(MN-4).**
(2)	**Int. No. 19-A -**	Posting of lithium-ion or other storage battery safety information in powered bicycle or powered mobility device businesses.
(3)	**Int. No. 21-A -**	Increasing the penalties for illegal powered mobility device sales, leases, or rentals, requiring that online sales of such devices include certification of accredited testing, imposing record keeping requirements on any person who distributes, sells, leases, rents, or offers to sell, lease or rent, any such devices.
(4)	**Int. No. 49-A -**	Vendor display and storage of goods, and to repeal sections 17-313 and 20-463 of such code, relating to bookkeeping requirements for vendors.
(5)	**Int. No. 50-A -**	Food vendors to obtain a certificate of authority to collect sales tax.
(6)	**Int. No. 51-A -**	Prohibiting vending in bicycle lanes
(7)	**Preconsidered L.U. No. 19 & Res. No. 200 -**	2257 Grand Ave: Block 3208, Lot 46, Bronx, Community District 5, Council District 14.
(8)	**Preconsidered L.U. No. 20 & Res. No. 201 -**	Red Oak: Block 1861, Lot 10, Manhattan, Community District 7, Council District 7.

(9) Resolution approving various persons Commissioners of Deeds.

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

Affirmative – Ariola, Avilés, Ayala, Banks**,** Bottcher, Brannan, Brewer, Cabán, Carr, De La Rosa, Dinowitz, Feliz, Gennaro, Gutiérrez, Hanif, Holden, Hudson, Joseph, Krishnan, Lee, Louis, Marmorato, Marte, Menin, Moya, Narcisse, Nurse, Ossé, Paladino, Powers, Restler, Rivera, Salaam, Salamanca, Sanchez, Schulman, Stevens, Ung, Vernikov, Williams, Yeger, Zhuang, the Minority Leader (Council Member Borelli), the Majority Leader (Council Member Farías) and the Speaker (Council Member Adams) - **45**.

The General Order vote recorded for this Stated Meeting was 45-0-0 as shown.

The following Introductions were sent to the Mayor for his consideration and approval:
Int. Nos. 19-A, 21-A, 49-A, 50-A, and 51-A.

INTRODUCTION AND READING OF BILLS

Int. No. 103

By Council Members Ariola and Yeger.

A Local Law to amend the administrative code of the city of New York, in relation to notification of the removal of parking spaces

Be it enacted by the Council as follows:

Section 1. Section 19-175.2 of the administrative code of the city of New York, as added by local law number 78 for the year 2009, is amended to read as follows:

§ 19-175.2. Notification of changes in parking restrictions *or removal of parking spaces*. a. Following any permanent change in parking restrictions posted by the department, the department shall post notice, in the affected areas, indicating the effective date of such change. An owner of a motor vehicle parked in the affected areas who receives a notice of a parking violation that occurred within five days of posting of the notice of the parking restriction change shall have an affirmative defense that the vehicle of the owner was parked in compliance with the applicable parking restriction that was in effect prior to such change. Within one business day of making a permanent change in parking restrictions, such change will be reflected on the website containing parking restrictions as required by section 19-175.1 of the code.

b. At least 15 days before removing a parking space, the department shall notify the community board and council member representing the geographic area in which the relevant parking space is located via email. Such notice shall, at a minimum, state the effective date of removal, the location of the parking space to be removed, whether the removal is temporary or permanent, and, if temporary, the length of time of the removal.

[b.] *c.* Before the department makes temporary parking restriction changes to conduct road repairs, it shall post notice of the effective date of such restrictions as soon as practicable. Such notice shall state that no notice of violations shall be issued for violations of such temporary parking restrictions and that if an owner's motor vehicle is missing from the affected streets, the motor vehicle may have been towed and the motor vehicle owner should contact the local police precinct for information about the location of such motor vehicle.

[c.] *d.* Following the issuance by the office of the mayor of a permit that authorizes filming and/or related activity and that provides special parking privileges or the temporary suspension of parking restrictions, the party to whom the permit is issued shall post notice of such parking restriction changes immediately in the affected areas. Such notice shall, at a minimum, state the temporary change in the parking restrictions, the date on which such change will take effect, that no notice of violations shall be issued for violations of the temporary parking restrictions and that if an owner's motor vehicle is missing from the affected streets, the motor vehicle may have been towed and the motor vehicle owner should contact the local police precinct for information about the location of such motor vehicle.

[d.] *e.* Following the issuance by the office of the mayor of a permit that authorizes a sponsor to conduct a street fair or parade and that provides special parking privileges or the temporary suspension of parking restrictions, the sponsor shall post notice of such parking restriction changes on a form provided by the office of the mayor, in the affected areas, at least seven days prior to the date on which such change will take effect. Such notice shall, at a minimum, state the temporary change in the parking restrictions and the date the change will take effect.

[e.] *f.* Nothing in this section shall be construed to require the department or any applicable city agency to provide notice of temporary parking restriction changes *or notice of the temporary removal of parking spaces* when *either action is* required to preserve public safety.

§ 2. This local law takes effect 120 days after becoming law.

Referred to the Committee on Transportation and Infrastructure.

Int. No. 104

By Council Members Ariola and Yeger.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of transportation to consult with the fire department prior to approving open street applications and certain bicycle lane projects and to notify affected firehouses prior to approving open street applications, bicycle lane projects, and major transportation projects.

Be it enacted by the Council as follows:

Section 1. Subdivision j of section 19-107.1 of the administrative code of New York, as added by local law number 55 for the year 2021, is amended to read as follows:

j. Prior to the designation of an open street, the department shall *consult with the fire department and* provide notice to affected council members, community boards [and], community organizations, *and firehouses whose response area includes the proposed open street. The department shall include in such notice a certification of its consultation with the fire department.*

§ 2. Subdivision a of section 19-187 of the administrative code of New York is amended by adding a new paragraph 3 to read as follows:

3. "Affected firehouse(s)" means the firehouse(s) in whose response area a proposed bicycle lane is to be constructed or removed, in whole or in part.

§ 3. Paragraph 1 of subdivision b of section 19-187 of the administrative code of New York, as added by local law 61 for the year 2011, is amended to read as follows:

1. Except as provided below, at least ninety days before the construction or the removal of a bicycle lane is to begin, the department shall notify each affected council member, *firehouse,* and community board via electronic mail of the proposed plans for the bicycle lane within the affected community district and shall offer to make a presentation at a public hearing held by such affected community board.

§ 4. Section 19-187 of the administrative code of New York is amended by adding a new subdivision e to read as follows:

e. The department shall consult with the fire department prior to construction or removal of any bicycle lane that would result in either the removal of a vehicular lane or full time removal of a parking lane. The department shall include a certification of such consultation in the notice required by paragraph 1 of subdivision b of this section. This subdivision does not apply to any construction or removal of a bicycle lane defined as a major transportation project under paragraph 2 of subdivision a of section 19-101.2.

§ 5. Section 19-101.2 of the administrative code of New York, as amended by chapter 790 of the laws of 2022 and chapter 98 of the laws of 2023, is amended to read as follows:

a. For the purposes of this section, the following terms shall be defined as follows:

1. "Affected council member(s), senator(s), member(s) of assembly and community board(s)" shall mean the council member(s), senator(s), member(s) of assembly 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).

3. "Affected firehouse(s)" means the firehouse(s) in whose response area a proposed major transportation project is to be located, in whole or in part.

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), senator(s), member(s) of assembly, *firehouse(s),* and community board(s) by electronic mail.

d. Within ten business days after receipt of such notice: (i) the affected council member(s), senator(s) [and], member(s) of assembly, *and firehouse(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 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.

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), senator(s) [and], member(s) of assembly, *and firehouse(s)*.

f. The department shall consider recommendations and/or comments, if any, made under the provisions of subdivision d of this section and/or within seven days of the presentation to the community board, from the affected council member(s), senator(s), member(s) of assembly, *firehouse(s)*, and affected community board(s), and 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), senator(s), member(s) of assembly, firehouse(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), senator(s), member(s) of assembly, *firehouse(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.

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

Referred to the Committee on Transportation and Infrastructure.

Res. No. 38

Resolution designating April 20 annually as Say No to Drugs Day in the City of New York.

By Council Members Ariola, Marmorato, Vernikov, Borelli, Holden, Paladino, Yeger, Carr and Zhuang.

Whereas, Drug abuse and overdose amongst New Yorkers is a pressing issue, especially among the City's youth, and despite entrenched anti-drug education and legislative efforts to combat substance abuse, many young individuals continue to experiment or are exposed to a variety of Schedule I, II, and III drugs leading to serious health risks and consequences; and

Whereas, According to the United States Drug Enforcement Administration (DEA), Schedule I drugs, substances, or chemicals are defined as drugs with no currently accepted medical use and high potential for abuse with examples including heroin, lysergic acid diethylamide (LSD), marijuana; and

Whereas, Schedule II drugs, substances, or chemicals are defined as drugs with a high potential for abuse, with use potentially leading to severe psychological or physical dependence with examples including cocaine, methamphetamine, oxycodone, fentanyl, Adderall, and Ritalin; and

Whereas, Schedule III drugs, substances, or chemicals are defined as drugs with a moderate to low potential for physical and psychological dependence with examples including ketamine, anabolic steroids, and testosterone; and

Whereas, According to the New York City Department of Health and Mental Hygiene (DOHMH), incidents involving the possession and use of illegal drugs and controlled substances increased by 17 percent in the 2022-2023 school year compared to the previous year; and

Whereas, Data from 2022 shows that drug overdose deaths amongst New Yorkers increased 12 percent from 2021-2022 with fentanyl being detected in 81 percent of drug overdose deaths in the City; and

Whereas, While the New York State Education Department (NYSED) has implemented a drug prevention curriculum that aims to educate students on materials addressing anti-drug use in addition to providing related resources within New York City's public schools: parents and community members voice concerns that established anti-drug use initiates are insufficient; and

Whereas, Implementing a Say No to Drugs Day in the City of New York with an annual date of April 20 serves as a step in preventing substance abuse, provides a platform for educational discussion, and calls attention to the physical and mental implications of drug use, especially amongst children; and

Whereas, The annual observance aids in destigmatizing conversations surrounding drug addiction and mental health, empowering young individuals to seek support without judgment and prioritizing prevention, intervention, and advocacy encourages children and youth to make healthy and informed decisions; now, therefore, be it

Resolved, Designating April 20 annually as Say No to Drugs Day in the City of New York.

Referred to the Committee on Cultural Affairs, Libraries and International Intergroup Relations.

Int. No. 105

By Council Member Avilés.

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 Sunset Park and Red Hook

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 Sunset Park and Red Hook. a. The department shall create and implement a residential parking permit system in Sunset Park and Red Hook, Brooklyn which fixes and requires the payment of fees applicable to parking within the areas in which such parking permit system is in effect in accordance with the provisions of this section. The parking permit system will apply to the following areas: all streets south of Interstate 278 and Interstate 478 between the Upper Bay on the west and the Gowanus Canal on the east, all streets south of Interstate 278 and New York Route 27 and north of 39th Street from the Upper Bay on the west through 5th Avenue on the east, and all streets south of 39th Street and north of 66th Street from the Upper Bay- on the west through Fort Hamilton Parkway on the east.

b. In creating such a 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;

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. 106

By Council Members Avilés and Restler.

A Local Law to amend the administrative code of the city of New York, in relation to enhancing penalties for sidewalk parking and installing bollards in M1 zoning districts

Be it enacted by the Council as follows:

Section 1. Subdivision b of section 19-136 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:

b. It shall be unlawful for any person, directly or indirectly, to use any portion of a sidewalk or courtyard, established by law, between the building line and the curb line for the parking, storage, display or sale of motor vehicles.

1. Enhanced sidewalk parking penalties in M1 zoning districts. (a) Definitions. For the purposes of this paragraph, the term "covered business" means any commercial, manufacturing, or industrial establishment located in an M1 zoning district as established by the zoning resolution of the city of New York.

(b) Any covered business that, in the operation of such business, parks a motor vehicle on a sidewalk in an M1 zoning district, as established by the zoning resolution of the city of New York, in violation of this subdivision is liable for a civil penalty of $150 for the first violation, $500 for the second violation, and $1,000 for any subsequent violation committed within a 12 month period, in addition to any other penalties provided by law or regulation. For the purposes of this subparagraph, each day a motor vehicle is parked in violation of this subdivision constitutes a separate violation. Such civil penalties shall be recoverable in a proceeding before the office of administrative trials and hearings.

(c) Where an owner or lessee of a motor vehicle, other than a covered business, receives a summons for a violation of this subdivision, it is an affirmative defense that such motor vehicle was in the possession of or operated at the direction of a covered business at the time of the violation alleged in the summons.

(d) Beginning no later than the effective date of this paragraph, and continuing for 90 days thereafter, the commissioner shall conduct outreach in the designated citywide languages, as defined in section 23-1101, to alert covered businesses to the enhanced penalties for sidewalk parking violations as established by subparagraph (b) of this paragraph. Such outreach shall include, but need not be limited to, distributing information to covered businesses in M1 zoning districts.

(e) Not later than 15 months after the effective date of this paragraph, and annually thereafter, the commissioner, in consultation with the commissioner of finance and the police commissioner, shall submit a report on the enhanced penalties for sidewalk parking violations as established by subparagraph (b) of this paragraph to the mayor and the speaker of the council and shall post such report on the department's website. Such report shall include, but need not be limited to, a table in which each separate row references a unique sidewalk parking violation subject to subparagraph (b) of this paragraph and shall include, but need not be limited to, the following information about each such violation for the previous year, set forth in separate columns:

(1) The date of such violation;

(2) The M1 zoning district where such violation occurred;

(3) The name and address of the covered business that committed such violation; and

(4) The amount of any penalties imposed for such violation.

§ 2. Subchapter 3 of chapter 1 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-189.2 to read as follows:

§ 19-189.2 Installation of bollards on sidewalks in M1 zoning districts. a. Definitions. For the purposes of this section, the following terms have the following meanings:

Bollard. The term "bollard" has the same meaning as is ascribed to such term in section 19-189.1.

Sidewalk. The term "sidewalk" has the same meaning as is ascribed to such term in section 19-176.

b. Study. Not later than 120 days after the effective date of the local law that added this section, the commissioner, in consultation with any relevant agencies, shall complete a study regarding the installation of bollards on sidewalks in M1 zoning districts, as established by the zoning resolution of the city of New York, to

prevent parking on such sidewalks. The commissioner shall issue a report on such study to the mayor and the speaker of the council and post such report on the department's website. Such study shall include, but need not be limited to, the following information:

1. A list of any sidewalks in M1 zoning districts that the commissioner recommends for the installation of bollards;

2. The rationale for the commissioner's recommendations as required by paragraph 1 of this subdivision, including, but not limited to, the factors the commissioner considered in making such recommendations; and

3. The plan to install such bollards, including, but not limited to, the rate and timeline of such installation.

c. Installation. Not later than 90 days after the completion of the study required by subdivision b of this section, the commissioner shall install bollards on sidewalks in M1 zoning districts in accordance with the provisions of the report on such study issued pursuant to subdivision b of this section. Such bollards shall be installed and maintained to the satisfaction of the department.

§ 3. Section 1 of this local law takes effect 120 days after it becomes law, except that the commissioner of transportation shall take such measures as are necessary for the implementation of section 1 of this local law, including the promulgation of rules, before such date. Section 2 of this local law takes effect immediately.

Referred to the Committee on Transportation and Infrastructure.

Int. No. 107

By Council Members Avilés, Cabán, Restler, Gutiérrez and Won (by request of the Brooklyn Borough President).

A Local Law to amend the administrative code of the city of New York, in relation to air quality monitoring at designated "heavy use" thoroughfares

Be it enacted by the Council as follows:

Section 1. Subchapter 6 of chapter 1 of title 24 of the administrative code of the city of New York is amended by adding a new section 24-154.1 to read as follows:

§ 24-154.1 Heavy use thoroughfares. (a) Definitions. For purposes of this subdivision the following terms shall have the following meanings:

(1) "Heavy use thoroughfare." The term "heavy use thoroughfare" means any highway, roadway or other traffic corridor that has traffic volume greater than the fiftieth percentile of the average New York city roadway corridors or has traffic in excess of 100,000 vehicles on an annual basis. Designation of heavy use thoroughfares shall be based upon verifiable use and traffic volume data obtained from transportation planning agencies including, but not limited to, the New York metropolitan transportation council, the department of transportation and the New York state department of transportation.

(2) "Recreational area." The term "recreational area" means any park, playground, ball field and school playground that abuts a heavy use thoroughfare.

(3) "Regulated air contaminant." The term "regulated air contaminant" means oxides of nitrogen, volatile organic compounds, sulfur dioxide, particulate matter, carbon monoxide, carbon dioxide, polycyclic aromatic hydrocarbons or any other air contaminant for which a national ambient air quality standard has been promulgated, or any air contaminant that is regulated under section 112 of the clean air act of 1963, as amended.

(4) "At risk populations." The term "at risk populations" means persons 16 years of age or younger, persons who are pregnant, persons 60 years of age or older, and persons with weakened immune systems.

(b) No later than December 30, 2022, the department shall designate heavy use thoroughfares in every borough.

(c) No later than December 30, 2023, the department shall install street level air monitors at a minimum at two major intersections on every designated heavy use thoroughfare and at every recreational area.

(d) No later than December 30, 2024, and annually thereafter, the department shall issue a report to the mayor and to the speaker of the council containing the results of the air quality monitoring of designated heavy use thoroughfares. Such report shall also be posted on the department's website.

(e) The department along with the department of transportation and the department of education shall collaboratively identify, develop and implement mitigation measures that significantly reduce or eliminate short-term and long term exposure risks where the results of the air quality monitoring on heavy use thoroughfares:

(1) Indicate that levels of any regulated air contaminant constitute a violation of an existing standard for that regulated air contaminant; or

(2) Indicate that levels of any regulated air contaminant contribute to an actual or potential danger to public health or the environment, based upon the most recent research available, including by presenting a health risk to at-risk populations.

§3. This local law shall take effect 90 days after it becomes law.

Referred to the Committee on Environmental Protection, Resiliency and Waterfronts.

Int. No. 108

By Council Members Avilés, Abreu, Louis, Restler, Won, Brewer, Ossé, Ayala, Nurse, De La Rosa, Sanchez, Brannan, Powers, Schulman, Hudson, Krishnan, Gutiérrez and Narcisse.

A Local Law to amend the New York city charter and the administrative code of the city of New York, in relation to requiring sheriffs and city marshals to report housing displacement to the department of social services/human resources administration to evaluate eligibility for legal counsel

Be it enacted by the Council as follows:

Section 1. Section 808 of the New York city charter, as added by local law number 43 for the year 2018, is renumbered section 809.

§ 2. Chapter 34 of the New York city charter is amended by adding a new section 809-a to read as follows:

§ 809-a. Reporting housing displacement. Where the sheriff or city marshal executing a warrant of eviction or any order or judgment granting legal possession has informed the department that a court order will result in housing displacement, the department shall notify the department of social services/human resources administration within 48 hours of receiving such information.

§ 3. Chapter 5 of title 7 of the administrative code of the city of New York is amended by adding a new section 7-517 to read as follows:

§ 7-517 Reporting housing displacement. Where the sheriff executing a warrant of eviction or any order or judgment granting legal possession will result in housing displacement, the sheriff shall notify the department of social services/human resources administration within 48 hours of receiving such information.

§ 4. Chapter 1 of title 21 of the administrative code of the city of New York is amended by adding a new section 21-138.1 to read as follows:

§ 21-138.1 Housing displacement response. Where the department is informed that the sheriff or city marshal executing a warrant of eviction or any order or judgment granting legal possession will result in housing displacement, the department shall review such individual's eligibility for legal counsel pursuant to section 26-1301 of the administrative code within 48 hours of receiving such information. The department shall inform the individual of their eligibility for legal counsel and provide the contact information for such counsel prior to the execution of a warrant of eviction. The department shall provide such information in plain language and in the language that is most appropriate for the individual.

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

Referred to the Committee on General Welfare.

Int. No. 109

By Council Members Avilés, Krishnan, Restler and Won.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of parks and recreation to collect and report data regarding community gardens and permitting the sale of agriculture within community gardens

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 to add new sections 18-158 and 18-159 to read as follows:

§ 18-158 Community garden data collection and reporting. a. Definitions. For the purposes of this section, the term "community garden" means a garden authorized by the department of parks and recreation that is located on city-owned property and is appropriate for the cultivation of herbs, fruit, flowers, nuts, honey, poultry for egg production, maple syrup or vegetables.

b. Data collection and reporting. Not later than January 1, 2023, and annually thereafter, the department shall submit to the speaker of the council and publish on its website a report containing the following information about each community garden authorized by the department:

1. Number of garden members;

2. Number of trees in the garden;

3. Pounds of compost produced;

4. Pounds of produce grown in the garden;

5. Pounds of produce donated by each garden;

6. Number of bee hives maintained in each garden;

7. Number of chicken coops maintained in each garden;

8. Dollar amount of supplemental nutritional assistance program funds used to purchase produce from each garden;

9. Dollar amount of special supplemental nutrition program for women, infants and children farmers' market nutrition program funds used to purchase produce from each garden;

10. Dollar amount of seniors farmers' market nutrition program funds used to purchase produce from each garden;

11. Dollar amount of health bucks used to purchase produce from each garden;

12. Annual revenue generated by each garden, including source of revenue;

13. Annual costs incurred by each garden;

14. Number of urban agricultural education events conducted by each garden, including number of participants;

15. Number of arts and cultural events sponsored by each garden;

16. Hours of agricultural workforce development training provided by each garden;

17. Number of full-time and part-time positions funded by community gardening groups, or any nonprofit, botanical garden, or other organization that relates to the support of community gardening; and

18. Number of hours per week each garden is accessible to the general public.

c. Ecological impacts study. No later than one year after the effective date of the local law that added this section, the department shall conduct and submit to the speaker of the city council and post on its website a study of the citywide ecological impacts of community gardens. Such study shall include, but not be limited to, the following:

1. The amount of carbon dioxide and other greenhouse gases in the atmosphere;

2. Storm water runoff and storm water management systems; and

3. The urban heat island effect.

§ 18-159 Community garden farmer's markets. a. Definitions. For the purposes of this section, the following terms have the following meanings:

Community gardener. The term "community gardener" means a registered member of a community garden, as defined in section 18-157.

Farmers market. The term "farmers market" means a market operated on city-owned property wherein farmers can sell produce directly to consumers.

b. The department shall establish a program to permit community gardeners to operate farmers markets for the sale of produce cultivated within community gardens.

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

Referred to the Committee on Parks and Recreation.

Int. No. 110

By Council Members Avilés, Louis, Cabán, Restler, Won, Hanif, Ossé, Ayala, Nurse, De La Rosa, Farías, Hudson, Krishnan, Gutiérrez and Narcisse.

A Local Law in relation to a report on the permanent affordability commitment together program

Be it enacted by the Council as follows:

Section 1. Not later than one year after the effective date of the local law that added this section, the mayor, or an agency designated by the mayor, shall make publicly available online and submit to the council a report relating to outcomes of the New York city housing authority's implementation of the federal rental assistance demonstration program, as authorized by public law 112-55, or successor program. In developing this report, the mayor, or such designated agency, shall seek cooperation and assistance from the New York city housing authority. Such report shall not include the personally identifiable information of any public housing resident. Such report shall include, at a minimum, the following information for each public housing development, or bundle of public housing developments including the name of each development in such bundle, selected for conversion through such program:

1. The date such development or bundle of developments was selected for conversion under such program;

2. The date such development or bundle of developments was converted under such program;

3. The name of the development partner selected to serve as the property manager for such development or bundle of developments;

4. A description of how the New York city housing authority conducted outreach and resident engagement prior to and throughout the conversion process;

5. A description of how the New York city housing authority conducts oversight over the development partner or property manager described in paragraph 3;

6. A description of the rights retained by residents of such development or bundle of developments and a description of how those rights differ from those held by such tenants prior to conversion;

7. A description of major repairs and upgrades made in such development or bundle of developments following conversion including the cost of each such repair and upgrade;

8. Annually for each of the three calendar years prior to conversion, the number of eviction proceedings initiated against tenants of such development and the number of evictions executed prior to conversion;

9. The number of eviction proceedings initiated against tenants of such development and the number of evictions executed following conversion; and

10. The amount of private financing received by such development following conversion, including all financing available under section 8 of the housing act of 1937.

§ 2. This local law takes effect immediately and expires and is deemed repealed upon the issuance of the report required by this local law.

Referred to the Committee on Public Housing.

Int. No. 111

By Council Members Avilés, Feliz, Louis, Restler, Won, Hanif, Hudson, Brewer, Ossé, Farías, Ayala, Nurse, De La Rosa, Sanchez, Powers, Narcisse, Schulman, Bottcher, Krishnan and Gutiérrez.

A Local Law to amend the administrative code of the city of New York, in relation to reporting on vacant public housing dwelling units

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 subchapter 9 to read as follows:

SUBCHAPTER 9
REPORTS RELATED TO PUBLIC HOUSING

§ 3-190 General.

§ 3-191 Report on vacant public housing dwelling units.

§ 3-190 General. As used in this subchapter:

Dwelling unit. The term "dwelling unit" has the meaning ascribed to such term in the housing maintenance code.

Public housing. The term "public housing" has the meaning ascribed to such term in section 1437a of title 42 of the United States code.

Vacant. The term "vacant" means, with respect to a dwelling unit, that such dwelling unit is not occupied for use as a residence.

§ 3-191 Report on vacant public housing dwelling units. a. No later than 60 days after the end of each calendar year, beginning with the first calendar year that commences after the effective date of the local law that added this section, the New York City housing authority shall make publicly available online and submit to the council a report on public housing dwelling units that were vacant for more than 30 continuous days during such year. Such report shall include, at a minimum, the following information, disaggregated by public housing development, borough and council district:

1. The number of public housing dwelling units that have been vacant for more than 30 continuous days during such year;

2. For each such unit:

(a) The reason such unit was vacant for more than 30 continuous days during such year;

(b) Whether, during such vacancy, such unit was habitable, available for use as a residence and being offered to prospective occupants for such use; and

(c) The number of days such unit was vacant during such year and, if such unit was vacant for the whole year, the number of days since such unit was last occupied.

b. Such information shall be posted on the city's website in a non-proprietary format that permits automated processing.

§ 2. This local law takes effect immediately.

Referred to the Committee on Public Housing.

Int. No. 112

By Council Members Avilés, Nurse, Louis, Restler, Won, Hanif, Ossé, De La Rosa, Sanchez, Farías, Powers, Hudson and Krishnan.

A Local Law to amend the administrative code of the city of New York, in relation to prohibiting the department of sanitation from charging the New York city housing authority for sanitation services

Be it enacted by the Council as follows:

Section 1. Section 16-114 of the administrative code of the city of New York, as amended by local law number 41 for the year 1992, is amended to read as follows:

§ 16-114 Rates for collection and disposal. *a.* The commissioner may charge for the collection and disposal of ashes, street sweepings, garbage, refuse, rubbish, dead animals, night soil and offal, and all wastes, including trade waste from business, industrial, manufacturing, or other establishments conducted for profit, at rates established by the council by local law, upon recommendation of the commissioner, and on such terms and conditions as the commissioner shall prescribe and subject to rules of the department governing such collection and disposal.

b. Notwithstanding subdivision a of this section and notwithstanding any memorandum of understanding or other agreement to the contrary, the commissioner shall not charge the New York city housing authority for the collection and disposal of solid waste or any other sanitation service provided by the department to a project operated by such authority.

§ 2. This local law takes effect July 1 of the year succeeding the year in which it becomes law.

Referred to the Committee on Sanitation and Solid Waste Management.

Int. No. 113

By Council Members Avilés, the Public Advocate (Mr. Williams), Gutiérrez, Nurse, Brooks-Powers, Won, Hanif and Restler (by request of the Brooklyn Borough President).

A Local Law to amend the administrative code of the city of New York, in relation to conducting a study of the impact that truck and delivery traffic generated by last mile facilities have on local communities and infrastructure

Be it enacted by the Council as follows:

Section 1. Impact of last mile facilities on local communities and infrastructure. a. Definitions. For the purposes of this section, the following terms have the following meanings:

Commissioner. The term "commissioner" means the commissioner of the department of transportation.

Department. The term "department" means the department of transportation.

Delivery vehicle. The term "delivery vehicle" means any vehicles, including but not limited to delivery trucks, delivery vans, passenger vehicles, and other motor vehicles, that arrive at or depart from last mile facilities.

Last mile facility. The term "last mile facility" means a warehouse, storage facility, or other location that receives goods as part of a delivery supply chain, and from which such goods are delivered to their final destination. The term does not include retail businesses where the majority of the premises are used for the purposes of the on-site sale of goods to consumers.

b. No later than 2 years after the effective date of this local law, the department shall submit to the speaker of the council, and post conspicuously on the department's website, a report on the impact that delivery vehicle traffic generated by last mile facilities have on the communities they are situated in. Such report shall:

1. Identify the location of each last mile facility.

2. Estimate the average amount of delivery vehicles arriving at or departing from each such last mile facility on a weekly basis, disaggregated by the type of vehicle including but not limited to delivery trucks, delivery vans, and passenger vehicles.

3. Estimate the impact of such delivery vehicle traffic on the street infrastructure within one mile of each such last mile facility, including but not limited to the amount of parking spots occupied by delivery vehicles, traffic delays or congestion attributable to delivery vehicles, vehicular collisions or other traffic incidents involving delivery vehicles, pedestrian injuries or fatalities involving delivery vehicles, and any other impediment to the use of street infrastructure around each such last mile facility that the commissioner determines can be attributed to the presence of the last mile facility and its delivery vehicles when compared to the impact that would be caused by a comparable non-last mile facility business in that area.

4. Identify the streets around each last mile facility that are negatively impacted by the presence of each such last mile facility.

5. Estimate the cost imposed by such burdens, including but not limited to increased travel time for persons driving in the community in which the last mile facility is located hours of lost productivity due to such increased travel time, or property damage, on the community in which the last mile facility is located.

6. Determine what steps may be taken to mitigate such burdens, and estimate the cost to the city to implement those steps.

7. Include any other factors the commissioner determines is necessary to better understand the burden that last mile facilities impose on local infrastructure and communities.

§ 2. This local law takes effect immediately and is deemed repealed upon submission of the report required pursuant to section one of this local law.

Referred to the Committee on Transportation and Infrastructure.

Int. No. 114

By Council Members Avilés, Gutiérrez, the Public Advocate (Mr. Williams), Nurse, Brooks-Powers, Won, Hanif and Restler (by request of the Brooklyn Borough President).

A Local Law in relation to requiring the department of transportation to study street design as a means to limit or reduce the use by commercial vehicles of streets in residential neighborhoods

Be it enacted by the Council as follows:

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

Commercial vehicle. The term “commercial vehicle” means a commercial vehicle as set forth in the rules of the department.

Manufacturing district. The term “manufacturing district” means a manufacturing district as set forth in the zoning resolution.

Residence district. The term “residence district” means a residence district as set forth in the zoning resolution.

Truck. The term “truck” means a commercial vehicle which has either of the following characteristics: two axles, six tires; or three or more axles.

b. By December 31, 2023, the commissioner of transportation shall submit to the council and to the mayor, and the commissioner shall publish on the department of transportation’s website, a report regarding the utility and feasibility of using street design as a means to limit or reduce the use of streets in residence districts by commercial vehicles, particularly residence districts situated proximate to manufacturing districts. Such report shall include, but need not be limited to:

1. The utility and feasibility of designing streets in residence districts so that they are inaccessible to commercial vehicles or inaccessible to commercial vehicles of a certain size or weight;

2. The feasibility of preventing access by commercial vehicles or commercial vehicles of a certain size or weight to streets in residence districts, while permitting access to emergency vehicles, moving trucks, and other essential types of vehicles;

3. The utility and feasibility of designing streets in residence districts using traffic calming measures or other means so that commercial vehicles or commercial vehicles of a certain size or weight are discouraged from using them;

4. The feasibility of designing streets in residence districts to discourage commercial vehicles or commercial vehicles of a certain size or weight from using them, while not discouraging use by emergency vehicles, moving trucks and other essential types of vehicles;

5. The consequences of such changes in street design, including but not limited to, impacts on street drainage and underground utilities;

6. The consequences of rerouting commercial vehicles through other streets, including but not limited to, impacts on local traffic network connectivity;

7. The use of traffic cameras to enforce compliance with local truck routes; and

8. Collection of data on how commercial vehicles, particularly trucks, use streets in residence districts and projections of such future use using the gathered data.

§ 2. This local law takes effect immediately.

Referred to the Committee on Transportation and Infrastructure.

Int. No. 115

By Council Members Avilés, Powers, Restler and Brewer.

A Local Law to amend the administrative code of the city of New York, in relation to the creation of a mobile application that provides information about electric vehicle charging stations

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 19-159.7 to read as follows:

§ 19-159.7 Electric vehicle charging mobile application. a. Definition. For the purpose of this section, the following terms have the following meanings:

Bicycle with electric assist. The term "bicycle with electric assist" has the same meaning as in section 102-c of the vehicle and traffic law or successor provision.

Electric vehicle. The term "electric vehicle" means a vehicle that can be powered by an electric motor that draws electricity from a battery and is capable of being charged from an external source.

Electric vehicle charging station. The term "electric vehicle charging station" means a location that contains an external source of power that may be used to charge an electric vehicle.

Mobile application. The term "mobile application" means a type of application software designed to run on a mobile device, such as a smartphone or tablet computer.

b. Mobile application. No later than 180 days following the effective date of the local law that added this section, the department of information technology and telecommunications, in conjunction with the department and any other relevant agency, shall create a mobile application that provides information regarding all publicly accessible electric vehicle charging stations in the city and allows users to filter the electric vehicle charging stations based on such information. Such information shall include, at a minimum:

1. The locations of each electric vehicle charging station imposed on a map of the city;

2. The voltage and charging level of each electric vehicle charging station;

3. The electric vehicle connector types provided by each station;

4. Whether each electric vehicle charging station can be used to charge bicycles with electric assist; and

5. To the extent the city has or can reasonably obtain such information, a real time display indicating whether each electric vehicle charging station is available or in use.

c. Such mobile application shall not:

1. Retain internet protocol addresses or data regarding the operation system of the device on which it is installed;

2. Have access to data or information stored on the mobile device;

3. Have access to microphones, cameras, or Bluetooth on the mobile device; or

4. Be able to activate or deactivate Wi-Fi on the mobile device.

d. Data collected by such mobile application shall not be retained for more than 6 months from the date of collection. Identifying information, as defined by section 23-1201, collected by such mobile application shall not be shared except with the affirmative consent of the user. The user's consent to share personal identifying information shall not be required as a condition to access or use the mobile application.

§ 2. This local law takes effect immediately.

Referred to the Committee on Transportation and Infrastructure.

Res. No. 39

Resolution calling on the New York State Legislature to pass, and the Governor to sign, legislation to require a prevailing wage for all school aides, whether in public, charter, or private schools.

By Council Members Avilés, Brewer, Hanif, Gennaro, Marte and Hudson.

Whereas, School aides or teaching aides are paraprofessionals or para-educators, who are typically hourly workers tasked with supporting students with disabilities, supervising individual or group classroom work, assisting with behavior management, and setting up and cleaning classrooms; and

Whereas, As of May 2021, nationally, there were estimated 1,187,270 teaching assistants, with 1,017,910 or 85.7 percent being employed in elementary and secondary schools, at the average annual wage of $31,760 and the median annual wage of $29,360; and

Whereas, Nationally, between October 2019 and October 2021, the number of publicly employed teaching assistants declined by 2.6 percent, and over 25 percent of paraprofessionals reported that they were likely to leave their job within the next year, with 71 percent indicating pay as a major reason for their impending departure; and

Whereas, Nationally, between 2014 and 2019, the weekly median wage in 2020 dollars for all workers was $790 versus the weekly median wage of $507 for teaching assistants; and

Whereas, Nationally, between 2014 and 2019, 4.5 percent of all workers had more than one job in contrast to 10.6 percent of teaching assistants working multiple jobs; and

Whereas, According to a May 2022 national survey, over 25 percent of paraprofessionals reported being unable to afford living in the community where they work; children of approximately a quarter of paraprofessionals qualified for free or reduced-price meals at school; 19 percent of paraprofessionals used a food pantry; 18 percent participated in a Medicaid program; 16 percent received food stamps; and 14 percent were beneficiaries of emergency assistance with utility bills or rent; and

Whereas, As of May 2021, in New York State, there were 108,780 teaching assistants at the average annual wage of $34,450 and the median annual wage of $29,570; and

Whereas, As of May 2021, in the New York Metropolitan Area, there were about 104,340 teaching assistants at the average annual wage of $35,530, while according to the Economic Policy Institute's Family Budget Calculator, a family of one adult and one child needs an annual income of $88,650 in 2020 dollars to attain a modest, yet adequate standard of living in the New York Metropolitan Area or an annual income of $56,718 in 2020 dollars for one adult and no children; and

Whereas, As of 2023, some paraprofessionals in New York were represented by labor unions, such as the New York State United Teachers union and in New York City, the United Federation of Teachers union representing approximately 27,000 classroom paraprofessionals in New York City public schools; 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 to require a prevailing wage for all school aides, whether in public, charter, or private schools.

Referred to the Committee on Civil Service and Labor.

Res. No. 40

Resolution calling on the New York State Legislature to pass, and the New York State Governor to sign, S.2016-A/A.4592-A, also known as the NY HEAT Act, which would align utility regulation with state climate justice and emission reduction targets and repeal certain provisions of the Public Service Law relating to gas service and sale.

By Council Member Avilés.

Whereas, In 2019, New York State (NYS) enacted the Climate Leadership and Community Protection Act (CLCPA) in an effort to dramatically reduce greenhouse gas (GHG) emissions from all sectors of NYS's economy; and

Whereas, The CLCPA, among other things, requires that the NYS Department of Environmental Conservation establish: statewide GHG emissions limits reducing emissions by 85 percent below 1990 levels by 2050; regulations to achieve statewide GHG emissions reductions; and a process to ensure that a minimum of 35 percent of investments from clean energy and energy efficiency funds are invested in disadvantaged communities; and

Whereas, This has a particular impact on New York City (NYC), as the CLCPA aligns with the City's commitments surrounding climate change, including: a target of reducing GHG emissions by 80 percent below 2005 levels by 2050, which was codified into law when the City Council passed Local Law 66 of 2014; a target of reducing GHG emissions produced by NYC's largest buildings by 40 percent below 2005 levels by 2030 and 80 percent by 2050, which was codified into law under Local Law 97 of 2019; and the City's efforts to phase out fossil fuels, including Local Law 154 of 2021, which prohibits the combustion of high carbon-emitting substances in certain newly-constructed buildings within the City; and

Whereas, In 2021, according to the NYC Mayor's Office of Climate and Environmental Justice, 86.88 million tons of carbon dioxide equivalent were emitted for all activities taking place within the boundaries of NYC's five boroughs, when using the CLPCA's accounting method; and

Whereas, According to a NYC Panel on Climate Change 2019 report, it is estimated that by the 2050s, NYC is likely to experience a 4.1 degree Fahrenheit increase in the average annual temperature, which will result in: more intense heat waves that can cause stroke, exhaustion, and possible death; a rise in sea levels of about two and a half feet that will flood lower-lying land; twice as many 100-year storms that can damage homes and infrastructure; and one and a half times more extreme precipitation days that can result in intense flash flooding; and

Whereas, The CLCPA essentially altered the context in which the Public Service Commission (PSC) regulates and how NYS' gas utilities operate, as it will require a quick transition away from fossil fuels in order to bring emissions down and meet specific targets; and

Whereas, According to a March 2023 report by the Building Decarbonization Coalition (BDC) entitled "The Future of Gas in New York State," incentives for non-fossil fuel energy alternatives are putting pressure on fossil fuel-based gas consumption and gas utilities' ratepayer counts, which could concentrate increasing system costs for gas utilities and place a financial burden on those left utilizing gas, especially for low-income New Yorkers; and

Whereas, The BDC report notes that, despite the pressure from the CLPCA to transition to non-fossil fuel energy alternatives and the increasing possibility that gas system networks may become obsolete in the future, NYS' gas utilities are increasing their investments in high fixed-cost pipeline networks, with NYS' gas utilities investments over the past 10 years more than doubling from $13 billion to $29 billion, and the average cost to

gas utilities for replacing gas distribution mains, of which nearly 9 out of every 10 miles of distribution mains are replacements, has increased to about $6 million per mile, when calculating what will be sought from ratepayers; and

Whereas, As it is important for both NYS and NYC to implement measures that will ensure state regulation and oversight of gas utilities, while providing for the equitable achievement of the CLCPA's goals and targets, S.2016-A and A.4592-A, otherwise known as the NY HEAT Act, were introduced by NYS Senator Liz Krueger and NYS Assemblymember Patricia Fahy, respectively; and

Whereas, S.2016-A, which was passed by the NYS Senate, and A.4592-A, which has yet to be passed by the Assembly, would align utility regulation with NYS' climate justice and emission reduction targets and repeal certain provision of the Public Service Law relating to gas service and sale; and

Whereas, S.2016-A/A.4592-A would: make utility bills more affordable through protections for low-to-moderate income customers; empower the PSC to equitably achieve CLCPA targets; amend provisions of Public Service Law currently undermining the CLCPA; and manage infrastructure costs paid by gas customers; 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 New York State Governor to sign, S.2016-A/A.4592-A, also known as the NY HEAT Act, which would align utility regulation with state climate justice and emission reduction targets and repeal certain provisions of the Public Service Law relating to gas service and sale.

Referred to the Committee on Environmental Protection, Resiliency and Waterfronts.

Res. No. 41

Resolution calling on the New York State Legislature to pass, and the Governor to sign, legislation to create the New York State Working Families Tax Credit.

By Council Members Avilés and Yeger.

Whereas, According to the Congressional Research Service (CRS), the child tax credit was created by the Taxpayer Relief Act (TRA) of 1997 and made available to middle-income families with children to help ease the financial burdens associated with raising a family; and

Whereas, According to the CRS, through a series of legislative changes, the eligibility for the child tax credit has expanded to both lower- and higher-income families with the credit having increased for most recipients; and

Whereas, Initially, the TRA enacted a nonrefundable credit of $400 per child, which was increased in 1998 to $500 per child, and made available to middle-income families with dependent children under 17 years of age; and

Whereas, In 2001 the Economic Growth and Tax Relief Reconciliation Act (EGTRRA) temporarily increased the per-child credit amount to $600 (for 2001-2004) with scheduled increases thereafter to a maximum of $1,000 per child by 2010; and

Whereas, The EGTRRA temporarily made the tax credit available to lower-income taxpayers as a refundable tax credit, specifically for those with little to no income tax liability enabling them to receive all or part of the additional child tax credit (ACTC): and

Whereas, Due to the accelerations in the EGTRRA, by 2004, the tax credit of $1,000 per child had phased in lower income families at 15 percent of their earned income above $10,000; and

Whereas, In 2009, the American Recovery and Reinvestment Act (ARRA) reduced the refund threshold to $3,000 per taxpayer, enabling low-income taxpayers with earned income over $3,000 for the refundable credit, and calculated 15 percent of their earned income over $3,000 up to the maximum credit of $1,000 per child; and

Whereas, The Tax Cuts and Jobs Act (TCJA) of 2017 increased the maximum child tax credit amount to $2,000 per child while modifying the credit formula for low-income families to 15 percent of earned income

over $2,500, not to exceed $1,400 per child, and increased the income level at which the credit began to phase out to $400,000 for married joint filers and $200,000 for single head of household filers; and

Whereas, From 2018 to 2025, the TCJA created a temporary $500 per dependent nonrefundable credit for dependents not eligible for the child tax credit scheduled to be in effect from 2018 to 2025; and

Whereas, The American Rescue Plan Act of 2021 (ARPA) made several changes to the child tax credit, which included making the credit fully refundable so low-income families could receive the maximum amount of the credit; and

Whereas, The ARPA increased the maximum credit to $3,600 for children 0-5 years old and $3,000 for children 6-17 years old, thereby delivering 50 percent of the credit in advance payments in 2021 with the remaining 50 percent to be claimed on a 2021 tax return; and

Whereas, According to the U.S. Census Bureau Supplemental Poverty Measure, the expanded child tax credit successfully lifted 2.9 million children out of poverty in 2021; and

Whereas, As a result of the ARPA, in 2021, 3,513,000 children and 910,000 workers in New York state benefited from the child tax credit; and

Whereas, Despite reducing the level of child poverty to a record low in 2021, the child tax credit program was not renewed and has been discontinued by the federal government; and

Whereas, According to a December 2022 report by New York State Comptroller Thomas P. DiNapoli, 14 percent of New Yorkers, or 2.7 million people, live in poverty, which exceeds the national average of 12.8 percent; and

Whereas, Additionally the Comptroller's report showed that 18.5 percent of the children in New York City lived below the poverty level in 2021, which is 4.6 percent higher than the statewide average; and

Whereas, S.277, introduced by New York State Senator Andrew Gounardes, would create the New York State Working Families Tax Credit (WFTC) establishing a tax credit to a maximum of $1,500 per child while eliminating the cap on the number of children eligible to receive a credit, and providing a $500 credit per child regardless of income, and be paid quarterly to families rather than once a year; and

Whereas, It is estimated that S.277 would result in decreased poverty by offsetting the loss of support to New York children who benefited from the WFTC child tax credit; and

Whereas, Currently, no corresponding bill has been introduced in the New York State Assembly; 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 to create the New York State Working Families Tax Credit.

Referred to the Committee on General Welfare.

Res. No. 42

Resolution condemning the human trafficking of migrants.

By Council Member Avilés

Whereas, Fleeing violence, poverty and political persecution, a record number of families and individuals are seeking asylum in the United States; and

Whereas, Many migrants are arriving at the United States southern border where they are processed by the United Sates Immigration and Customer Enforcement Agency; and

Whereas, Once migrants seeking asylum in the United States go through an initial vetting process and are released they are free to travel throughout the United States; and

Whereas, In the past few months the Governors of several states have sent more than 20,000 migrants to New York City; and

Whereas, The United States Department of Justice defines human trafficking as "a crime that involves compelling or coercing a person to provide labor or services…..[t]he coercion can be subtle or overt, physical or psychological"; and

Whereas, Many migrants have been lied to and coerced into coming to New York or other sanctuary cities; and

Whereas, Some of the migrants arriving in New York City from the southern border intended to go somewhere other than New York City; and

Whereas, Migrants are being enticed onto busses with the promise of social services, free food and even hotel stays; and

Whereas, Groups of migrants have been misled into believing they would be going to cities other than New York; and

Whereas, The Governors of Texas, Arizona and Florida have sent migrants to New York and other cities with the express purpose of embarrassing President Biden and the Democratic leadership of those cities; and

Whereas, The Governors of these states are attempting to earn political capital by transporting migrants to Democratic-led cities; and

Whereas, The Governors of the states that are sending migrants to New York City using deceptive tactics for the purposes of furthering their own political careers are engaging in a form of human trafficking; now, therefore, be it

Resolved, That the Council of the City of New York condemns the human trafficking of migrants.

Referred to the Committee on Immigration.

Res. No. 43

Resolution calling on the New York City Housing Authority to improve its public database of awarded contracts through the addition of new search features and inclusion of more contract information in search results.

By Council Members Avilés.

Whereas, The New York City Housing Authority ("NYCHA") is a public housing authority with 335 developments, and 177,611 units that are home to 547,891 authorized residents, through public housing, section 8, and NYCHA's implementation of the federal Rental Assistance Demonstration ("RAD") program; and

Whereas, in fiscal year 2022, NYCHA awarded $489 million in contracts to service providers, which accounted for 18 percent of NYCHA's Other Than Personal Services expenditures in that fiscal year; and

Whereas, NYCHA makes information about these contracts publicly available through an Awarded Contracts database (the "Database") that may be searched through the NYCHA website; and

Whereas, Save Section 9, a national public housing advocacy organization, has noted that they cannot effectively use the Database due to its lack of search features, such as a search by keyword or search by impacted property, and its lack of certain useful information about contracts, such as the names of subcontractors and whether a contract pertains to a property that has been converted from section 9-funded housing into section 8-funded housing through the RAD program; and

Whereas, The addition of new search features, which should include, at minimum, the ability to conduct a keyword search and a search, or sort, by impacted property and the inclusion of more contract information in search results would increase the transparency and public accountability of NYCHA operations; and

Whereas, The Council of the City of New York declared in its findings for the Open Data Law, Local Law 11 of 2012, that it is in the best interest of the City of New York that its agencies and departments make their data available online; and

Whereas, On September 1, 2022, a NYCHA contractor erroneously detected the presence of arsenic levels beyond safety thresholds in the water supply at Jacob Riis Houses, which led NYCHA to advise that residents not consume drinking water between September 2 and September 9, 2022; and

Whereas, Information about the contractor that conducted arsenic testing at Jacob Riis Houses was not available through the Database because the contractor was a subcontractor; now, therefore, be it

Resolved, That the Council of the City of New York calls on the New York City Housing Authority to improve its public database of awarded contracts through the addition of new search features and inclusion of more contract information in search results.

Referred to the Committee on Public Housing.

Res. No. 44

Resolution calling on the State to pass, and the Governor to sign, legislation that would fully fund rent arrears at NYCHA since the start of the pandemic.

By Council Members Avilés and Brewer.

Whereas, The New York City Housing Authority (NYCHA) provides affordable housing to low and moderate income families; and

Whereas, NYCHA serves 339,900 authorized residents in 162,143 apartments within 277 housing developments in their conventional public housing program; and

Whereas, Many New York City residents, including NYCHA residents, struggled financially and otherwise during the COVID-19 pandemic and continue to struggle today; and

Whereas, According to the NYU Furman Center, about 735,000 renter households in New York City have at least one household member who has lost their job due to the COVID-19 pandemic; and

Whereas, The State created the Emergency Rental Assistance Program (ERAP) to help eligible New York households who have requested help for rental and utility amounts that went unpaid during the COVID-19 crisis; and

Whereas, ERAP provides significant economic relief to low and moderate income tenants and helps property owners obtain rents that are due; and

Whereas, According to the New York State Office of Temporary and Disability Assistance (OTDA), 395,994 applicants statewide applied to ERAP and only 216,916 of those applicants have received help as of January 5, 2023; and

Whereas, When a tenant submits an ERAP application, the property owner cannot evict the tenant for not paying rent during the covered period unless it is determined that the household is ineligible to receive ERAP assistance; and

Whereas, OTDA reported on January 13, 2023 that ERAP applicants from subsidized housing, which includes public housing, Section 8 housing and applicants receiving the Family Homelessness and Eviction Prevention Supplement, are currently not being paid; and

Whereas, OTDA stated that when the State created the ERAP program, the legislation specifically placed public housing tenants and other types of subsidized housing at the bottom of the list for reimbursement; and

Whereas, On March 13, 2023, NYCHA testified at a New York City Council hearing that roughly 73,000 households owed a combined $466 million in rent which has nearly quadrupled since 2019 when the arrears stood at $125 million; and

Whereas, NYCHA tenants should receive assistance from the ERAP program since these tenants struggled just like many other New Yorkers during the COVID-19 pandemic; 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 fully fund rent arrears at NYCHA since the start of the pandemic.

Referred to the Committee on Public Housing.

Res. No. 45

Resolution calling upon the New York State Legislature to pass, and the Governor to sign, A1361/S458, in relation to defining community significant projects and including such projects in the excelsior jobs program.

By Council Member Avilés.

Whereas, The New York City Housing Authority (NYCHA) is the largest public housing authority in North America, providing homes for approximately 535,686 authorized residents in over 177,569 apartments across 335 developments in public housing, Section 8 and PACT/RAD developments; and

Whereas, More than half of the affordable housing in New York City that is accessible to residents with incomes at or below 30% of the area median income is located within NYCHA developments; and

Whereas, Residents of NYCHA have spoken to the need for increased employment opportunities, and some have testified at City Council hearings that more residents should be trained or hired to perform necessary maintenance and repair work on NYCHA campuses; and

Whereas, Section 3 of the Housing and Urban Development (HUD) Act of 1968, as amended by the Housing and Community Development Act of 1992, sought to ensure that employment and economic opportunities generated by HUD financial assistance, such as training and contracting, were directed towards low- and very low-income persons, who are more likely to live in public housing, to the greatest extent feasible; and

Whereas, Section 3 workers are defined as those whose income for the previous calendar year is below the income limit threshold that is established by HUD, a worker that is employed by a Section 3 business, or a worker that has participated in the YouthBuild community-based pre-apprenticeship program for at risk youth that dropped out of high school between the ages of 16 to 24; and

Whereas, Any developers, owners, contractors, or subcontractors that receive HUD funding are required to make their best efforts to ensure either that twenty five percent of the total labor hours worked by all workers within that fiscal year are worked by Section 3 workers, or no less than 5 percent total labor hours worked by all workers employed in the fiscal year are worked by individuals that have resided in public housing for the past five years, are section 8 residents, or participants in the YouthBuild program; and

Whereas, In 2001, in an effort to bolster the Section 3 program, NYCHA created the Resident Employment Program, requiring that at least 15% of the total projected labor cost of capital and modernization contracts greater than $500,000 be dedicated to hiring residents who live in public housing; and

Whereas, Despite these efforts, NYCHA's record of meeting their Section 3 goals remains mixed, with the percentage of Section 3 hires dropping from over 77% in 2016 to less than 22% in 2020; and

Whereas, The objective of the Excelsior Jobs Program is to incentivize local businesses to expand in New York, and new businesses to relocate to New York, while maintaining a stringent accountability framework in order to guarantee that businesses honor job and investment commitments; and

Whereas, Firms in the Excelsior Jobs Program can qualify for five fully refundable tax credits over a benefit period up to 10 years, provided they meet and maintain certain job and investment thresholds; and

Whereas, Under the Excelsior Jobs Program, eligible businesses can qualify for credits worth 6.85% of wages per net new job created, or up to 7.5% of wages per net new job for qualified green projects, 2% of qualified investments, or up to 5% for investments in qualified green projects, or childcare services, or 6% of net new childcare services expenditures for operating, sponsoring, or directly financially supporting a childcare services program; and

Whereas, A1361, sponsored by Assembly Member Latoya Joyner, and S458 sponsored by State Senator Luis Sepulveda, would add 'community significant projects' to the list of entities eligible to participate in the Excelsior Jobs Program, unlocking substantial financial incentives for qualifying businesses; and

Whereas, A1361/S458 would define community significant projects as those in which businesses are creating or retaining current jobs, with emphasis on employment and training of current public housing residents, including businesses that are currently located or expected to be located in existing leased space in a public housing development; and

Whereas, Businesses that make significant qualified capital investments to start a business, improve services and working conditions for an existing business located in a public housing space, and create at least five new net jobs, retain current jobs or make qualified capital investments to leased spaces in public housing developments, would also qualify as community significant projects; and

Whereas, A1361/S458 would also authorize the Commissioner of Economic Development to promulgate regulations determining additional eligibility criteria businesses must meet in order to be considered community significant projects, including those that incentivize child care providers, businesses that support the needs of the workforce residing in public housing, and those that support the social and health needs of residents in public housing; and

Whereas, These regulations would help ensure that public housing residents, and services or programs being offered to those residents by either the public housing authority or other onsite entities, are not displaced in order to locate or expand a business in a public housing development; and

Whereas, A1361/S458 would provide direct financial incentives to businesses that qualify as community significant projects for training, employing, and retaining NYCHA residents, increasing both economic opportunities and access to services for individuals living in public housing; 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, A1361/S458, in relation to defining community significant projects and including such projects in the excelsior jobs program.

Referred to the Committee on Public Housing.

Res. No. 46

Resolution calling on the New York City Housing Authority to require caretakers to obtain the Site Safety Training Card.

By Council Member Avilés.

Whereas, New York City Housing Authority (NYCHA) provides affordable housing to low- and moderate-income families; and

Whereas, NYCHA serves 339,900 authorized residents in 162,143 apartments within 277 housing developments in their conventional public housing program; and

Whereas, NYCHA was appointed a federal monitor in part because of the persistent accumulation of trash and rodent infestations at NYCHA developments; and

Whereas, Caretakers are NYCHA employees, whose responsibilities include driving NYCHA's vehicles, helping to clean up debris, picking up materials and supplies and helping with snow removal; and

Whereas, For a caretaker to work at or enter a NYCHA construction site, a Site Safety Training Card (SST card), which certifies that the worker completed construction site safety training, would be required; and

Whereas, NYCHA's caretakers are not currently required to have SST cards; and

Whereas, NYCHA's Transformation Plan highlights the capital budget to be approximately $4.5 billion for making systematic upgrades, infrastructure improvements and major modernizations at their developments; and

Whereas, As NYCHA continues to work on its capital program, NYCHA residents at these construction sites have complained about debris, dust accumulation, and the overall lack of cleanliness in the hallways and across their developments; and

Whereas, NYCHA residents should not be forced to live with such conditions; and

Whereas, According to the Electronic Library of Construction Occupational Safety and Health, anyone who breathes in silica dust, wood dust and toxic dust could cause damage to the lungs and airways; and

Whereas, NYCHA should provide caretakers with the necessary safety training to be able to access NYCHA construction sites to conduct daily cleaning and help to mitigate debris and dust accumulation from construction sites; now, therefore, be it

Resolved, That the Council of City of New York calls on the New York City Housing Authority to require caretakers to obtain the Site Safety Training Card.

Referred to the Committee on Public Housing.

Res. No. 47

Resolution calling upon the New York State Legislature and Governor to provide their share of the additional three billion dollars annually, that must be reinvested into NYCHA in order to address capital needs resulting from decades of disinvestment in its building stock.

By Council Members Avilés and Brewer.

Whereas, The New York City Housing Authority (NYCHA) is the largest public housing authority in North America, providing homes for over 6% of New York City residents or approximately 550,000 people, across 177,611 apartments within 335 housing developments; and

Whereas, Formed in 1935 with a mission statement of providing decent, affordable housing for low- and moderate-income New Yorkers, NYCHA has suffered from decades of disinvestment at the federal, state, and city level; and

Whereas, More than half of the affordable housing in New York City that is accessible to residents with incomes at or below 30% of the area median income is located within NYCHA developments; and

Whereas, NYCHA is prohibited from charging residents more than 30% of their household income in rent, and must rely on federal, state, and city subsidies to cover the difference between rental income and maintenance and operation costs; and

Whereas, Since 2000, NYCHA has faced severe federal funding shortfalls, consistently receiving less money than it is eligible for under United States Department of Housing and Urban Development (HUD) formulas; and

Whereas, NYCHA housing units that were constructed with state funds and thus ineligible for federal funding under Section 9, were further burdened when New York State terminated operating support for those units in 1998; and

Whereas, Chronic disinvestment has forced NYCHA to reduce staffing and defer necessary maintenance, leading to a continued decline in the condition of its housing stock, and significantly increasing the cost and complexity of the work necessary to bring its buildings back to a state of good repair; and

Whereas, Shortfalls in NYCHA's operating subsidies have caused the agency to respond by transferring funds from its capital subsidy to cover operating costs, with 54 million dollars of NYCHA's federal capital subsidy used to cover daily operating costs instead of being put towards capital improvements of buildings in 2017; and

Whereas, Funding cuts have directly correlated with an increase in NYCHA complaints for heat and hot water outages, leaks, mold, peeling paint, and pest issues. From 2005 to 2017, NYCHA housing went from having comparable or lower deficiency rates than private-sector low-income housing to having rates over twice as high; and

Whereas, Inadequate access to heat and hot water, exposure to lead paint, mold, and pest issues can have severe deleterious long-term consequences for the health and wellbeing of NYCHA residents; and

Whereas, The advocacy group Citizens Budget Commission, warns that absent dramatic efforts to address the material conditions within the agency's building stock within the next 10 years, nearly 90 percent of NYCHA's housing units could be at risk of deteriorating beyond the point at which it is cost-effective to repair; and

Whereas, NYCHA's current plan to address funding shortages by privatizing the management of certain buildings via the Rental Assistance Determination/Permanent Affordability Commitment Together (RAD/PACT) has been criticized for overstating the program's ability to attract private unsubsidized funding; and

Whereas, There are concerns that RAD/PACT conversions negatively affect tenant access to services and protections afforded to them under NYCHA tenancy, and preliminary evidence that eviction rates are higher in converted buildings; and

Whereas, A recent report from Community Preservation Corporation, a nonprofit affordable housing financing company, argues the city and state will each need to allocate an additional $1.5 billion annually for the comprehensive modernization of whole developments, in order to address the decades of disinvestment and the resulting deterioration of conditions in NYCHA's building stock; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature and Governor to provide their share of the additional three billion dollars annually, that must be reinvested into NYCHA in order to address capital needs resulting from decades of disinvestment in its building stock.

Referred to the Committee on Public Housing.

Res. No. 48

Resolution calling upon the New York State Legislature to pass, and the Governor to sign, S.05623/A.05290 in relation to the purchase of claims by corporations or collection agencies and to certain instruments calling for payment of a monetary obligation by a foreign state.

By Council Members Avilés and Cabán.

Whereas, Sovereign debt is the money a nation's government owes to individuals, organizations or other governments; and

Whereas, Sovereign debt plays a crucial role in financing governments worldwide by allowing them to make long-term investments and to smooth their consumption through periods of temporary hardship; and

Whereas, Many countries have been struggling under the burdens of unsustainable international debts for years; and

Whereas, Creditors known as vulture funds buy up defaulted debts at very low prices when a country is in economic distress and aggressively litigate to recoup the debt's full value plus interest, regardless of the debtor's ability to pay; and

Whereas, Vulture funds often refuse to renegotiate sovereign debt to level that is more easily managed by the debtor country; and

Whereas, In order to pay the vulture funds, countries may be forced to increase taxes, reduce public services, and curtail spending on economic development and poverty-reducing programs; and

Whereas, According to Eric LeCompte, a member of the United Nations debt working group, more than half of all sovereign debt contracts are governed by New York State Law, putting New York in a unique position to stop vulture funds from profiteering at the expense of countries in financial distress; and

Whereas, Champerty is an English common law doctrine that prohibits the purchase of debt with the intent, and for the purpose, of bringing a lawsuit; and

Whereas, Section 489 of the New York Judiciary Law codifies champerty by prohibiting creditors from bringing claims to court if they purchased the claim with the sole aim and express intention of pursuing a legal action; and

Whereas, In 2004, the New York State Legislature amended section 489 of the Judiciary Law to effectively eliminate the champerty rule for any debt purchases or assignments having a value of more than $500,000; and

Whereas, S.5623, introduced by State Senator Liz Krueger and pending in the New York State Senate, and companion bill A.5290, introduced by State Assembly Member Jessica González-Rojas and pending in the New York State Assembly, would strengthen champerty by eliminating the safe harbor for transactions over $500,000; and

Whereas, S.5623/A.5290 would require creditors to participate in good faith in a qualified restructuring of debt for foreign states with debts that have been assessed as unsustainable by the International Monetary Fund; 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.5623/A.5290 in relation to the purchase of claims by corporations or collection agencies and to certain instruments calling for payment of a monetary obligation by a foreign state.

Referred to the Committee on Cultural Affairs, Libraries and International Intergroup Relations.

Res. No. 49

Resolution calling upon the New York State Legislature to pass and the Governor to sign A.5197/ S.7198, to amend the education law in relation to school climate and codes of conduct on school property and disciplinary action following violation of such codes of conduct.

By Council Members Avilés and Joseph.

Whereas, Current New York State (NYS) law controlling school discipline relies on policies that exclude students from school through suspension, expulsion, and other punitive measures; and

Whereas, These punitive and exclusionary discipline practices have been shown to have a disproportionately negative effect on disadvantaged groups, particularly students of color and students with disabilities; and

Whereas, The disparate impact of these exclusionary discipline practices is especially severe in New York City (NYC) schools; and

Whereas, According to an analysis by Advocates for Children of New York (AFC) of the NYC Department of Education (DOE)'s suspension data report for the 2019-20 school year, 50.7% of superintendent's long-term suspensions, along with 41.0% of principal's suspensions, went to Black students, who comprised only 21.6% of the public school population; and

Whereas, Further, the AFC analysis found that students with disabilities, who comprise approximately 20% of the student population, received 44.8% of long-term suspensions and 39.1% of principal's suspensions in 2019-20; and

Whereas, Numerous research studies, including a 2021 report by American Institutes for Research, show that suspension is ineffective as a tool to improve student behavior and has been linked to a host of negative outcomes, including poor grades, chronic absenteeism, grade retention, dropping out, and incarceration; and

Whereas, In January 2014, the U.S. Departments of Education and Justice jointly released School Discipline Guidance calling on schools to reduce use of ineffective school discipline policies causing disparate impacts and to adopt fair, age-appropriate, positive alternatives, such as restorative justice, to exclusionary practices including classroom removals, suspensions and expulsions; and

Whereas, In 2018, the New York State Board of Regents adopted these recommendations, but they have not been codified in State law; and

Whereas, The goal of A.5197, sponsored by Assemblymember Nolan, and its companion bill S.7198, sponsored by Senator Jackson, is to reform school discipline policies to ensure the application of fair and equitable school discipline for all students; and

Whereas, A.5197 and S.7198 would amend State Education Law to require schools to develop a code of conduct to promote and sustain a safe, respectful, and supportive school environment; and

Whereas, More specifically, the bills call for codes of conduct that include a range of age-appropriate graduated disciplinary measures, including restorative practices, and require schools to use the least severe action necessary to respond to a code violation; and

Whereas, In addition, A.5197 and S.7198 would end the use of suspensions for students in pre-K through grade 3 and prohibit suspensions for most minor infractions, like tardiness, dress code violations, leaving school without permission, and "willful disobedience" such as use of foul language or refusal to follow directions; and

Whereas, Further, the legislation would limit the length of long- term suspensions to 20 school days, down from 180 days, and require alternate instruction be provided during removal so that students who are suspended can stay on track academically; and

Whereas, Updating State Education Law to reflect the latest research and best practices on school discipline, including the use of positive interventions, such as restorative justice practices, to resolve student misbehavior would help keep NYC students in school and out of the criminal justice system, thereby improving their potential life outcomes; 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.5197/ S.7198, to amend the education law in relation to school climate and codes of conduct on school property and disciplinary action following violation of such codes of conduct.

Referred to the Committee on Education.

Res. No. 50

Resolution calling upon the United States Congress to reinstate and make the Child Tax Credit permanent.

By Council Members Avilés, De La Rosa, Bottcher and Yeger.

Whereas, The Federal Child Tax Credit (child tax credit) was established as part of the Taxpayer Relief Act in 1997 and helps qualifying families with children to get a tax break; and

Whereas, As originally passed in 1997, the child tax credit was $400 per child under age 17 and nonrefundable for most families; and

Whereas, Since 1997, the benefit has been expanded and made more available to more low-income families, while the value of the child tax credit has also been increased; and

Whereas, The value of the child tax credit is determined primarily by the income level, marital status, and number of dependent children, according to the Internal Revenue Service (IRS); and

Whereas, It is estimated that the child tax credit lifts nearly 2 million children out of poverty each year, according to the National Conference of State Legislatures; and

Whereas, More recently, another piece of federal legislation – the American Rescue Plan (Plan) – was enacted in 20201 during a public health and economic crisis to provide further economic relief to children expanding the child tax credit that has kept millions of children out of poverty, according to the United States (US) Department of Treasury; and

Whereas, the Plan increased the child tax credit for qualifying children under age 6 from up to $2,000 per child to up to $3,600 per child; and

Whereas, The Plan increased the child tax credit for qualifying children between ages 6 and 16 from up to $2,000 per child to up to $3,000 per child; and

Whereas, Between July and December 2021, the IRS paid out six months of advance child tax credit payments worth up to $250 per child ages 6 to 17, and up to $300 per child under age 6, impacting over 61 million children in over 36 million households; and

Whereas, The Columbia Center on Poverty and Social Policy estimated that in July 2021, when the first monthly checks went out, the US child poverty rate dropped to 11.9 percent, from 15.8 percent the month before, the lowest rate on record since 1960; and

Whereas, The monthly child tax credit kept 3 million children from poverty in July 2021, and by December 2021, was keeping 3.7 million children from poverty and reducing monthly child poverty by 30 percent; and

Whereas, The IRS sent the last round of 2021 child tax credit payments in December 2021, which marked the last month that families received an advance payment; and

Whereas, the Plan only guaranteed the increased child tax credit for the 2021 tax year, and they accordingly reverted in 2022 to the previous rules of $2,000 per child after Congress failed to extend the plan; and

Whereas, Food insecurity in the US has worsened since the monthly children tax credit payments ended in December 2021, and the Census Bureau has since estimated that more than 21 million Americans are food insecure; and

Whereas, The child tax credit expansions have been projected to reduce annual child poverty by more than 40 percent, according to the Center on Budget and Policy Priorities (CBPP); and

Whereas, Poverty and the hardships that come with it, such as unstable housing, frequent moves, inadequate nutrition, and high levels of family stress can take a heavy toll on children and are associated with lower levels of educational attainment, poorer health outcomes, and lower earnings, according to a 2019 report by the National Academies of Sciences, Engineering, and Medicine; and

Whereas, According to CBPP, an estimated 9.9 million children are at risk of slipping back below the poverty line or deeper into poverty if the expansion is not extended, including 3.8 million Latino, 2.9 million white, 2.1 million Black, 426,000 Asian, and 280,000 American Indian or Alaska Native (AIAN) children; and

Whereas, The child tax credit expansion will help reduce racial disparities and discrimination, which have created large gaps in both opportunities and outcomes in education, employment, health, and housing, according to CBPP; and

Whereas, Studies show that without the expansion, the differences in child poverty rates between Latino and white children would grow by 70 percent, between Black and white children by 78 percent, and between AIAN and white children by 86 percent according to CBPP; and

Whereas, Expanding the child tax credits through 2025 would already have significantly lowered child poverty and lifted more than 4 million children from living in poverty, according to the Urban Institute; and

Whereas, Making the child tax credit available on a permanent basis to would lower poverty rates for children, improve children's lives, and benefit all of society; now, therefore, be it

Resolved, That the Council of the City of New York calls on the United States Congress to reinstate and make the Child Tax Credit permanent.

Referred to the Committee on General Welfare.

Res. No. 51

Resolution calling upon the New York State Legislature to pass and the Governor to sign A.9414/S.5806, in relation to authorizing the New York City Council to oversee the activities of the New York City Housing Authority.

By Council Members Avilés, Louis, Restler, Won, Hanif, Hudson, Ossé, Farías, Ayala, De La Rosa, Brooks-Powers, Schulman, Bottcher, Krishnan, Narcisse and Brewer.

Whereas, The New York City Housing Authority ("NYCHA") is a public housing authority with 335 developments, and 177,611 units that are home to 547,891 authorized residents, through public housing, section 8, and NYCHA's implementation of the federal rental assistance demonstration ("RAD") program; and

Whereas, For the past decade, there have been numerous articles that have reported on the frequent service interruptions to heat and hot water, and to gas services at NYCHA developments; and

Whereas, On January 2019, federal and city officials agreed to the appointment of a federal monitor to help address the history of maintenance issues that have created health and safety hazards at NYCHA; and

Whereas, The federal monitor has been charged with approving action plans that require NYCHA to meet certain benchmarks to resolve reoccurring lead, mold, heat, elevator and sanitation issues, but tenants are still struggling to get repairs; and

Whereas, According to The City, an online publication, nearly four years after New York City committed $2 billion dollars to make building improvements, 92 percent of the 336 projects NYCHA intended to work on have yet to begin; and

Whereas, The same report stated that of the 24 projects that are underway, 92 percent of them have already had major postponements; and

Whereas, Some of the delayed projects included upgrades to heating systems, testing and cleaning for lead, upgrades to trash compactors and elevator repairs; and

Whereas, Tenants pay rent to NYCHA with a reasonable expectation for habitability and basic services, and NYCHA should be held accountable when it fails to make repairs; and

Whereas, Whereas, A.9414, sponsored by Assembly Member Edward Gibbs in the New York State Assembly, and companion bill, S.5806, introduced by State Senator Leroy Comrie in the New York State Senate, would increase the New York City Council's ability to mandate NYCHA to produce reports and provide information the Council; and

Whereas, Allowing local elected officials to have more oversight over NYCHA's operations would allow for more analysis over the effectiveness of programs, increase the transparency of NYCHA's operations and help respond to conditions in a more timely matter; now, therefore, be it

Resolved, That the Council of the City of New York calls on the New York State Legislature to pass, and the Governor to sign, A.9414/S.5806, in relation to authorizing the New York City Council to oversee the activities of the New York City Housing Authority.

Referred to the Committee on Public Housing.

Res. No. 52

Resolution calling upon Congress to pass, and the President to sign, legislation that would eliminate the authority of the Department of Defense to transfer surplus military property to federal, state and local agencies for law enforcement activities.

By Council Member Avilés and the Public Advocate (Mr. Williams).

Whereas, The military surplus program, also known as the 1033 program, was created in 1990 as part of the National Defense Authorization Act (the Act), which authorized the Department of Defense (DOD) to transfer surplus military property to federal and state agencies for counter drug-related activities; and

Whereas, In 1996 the program was expanded to allow transfer of property for use in relation to counter-terrorism; and

Whereas, Section 1033 of the Act of 1997 authorized the DOD to transfer excess military property to state and local law enforcement agencies; and

Whereas, Eligible agencies include those whose function is the enforcement of applicable Federal, State and local laws, and whose full-time law enforcement officers have powers of arrest and apprehension; and

Whereas, Eligible equipment under 1033 includes, body armor, night vision equipment, first aid supplies, weapons, surveillance equipment, Kevlar helmets, combat vehicles, clothing, aircraft, ATVs, and generators, among other property; and

Whereas, According to a 2021 report from the American Civil Liberties Union (ACLU), from its creation to the time of the report, more than 7.4 billion dollars in military equipment and weaponry had been transferred across nearly 10 thousand jurisdictions; and

Whereas, ACLU's reported state and local law enforcement were in possession of more than 60,000 military grade rifles, 1,500 combat-ready trucks and tanks, 500 unmanned ground vehicles and dozens of military aircraft, machine gun parts, bayonets, and an inert rocket launcher; and

Whereas, As of 2020, some 8,200 local law enforcement agencies reported using equipment obtained through the 1033 program; and

Whereas, New York has received millions of dollars in equipment, with a 2014 report indicating New York State had received over 26 million dollars in equipment through the program by that time; and

Whereas, Research shows that militarized police departments are less likely to prevent crime and more likely to harm the reputation of law enforcement as a whole; and

Whereas, Access to such equipment has led to alterations in training and tactics and its use in situations where it may not be warranted; and

Whereas, Local police have responded to protests with usage of military equipment and weapons; and

Whereas, One such occasion occurred in Ferguson, Missouri, when protests broke out in response to the fatal shooting of Michael Brown by local police officer, Darren Wilson; and

Whereas, During the 2014 and 2015 protests in Ferguson, Missouri, local law enforcement arrived to control crowds of protesters; and

Whereas, Police officers on the scene were photographed with military-grade weapons trained on unarmed civilians; and

Whereas, In response, President Barack Obama signed Executive Order 13688, establishing oversight procedures for certain controlled weapons and banning some categories of weapons altogether; and

Whereas, In 2017, President Donald Trump rescinded Executive Order 13688; and

Whereas, The 1033 program continues to distribute excess military equipment to local law enforcement agencies; and

Whereas, For the safety of civilians, it is essential that the current administration reevaluate the usage and necessity of the 1033 program;

Whereas, On May 13, 2021, Congresswoman Nydia Velazquez introduced H.R. 3227, also known as the Demilitarizing Local Law Enforcement Act of 2021, which seeks to end the 1033 program; and

Whereas, For the safety of civilians, it is essential that the current administration reevaluate the usage and necessity of the 1033 program; now therefore, be it

Resolved, That the Council of the City of New York calls upon Congress to pass, and the President to sign, legislation that would eliminate the authority of the Department of Defense to transfer surplus military property to federal, state and local agencies for law enforcement activities.

Referred to the Committee on Public Safety.

Res. No. 53

Resolution calling on top maritime importers to New York City ports to commit to making the City's streets greener by reducing truck traffic and using marine vessels for last mile deliveries throughout the boroughs.

By Council Members Avilés, Gutiérrez, the Public Advocate (Mr. Williams), Nurse, Brooks-Powers, Won, Hanif, and Restler (by request of the Brooklyn Borough President).

Whereas, The Port of New York and New Jersey is the largest port on the east coast of the United States making it a primary gateway for international maritime cargos that go to regional distribution centers; and

Whereas, The Port of New York and New Jersey is a national and regional asset that handles the highest volume of shipping containers on the east coast and serves as a critical economic engine to our region; and

Whereas, According to Rensselaer Polytechnic Institute's Center of Excellence for Sustainable Urban Freight Systems, New York City (the City) residents receive a total average of 2.3 million packages per day; and

Whereas, the City's population is expected to reach 9 million by the year 2040, which will result in increasing residential and commercial freight demand; and

Whereas, According to a 2019 report by the New York City Department of Transportation (DOT), approximately 89 percent of the 365 million tons of cargo that enter, leave or pass through the City is transported by truck each year with a total of 125,621 truck crossings into Manhattan per day and 73,583 trucks driving through Brooklyn daily, mostly between the hours of 7AM and 7PM; and

Whereas, The total freight tonnage is expected to grow by 68 percent to 540 million tons by 2045, which will create more traffic congestion and competition for contested street space; and

Whereas, Many buildings in the City lack sufficient off-street loading docks to accommodate deliveries and cause congestion as commercial vehicle drivers search for parking in the surrounding area; and

Whereas, Delivery trucks are responsible for nearly half of the nitrogen oxide emissions and approximately 60 percent of the fine particulates from all vehicles adding up to 7 percent of all greenhouse gas emissions in the United States; and

Whereas, Delivery truck emissions contribute to asthma and other respiratory conditions, as well as premature death, and trucks exacerbate traffic congestion, stressing aging infrastructure and affecting the quality of life in residential areas; and

Whereas, According to DOT, there is currently no active maritime service that carries consumer goods directly into the City's boroughs which has resulted in heavy reliance on delivery trucks for last mile deliveries; and

Whereas, In December 2021, then-Mayor Bill de Blasio announced a $38 million dollar plan to restructure freight distribution to relieve congestion caused by delivery trucks throughout the City; and

Whereas; The plan included $18 million for the Blue Highways pilot program, to secure private investments in marine vessels to transport goods throughout the City, specifically during last mile services; and

Whereas, Pilot programs, such as the Blue Highways program could alleviate some of the City's truck congestion by utilizing the City's waterways and creating opportunities for cargo ships to bring various freights, including shipping containers and truck trailers to City marine terminals throughout the boroughs and removing delivery trucks from the City's streets; and

Whereas, Alleviating truck congestion and utilizing marine vessels for last mile deliveries can also lead to less air and noise pollution and a safer environment for City residents; now, therefore, be it

Resolved, That the Council of the City of New York calls on top maritime importers to New York City ports to commit to making the City's streets greener by reducing truck traffic and using marine vessels for last mile deliveries throughout the boroughs.

Referred to the Committee on Transportation and Infrastructure.

Int. No. 116

By Council Members Ayala, Restler and Brewer.

A Local Law to amend the administrative code of the city of New York, in relation to requiring quarterly reporting on lawful source of income discrimination in housing accommodations

Be it enacted by the Council as follows:

Section 1. Subdivision 5 of section 8-107 of the administrative code of the city of New York is amended by adding a new paragraph (q) to read as follows:

(q) Reporting on lawful source of income discrimination in housing accommodations. (1) No later than 30 days after the end of each fiscal quarter, the commission shall submit to the speaker of the council and post on its website a report on all complaints of discrimination based on lawful source of income in housing accommodations that have been received, initiated, or resolved by the commission over the previous quarter and all unresolved complaints received or initiated prior to the previous quarter. Such quarterly report shall include but not be limited to the following information:

(A) A unique identification code corresponding to each complaint received, initiated, or resolved in the previous quarter and each unresolved complaint received or initiated prior to the previous quarter;

(B) The borough-block-lot number of the property to which each complaint relates;

(C) A brief description of each complaint;

(D) The status of each complaint, whether open or resolved, and if the status is resolved, a brief description of how it was resolved;

(E) The date each complaint was received, initiated, or resolved, as applicable;

(F) Information about which complaints required emergency intervention from the commission; and

(G) Information about which complaints resulted in damages or penalties obtained.

(2) No report required by subparagraph (1) of this paragraph shall contain personally identifiable information.

§ 2. This local law takes effect immediately.

Referred to the Committee on Civil and Human Rights.

Int. No. 117

By Council Members Ayala, Restler and Won.

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

Be it enacted by the Council as follows:

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

CHAPTER 29
FUNDING AND SPENDING

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

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

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

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

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

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

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

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

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

§ 2. This local law takes effect immediately.

Referred to the Committee on Education.

Int. No. 118

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

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

Be it enacted by the Council as follows:

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

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

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

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

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

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

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

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

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

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

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

Referred to the Committee on Education.

Int. No. 119

By Council Member Ayala.

A Local Law to amend the New York city charter, in relation to establishing an office of Puerto Rico-New York City affairs

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-n to read as follows:

§ 20-n. Office of Puerto Rico-New York City affairs. a. The mayor shall establish an office of Puerto Rico-New York City affairs, which may be known as PRNYC. Such office may be established within any office of the mayor or within any department the head of which is appointed by the mayor. The office shall be headed by a director of Puerto Rico-New York City affairs, who shall be appointed by the mayor.

b. The director of Puerto Rico-New York City affairs shall have the power and the duty to provide services to former residents of Puerto Rico and descendants of residents of Puerto Rico. Such services shall include:

1. Addressing the needs of persons displaced from Puerto Rico;

2. Assistance in completing applications to obtain vital documents from Puerto Rico, including birth, marriage and death certificates;

3. Assistance in understanding and completing applications for governmental programs that may be available to offer assistance to such individuals;

4. Referrals to non-governmental organizations that may be able to offer additional assistance; and

5. Any other services the director deems necessary to provide.

c. The director of Puerto Rico-New York City affairs shall make reasonable efforts to work with the government of Puerto Rico to provide the services required pursuant to subdivision b.

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

Referred to the Committee on Governmental Operations, State & Federal Legislation.

Int. No. 120

By Council Members Ayala, Restler and Won.

A Local Law to amend the administrative code of the city of New York, in relation to enhancing the pre-arraignment physical and behavioral health screenings of arrestees held at the central booking facility of a criminal court in the city of New York

Be it enacted by the Council as follows:

Section 1. Subdivision a of section 14-163 of the administrative code of the city of New York, as added by local law number 124 for the year 2016, is amended to read as follows:

§ 14-163 Arrestee health information.

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

Arrestee. The term "arrestee" means any person under custodial arrest by the department other than a person whose arrest results in the issuance of a summons or desk appearance ticket.

Electronic health screening tool. The term "electronic health screening tool" means a web-based tool used by a health care provider to identify the physical and behavioral health needs of arrestees at a central booking facility.

Health care provider. The term "health care provider" means any person licensed or certified under federal or New York state law to provide medical services, including [but not limited to] doctors, nurses, *nurse practitioners and patient care associates* [and emergency personnel].

Nurse practitioner. The term "nurse practitioner" means an individual, certified under section 6910 of article 139 of the education law, who is licensed to diagnose and treat common medical conditions; trained to make informed judgments about whether to transfer arrestees to a hospital for further evaluation or medical care prior to arraignment; and able to prescribe medications for medical conditions common among those arrestees in central booking.

Patient care associate. The term "patient care associate" means an individual who works

under the direct supervision of a nurse practitioner and is trained and certified to assess vital signs, collect health history information and assist in delivering medical care to arrestees.

b. [Medical treatment report] *Arrestee electronic health screening tool*. Whenever an arrestee is [treated by a health care provider while] in the custody of the department, [the department] *a health care provider* shall [create a report] *use an electronic health screening tool to assess the physical and behavioral health of such arrestee*. [Such report shall include a brief description of the arrestee's medical condition, to the extent known by the department, the arrestee's name and other identifying information regarding that arrestee, including but not limited to the arrestee's New York state identification number and date of birth, when available, and identity of the health care provider. Such report shall be transmitted to the department of health and mental hygiene or its designee whenever an arrestee is taken into the custody of the department of correction.] *Any physical and behavioral health information regarding such arrestee obtained with such screening tool may, with such*

arrestee's consent, be electronically shared with such arrestee's defense counsel or the department of correction, in the event such arrestee is taken into the department's custody.

§ 2. Sections 17-1801 to 17-1804 of the administrative code of the city of New York, as amended by local law number 190 for the year 2019, are amended to read as follows:

17-1801 Definitions. For the purposes of this chapter, the following terms have the following meanings:

Arrestee. The term "arrestee" has the same meaning as set forth in subdivision a of section 14-163 of the code.

Correctional health services. The term "correctional health services" means any health care entity designated by the city of New York as the agency or agencies responsible for health services for incarcerated individuals in the care and custody of the New York city department of correction. When the responsibility is contractually shared with an outside provider, this term shall also apply.

Diversion. The term "diversion" means treatment resources and services in the community, which include, but are not limited to (i) court-based alternatives to jail and detention, including the citywide supervised release program; (ii) alternatives to incarceration, including mental health and drug treatment courts; (iii) counseling; (iv) psychiatric services; and (v) substance use disorder treatment.

Diversion liaison. The term "diversion liaison" means a licensed social worker whose duties include, but are not limited to (i) identifying arrestees with behavioral health needs and, with such arrestee's consent, sharing such health information with such arrestee's defense counsel; and (ii) contacting community health and social service providers, with such arrestee's consent, to inform them of such arrestee's arrest and the need for post-release referrals.

E-Clinical Works. The term "e-Clinical Works" means the city jail electronic health record system, which includes information on prior diagnoses, prescriptions, radiology images and allergies for arrestees who have been through the city jail system in the past five years.

Electronic health screening tool. The term "electronic health screening tool" has the same meaning as set forth in subdivision a of section 14-163.

Health care provider. The term "health care provider" [means any person licensed or certified under federal or New York state law to provide medical services, including but not limited to doctors, nurses and emergency personnel] *has the same meaning as set forth in subdivision a of section 14-163.*

Health evaluation. The term "health evaluation" means any evaluation of an inmate's [health and mental] *physical and behavioral* health upon their admission to the custody of the department of correction pursuant to minimum standards of inmate care established by the board of correction.

Incarcerated individual. The term *"incarcerated individual"* means any person in the custody of the New York city department of correction.

Nurse practitioner. The term "nurse practitioner" has the same meaning as set forth in subdivision a of section 14-163.

Patient care associate. The term "patient care associate" has the same meaning as set forth in subdivision a of section 14-163.

Psychiatric Services and Clinical Knowledge Enhancement System. The term "Psychiatric Services and Clinical Knowledge Enhancement System" means the New York state office of mental health database, which provides historical and current information on diagnoses and service use among Medicaid beneficiaries.

Screened. The term "screened" means evaluated by a health care provider.

§ 17-1802 Arrestee *enhanced* health screening. *a.* Every arrestee held at the central booking area of a local criminal court prior to their arraignment at such court, *with such arrestee's consent,* shall be screened *by a health care provider with an electronic health screening tool* for [medical or mental health] *physical or behavioral health* conditions that may require immediate attention. [The department or its designee shall oversee such screening.]

b. The department shall implement enhanced health screenings at central booking facilities citywide, at a rate of one central booking facility per borough per year, until each facility utilizes such screenings. Such screenings shall occur 24 hours a day, seven days a week and include, but not be limited to, the following:

1. Staffing, which shall consist of at least one nurse practitioner, one patient care associate and one diversion liaison to perform duties including, but not limited to, (i) with the arrestee consent, screening such arrestee for acute and chronic physical and behavioral health conditions; (ii) treating minor injuries by, including but not limited to, providing basic medications for common medical conditions, including pain

relievers, insulin, blood pressure medication and other commonly prescribed medications; (ii) diagnosing and treating such conditions on-site, if possible, or referring such arrestees to a hospital for further evaluation or care prior to arraignment; (iii) preparing a clinical summary of screened arrestees who are identified as having behavioral health needs and consent to meet with a diversion liaison; (iv) triaging such arrestees' medical services, with such arrestee consent, with community and correctional providers; (v) identifying arrestees who may be candidates for diversion; and (vi) liaising with such arrestee respective defense counsel, with such arrestee consent, to facilitate pre- and post-arraignment diversion;

2. Two levels of screening for physical or behavioral health conditions in arrestees consisting of the following:

(i) A level-one screening consisting of a preliminary health screening conducted by a patient care associate to ascertain the acute physical and behavioral health needs of such arrestee and identify arrestees requiring a level-two screening; and

(ii) A level-two screening conducted by a nurse practitioner to more thoroughly assess the physical or behavioral health conditions of such arrestee identified in the level-one screening;

3. A diversion liaison who performs such duties, including but not limited to, interviewing a consenting arrestee whose record indicates a behavioral health issue, summarizing such interviews and liaising with such arrestee's defense counsel regarding such arrestee to facilitate pre- and post- arraignment diversion;

4. Health care providers and diversion liaisons who have access to the arrestee's electronic health records in e-Clinical Works and, with such arrestee's consent, the Psychiatric Services and Clinical Knowledge Enhancement System, to help such health care providers and diversion liaisons make informed treatment choices, triage medical services with community and correctional providers and liaise with such arrestee's defense counsel; and

5. A health care provider entering a triage flag in e-Clinical Works to expedite medical intake for any jail-bound arrestee who requires follow-up physical or behavioral health assessments after (i) disclosing an underlying chronic illness or adverse health event to a health care provider or (ii) exhibiting symptoms of an underlying chronic illness or warning signs of an adverse health event, as detected by a health care provider.

§ 17-1803 Health information from screening for incarcerated individuals. The department or its designee shall establish procedures *and promulgate rules as may be necessary* to [make available reports received from] *ensure the physical and behavioral health information of an inmate in the custody of* the New York city police department *is,* pursuant to section 14-163, *shared with* [to] any health care provider in a department of correction facility conducting a health evaluation, [at such time as] *before* a health evaluation is conducted.

§ 17-1804 Health information exchange for incarcerated individuals. The department or its designee shall establish procedures *and may promulgate rules as may be necessary* to *share* [obtain] the *physical and behavioral health information of such inmate,* [pre-arraignment screening record created] pursuant to section 17-1802**.** and any *electronic or paper* medical records created and maintained by any hospital in connection with treatment provided to an arrestee who subsequently enters the custody of the department of correction, at the request of any health care provider conducting a health evaluation of such inmate.

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

Referred to the Committee on Health.

Int. No. 121

By Council Members Ayala, Restler, Won and Brewer.

A Local Law to amend the administrative code of the city of New York, in relation to requiring housing developers that receive public financing to assume financial responsibility for repairs required within 10 years of construction

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 Homeowner repairs. a. Definitions. For the purposes of this section, the following terms have the following meanings:

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.

Covered developer. The term "covered developer" means an individual, sole proprietorship, partnership, joint venture, corporation or other entity that enters into a contract or other agreement with a contracting agency to build a homeownership construction project.

Homeownership construction project. The term "homeownership construction project" means the construction of any residential building funded in whole or in party by any loans, grants, tax credits, tax exemptions, tax abatements, subsidies, mortgages, debt forgiveness, land conveyances for less than appraised value, land value or other thing of value allocated, conveyed or expended by the city, which is to be purchased from the developer by a homeowner who will maintain the building as a primary residence.

b. Any contract or other agreement to construct a homeownership construction project executed on or after the effective date of this section shall include a provision requiring the covered developer to assume financial responsibility for repairs to the building required within 10 years of the completion of the homeownership construction project, provided that covered developers shall not be responsible for repairs that become necessary as a result of the following:

(a) Intentional acts of destruction;

(b) Homeowner negligence; or

(c) Natural disaster.

c. Except as otherwise specified by contract or other agreement, disputes between covered developers and homeowners with respect to financial responsibility for repairs required within 10 years of the completion of homeownership construction projects shall be adjudicated by the office of administrative trials and hearings.

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

Referred to the Committee on Housing and Buildings.

Int. No. 122

By Council Members Ayala, Restler and Brewer.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the police department to make crime statistics at each New York city housing authority operated housing development available through the department's website, as well as making other crime information regarding such housing developments available to the city council

Be it enacted by the Council as follows:

Section 1. Paragraph four of subdivision a of section 14-150 of the administrative code of the city of New York is amended to read as follows:

4. A crime status report. Such report shall include the total number of crime complaints (categorized by class of crime, indicating whether the crime is a misdemeanor or felony) for each patrol precinct, including a subset of housing bureau and transit bureau complaints within each precinct *as well as a subset of complaints for each housing development operated by the New York city housing authority*; arrests (categorized by class of crime, indicating whether the arrest is for a misdemeanor or felony) for each patrol precinct, housing police service area, transit district, street crime unit and narcotics division; summons activity (categorized by type of summons, indicating whether the summons is a parking violation, moving violation, environmental control board notice of violation, or criminal summons) for each patrol precinct, housing police service area and transit district;

domestic violence radio runs for each patrol precinct; average response time for critical and serious crimes in progress for each patrol precinct; overtime statistics for each patrol borough and operational bureau performing an enforcement function within the police department, including, but not limited to, each patrol precinct, housing police service area, transit district and patrol borough street crime unit, as well as the narcotics division, fugitive enforcement division and the special operations division, including its subdivisions, but shall not include internal investigative commands and shall not include undercover officers assigned to any command. Such report shall also include the total number of complaints of all sex offenses as defined in article 130 of the New York state penal law, in total and disaggregated by the following offenses: rape as defined in sections 130.25, 130.30, and 130.35; criminal sexual act as defined in sections 130.40, 130.45, and 130.50; misdemeanor sex offenses as defined in sections 130.20, 130.52, 130.55, and 130.60; sexual abuse as defined in sections 130.65, 130.65-a, 130.66, 130.67, and 130.70; course of sexual conduct against a child as defined in sections 130.75 and 130.80; and predatory sexual assault as defined in sections 130.95 and 130.96. Such report shall also include the total number of major felony crime complaints for properties under the jurisdiction of the department of parks and recreation, pursuant to the following timetable:

1. Beginning January first, two thousand fourteen, the thirty largest parks, as determined by acreage;
2. Beginning June first, two thousand fourteen, the one hundred largest parks, as determined by acreage;
3. Beginning January first, two thousand fifteen, the two hundred largest parks, as determined by acreage;
4. Beginning January first, two thousand sixteen, the three hundred largest parks, as determined by acreage;
5. Beginning January first, two thousand seventeen, all parks one acre or greater in size; and
6. Beginning January first, two thousand eighteen, all public pools, basketball courts, recreation centers, and playgrounds that are not located within parks one acre or greater in size.

The department shall conspicuously post all quarterly reports of major felony crime complaints for properties under the jurisdiction of the department of parks and recreation online via the department's website within five business days of the department's submission of such report to the council.

§2. Chapter one of title 14 of the administrative code of the city of New York is amended to add a new section 14-193, to read as follows:

§14-193. Crime data by housing development posted to the department's website. The department shall make available to the public, through its website, crime data for each housing development operated by the New York city housing authority. Crime data, as used in this section, refers to the crime data that the police department places on its website for each precinct and patrol borough.

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

Referred to the Committee on Public Housing.

Int. No. 123

By Council Members Ayala, Louis, Restler, Stevens, Hanif, Hudson, Brewer, Ung, Sanchez, Won and Gutiérrez.

A Local Law to amend the administrative code of the city of New York, in relation to precluding the department of homeless services from requiring a child's presence at an intake center when a family with children applies for shelter

Be it enacted by the Council as follows:

Section 1. Chapter 4 of title 21 of the administrative code of the city of New York is amended by adding a new section 21-329 to read as follows:

§ 21-329 Shelter application process for families with children. a. Definitions. For the purposes of this section, the following terms have the following meanings:

Child. The term "child" means a person who is under 21 years of age.

Family with children. The term "family with children" means a family with at least one adult and at least one child.

Intake center. The term "intake center" means a department facility that accepts and processes applications for shelter from families with children.

Shelter. The term "shelter" means temporary emergency housing provided to homeless families with children by the department or a provider under contract or similar agreement with the department.

b. The department shall not require any child who is a member of a family with children to be present at an intake center when that family applies or reapplies for shelter. Nothing in this section precludes a family with children from bringing a child to an intake center when applying or reapplying for shelter.

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

Referred to the Committee on General Welfare.

Int. No. 124

By Council Members Ayala, Ung and Restler.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of homeless services to provide process navigator services to every family with children entering an intake center

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 21-314.3 to read as follows:

§ 21-314.3 Process navigator services. a. Definitions. For purposes of this section, the terms "children," "family with children" and "intake center" have the same meaning as in section 21-317.

b. Services required. The commissioner shall provide the services of a process navigator to each family with children who seeks assistance at an intake center. Such services shall include, but not be limited to, assistance in understanding the procedures, meetings, interviews and documents necessary to complete applications at the intake center and obtain best solutions for temporary shelter placement. A process navigator shall also be available to respond to applicant questions before and after a meeting or interview at an intake center.

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

Referred to the Committee on General Welfare.

Int. No. 125

By Council Members Ayala, Restler and Won (by request of the Queens Borough President).

A Local Law to amend the administrative code of the city of New York, in relation to prohibiting the police department from collecting DNA from a minor without consent from a parent, legal guardian or attorney

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 Consent required to collect the DNA of a minor. a. Definitions. For purposes of this section, the following terms have the following meanings:

DNA sample. The term "DNA sample" means any amount of blood, saliva, hair or other bodily material from which deoxyribonucleic acid can be extracted.

Minor. The term "minor" means a natural person under the age of 18.

b. No member of the department or other law enforcement officer shall collect a DNA sample from a minor prior to the lawful arrest of such minor without first obtaining the written consent of such minor's parent, legal guardian or attorney, except:

1. Where the DNA sample is abandoned at the scene of an alleged criminal offense and is not collected from the minor's person; or

2. Where the DNA sample is collected from a minor who is alleged to be the victim of a criminal offense.

c. Subdivision b of this section shall not be construed to prohibit any lawful method of collecting a DNA sample from a minor pursuant to a search warrant, other court order or provision of law that authorizes the search of a minor for the purpose of collecting a DNA sample.

§ 2. This local law takes effect 90 days after it becomes law, except that the police commissioner shall take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

Referred to the Committee on Public Safety.

Res. No. 54

Resolution calling on the New York City Department of Education and the New York State Education Department to collaborate on and prioritize increasing the number of educators trained to work with English Language Learners and to improve the quality and comprehensiveness of English Language Learners' education.

By Council Member Ayala.

Whereas, In the 2020-21 school year, there were over 147,000 English Language Learners (ELLs) enrolled in New York City (NYC) Department of Education (DOE) public schools, meaning that these students had not yet tested as proficient on the New York State English as a Second Language Achievement Test (NYSESLAT), which meets federal requirements for annual assessment of ELLs, and, thus, were entitled to additional educational support, under the New York State Commissioner of Education's Regulations; and

Whereas, In the 2020-21 school year, about half of the ELLs in DOE schools were born in the United States (U.S.), and about half were not; and

Whereas, The number of DOE students identified as ELLs continues to increase due to the recent arrival of asylum seekers and their children, with about 14,000 children having enrolled so far; and

Whereas, According to a May 9, 2023, article by Reema Amin in *Chalkbeat*, DOE teachers "are finding that many of these children [of asylum seekers] are learning English at the most basic level, and that some hadn't attended school regularly" even before their arrival in the U.S.; and

Whereas, In the 2020-21 school year, about 80 percent of ELLs in DOE schools were served by the English as a New Language (ENL) program, either through full-time separate classes for students or in individual periods when students were pulled out of their regular class for English instruction; and

Whereas, Another approximately 10 percent of ELLs were served in a transitional bilingual program, through some instruction in each language, but increasingly in English as students became more proficient; and

Whereas, About 7 percent of ELLs were served in a dual language program, through equal instruction in English and another language and with the goal of becoming fluent in both, although there were only 245 programs K-12 in 13 different languages in NYC using this model; and

Whereas, According to the United Federation of Teachers, fewer than 3,000 NYC teachers are certified as bilingual teachers, yielding an unmanageable ratio of about one teacher to 47 ELLs; and

Whereas, Even that relatively small number of bilingual teachers is unevenly distributed across DOE schools such that some schools have a considerably worse ratio than one bilingual teacher to 47 ELLs; and

Whereas, There are also 3,455 teachers certified to teach in ENL program classes, although they are not necessarily bilingual themselves and typically teach primarily in English; and

Whereas, Linguistics professor Kate Menken of The City University of New York's Queens College noted that research shows that bilingual programs are more effective than the ENL programs that serve the vast majority of ELLs in NYC public schools; and

Whereas, Anecdotes abound about ELLs in many understaffed schools not getting the services that they need and are entitled to and about those students who are more capable in the home language being called on repeatedly to translate for other students in classes where the teacher cannot speak the language and often must rely on a digital translation application in order to communicate with students; and

Whereas, According to a DOE Annual Special Education Data Report, in June 2022, only about 36 percent of bilingual special education students were fully served, 62 percent were partially served, and 2 percent were not served by special education programming and services that they are legally entitled to receive; and

Whereas, According to the National Center for Education Statistics, bilingual teachers, along with special education and computer science teachers, are the top three teacher vacancies, especially in underserved schools; and

Whereas, Corey Mitchell wrote in *Education Week* on February 7, 2020, that inadequate training programs, low teacher salaries, a lack of incentives, and difficult working conditions have all contributed to the nationwide problem of finding or producing a sufficient number of bilingual teachers to serve the nation's growing number of bilingual students; and

Whereas, Buffalo Public Schools Acting Assistant Superintendent of Multilingual Education Jenna Colerick noted that her district was "[l]ooking at our multilingual teacher aides and assistants and seeing how possibly they could become certified as ENL or bilingual teachers" as one possible solution, which could be used as a model for other districts; and

Whereas, The New York State Education Department (NYSED) has developed some programs to address the crisis in bilingual education, including the Clinically Rich Intensive Teacher Institute initiative, which provides grants to colleges to offer subsidized bilingual or ENL certification programs for up to 20 candidates per year, and Supplemental Certification Pathways, which make it easier for teachers to meet certification requirements; and

Whereas, More innovative programs and supports for teacher education students, certified teachers, paraprofessionals, teacher aides, and teacher assistants could be put in place to increase the number of teachers and assistants who are qualified to give ELLs the education they deserve; and

Whereas, More innovative programs and supports in school for ELLs, whether they are current NYC residents or newly arrived immigrants, could be put in place to improve the quality of their academic education and their integration into extracurricular school activities, including programs that provide legally mandated special education services for eligible students and services that could help NYC's newest New Yorkers thrive here; now, therefore, be it

Resolved, That the Council of the City of New York calls on the New York City Department of Education and the New York State Education Department to collaborate on and prioritize increasing the number of educators trained to work with English Language Learners and to improve the quality and comprehensiveness of English Language Learners' education.

Referred to the Committee on Education.

Res. No. 55

Resolution calling on the New York State Legislature to pass, and the Governor to sign, S.723A/A.3821, which allows the presence of epinephrine auto-injector devices on pre-school premises.

By Council Member Ayala.

Whereas, According to the American College of Allergy, Asthma, and Immunology, more than 50 million Americans have an allergy of some kind; and

Whereas, According to Food Allergy Research & Education (FARE), researchers have estimated that 5.6 million children under the age of 18 have food allergies; and

Whereas, This amounts to about one in 13 children, or roughly two children in every classroom; and

Whereas, According to the Asthma and Allergy Foundation of America, anaphylaxis, a life-threatening allergic reaction, occurs in about one in 50 Americans; and

Whereas, Many believe the rate is higher and is probably closer to one in 20; and

Whereas, Anaphylaxis can be caused by ingesting food or medication to which an individual is allergic; and

Whereas, According to the American College of Allergy, Asthma, and Immunology, anaphylaxis can come on within minutes of exposure to food, it can be fatal, and it must be treated promptly with an injection of epinephrine; and

Whereas, According to the New York City Department of Health and Mental Hygiene (DOHMH), between 2006 and 2010, 1,259 people were hospitalized for anaphylaxis in New York City; and

Whereas, According to a 2020 study published in the Journal of Public Health Management and Practice, there were a total of 3,049 hospitalizations and 4,014 Emergency Department visits in New York City for food-related anaphylaxis between 2000 and 2014; and

Whereas, Food allergies are increasing and posing a larger threat; and

Whereas, According to FARE, the portion of health care claims submitted to health insurance companies with food allergy and anaphylactic diagnoses rose 125 percent from 2009 to 2016 in New York; and

Whereas, According to New York State public health law, an "epinephrine auto-injector device" is a single-use device used for the automatic injection of a premeasured dose of epinephrine into the human body for the purpose of emergency treatment of a person appearing to experience anaphylactic symptoms approved by the United States Food and Drug Administration; and

Whereas, Under current State law, particular persons or entities may purchase, acquire, possess and use epinephrine auto-injector devices for emergency treatment of a person appearing to experience anaphylactic symptoms; and

Whereas, Under State law, entities that can choose to keep epinephrine auto-injectors include certain camps for children, school districts, charter schools, and non-public elementary and secondary schools or any person employed by any such entity, yet does not specifically include pre-schools; and

Whereas, According a 2017 study in the Journal of Pediatrics, diagnoses of pediatric food allergy in New York City increased approximately threefold from school years 2007-2008 to 2012-2013; and

Whereas, According to the study from the Journal of Pediatrics, between schools years 2007-2008 and 2012-2013, 337 epinephrine auto-injectors were administered in schools; and

Whereas, Of those incidents, more than one-half used epinephrine auto-injectors supplied by the school's personal stock instead of epinephrine auto-injectors supplied by the students themselves, and three-quarters were for students without a personal prescription for an epinephrine auto-injector preceding the incident; and

Whereas, As the majority of administrations in the study used epinephrine auto-injectors supplied by the school and not the individual student, availability of epinephrine auto-injectors appears vital to management of anaphylaxis in schools and elsewhere, and, therefore, access should be expanded; and

Whereas, S.723A, sponsored by Senator Brad Hoylman, and A.3821, sponsored by Assembly Member Linda Rosenthal, authorizes the presence of epinephrine auto-injector devices on pre-school premises; and

Whereas, All pre-schools in New York City should be supplied with the only available life-saving devices on the market for those experiencing anaphylaxis; now, therefore, be it

Resolved, The Council of the City of New York calls on the New York State Legislature to pass, and the Governor to sign, S.723A/A.3821, which allows the presence of epinephrine auto-injector devices on pre-school premises.

Referred to the Committee on Health.

Res. No. 56

Resolution calling on the New York City Housing Authority to change its priority preference for housing to automatically place families and individuals experiencing homelessness at the highest priority level.

By Council Member Ayala.

Whereas, The New York City Housing Authority (NYCHA) is the largest public housing authority in North America, providing decent, affordable housing for roughly over 339,900 low- and moderate-income New Yorkers; and

Whereas, In order to be considered for an apartment through NYCHA, an individual or family must submit a completed application, identifying their total household income, family composition, and current living situation; and

Whereas, After the application is submitted, applications are assigned a priority code based upon the information provided and then placed on NYCHA's preliminary waiting list for an eligibility interview; and

Whereas, Priority codes for NYCHA housing are determined based on a number of factors, but are primarily based around a Need Based priority or a Working Family priority; and

Whereas, According to NYCHA's Priority Codes for Public Housing, Need Based priorities are categorized, from highest priority: Code N0, Code N1, Code N4, Code N8, and Code N9, while Working Family priorities are categorized, from highest priority: Code W0, Code W1, Code W2, Code W3 and Code W9; and

Whereas, Code N0 Priority is the highest NYCHA applicant priority level, and includes: Homeless families with children referred by the New York City Department of Homeless Services (DHS); Those displaced by fire, vacate order or about to be displaced from a site to be used for a public housing development or other public improvement and referred by the Department of Housing Preservation and Development (HPD) within 270 days from the date of displacement; Homeless applicants referred by the HIV/AIDS Services Administration (HASA); Applicants who are about to be discharged from Henry J. Carter Specialty Hospital and Nursing Facility and who will become homeless or will be at risk of becoming homeless upon discharge and referred by the Health and Hospitals Corporation (HHC); and Applicants referred by the Administration for Children's Services (ACS) under the Independent Living or Family Unification programs; and

Whereas, Although homeless families and individuals are at the highest priority level, the referral requirement by a City agency, such as DHS, HPD, HASA, HHC or ACS, creates barriers for those who are in desperate need of housing; and

Whereas, According to DHS, on January 12, 2023, 70,525 people slept in a DHS shelter, of which included 22,419 children; and

Whereas, According to daily data tracked by City Limits, this number represents an all-time high, and is up more than 51% since Mayor Eric Adams took office at the start of 2022; and

Whereas, As the number of individuals experiencing homelessness in New York City increases, public housing is needed more than ever and barriers to entry, such as referrals by City agencies, only restrict those who need housing the most from getting it; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York City Housing Authority to change its priority preference for housing to automatically place families and individuals experiencing homelessness at the highest priority level.

Referred to the Committee on Public Housing.

Res. No. 57

Resolution calling on New York state to create a program to provide food benefits for those not eligible for existing benefits, including anyone over 55 meeting income eligibility.

By Council Members Ayala, Louis, Restler, Hanif, Hudson, Brewer, Farias and Gutierrez.

Whereas, The Supplemental Nutrition Assistance Program (SNAP) is the Country's largest benefit program geared toward eliminating hunger; and

Whereas, According to the most recent data, there were more than 41 million people, and more than 21 million households, utilizing SNAP in fiscal year 2022; and

Whereas, This is well above the pre-pandemic figures of over 35 million people and nearly 18 million households in fiscal year 2019; and

Whereas, Despite increases to SNAP benefits, many Americans face food insecurity, meaning that they lack consistent access to enough food to support a healthy and active life; and

Whereas, Prior to the COVID-19 pandemic, more than 37.2 million United States residents, or 11.5 percent, were food insecure, according to Food Bank NYC; and

Whereas, Meanwhile, in New York state, nearly 2.2 million New York state residents, or 11.1 percent, were food insecure; and

Whereas, In New York City nearly 1.1 million New York City residents, or 12.9 percent, were food insecure; and

Whereas, New York City's food insecurity rate is 12 percent higher than the national rate, and 16 percent higher than the New York state rate; and

Whereas, New York City residents make up half (50 percent) of all food insecure people living in New York state; and

Whereas, According to City Harvest, the pandemic has exacerbated the hunger crisis and food insecurity in New York City has increased an additional 36 percent of pre-pandemic levels; and

Whereas, According to City Meals on Wheels, one in ten older (over 60 years old) New York City residents face hunger; and

Whereas, However, according to a December 2021 report from the United Hospital Fund, around 40 percent of food insecure New Yorkers have incomes too high to be eligible for SNAP; and

Whereas, Due to the SNAP program being funded by federal funds, undocumented immigrants are also excluded from the program; and

Whereas, To address this, California established its own, state-funding food assistance program called the California Food Assistance Program (CFAP); and

Whereas, This program offers broader eligibility standards for immigrants, and covers lawful permanent residents, refugees, and asylum seekers, even if they have not lived in the Country for at least five years, in comparison to SNAP which requires at least five years of legal status; and

Whereas, Although the broad eligibility does not cover undocumented individuals, California recently passed a budget initiative to cover undocumented residents of the state over the age of 55; and

Whereas, New York state has previously established funds to help provide benefits to those excluded from federal programs; and

Whereas, For example, in 2021, New York state established an Excluded Workers Fund, which provided benefits to New Yorkers who lost income during the COVID-19 pandemic and were left out of various federal relief programs, including unemployment and pandemic benefits; and

Whereas, New York state could establish a similar program to CFAP to cover New Yorkers ineligible for the federal SNAP program; and

Whereas, Research has shown that reducing food insecurity has a profound and positive impact on the health of recipients; and

Whereas, According to research from the United Hospital Fund, decreasing food insecurity by 20 percent would reduce the State's healthcare burden by $550 million; and

Whereas, The COVID-19 pandemic has exacerbated food insecurity and while programs like SNAP are useful in addressing the issue, too many New Yorkers fall outside of the eligibility requirements; now, therefore, be it

Resolved, That the Council of the city of New York calls on New York state to create a program to provide food benefits for those not eligible for existing benefits, including anyone over 55 meeting income eligibility.

Referred to the Committee on General Welfare.

Int. No. 126

By Council Members Borelli, Ariola, Riley, Schulman and Yeger.

A Local Law to amend the administrative code of the city of New York, in relation to requiring provision of body armor to fire department employees providing emergency medical services

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 15 of the administrative code of the city of New York is amended by adding a new section 15-147 to read as follows:

§ 15-147 Provision of body armor. a. Within 1 year after the effective date of the local law that added this section, the commissioner shall provide body armor to all employees of the department who provide emergency medical services. Such body armor shall be of the type that the commissioner determines would be most suitable for the protection of such employees and shall meet a ballistic resistance or stab resistance standard of the national institute of justice or any successor standards.

b. No employee of the department shall be permitted to retain or use the body armor provided pursuant to subdivision a of this section after leaving the employment of the department or moving to a position that does not involve the provision of emergency medical services.

§ 2. This local law takes effect immediately.

Referred to the Committee on Committee on Fire and Emergency Management.

Int. No. 127

By Council Members Borelli, Ariola, Riley, Schulman and Yeger.

A Local Law to amend the administrative code of the city of New York, in relation to providing de-escalation and self-defense training to fire department employees providing emergency medical services

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 15 of the administrative code of the city of New York is amended by adding a new section 15-147 to read as follows:

§ 15-147 De-escalation and self-defense training. The department shall develop de-escalation and self-defense training for employees of the department who provide emergency medical services. Such training shall be designed to address the unique characteristics and operations of emergency medical services, with a particular focus on violent situations in the context of patient care. Such training shall include, but need not be limited to, recognition and understanding of mental illness and distress, effective communication skills, conflict de-escalation techniques, and self-defense techniques. The department shall offer such training no less frequently than once per calendar year.

§ 2. This local law takes effect immediately.

Referred to the Committee on Fire and Emergency Services.

Int. No. 128

By Council Members Bottcher, Brewer and Sanchez.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of buildings to verify whether applications for demolition permits are for buildings in special purpose districts and notify local community boards of proposed demolitions in special purpose districts

Be it enacted by the Council as follows:

Section 1. Article 105 of chapter 1 of title 28 of the administrative code of the city of New York is amended by adding a new section 28-105.2.2.1 to read as follows:

§ 28-105.2.2.1 Verification of zoning. Prior to the issuance of any permit for work that includes full or partial demolition, the department shall verify whether the building is located in any special purpose district designated in the zoning resolution. The commissioner shall establish a procedure for such verification. Such verification procedure shall require independent review by the department and may not rely on statements about zoning in submittal documents. The commissioner shall notify affected community boards of an application for any permit for work that includes full or partial demolition in a special purpose district.

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

Referred to the Committee on Housing and Buildings.

Int. No. 129

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

A Local Law to amend the administrative code of the city of New York, in relation to mandating the construction of solar canopies in certain parking lots

Be it enacted by the Council as follows:

Section 1. Chapter 2 of title 4 of the administrative code of the city of New York is amended by adding a new section 4-218 to read as follows

§ 4-218 Solar energy generation on city-controlled parking lots. a. As used in this section, the following terms have the following meanings:

City-controlled parking lot. The term "city-controlled parking lot" means an open parking lot, as such term is defined in the New York city building code, that is city-owned or that is leased or operated by the city under an agreement that would allow the city to install solar canopies on such lot in accordance with this section.

Cost-effective. The term "cost-effective" means, with respect to the installation of a solar canopy on a city-controlled parking lot, that the sum of the following equals or exceeds the cost of installing such canopy:

(A) The expected net present value to the city of the energy to be produced by such canopy over the 25 years following installation of such canopy, or where such lot is not city-owned, over the lesser of 25 years following installation of such canopy or the length of time remaining before the agreement under which the city leases or operates such lot expires or is due to be renewed; and

(B) Where such canopy will provide protection from the elements for vehicles parked at such lot, the expected net present value to the city of such protection over the time period described in item (A) of this definition.

Solar canopy. The term "solar canopy" means a system designed and constructed to capture solar radiation for the purpose of producing usable energy.

b. 1. No later than two years after the effective date of this section, the department of citywide administrative services shall, with the cooperation of all other relevant agencies, install all solar canopies that would be cost-effective at each city-controlled parking lot.

2. For each city-controlled parking lot at which solar canopies are installed under this subdivision, a number of parking spaces equal to or greater than 50 percent of the parking spaces covered by such canopies shall be equipped with electrical raceways capable of supporting electric vehicle charging stations in accordance with section 406.7.11 of the New York city building code, notwithstanding any exceptions enumerated in such section, and electric vehicle charging stations shall be installed for such spaces.

c. No later than two years after the effective date of this section, and every fifth year thereafter, the department of citywide administrative services shall, with the cooperation of all other relevant agencies, report to the speaker and the mayor the following information for each community district:

1. The number of city-controlled parking lots;

2. The number of city-controlled parking lots for which installation of solar canopies would be cost-effective;

3. The number of city-controlled parking lots complying with paragraph two;

4. The recommendations of the department of citywide administrative services with respect to continuing or amending the requirements of this section; and

5. For reports other than the first report filed pursuant to this subdivision, the following additional information:

(a) The number of city-controlled parking lots on which a solar canopy was installed on or after the filing date of the previous report;

(b) The value of energy produced by solar canopies on city-controlled parking lots and a summary of how such energy was used; and

(c) A description of each factor, including changes in technology, that has affected the cost-effectiveness of installing solar canopies on city-controlled parking lots in such district since the previous report was filed.

§ 2. This local law takes effect immediately

Referred to the Committee on Environmental Protection, Resiliency and Waterfronts.

Int. No. 130

By Council Members Brewer, Krishnan, Williams, Menin, Schulman, Won, Rivera, Louis, Nurse, Ayala and Salaam.

A Local Law to amend the administrative code of the city of New York, in relation to composting plant waste in parks

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 16-308.3 to read as follows:

§ 16-308.3 Plant waste collected in parks. a. Definitions. For purposes of this section, the term "plant waste" means leaves, grass clippings, garden debris, vegetative residue that is recognizable as part of a plant or vegetable, small or chipped branches, and similar material.

b. No later than July 1, 2027, the department shall establish a compost facility that is near or abuts each of the 10 largest parks under the jurisdiction of the department of parks and recreation, as determined by total acreage, in each borough. Such facility shall not be of sufficient size so as to be required to obtain a permit for the operation of such facility from the New York state department of environmental conservation and shall engage in composting plant waste that is collected by the department or the department of parks and recreation at each such park or nearby park.

c. The department, the department of parks and recreation or person who has contracted with either agency shall compost all plant waste that is collected at each park for which a compost facility was established pursuant to subdivision b of this section.

d. The department, in consultation with the department of parks and recreation, shall report annually on the operation of compost facilities established pursuant to this section. Such report shall be included as part of the department's annual zero waste report required pursuant to section 16-316.5 and shall include, at a minimum, the following information:

1. The total amount of plant waste collected at each compost facility;

2. The annual cost of operating each compost facility;

3. The number of full-time and part-time staff members working at each compost facility; and

4. An analysis on the feasibility of establishing composting facilities for the purpose of collecting plant waste at a greater number of parks in each borough.

§ 3. This local law takes effect immediately

Referred to the Committee on Parks and Recreation.

Int. No. 131

By Council Member Brewer.

A Local Law to amend the administrative code of the city of New York, in relation to adding a 311 complaint category for noise from sirens

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 23-311 to read as follows:

§ 23-311 Siren noise complaints. The commissioner of information technology and telecommunications shall implement and maintain through the 311 customer service center of the department of information technology and telecommunications the capability for the public to file a complaint or make a request for service, or to make an information request, under the category of "noise from sirens," including on such center's website, mobile device platform, and any other platform on which such center routinely utilizes categories to sort complaints and requests.

§ 2. Beginning no later than 60 days after the effective date of this local law, and every 30 days thereafter for a total of 3 reports, the commissioner of information technology and telecommunications shall publish a report on the website of the department of information technology and telecommunications relating to complaints or requests for service received by the 311 customer service center under the category of "noise from sirens" in the immediately preceding 30 days. All data in such report shall be reported in a machine-readable format. Such report shall include a table in which each row references each such complaint or request for service, indicated by a unique identification number. Each such row shall include the following information, as well as any other information such commissioner deems appropriate, set forth in separate columns:

1. The unique identification number required under this section;

2. A description of the complaint or request for service;

3. The date of the incident that is the subject of the complaint or request for service; and

4. The location of the incident that is the subject of the complaint or request for service, indicated by a street address or if a street address is not available by the nearest intersection.

§ 3. This local law takes effect 30 days after it becomes law.

Referred to the Committee on Technology.

Int. No. 132

By Council Members Brewer, Won and Powers.

A Local Law to amend the administrative code of the city of New York, in relation to requiring moped retailers to provide ownership information at point of sale

Be it enacted by the Council as follows:

Section 1. Chapter 4 of title 20 of the administrative code of the city of New York is amended by adding a new subchapter 2-a to read as follows:

SUBCHAPTER 2-A
MOPEDS

§ 20-610.10 Definitions. As used in this subchapter, the following terms have the following meanings:

Moped. The term "moped" means any limited use motorcycle as defined in section 121-b of the vehicle and traffic law.

Moped retailer. The term "moped retailer" means any person engaged in the business of selling more than five mopeds in any calendar year.

§ 20-610.11 Mopeds. a. The department, in coordination with the department of transportation, shall develop and distribute materials to moped retailers containing information related to the registration, inspection, insurance, operation and traffic safety requirements for mopeds. Such materials shall be made available in English and the designated citywide languages as provided in section 23-1101.

b. Moped retailers shall distribute written materials created by the department to moped customers at the point of purchase.

§ 20-610.12 Penalties. Any person who violates subdivision b of section 20-610.11 or any rule promulgated thereunder is liable for a civil penalty of zero dollars for the first violation, not more than $250 for the second violation and not more than $500 for a third or subsequent violation.

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

Referred to the Committee on Consumer and Worker Protection.

Int. No. 133

By Council Members Brewer and Yeger (in conjunction with the Manhattan Borough President).

A Local Law to amend the administrative code of the city of New York, in relation to exempting certain grocery stores from the commercial rent tax

Be it enacted by the Council as follows:

Section 1. Section 11-704 of the administrative code of the city of New York is amended by adding a new subdivision j to read as follows:

j. Grocery stores. 1. A tenant that is a grocery store and has obtained the certification required by paragraph 2 of this subdivision is exempt from the tax imposed by this chapter.

2. The commissioner of finance or a designee shall approve for certification any grocery store that receives less than 50 percent of its store sales from pharmacy sales, and that:

(a) Exceeds 3,500 square feet of retail floor space, excluding any storage space, loading dock, food preparation and serving space, and eating area designated for the consumption of prepared food, and that apportions such retail floor space in the following manner: (i) 50 percent or more is utilized for the sale of a general line of food products intended for home preparation, consumption and utilization; (ii) 30 percent or

more is utilized for the sale of perishable goods including dairy, fresh produce, frozen foods and fresh meats; and (iii) 500 square feet or more is utilized exclusively for the sale of fresh produce;

(b) Satisfies affordability requirements, as determined by the commissioner of finance in consultation with the commissioner of health and mental hygiene, for such general line of food products as set out in subparagraph (a) of this paragraph; and

(c) Accepts payment from customers using the supplemental nutrition assistance program, special supplemental nutrition program for women, infants and children, or any successor programs.

3. The commissioner of finance shall inspect grocery stores that are exempt from the tax imposed by this chapter pursuant to paragraph 1 of this subdivision annually to ensure continued compliance with paragraph 2 of this subdivision.

4. The commissioner of finance shall promulgate rules, as necessary, in relation to the requirements set out in paragraph 2 of this subdivision.

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

Referred to the Committee on Finance.

Int. No. 134

By Council Member Brooks-Powers.

A Local Law in relation to requiring regular reports on the redevelopment plans at John F. Kennedy International Airport

Be it enacted by the Council as follows:

Section 1. For the purposes of this local law, the following terms have the following meanings:

"Community benefit agreement" means a public agreement between the contracted entity and community groups that is related to the redevelopment plan, and which requires the provision of specific amenities and/or mitigations to the local community or neighborhood.

"Contracted entity" has the same meaning as such term is defined in section 22-821 of the administrative code of the city of New York.

"Port Authority" means the Port Authority of New York and New Jersey.

"Redevelopment plan" means the John F. Kennedy International Airport redevelopment program.

§ 2. No later than February 1 and August 1 of each year, the contracted entity shall submit to the council a report on the progress of the redevelopment plan and any related community benefit agreements. The report shall include, but need not be limited to:

1. The progress made to date on the redevelopment plan and any changes made to the scope, timeline or budget of the redevelopment plan;

2. Actions taken by the Port Authority pursuant to its agreement with the contracted entity related to the redevelopment plan and any community benefit agreements that are known to the contracted entity, including:

(a) any property acquisitions or transfers;

(b) any contracts awarded to architects, engineers, construction firms or other contractors;

(c) any applications or awards for permits or variances;

(d) any changes made to airport operations or flight paths;

(e) the establishment of any advisory boards or committees; and

(f) any other relevant policies enacted, financing arrangements made, or other procedural actions taken related to the redevelopment plan.

3. An analysis of the impact to date of the redevelopment plan and any community benefit agreements on surrounding communities, including but not limited to impacts on jobs, businesses, traffic, noise and pollution; and

4. Any other information the contracted entity determines may be relevant regarding the redevelopment plan, community benefit agreements, or associated actions of the Port Authority.

§ 3. This local law takes effect immediately and is deemed repealed upon completion of the redevelopment plan.

Referred to the Committee on Economic Development.

Int. No. 135

By Council Member Brooks-Powers.

A Local Law in relation to a study on structural loadbearing capacity of parking garages

Be it enacted by the Council as follows:

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

Department. The term "department" means the department of buildings.

Parking garage. The term "parking garage" means a structure or portion of a structure, other than a private garage or carport, used for the parking or storage of motor vehicles.

b. Loadbearing capacity study. The department, in collaboration with any other office or agency, shall study and report on the structural loadbearing capacity of parking garages, for the purpose of evaluating the efficacy of existing loadbearing capacity limits. No later than 180 days after the effective date of this local law, the department shall submit to the mayor and the speaker of the council, and shall post conspicuously on the department's website, a report on the findings of this study, including any recommendations based on such findings. Such study and report shall include an assessment of the impact of the following factors on a parking garage's loadbearing capacity:

1. The age of the material components of the parking garage;
2. The effect of exposure to environmental conditions, such as extreme temperature, fire, frost, and moisture;
3. A parking garage's history of maintenance and repairs;
4. The condition of the materials in the parking garage, for example, loose concrete in danger of falling, ceiling slab cracks, missing concrete covering steel beams, and defective concrete;
5. How often the parking garage is at or exceeds capacity;
6. The size of the parking garage, including the thickness and the height of the walls and supporting structures;
7. The density of the material of the parking garage as it relates to its compressive strength, resistance to forces, bending, and vibration;
8. The structural design of the parking garage, for example, the shape of the structure or if the garage is braced;
9. The impact of increasing weights of individual vehicles, particularly electric vehicles, as well as charging stations and equipment; and
10. Any other information relevant to assessing the loadbearing capacity and safety of parking garages.

§ 2. This local law takes effect immediately.

Referred to the Committee on Housing and Buildings.

Int. No. 136

By Council Members Brooks-Powers and Brewer.

A Local Law to amend the administrative code of the city of New York, in relation to weight limits for parking structures

Be it enacted by the Council as follows:

Section 1. Subdivision b of section 20-324 of the administrative code of the city of New York is amended to read as follows:

b. Each such licensee shall post conspicuously at the public entrance to the garage or parking lot a sign composed of letters and figures of such size, height, width, spacing, color and description as shall be prescribed by the rules and regulations of the commissioner. Such sign shall set forth the schedule of rates charged, the hours during which such garage or parking lot will remain open for business, [and] the maximum capacity *by number of motor vehicles* of such garage or parking lot, *and, for any garage, the maximum permissible weight limit which may be permitted on each level of the garage, as determined according to section 28-323.10.*

§ 2. Section 20-327 of the administrative code of the city of New York is amended to read as follows:

a. No motor vehicle shall be accepted by a licensee for parking, or storage, in excess of the *maximum* capacity *by number of motor vehicles* of the garage or parking lot, as shown in the license. Whenever the maximum capacity *by number of motor vehicles* of a garage or parking lot has been reached, the licensee shall post, at the public entrance thereof, a sign, composed of letters of such size, height, width, spacing, color and description as shall be prescribed by the rules and regulations of the commissioner, stating that such maximum capacity *by number* has been reached.

b. *A motor vehicle shall not be accepted by a licensee for parking, or storage, if no level within the parking garage is available on which parking or storing such vehicle would not exceed the maximum permissible weight limit for that level, as calculated according to section 28-323.10. Whenever no additional motor vehicles may be parked or stored on any level of a garage without the maximum permissible weight limit being exceeded on any such level, the licensee shall post, at the public entrance thereof, a sign, composed of letters of such size, height, width, spacing, color, and description as shall be prescribed by the rules and regulations of the commissioner, stating that the maximum capacity by weight has been reached.*

c. Vehicles shall be stored or parked on the licensed premises in such manner as shall be prescribed by the rules and regulations of the commissioner, for the purpose of safeguarding persons and property and permitting adequate inspection of the premises.

§ 3. Article 323 of chapter 3 of title 28 of the administrative code of the city of New York is amended by adding new sections 28-323.10 and 28-323.10.1 to read as follows:

§ 28-323.10 Maximum permissible weight capacity. *No motor vehicle shall be parked or stored on a level of a parking structure when such parking or storage would cause the collective weight of vehicles on that level to exceed the maximum permissible weight limit for that level, as calculated by an approved agency on behalf of the owner, according to Table 1607.1 of the New York city building code and any rules of the department applicable to such parking structure.*

§ 28-323.10.1 Weight sensors in parking structures. *Each parking structure owner shall install a motor vehicle scale or weigh station at each entrance to such parking structure, in accordance with technical specifications to be prescribed by the rules and regulations of the commissioner. To determine whether a motor vehicle may be parked or stored in accordance with section 28-323.10, each motor vehicle shall be weighed on the scale or weigh station before the parking structure owner or owner's authorized agent may accept that motor vehicle for parking or storage.*

§ 12. This local law takes effect one year after it becomes law.

Referred to the Committee on Housing and Buildings.

Int. No. 137

By Council Members Brooks-Powers and Yeger.

A Local Law to amend the administrative code of the city of New York, in relation to the creation of a task force to coordinate the removal of fallen trees due to a severe weather event

Be it enacted by the Council as follows:

Section 1. Section 18-142 of the administrative code of the city of New York, as added by local law number 21 of the year 2015, is amended to read as follows:

§ 18-142 Tree removal protocol *and downed tree task force*. a. The department, in consultation with the [office of emergency management, department of sanitation, local electric corporations, and other utility corporations identified by the department] *downed tree task force, established pursuant to subdivision d of this section,* shall develop a protocol for the removal of trees on city property that have been downed or damaged as a result of severe weather events. Such *tree removal* protocol shall require the department:

1. to establish effective means of communication with local electric corporations and other utility corporations identified by the department, so that the department is notified in a timely manner (i) of downed or damaged trees that have fallen on powered electrical wires or cables, and (ii) whether it is safe to remove such trees;

2. to effectively coordinate city personnel engaged in tree removal on city property, upon receiving information regarding the status of downed or damaged trees;

3. to establish a system whereby each report of downed or damaged trees is provided with a unique identifier or tracking number and a method to notify the local electric corporation and other utility corporations identified by the department when a downed or damaged tree on city property has been removed; and

4. to establish a system whereby department personnel engaged in tree removal may be deployed with local electric corporation or other utility corporation personnel, if practicable, to assess and remove downed or damaged trees that have fallen on powered electrical wires or cables.

b. The department shall publish prominently on its website as soon as is practicable after a severe weather event information instructing persons how to notify the city of downed or damaged trees or downed wires.

c. The department shall submit a description of such protocol to the mayor and the speaker of the council, and publish such description prominently on its website, within one hundred eighty days after the enactment of the local law that added this subdivision.

d. There is hereby established a downed tree task force to coordinate the safe removal of trees or tree limbs that have fallen as a result of a severe weather or climate event.

1. The downed tree task force shall consist of the following individuals, or designees thereof:

(a) the commissioner of emergency management, who shall be the chairperson;

(b) the commissioner of parks and recreation;

(c) the commissioner of sanitation;

(d) the fire commissioner;

(e) the police commissioner;

(f) the commissioner of transportation;

(g) the commissioner of environmental protection;

(h) the commissioner of information technology and telecommunications; and

(i) such other members as the commissioner of emergency management shall designate.

2. The downed tree task force shall:

(a) convene to implement and oversee the tree removal protocol, established pursuant to subdivision a of this section, when a severe weather event or climate event occurs;

(b) convene no later than three days prior to the occurrence of an expected severe weather or climate event, convene throughout the duration of such event, and convene no later than one day following the conclusion of a severe weather or climate event;

(c) convene at least two times per year to consider or propose any changes to the tree removal protocol established pursuant to subdivision a of this section;

(d) consult with representatives from local electric corporations and other utility corporations identified by the task force and invite such representatives to each convening of the task force; and

(e) within five days of amending the tree removal protocol, notify the mayor and the speaker of the council of such amendments and publish the amended tree removal protocol on the website of the department.

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

Referred to the Committee on Parks and Recreation.

Int. No. 138

By Council Members Brooks-Powers and Brewer.

A Local Law to amend the administrative code of the city of New York, in relation to sign language public service announcements for persons who are deaf or hard of hearing on LinkNYC kiosks

Be it enacted by the Council as follows:

Section 1. Chapter 4 of title 23 of the administrative code of the city of New York is amended by adding a new section 23-409 to read follows:

§ 23-409 American Sign Language Advertisements. No less than five percent of all programming administered on behalf of the city on payphone kiosks, installed pursuant to a payphone franchise agreement, shall be for the purposes of public service announcements specifically providing information for the benefit of persons who are deaf or hard of hearing. Such public service announcements shall include information communicated in American sign language with accompanying closed captions on the availability of 911 text message transmission capability, as described in section 10-173, shall also include information on the availability of video relay services on payphone kiosks, and may also include:

1. General public service announcements including a translation into American sign language;

2. Public service announcements including a translation into international sign or other sign languages, based on the sign language used in a community in which a kiosk is located;

3. Commercial advertisements including a translation into American sign language;

4. Commercial advertisements including a translation into international sign or other sign languages; and

5. Information on accessing, and the availability of, agency resources and services specific to persons who are deaf or hard of hearing.

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

Referred to the Committee on Technology.

Int. No. 139

By Council Member Brooks-Powers.

A Local Law to amend the New York city charter, in relation to adding two commissioners to the New York city taxi and limousine commission board

Be it enacted by the Council as follows:

Section 1. Subdivision a of section 2301 of the New York city charter, as added by local law number 12 for the year 1971, is amended to read as follows:

a. The commission shall consist of [nine] *11* members to be appointed by the mayor with the advice and consent of the city council; *at least 2 of said members shall hold a valid driver license issued by the commission;* [five] *5* of said members, [one] *1* resident from each of the [five] *5* boroughs of New York city, shall be recommended for appointment by a majority vote of the [councilmen] *council members* of the respective borough.

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

Referred to the Committee on Transportation and Infrastructure.

Int. No. 140

By Council Members Brooks-Powers and Cabán.

A Local Law to amend the administrative code of the city of New York, in relation to the prohibition of non-compete agreements

Be it enacted by the Council as follows:

Section 1. Chapter 5 of title 22 of the administrative code of the city of New York is amended by adding a new section 22-511 to read as follows:

§ 22-511 Prohibition of non-compete agreements.

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

Non-compete agreement. The term "non-compete agreement" means an agreement between an employer and a worker that prevents, or effectively prevents, the worker from seeking or accepting work for a different employer, or from operating a business, after the worker no longer works for the employer.

Employer. The term "employer" means a person that hires or contracts with a worker to work for a person.

Worker. The term "worker" means a natural person who works, whether paid or unpaid, for an employer. Such term includes an individual classified as an independent contractor.

b. Prohibitions. 1. No employer shall enter into, or attempt to enter into, a non-compete agreement with a worker.

2. No employer shall maintain a non-compete agreement with a worker. Any non-compete agreement between an employer and a worker must be rescinded by the employer no later than the date the local law that created this section goes into effect.

3. No employer shall represent to a worker that the worker is subject to a non-compete clause where the employer has no good faith basis to believe that the worker is subject to an enforceable non-compete agreement.

4. Any non-compete agreement entered into, or maintained, in violation of this subdivision is not enforceable.

c. Enforcement. Any person that violates any provision of this section is subject to a civil penalty of $500 per violation. The office of labor standards shall enforce the requirements of this section.

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

Referred to the Committee on Consumer and Worker Protection.

Int. No. 141

By Council Members Brooks-Powers, Williams and Won.

A Local Law to amend the administrative code of the city of New York, in relation to requiring a minority and women-owned business enterprise consultant for city projects with budgets in excess of ten million dollars

Be it enacted by the Council as follows:

Section 1. Paragraph 2 of subdivision h of section 6-129 of the administrative code of the city of New York is amended to add new subparagraph g to read as follows:

(g) For each agency project with a contract budget in excess of ten million dollars and for which minority and women-owned business participation goals have been established pursuant to this section, the contracting agency shall hire an independent consultant with expertise in minority and women-owned business procurement to perform the following functions: (i) assisting the prime contractor in recruiting minority and women-owned businesses for procurement opportunities on such project; (ii) monitoring the prime contractor's compliance with minority and women-owned business participation goals; and (iii) reporting to the contracting agency on the prime contractor's performance in meeting minority and women-owned business participation goals. The contracting agency shall make a good faith effort to hire minority and women-owned businesses for such consulting work where the cost is under the applicable non-competitive small purchase limit. The prime contractor shall pay all costs associated with such independent consultant. The mayor's office of contract services shall report no later than March 1 of each year on how many contracts this requirement applied to, the total dollar value of such contracts, how many consultants were hired, and an assessment of the extent to which this requirement assisted with meeting minority and women-owned business participation goals.

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

Referred to the Committee on Contracts.

Int. No. 142

By Council Members Brooks-Powers, Joseph, Cabán, Louis, Abreu, Hanif, Farías and Brewer.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of education to conduct a biannual study on student access to home internet and electronic devices

Be it enacted by the Council as follows:

Section 1. Title 21-A of the administrative code of the city of New York is amended adding a new chapter 30 to read as follows:

CHAPTER 30
STUDENT ACCESS TO HOME INTERNET AND ELECTRONIC DEVICES

§ 21-1001 Reporting on student access to home internet and electronic devices. a. Definitions. For the purposes of this section, the following terms have the following meanings:

Blended learning. The term "blended learning" means educational courses that occur through a combination of traditional, in-person classroom instruction and at-home instruction using electronic devices to connect students to teachers.

Electronic device. The term "electronic device" means a desktop computer, laptop, or tablet.

Remote learning. The term "remote learning" means educational courses that occur exclusively through at-home instruction using electronic devices to connect students to teachers.

b. Beginning on January 1, 2025, and every two years thereafter, the department shall submit to the speaker of the council and post conspicuously on the department's website a report regarding student access to home internet and electronic devices. Information for the report may be procured through means deemed appropriate by the department, including but not limited to surveys sent to the parents or guardians of students. The report shall include, but not be limited to, the following information for each school district:

1. The total enrollment;

2. The number of students who do not have internet access at home;

3. The number of students who do not have access to at least one personal electronic device at home;

4. The number of students utilizing remote or blended learning;

5. The number of students issued a department-owned electronic device;

6. An estimate of the percentage of assignments that require home internet access or home electronic devices; and

7. Information regarding student academic performance, including but not limited to, an analysis of how student scores received on state examinations are affected by access to internet and electronic devices.

c. The department shall include in the report recommendations on reducing the digital divide among students, including but not limited to, identifying means of improving student access to home internet and electronic devices.

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

§ 2. This local law takes effect immediately.

Referred to the Committee on Education.

Int. No. 143

By Council Members Brooks-Powers, Joseph, Narcisse, Vernikov, Louis and Yeger.

A Local Law to amend the administrative code of the city of New York, in relation to establishing a reward for individuals who provide information leading to the apprehension, prosecution or conviction of a person who seriously injures or kills another individual in a hit-and-run accident

Be it enacted by the Council as follows:

Section 1. Subchapter 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 Hit and run information reward. a. Definitions. For the purposes of this section, the following term has the following meaning:

Serious physical injury. The term "serious physical injury" has the same meaning as set forth in section 10 of the penal law.

b. The mayor, upon the recommendation of the police commissioner, is authorized to offer and pay a reward in an amount not exceeding $1,000 to any person who provides information leading to the apprehension, prosecution or conviction of any person who may have violated the provisions of section 600 of the vehicle and traffic law resulting in serious physical injury or death to an individual, including to a pedestrian, a bicyclist or an individual in another motor vehicle.

c. The offer and reward made available by this section is not available for:

1. Any police officer, peace officer or other law enforcement officer or official in the state;

2. Any other officer, official or employee of the city or state; or

3. Any person who has obtained the information directly or indirectly from a person specified in paragraphs 1 and 2 of this subdivision.

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

Referred to the Committee on Public Safety.

Int. No. 144

By Council Members Brooks-Powers and Krishnan.

A Local Law to amend the administrative code of the city of New York, in relation to the installation of bollards at reconstructed sidewalks, curb extensions and pedestrian ramps

Be it enacted by the Council as follows:

Section 1. Section 19-189.1 of the administrative code of the city of New York, as added by local law number 80 for the year 2018, is amended to read as follows:

§ 19-189.1 Installation of bollards. a. [Definition. As used in this section the term "bollard" means any raised concrete and/or metal post that is designed to stop or slow motor vehicles.] *Definitions. For purposes of this section, the following terms have the following meanings*:

Bollard. The term "bollard" means any raised concrete and/or metal post that is designed to stop or slow motor vehicles.

Curb extension. The term "curb extension" means an expansion of the curb line into the lane of the roadway adjacent to the curb for a portion of a block either at a corner or mid-block.

Pedestrian ramp. The term "pedestrian ramp" means a curb area which has been cut down, lowered or otherwise constructed or altered to provide access to persons with disabilities at a marked or unmarked crosswalk.

Sidewalk. The term "sidewalk" has the same meaning as provided in section 19-176.

b. By July 30, 2019, and every year thereafter, the commissioner shall submit to the council an annual report on the installation of bollards in the city. [Such report] *The applicable time period for such report shall be the 12-month period beginning on June 30 of the prior year and ending on June 30 of such year and* shall include:

1. The total number of locations under the jurisdiction of the department where bollards have been installed by the department and the total number of such bollards installed [in the 12-month period ending on June 30 of such year; and]*;*

2. The total number of authorizations for bollard installation by third parties at locations under the jurisdiction of the department issued [during the 12-month period ending on June 30 of such year.]*;*

3. The total number of requests submitted to the department for bollard installation and the determinations reached on those requests; and

4. The total number of bollard installations performed in response to approved installation requests.

c. No later than 6 months after the effective date of the local law that added this subdivision, the commissioner shall conduct a study on the effectiveness of bollards in high pedestrian traffic areas throughout the city and establish guidelines governing the installation of bollards at sidewalks, curb extensions, and pedestrian ramps throughout the city, during the repair or reconstruction of such a sidewalk, curb extension, or pedestrian ramp to make it accessible for pedestrians with a disability. Such guidelines shall consider pedestrian safety, risk of vehicular collision, feasibility of installation, and any other criteria necessary to determine whether bollards should be installed at sidewalks, curb extensions and pedestrian ramps in the interest of pedestrian safety. Such guidelines shall list the conditions under which installation of bollards is appropriate.

d. Upon determination that the installation of bollards at a sidewalk, curb extension or pedestrian ramp is necessary pursuant to the guidelines issued under subdivision c, the commissioner shall install bollards whenever the department or its agent makes accessibility-related repairs to or reconstruction of such sidewalk, curb extension or pedestrian ramp. Such bollards shall be installed and maintained to the satisfaction of the department.

§ 2. This local law takes effect immediately.

Referred to the Committee on Transportation and Infrastructure.

Int. No. 145

By Council Member Brooks-Powers (by request of the Queens Borough President).

A Local Law to amend the administrative code of the city of New York, in relation to placing a cap on the correlated color temperature of new and replacement streetlights

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. Limitation on correlated color temperature of streetlights. a. Definitions. For purposes of this section, the following terms have the following meanings:

Correlated color temperature. The term "correlated color temperature" means the perceived color of the light emitted by a lamp, expressed in Kelvin (K) units.

Kelvin. The term "kelvin" means the unit of measurement used to characterize the color of light emitted by a lamp.

b. Any lamp to be used in the illumination of streets, highways, parks, or any other public place shall have a correlated color temperature no higher than 3000 Kelvin. All new and replacement outdoor lamps shall be installed in accordance with this section.

§ 2. This local law takes effect immediately.

Referred to the Committee on Transportation and Infrastructure.

Res. No. 58

Resolution calling on the Metropolitan Transportation Authority ("MTA") to adjust schedules for distant subway terminal lines to include more peak-direction rush hour trains for commuters to travel to central economic hubs.

By Council Member Brooks-Powers.

Whereas, The MTA is North America's largest transportation network serving a population of 15.3 million people and providing around 2.6 billion trips per year to areas surrounding New York City through Long Island, southeastern New York State, and Connecticut; and

Whereas, One of the largest operating agencies under the MTA is MTA New York City Transit (NYCT), which manages, maintains, and runs subway and bus service in New York City; and

Whereas, As of March 29, 2022, the total estimated daily subway ridership, including the Staten Island Railway, was 3,285,813 people, which was 56.9% of a comparable pre-pandemic day, according to the MTA; and

Whereas, As the novel coronavirus (COVID-19) pandemic dramatically impacted ridership on all MTA systems, it had a large impact on subway ridership, further exacerbating issues regarding access to fast and effective transit options for many in New York City, particularly those in outer boroughs, at end-of-line subway terminals, and those living in transit deserts-a geographical area with very limited access to public transit; and

Whereas, According to an analysis by Dollaride, a company focused on improving access and equity within New York City's transportation system, there are close to an estimated 600,000 New York City residents who live in transit deserts; and

Whereas, Areas such as Southeast Queens, Southeast Brooklyn, sections of the Bronx, and Staten Island have long been disconnected from New York City's Manhattan-centric subway system, and account for more affordable housing than areas with effective, close subway access, according to City and State; and

Whereas, During the peak rush hours, which is between 6 a.m. and 10 a.m. or between 4 p.m. and 8 p.m., the MTA runs more trains more frequently to accommodate the increase in ridership, however, if trains are delayed or taken out of service, there can be noticeable service gaps for New Yorkers who live at end-of-line subway terminals or in transit deserts; and

Whereas, In more recent times, service gaps have become more severe due to the COVID-19 pandemic and a related hiring freeze that left the MTA with staffing shortages in 2021, where about three percent of the MTA NYCT's nearly 22,800 positions in subway and bus operations remained unfilled in May 2021, according to The New York Times; and

Whereas, In June 2021, 10,829 train trips were cancelled due to a lack of crew members, with the A line being hardest hit by the staffing shortages, with 945 canceled trips, followed by the 1 line, with 857 canceled trips, and the N/W line, with 768 canceled trips, according to The City; and

Whereas, According to Riders Alliance, as of July 2021, complaints over longer commutes and subway waits have increased significantly among riders; and

Whereas, This is of particular concern for those living near end-of-line subway terminals, outer boroughs and transit deserts; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the Metropolitan Transportation Authority ("MTA") to adjust schedules for distant subway terminal lines to include more peak-direction rush hour trains for commuters to travel to central economic hubs.

Referred to the Committee on Transportation and Infrastructure.

Res. No. 59

Resolution calling upon the Metropolitan Transportation Authority to conduct a comprehensive Environmental Impact Study on the viability of the proposed QueensLink project.

By Council Member Brooks-Powers.

Whereas, The Metropolitan Transportation Authority (MTA) is the entity in New York State (NYS) responsible for providing the public transit needs of its residents, including operating service locally through New York City Transit and the Long Island Rail Road (LIRR); and

Whereas, There are several neighborhoods in New York City (NYC or the City), particularly in areas of the Borough of Queens, that have limited subway access and are considered transit or subway deserts: and

Whereas, According to a recent report published by the Office of the NYS Comptroller, the use of public transit in NYC fosters foot traffic and economic activity in and around travel hubs, neighborhood stations and bus stops, and improves the affordability of living in the City by reducing the need for personal vehicles; and

Whereas, One proposal, being advanced by a not-for-profit organization dedicated to that purpose, seeks to add an additional public transit option in the City through the 3.5-mile-long transit and park corridor project called QueensLink, which would connect northern and southern Queens; and

Whereas, The proposed QueensLink would run along the corridor formerly known as the Rockaway Beach Branch (RBB), which is a segment of a former LIRR rail line that has not been in use since 1962; and

Whereas, Under the current proposal, QueensLink would extend service on the New York City Transit M Train from Rego Park to the Rockaways, offering local residents a more direct route from Southern Queens into Midtown Manhattan, and potentially serving an estimated eighty-eight thousand daily riders; and

Whereas, Proponents of the QueensLink proposal argue that an MTA investment of more than $3 billion in this project would create up to 150,000 new jobs, result in a $13 billion increase in personal income, and potentially increase property values along the corridor by up to $75 billion; and

Whereas, The proposal for QueensLink also includes up to thirty-three acres of space for parks, trails or newly created farmer's markets alongside and underneath the railroad tracks; and

Whereas, In 2019, the MTA released their RBB reactivation feasibility study which found that restoring service on the line is possible, albeit at a higher estimated cost, and the MTA estimated it could potentially serve 47,000 daily riders; and

Whereas, Potentially reactivating the RBB along the former LIRR right-of-way in Central Queens is currently being evaluated, along with other projects, for potential inclusion in the MTA's 2025-2044 20-Year Needs Assessment which will form the basis for the agency's 2025-2029 Capital Program; and

Whereas, In August 2022, 17 City, State, and Federal officials from Queens signed on to a letter of support asking the Governor and the Mayor to fund an Environmental Impact Study for the QueensLink proposal; now, therefore, be it

Resolved, That the Council of the City of New York, calls upon the Metropolitan Transportation Authority to conduct a comprehensive Environmental Impact Study on the viability of the proposed QueensLink project.

Referred to the Committee on Transportation and Infrastructure.

Res. No. 60

Resolution calling on the New York State Legislature to pass, and the Governor to sign, A.5001-A/S.2515-B, in relation to establishing scramble crosswalks leading to and from school buildings during times of student arrival and dismissal.

By Council Member Brooks-Powers.

Whereas, In the 2022-2023 academic year, over 1,000,000 students were enrolled in the New York City Department of Education's school system, the largest school district in the United States; and

Whereas, The City launched Vision Zero in January 2014, an initiative recognizing that traffic crashes causing serious injury and death are preventable incidents that can be systematically addressed and reduced; and

Whereas, As part of the City's comprehensive plan to eliminate traffic deaths and serious injuries, the City currently operates speed cameras in 750 school zones to reduce speeding in these areas; and

Whereas, Despite these measures, it has been reported that there have been an alarming number of traffic accidents happening near or outside of New York City schools over the years, including those that ended in a child being killed; and

Whereas, The New York City Police Department (NYPD) eliminated 486 crossing guard headcount positons in the most recent Fiscal Year 2024 New York City Adopted Budget, ahead of the 2023-2024 academic school year; and

Whereas, According to a statement by the Office of the Mayor in January 2022, crashes at intersections are responsible for 55 percent of pedestrian fatalities and 79 percent of pedestrian traffic injuries; and

Whereas, A pedestrian scramble, also known as a "Barnes Dance" or "scramble crosswalk," among other names, is a type of traffic measure that allows pedestrians to cross street intersections in all directions simultaneously, during an exclusive pedestrian phase when all vehicular traffic is stopped; and

Whereas, Pedestrian scrambles enable vehicles to turn without having to wait for pedestrians to cross by eliminating concurrent pedestrian crossings; and

Whereas, According to the New York City Department of Transportation (DOT), Barnes Dances reduce conflicts between vehicles and pedestrians, but have potential trade-offs to their implementation benefits, including increased sidewalk crowding, increased pedestrian and vehicular delays, and pedestrian and vehicular non-compliance; and

Whereas, According to the National Association of City Transportation Officials (NACTO), pedestrian scrambles can have the benefits of increasing pedestrian visibility, reducing conflicts between vehicles and

pedestrians, reducing pedestrian crossing time and exposure, and reducing the buffer zone between vehicles and pedestrians; and

Whereas, A.5001-A, sponsored by Assembly Members Brian Cunningham and Deborah Glick, and S.2515-B, sponsored by State Senator Jessica Ramos, and pending in the New York State Assembly, would amend the New York State Vehicle and Traffic law in relation to establishing scramble crosswalks leading to and from school buildings during times of student arrival and dismissal; and

Whereas, Such legislation could increase the safety of New York City students traveling to and from school; now, therefore, be it

Resolved, That the Council of the City of New York calls on the New York State Legislature to pass, and the Governor to sign, A.5001-A/S.2515-B, in relation to establishing scramble crosswalks leading to and from school buildings during times of student arrival and dismissal.

Referred to the Committee on Transportation and Infrastructure.

Res. No. 61

Resolution calling upon the Metropolitan Transportation Authority to remediate any transportation structure, primarily elevated train lines, with extremely high levels of lead.

By Council Members Brooks-Powers and Nurse.

Whereas, The New York State Metropolitan Transportation Authority's (MTA) New York City Transit is the agency responsible for managing, maintaining, and running subway and bus service in New York City; and

Whereas, As one the largest public transportation agencies in the world with an annual ridership of approximately 640 million, New York City Transit has 472 subway stations, 665 miles of track, 5,927 buses, 234 local bus routes, 20 Select Bus Service routes, and 73 express routes; and

Whereas, Some of the subway stations and elevated tracks belonging to the New York City Transit system are more than one-hundred years old; and

Whereas, A study conducted by the International Union of Painters and Allied Trades in 2017 found that chips falling from the Number 7 elevated train trestle in Jackson Heights, Queens contained 224,000 parts per million of lead in the paint, which was more than forty times what is considered safe; and

Whereas, Recent locally published newspaper accounts indicate that an independent lab test taken of fallen paint chips from portions of the J, M, and Z elevated subway line structure in Bushwick, Brooklyn found that the samples contained levels of lead in the range of 15,800 to 63,000 parts per million, more than twelve times the legal limit; and

Whereas, According to the Centers for Disease Control and Prevention (CDC), exposure to high levels of lead may cause anemia, weakness, and kidney and brain damage, and can even cause death at very high levels of exposure; and

Whereas, The CDC's National Center for Environmental Health warns that exposure to lead can seriously harm a child's health, including: causing damage to the brain and nervous system; slowing growth and development; setting off learning and behavior problems; and bringing about hearing and speech problems; and

Whereas, Due to the potentially deleterious effects of exposure to lead-based paint, the Federal Government banned consumer and residential uses of paint containing lead in 1978, however, the paint can still be found on older structures, such as the elevated structures of the New York City Transit system; and

Whereas, Over the past sixty years, New York City has undertaken numerous efforts to combat exposure to lead including banning the use of lead-based paint in residential buildings in 1960, and enacting Local Law 1 of 2004 which requires, in part, that building owners investigate units and common areas in which lead-based paint may be present, with special attention paid to units where a child under age six resides, and address any lead-based paint hazards or violations using safe work practices to prevent additional exposure to lead; and

Whereas, Since New York City Transit is a division of the MTA, a state-run entity, even though the structures potentially causing exposures are located within the City, the decisions related to operations, maintenance and lead remediation and abatement efforts are made by that authority; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the Metropolitan Transportation Authority to remediate any transportation structure, primarily elevated train lines, with extremely high levels of lead.

Referred to the Committee on Transportation and Infrastructure.

Int. No. 146

By Council Members Cabán, Hanif and Ossé.

A Local Law to amend the administrative code of the city of New York, in relation to the prohibition of requiring low-wage workers to enter into covenants not to compete and also to require employers to notify potential employees of any requirement to enter into a covenant not to compete

Be it enacted by the Council as follows:

Section 1. Chapter 5 of title 22 of the administrative code of the city of New York is amended by adding a new section 22-511 to read as follows:

§ 22-511 Prohibition of covenants not to compete for low-wage employees.

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

Covenant not to compete. The term "covenant not to compete" means an agreement that is entered into after the effective date of the local law that added this section between an employee and an employer that restricts such employee from performing 1) work for an employer not a party to such agreement for a specified period of time; 2) work in a specified geographical area for an employer not a party to such agreement; or 3) work for an employer not a party to such agreement that is similar to such employee's work for the employer who is a party to the agreement.

Employee. The term "employee" means an employee as defined in subdivision 2 of section 190 of the labor law.

Employer. The term "employer" means an employer as defined in subdivision 3 of section 190 of the labor law.

Low-wage employee. The term "low-wage employee" means a clerical and other worker as defined in subdivision 7 of section 190 of the labor law.

b. Prohibition. No employer shall enter into a covenant not to compete with any low-wage employee of such employer.

c. Disclosure requirement for non-low-wage workers. An employer may not require a potential employee who is not a low-wage employee to enter into a covenant not to compete unless, at the beginning of the process for hiring such employee, such employer disclosed in writing that they may be subject to such a covenant.

d. Enforcement. The office of labor standards shall enforce the requirements of this section.

§ 2. This local law takes effect 120 days after it becomes law; provided, however, that the office of labor standards shall take all actions necessary for its implementation, including the promulgation of rules, before such date.

Referred to the Committee on Consumer and Worker Protection.

Int. No. 147

By Council Members Cabán, Restler, Hanif, Krishnan, Brewer and Marte.

A Local Law in relation to requiring the department of health and mental hygiene to conduct a community needs assessment to identify needs and gaps in services for people experiencing long COVID

Be it enacted by the Council as follows:

Section 1. Community long COVID and associated diseases needs assessment. a. Definitions. For purposes of this section, the following terms have the following meanings:

Commissioner. The term "commissioner" means the commissioner of health and mental hygiene.

Long COVID and associated diseases. The term "long COVID and associated diseases" means the continuation or development of new or worsening symptoms after the acute SARS-CoV-2 infection has resolved.

b. By October 1, 2024, the commissioner shall, in consultation with relevant agencies, health care professionals, health insurers, patients experiencing long COVID and associated diseases, community based organizations, disability advocates, union and labor groups, and other relevant stakeholders, conduct a community needs assessment to identify the needs and gaps in services for people experiencing long COVID and associated diseases in the city of New York and submit to the mayor and speaker of the council a report on such assessment. Such report shall address the following:

1. The prevalence of long COVID and associated diseases

2. The populations most affected by long COVID and associated diseases;

3. The existing needs of people experiencing long COVID and related diseases, including medical, financial, social services, and education;

4. The existence and accessibility of appropriate programs and services for people experiencing long COVID and associated diseases;

5. The unmet needs and service gaps that exist for people experiencing long COVID and associated diseases while accounting for demographic variations in such unmet needs and service gaps such as, socioeconomic status, race, ethnicity, gender, sexual orientation and age;

6. Priority actions, strategies, and policies to support people experiencing long COVID and associated diseases and their families, including guidance for the public, healthcare providers, and any other relevant agencies; and

7. Any additional information or issues the commissioner considered to conduct the community needs assessment required by subdivision b of this local law.

c. Privacy Protections. No information that is required to be provided pursuant to this section shall be disclosed in a manner that would violate any applicable law relating to the privacy of individual information.

§ 2. This local law takes effect immediately.

Referred to the Committee on Health.

Int. No. 148

By Council Members Cabán, Restler, Won, Sanchez, Hanif and Avilés.

A Local Law to amend the New York city charter, in relation to childcare services at public meetings

Be it enacted by the Council as follows:

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

§ 1069.2 Childcare at public meetings. a. For the purposes of this section, the following terms have the following meanings:

Administering agency. The term "administering agency" means the administration for children's services.

Child. The term "child" means a natural person under the age of thirteen years or a natural person with a disability under the age of nineteen years.

Childcare Services. The term "childcare services" means care for a child at a location in proximity to a covered meeting by a provider licensed and registered pursuant to section 390 of the New York state social services law or by a legally exempt childcare provider who meets the requirements set forth in section 415.13 of subchapter c of the New York state regulations of the department of social services.

Covered Meeting. The term "covered meeting" means any public meeting held by a mayoral agency at which testimony from the public is accepted, but does not include any event or activity for which the primary purpose is entertainment or recreation.

b. The administering agency shall, upon request in a form and manner to be determined by such agency, provide childcare services at all covered meetings. Such request shall be submitted no less than five business days prior to the covered meeting by a parent, step-parent or guardian that will be attending the covered meeting.

c. Any invitation, advertisement, poster or public notice for a covered meeting, whether in print or via electronic means, shall contain information on how a request for childcare services may be submitted and the deadline for when such a request must be received.

d. For any meeting, other than a covered meeting or an event or activity for which the primary purpose is entertainment or recreation, that is open to the public and held by a city governmental entity other than a mayoral agency, such city governmental entity may request that childcare services be provided for such meeting pursuant to subdivision b of this section, provided that a request from a parent, step-parent or guardian that will be attending the meeting has been received and that the administering agency is informed no less than five business days prior to the meeting.

e. The requirements of this section shall be limited by the appropriation of funds available for such purpose.

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

Referred to the Committee on Women and Gender Equity.

Int. No. 149

By Council Members Cabán, the Public Advocate (Mr. Williams) and Hudson.

A Local Law to amend the administrative code of the city of New York, in relation to the rights of persons who engage in sex work

Be it enacted by the Council as follows:

Section 1. Subchapter 6 of chapter 1 of title 3 of the administrative code of the city of New York is amended by adding a new section 3-162 to read as follows:

§ 3-162 Sex worker opportunity program. a. For purposes of this section, the term "sex work" means the voluntarily exchange of sexual services, performances, or products for material compensation.

b. The mayor's office for equity, or any successor agency or office, shall establish, subject to appropriation, a sex worker opportunity program from which grants may be awarded to community organizations that work directly with persons who engage in sex work across all boroughs to create avenues for economic support for mobility, health, housing, and social well-being.

c. A community organization is eligible for such grants if it:

1. Works directly with current or former sex workers;

2. Has experience working with the criminal justice system;

3. Has experience working with historically marginalized communities including, but not limited to, immigrant populations; and

4. Has experience advancing racial equity.

d. The mayor's office for equity, or any successor agency or office, shall promulgate such rules as it deems necessary to effectuate the provisions of this section.

§ 2. Section 8-102 of the administrative code of the city of New York is amended by adding a new definition of sex work in appropriate alphabetical order to read as follows:

Sex work. The term "sex work" means the voluntarily exchange of sexual services, performances, or products for material compensation.

§ 3. Subdivision 5 of section 8-107 of the administrative code of the city of New York is amended by adding new paragraph (o) to read as follows:

(o) Applicability; persons who engage in sex work. (1) The provisions of this subdivision shall be construed to provide protection to persons who engage in sex work.

(2) Nothing in subparagraph (1) of this paragraph shall restrict a covered entity from taking any lawful adverse action against an occupant for reasons other than such occupant's current or former employment in sex work.

(3) Nothing in subparagraph (1) of this paragraph shall restrict a covered entity from excluding a person from a housing accommodation where such exclusion is required pursuant to any federal, state, or local law or rule or regulation, provided that the covered entity shall provide the person a citation to the law, rule or regulation that requires such exclusion.

§ 4. Subchapter 1 of chapter 12 of title 20 of the administrative code of the city of New York is amended by adding a new section 20-1202.1 to read as follows:

§ 20-1202.1 Outreach for persons who engage in sex work. a. For purposes of this section the term "sex work" means the voluntarily exchange of sexual services, performances, or products for material compensation.

b. The commissioner shall create a review and enforcement board to work directly with persons who engage in sex work to understand the most common unfair work practices they face and how such practices appear in the sex work industry. Such review and enforcement board shall also provide persons who engage in sex work with educational materials about their rights and how they can seek redress of those rights.

§ 5. 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 Matters involving sex work. a. For purposes of this section, the term "sex work" means the exchange of sexual services, performances, or products for material compensation.

b. No later than January 31 each year, the commissioner shall submit to the mayor and speaker of the council, and post on the ACS website, an annual report regarding the number, type, and outcomes of investigations initiated by ACS during the prior calendar year in which ACS case workers used information related to a person's involvement in sex work. Such report shall include:

1. The age, income range, gender, and ethnicity of persons subject to investigation;

2. The number of investigations initiated as a result of persons' involvement in sex work;

3. The types of investigations initiated;

4. The findings and outcome of the investigations; and

5. The number of referrals reported to the police department or another law enforcement agency.

§ 6. The definition of "identifying information" as set forth in 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 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, languages spoken, religion, nationality, country of origin, place of birth, arrest record or criminal conviction, employment status, *current or former employment in sex work as defined in section 8-102*, 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.

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

Referred to the Committee on Civil and Human Rights.

Int. No. 150

By Council Members Cabán, Powers, Restler, Won, Sanchez, Hanif, Avilés, Krishnan, Brooks-Powers, Ossé and Nurse.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of correction to report programming and fiscal information

Be it enacted by the Council as follows:

Section 1. Section 9-129 of the administrative code of the city of New York, as amended by chapter 322 of the laws of 2021, is amended to read as follows:

§ 9-129 Reporting. *a. Annual report.* The commissioner of correction shall submit a report to the mayor and the council by October [first] *1* of each year regarding implementation of sections 9-127 and 9-128 of this title and other discharge planning efforts[, and, beginning October first, two thousand eight and annually thereafter, regarding recidivism among incarcerated individuals receiving discharge planning services from the department of correction or any social services organization under contract with the department of correction] *made in the prior fiscal year*.

b. Required information. In addition to the information required in subdivision a of this section, such report shall include, but need not be limited to:

1. The number of incarcerated individuals and the average number of days spent in the custody of the department of correction among such incarcerated individuals;

2. The number of incarcerated individuals eligible for a discharge plan pursuant to section 9-127.1, and the number of such incarcerated individuals who are offered a discharge plan;

3. Information pertaining to post-release job placement and retention, including, to the extent practicable: the number of formerly incarcerated individuals with post-release job placements within 30 days of release from the custody of the department; the number of formerly incarcerated individuals with post-release job placements within 90 days of release from the custody of the department; and the number of formerly incarcerated individuals with post-release job placements within 180 days of release from the custody of the department; and

4. A description of any services referred to formerly incarcerated individuals upon release.

§ 2. Subdivision b of section 9-143 of the administrative code of the city of New York is amended by adding a new paragraph 3 to read as follows:

3. During the reporting period, the number of incarcerated individuals with a mental health diagnosis, the number of incarcerated individuals who received mental health services, and the percentage of incarcerated individuals with a mental health diagnosis who received mental health services.

§ 3. Section 9-144 of the administrative code of the city of New York, as amended by chapter 322 of the laws of 2021, is amended to read as follows:

§ 9-144 Correction programming evaluation and report. [The department shall evaluate incarcerated individual programming each calendar year.] *a. Definitions.* For purposes of this section, "incarcerated individual programming" includes but is not limited to any structured services offered directly to incarcerated individuals for the purposes of vocational training, counseling, cognitive behavioral therapy, addressing drug dependencies, or any similar purpose.

b. Annual evaluation. The department shall evaluate incarcerated individual programming each calendar year.

c. Annual report. No later than April 1 of each year, beginning in 2017, the department shall submit a [summary of each] *report containing a summary of the* evaluation *required in subdivision b of this section* to the mayor and the council, and post such [summary] *report* to the department's website.

[This summary] *d. Program information. The report required in subdivision c of this section* shall include [factors determined by the department, including], but *need* not be limited to, *the following* information [related to the following for each such program: (i) the] *for each program offered in the most recent calendar year and, where information is available, the prior five years:*

1. The name of the program and the facilities where it is offered;

2. The name of the provider;

3. The amount of funding received; [(ii) estimated number of incarcerated individuals served; (iii) a brief]

4. A description of the program including the *enrollment or referral process, the* estimated number of hours of programming offered and utilized, *the frequency with which it is offered, any interruption in programming and the cause*, program length, goals, target populations, effectiveness, and outcome measurements, *including a description of any award, certificate, degree or other qualification earned upon successful completion of the program*, where applicable; [and (iv) successful completion and compliance rates, if applicable. Such summary]

5. The number of participating incarcerated individuals in the aggregate and disaggregated by race, gender and age;

6. The number of program instructors, and the ratio of program instructors to participating incarcerated individuals;

7. The number of participating incarcerated individuals who successfully complete the program, in the aggregate and disaggregated by race, sex and age, and the ratio of participating incarcerated individuals who successfully complete the program to participating incarcerated individuals, in the aggregate and disaggregated by race, sex and age;

8. The number of participating incarcerated individuals who do not successfully complete the program and the reason, when known; and

9. For applicable programs, the number of incarcerated individuals earning a GED, disaggregated by race, sex and age.

e. Information required for each facility. The information required in subdivision d of this section shall be reported in the aggregate for each program and disaggregated by facility if the program is offered at more than one facility.

f. Accessibility and formatting. The report required in subdivision c of this section shall be permanently accessible from the department's website and shall be provided in a format that permits automated processing, where appropriate. [Each yearly summary] *Required rates shall be expressed in fractions and percentages.*

g. Annual comparison required. The report required in subdivision c of this section shall include a comparison of the current year with the prior five years, where such information is available.

§ 4. 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 Report on budget and spending. The commissioner shall report the following information to the mayor and the speaker of the council by September 1 of each year:

a. The amount of overtime spending per uniformed personnel for the prior fiscal year; and

b. The average number of fixed posts requiring coverage for each month of the prior fiscal year.

§ 5. This local law takes effect immediately.

Referred to the Committee on Criminal Justice.

Int. No. 151

By Council Members Cabán, Rivera, Hanif, Restler and Nurse.

A Local Law to amend the New York city charter, the administrative code of the city of New York, the New York city plumbing code, and the New York city building code, in relation to the terms "inmate," "prisoner," and "incarcerated individual" and other similar terminology as used therein

Be it enacted by the Council as follows:

Section 1. Declaration of legislative intent and findings. The council finds that it should be the policy of this city to promote the dignified and fair treatment of persons in the criminal justice system and in other institutions of confinement. The council declares that the use of outmoded terms, including "inmate" and "prisoner," to refer to persons incarcerated or persons in custody in the criminal justice system and other institutions, is dehumanizing and demeaning to such persons, and that such terms should be eliminated from use in local law and replaced with terms that emphasize persons first, and not their circumstances. Through the elimination and replacement of such terminology, the council does not intend to alter the substantive meaning of the affected provisions of law.

§ 2. Subdivision e of section 13-c of the New York city charter, as amended by chapter 322 of the laws of 2021, is amended to read as follows:

e. Four-year plan. Within one year after the completion of the first biennial report required by subdivision d of this section, and in every fourth calendar year thereafter, the coordinator shall prepare and submit to the mayor and the council a four-year plan for providing reentry services to those city residents who need such services. Such plan may include recommendations for approaches to serving city residents in need of reentry services, including the establishment of an initial point of access for individuals immediately upon their release from the custody of the department of correction in a location adjacent to Rikers Island or to the correctional facility that releases the most [incarcerated individuals] *persons incarcerated* daily. Such report and plan shall also identify obstacles to making such services available to all those who need them and describe what additional resources would be necessary to do so.

§ 3. Paragraph (8) of subdivision d of section 556 of the New York city charter, as amended by chapter 322 of the laws of 2021, is amended to read as follows:

(8) promote or provide medical and health services for [the incarcerated individuals of] *persons incarcerated in* prisons maintained and operated by the city;

§ 4. Subdivisions 1 and 5 of section 623 of the New York city charter, as amended by chapter 672 for the year 1963, are amended to read as follows:

1. Charge and management of all institutions of the city, including all hospital wards therein for the care and custody of felons, misdemeanants, all [prisoners] *persons* under arrest awaiting arraignment who require hospital care, including those requiring psychiatric observation or treatment and violators of ordinances or local laws and for the detention of witnesses who are unable to furnish security for their appearance in criminal proceedings, except such places for the detention of [prisoners or] persons charged with crime as are by law placed under the charge of some other agency.

5. All authority in relation to the custody and transportation of persons held for any cause in criminal proceedings and all [prisoners] *persons* under arrest awaiting arraignment who require hospital care, including those requiring psychiatric observation or treatment, in any county within the city.

§ 5. Subdivision 2 of section 623 of the New York city charter, as amended by local law number 102 for the year 1977, is amended to read as follows:

2. Sole power and authority concerning the care, custody and control of all [court pens] *secure facilities* for the detention of [prisoners] *persons incarcerated and persons in custody* while in the criminal courts of the city of New York, the family court of the state of New York within the city of New York, the supreme court in the counties of New York, Bronx, Kings, Queens and Richmond and of all vehicles employed in the transportation of [prisoners] *persons incarcerated or persons in custody* who have been sentenced, are awaiting trial or are held for any other cause.

§ 6. Section 625 of the New York city charter, as amended by chapter 322 of the laws of 2021, is amended to read as follows:

§ 625. Labor of [prisoners] *persons incarcerated*. Every [incarcerated individual of] *person incarcerated by* an institution under the authority of the commissioner shall be employed in some form of industry, in farming operations or other employment, and products thereof shall be utilized in the institutions under the commissioner or in any other agency. Those persons held for trial may be employed in the same manner as *persons who have been* sentenced [prisoners], provided they give their consent in writing. Such [incarcerated individuals or prisoners] *persons* held for trial may be detailed by the commissioner to perform work or service on the grounds and buildings or on any public improvement under the charge of any other agency.

§ 7. Subdivision f of section 626 of the New York city charter, as amended by local law number 133 for the year 2019, is amended to read as follows:

f. The board shall establish procedures for the hearing of grievances, complaints or requests for assistance (1) by or on behalf of any person held or confined under the jurisdiction of the department or (2) by any employee of the department. Starting July 1, 2021, the board shall issue a report, at least every three years, on issues related to the department's grievance process. Such report shall incorporate direct feedback from [incarcerated individuals] *persons incarcerated* and proposed recommendations for relevant improvements, and shall include a section of recommendations on how to improve the grievance process for vulnerable populations, including [incarcerated individuals] *persons incarcerated* who are lesbian, gay, bisexual, transgender, intersex, and gender nonconforming. Such report shall be submitted to the council and posted on the board's website.

§ 8. Paragraph 8 of subdivision b of section 1054 of the New York city charter, as added by local law number 6 for the year 2019, is amended to read as follows:

8. conduct yearly trainings for all relevant staff of the department of correction. Such training shall include, at minimum, information on voting laws for *persons* currently and formerly incarcerated [individuals] in the state of New York, voter registration procedures, absentee voting, and determining eligibility to vote.

§ 9. Subdivision 9 of section 1057-a of the New York city charter, as amended by chapter 322 of the laws of 2021, and duplicate subdivision 10 of such section, as added by local law number 6 for the year 2019, are amended to read as follows:

9. In addition to the other requirements of this section, the department of correction shall implement and administer a program of distribution and submission of absentee ballot applications, and subsequently received absentee ballots, for eligible [incarcerated individuals] *persons incarcerated in the department's custody*. Such department shall offer, to all [incarcerated individuals] *persons incarcerated* who are registered to vote, absentee ballot applications, and a means to complete them, during the period from sixty days prior to any primary, special, or general election in the city of New York until two weeks prior to any such election. Such department shall subsequently provide any absentee ballot received from the board of elections in response to any such application to the applicable [incarcerated individual] *person incarcerated*, as well as a means to complete it. Such department shall provide assistance to any such [incarcerated individual] *person incarcerated* in filling out such application or ballot upon request. Such department shall, not later than five days after receipt, transmit such completed applications and ballots from any [incarcerated individual] *person incarcerated* who wishes to have them transmitted to the board of elections for the city of New York. The provisions of this subdivision shall not apply in any specific instance in which the department deems it unsafe to comply therewith.

[10] *11*. The department of correction shall, in addition to the other requirements of this section for participating agencies, distribute to every person upon release from custody of the department a written notice on the voting rights of [formerly incarcerated persons] *persons formerly incarcerated* in the state of New York, including information on when such persons are or may become eligible to vote, and offer to every such person a voter registration form. The department shall make verbal reference to the distributed written notice and voter registration form to such individuals upon distribution. Such notice shall only be required for those who are released from a department facility, from department custody within a courthouse, and from a department-operated area within a hospital or healthcare provider. Notice is not required for those who are released to the custody of another government agency or to the custody of a hospital or healthcare provider. Such written notice shall be developed in consultation with the voter assistance advisory committee.

§ 10. Subdivision 3 of section 5-509 of the administrative code of the city of New York is amended to read as follows:

3. Such sums to any hospitals, charitable, eleemosynary, correctional or reformatory institution, wholly or partly under private control for the care, support and maintenance of [its inmates] *persons in the custody of such institutions*, and for the care, support, maintenance and secular education of [inmates of] *persons in the custody of* orphan asylums, protectories, homes for dependent children or correctional institutions and any other sum or sums which may heretofore have been duly authorized by law to be paid within the city of New York or any part thereof for the education and support of the blind, the deaf and dumb and juvenile delinquents and such sums other than salaries for reimbursement to any duly incorporated charitable institution or society employed by the commissioner of welfare in the placing out, supervision and transfer of children who are public charges; such payments to be made only for such [inmates] *persons* as are received and retained therein pursuant to rules established by the state board of social welfare. The city may in any year, and from time to time, increase or diminish, the sum authorized to be paid to any such institution, association, corporation or society. The final estimate shall specify each institution by its corporate name and the sum to be paid thereto, with a reference to

the laws authorizing the appropriation, and the comptroller is authorized to pay the sum to such institution upon its appearing to his or her satisfaction in such manner as he or she shall prescribe that the expenditure thereof by the institution is lawful and proper. Appropriations shall be made under this section to any corporation only if the mayor, or the president of the borough in which the chief office of such corporation is situated, is notified of all meetings of its board of management, and is empowered to attend the same or designate in writing some person to do so in his or her behalf; but this shall not be construed as impairing any existing powers of visitation vested in the supreme court or the state board of social welfare, or any provisions of law requiring statements by such corporations as to their affairs.

§ 11. Section 7-516 of the administrative code of the city of New York is amended to read as follows:

§ 7-516 Construction clause. Any law, rule, regulation, contract or other document which refers or is applicable to the sheriff of any of the counties in the city shall refer to the office of the city sheriff in such county, except that any provision, in any law, rule, regulation, contract or other document relating to the custody and transportation of [prisoners] *persons* held for any cause in criminal proceedings in any county within the city, heretofore applicable to any sheriff of any of the counties within the city, shall apply to the department of correction.

§ 12. Subdivision (a) of section 7-703 of the administrative code of the city of New York is amended to read as follows:

(a) Any building, erection or place, including one- or two-family dwellings, used for the purpose of prostitution as defined in section 230.00 of the penal law. Two or more criminal convictions of persons for acts of prostitution in the building, erection or place, including one- or two-family dwellings, within the one-year period preceding the commencement of an action under this chapter, shall be presumptive evidence that the building, erection or place, including one- or two-family dwellings, is a public nuisance. In any action under this subdivision, evidence of the common fame and general reputation of the building, erection or place, including one- or two-family dwellings, of the [inmates or] occupants thereof, or of those resorting thereto, shall be competent evidence to prove the existence of the public nuisance. If evidence of the general reputation of the building, erection or place, including one- or two-family dwellings, or of the [inmates or] occupants thereof, is sufficient to establish the existence of the public nuisance, it shall be prima facie evidence of knowledge thereof and acquiescence and participation therein and responsibility for the nuisance, on the part of the owners, lessors, lessees and all those in possession of or having charge of, as agent or otherwise, or having any interest in any form in the property, real or personal, used in conducting or maintaining the public nuisance;

§ 13. Section 9-101 of the administrative code of the city of New York is amended to read as follows:

§ 9-101 City correctional institutions. The commissioner of correction may designate any institution or part thereof under the jurisdiction of the commissioner for the safekeeping of persons committed to the department of correction. The commissioner may also designate any institution or part thereof under his or her jurisdiction for the safekeeping of *such* female [prisoners] *persons* only. Officers charged with the transportation of persons committed to the department of correction shall deliver them to the institution or part thereof as may be directed by the commissioner.

§ 14. Section 9-104 of the administrative code of the city of New York, as amended by chapter 322 of the laws of 2021, is amended to read as follows:

§ 9-104 Transfer of [incarcerated individuals] *persons incarcerated* by commissioner of correction. The commissioner of correction shall have power to transfer [prisoners] *persons incarcerated* from any prison or correctional institution under [his or her] *the commissioner's* control to any other prison or correctional institution under the jurisdiction of the department.

§ 15. Section 9-107 of the administrative code of the city of New York, as amended by local law number 43 for the year 2019, is amended to read as follows:

§ 9-107 Narcotics treatment program. a. Correctional health services, or any entity with which the department of correction or the department of health and mental hygiene contracts to provide healthcare for [incarcerated individuals] *persons incarcerated by the department of correction*, shall establish a program for the treatment of substance abuse through the use of medication assisted treatment, including the administration of methadone, buprenorphine, and naltrexone. The program shall be available on a voluntary basis only to such [incarcerated individuals] *persons incarcerated* as apply, subject to a medical evaluation, before acceptance, of their need for such treatment.

b. The commissioner of correction shall ensure that any housing unit in which transgender, intersex, non-binary, or gender non-conforming [individuals] *persons* are housed has access to the same substance abuse treatment as other [incarcerated individuals] *persons incarcerated*. Such treatment shall only be given voluntarily and based on the exercise of professional medical judgment of a medical provider following consultation between such medical provider and the [incarcerated] person *receiving treatment*.

§ 16. Subdivisions a and b of section 9-108 of the administrative code of the city of New York, as added by local law number 131 for the year 2019, are amended to read as follows:

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

Clinic production. The term "clinic production" means the department's process by which [an incarcerated individual] *a person incarcerated* is escorted for a medical appointment.

Correctional health services. The term "correctional health services" means any health care entity designated by the city of New York as the agency or agencies responsible for health services for [incarcerated individuals] *persons* in the care and custody of the department. When the responsibility is contractually shared with an outside provider this term shall also apply.

Department. The term "department" means the department of correction.

Health care professional. The term "health care professional" means a person who meets qualifications stipulated by their profession and who possesses all credentials and licenses required by New York state law.

Medical appointment. The term "medical appointment" means any patient encounter requested by correctional health services.

Non-production. The term "non-production" means an instance where [an incarcerated individual] *a person incarcerated by the department* is not escorted for a medical appointment requested by correctional health services.

Production refusal. The term "production refusal" means a refusal by [an incarcerated individual] *a person incarcerated by the department* to allow the department to produce such [incarcerated individual] *person* to clinic for a medical appointment. Nothing in this definition, or in this section, is intended to contradict rules governing treatment set forth in chapter 3 of title 40 of the rules of the city of New York.

Sick call. The term "sick call" means the department's process by which [an incarcerated individual] *a person incarcerated* requests to be seen by a health care professional for the purpose of assessing or treating such [incarcerated individual's] *person's* non-emergency medical complaint.

Walk-out. The term "walk-out" means an instance when [an incarcerated individual] *a person incarcerated* leaves clinic without being seen by a health care professional for a medical appointment.

b. The department shall retain all documents containing data relating to sick call and clinical production, including handwritten sign-up sheets, for at least three years from the time [an incarcerated individual] *a person incarcerated* is released from custody of the department, and provide such documents to the board of correction upon request.

§ 17. Section 9-109 of the administrative code of the city of New York, as amended by chapter 322 of the laws of 2021, is amended to read as follows:

§ 9-109 Classification. The commissioner of correction shall so far as practicable classify all felons, misdemeanants and violators of local laws under the commissioner's charge, so that the youthful or less hardened offenders shall be segregated from the older or more hardened offenders. The commissioner of correction may set apart one or more of the penal institutions for the custody of such youthful or less hardened offenders, and he or she is empowered to transfer such offenders thereto from any penal institution of the city. The commissioner of correction is empowered to classify the transferred [incarcerated individuals] *persons incarcerated*, so far as practicable, with regard to age, nature of offense, or other fact, and to separate or group such offenders according to such classification.

§ 18. Section 9-110 of the administrative code of the city of New York, as amended by chapter 322 of the laws of 2021, is amended to read as follows:

§ 9-110 Education and programming. The commissioner of correction may establish and maintain schools or classes for the instruction and training of [the incarcerated individuals] *persons incarcerated by* any institution under the commissioner's charge, and shall offer to all [incarcerated individuals] persons incarcerated for more than 10 days a minimum of five hours per day of [incarcerated individuals] programming or education, excluding weekends and holidays. Such programming or education may be provided by the department or by another provider, and need not be offered to [incarcerated individuals] *persons* in punitive segregation, or to [incarcerated

individuals] *persons* who may be ineligible or unavailable for such programming or education, or where offering such programming or education would not be consistent with the safety of the [incarcerated individual] *person incarcerated*, staff or facility. Nothing in this section shall prohibit the department from offering such programming or education on the basis of incentive-based criteria developed by the department. For the purposes of this section, the term "[incarcerated individual] programming" has the same meaning as in section 9-144.

§ 19. Subdivision a of section 9-111 of the administrative code of the city of New York, as amended by chapter 322 of the laws of 2021, is amended to read as follows:

a. The commissioner of correction is empowered to set aside in the city prison a sufficient space for the purposes of installing a library for [the incarcerated individuals] *persons incarcerated*. The commissioner of correction may do likewise in any other place in which persons are held for infractions of the law pending a determination by a court.

§ 20. Section 9-114 of the administrative code of the city of New York, as amended by chapter 322 of the laws of 2021, is amended to read as follows:

§ 9-114 Discipline of [incarcerated individuals] *persons incarcerated*. a. Officers in any institution in the department of correction shall use all suitable means to defend themselves, to enforce discipline, and to secure the persons [of incarcerated individuals] *incarcerated* who shall:

1. Neglect or refuse to perform the work assigned by the officer in charge of the institution.
2. Wilfully violate the rules and regulations established by the commissioner of correction.
3. Resist or disobey any lawful command.
4. Offer violence to any officer or to any other [prisoner] *person incarcerated*.
5. Injure or attempt to injure any such institution or the appurtenances thereof or any property therein.
6. Attempt to escape.
7. Combine with any one or more persons for any of the aforesaid purposes.

b. The officers in any institution of the department of correction shall not inflict any blows upon a [prisoner] *person incarcerated* except in self-defense or to suppress a revolt or insurrection.

§ 21. Section 9-115 of the administrative code of the city of New York is amended to read as follows:

§ 9-115 Correction officers (women) in prisons for women. a. Women correction officers shall have charge of and shall supervise all female [prisoners] *persons incarcerated* and all parts of prisons occupied by such [prisoners] *persons*, or such parts thereof as the officer in command shall designate to be under their supervision. At least one woman correction officer shall be on duty in each prison as long as any female [prisoner] *person incarcerated* is detained therein.

b. Women correction officers shall search all women visiting any part of such prisons, except as otherwise ordered by the commissioner. Only women correction officers shall be admitted to the corridor or cells of the female [prisoners] *persons incarcerated* without the consent of the officer in charge of the prison.

§ 22. Subdivision c of section 9-116 of the administrative code of the city of New York, as amended by chapter 322 of the laws of 2021, is amended to read as follows:

c. *1.* Tours of duty shall commence at midnight, eight o'clock ante meridian and four o'clock post meridian of each consecutive twenty-four hours. Such tours of duty shall hereinafter be designated as normal tours of duty. At the discretion of the warden or other officer or officers in charge of an institution, other tours of duty may be created. Such tours of duty shall hereinafter be designated as miscellaneous tours of duty.

2. Within each complete working cycle at each institution, every custodial officer in the same employee classification shall be assigned to the same number of each of the normal tours of duty. For the purpose of such assignment of normal tours of duty as hereinbefore prescribed, miscellaneous tours of duty which commence at or after seven o'clock ante meridian and at or before eleven o'clock ante meridian shall be considered to be a part of that normal tour of duty which commences at eight o'clock ante meridian; miscellaneous tours of duty which commence after eleven o'clock ante meridian and before eight o'clock post meridian shall be considered to be a part of that normal tour of duty which commences at four o'clock post meridian; miscellaneous tours of duty which commence at or after eight o'clock post meridian and before seven o'clock ante meridian shall be considered to be a part of that normal tour of duty which commences at midnight.

3. All normal tours of duty which commence at midnight or at four o'clock post meridian, and all miscellaneous tours of duty which shall be considered a part of these normal tours of duty as hereinbefore prescribed, shall be changed at least once in every calendar month.

4. Every member of each platoon shall be entitled to at least one calendar day of rest upon the completion of every six tours of duty. This day of rest shall not be deferred longer than one calendar week after such member has become entitled thereto.

5. None of the foregoing provisions of this section shall apply to or govern the rotation of tours of duty of custodial officers who may be detailed or assigned to an institution wherein no [incarcerated individuals] *persons incarcerated or persons in custody* are detained overnight. Where in any single institution the total number of custodial officers in any single employee classification is less than four in number, none of the foregoing provisions of this section shall apply to or govern the rotation of tours of duty of members of such employee classification in said institution. None of the foregoing provisions of this section shall apply to or govern the rotation of tours of duty of custodial officers who may be detailed or assigned to what shall hereinafter be known and designated as the special duty squad at each institution, provided, however, that the number of custodial officers detailed or assigned to a special duty squad at any single institution may not exceed twenty-five per centum of the total number of custodial officers employed at the said institution; provided, however, that custodial officers detailed or assigned to special duty squads may be assigned only to that normal tour of duty commencing at eight o'clock ante meridian, or to miscellaneous tours of duty constituting a part of such normal tour of duty; and provided further, however, that throughout the department of correction the total number of custodial officers detailed or assigned to steady tours of duty, whether as members of special duty squads or otherwise, shall not exceed fifteen per centum of the total number of custodial officers employed in the department of correction. None of the foregoing provisions of this subdivision shall apply to or govern the rotation of tours of duty of custodial officers who may be detailed or assigned to steady tours of duty for reasons of management efficiency, which reasons shall presumptively include the subdivision of a facility and/or unit into smaller units of management.

§ 23. Paragraph 3 of subdivision b of section 9-117 of the administrative code of the city of New York, as amended by chapter 322 of the laws of 2021, is amended to read as follows:

3. Nothing in this subdivision shall limit in any way persons who are or will be employed by or under contract with the department of correction from maintaining incidental supervision and custody of [an incarcerated individual] *a person incarcerated*, where the primary duties and responsibilities of such *employed* persons and contractors consist of administering or providing programs and services to persons detained or confined in any of its facilities; nor shall anything in this subdivision be construed to limit or affect the existing authority of the mayor and commissioner to appoint non-uniformed persons, whose duties include overall security of the department of correction, to positions of authority.

§ 24. Subdivisions a and c of section 9-118 of the administrative code of the city of New York are amended to read as follows:

a. The commissioner of correction may establish a commissary in any institution under the commissioner's jurisdiction for the use and benefit of [the incarcerated individuals] *persons incarcerated* and employees [thereof]. All moneys received from the sales of such commissaries shall be paid over semi-monthly to the commissioner of finance without deduction. Except as otherwise provided in this subdivision, the provisions of section 12-114 of the code shall apply to every officer or employee who receives such moneys in the performance of his or her duties in any such commissary. The accounts of the commissaries shall be subject to supervision, examination and audit by the comptroller and all other powers of the comptroller in accordance with the provisions of the charter and code.

c. Any surplus remaining in the commissary fund after deducting all items described in subdivision b hereof shall be used for the general welfare of [the incarcerated individuals] *persons incarcerated* of the institutions under the jurisdiction of the department of correction. In the event such fund at any time exceeds one hundred thousand dollars, the excess shall be transferred to the general fund.

§ 25. Section 9-121 of the administrative code of the city of New York, as amended by chapter 322 of the laws of 2021, is amended to read as follows:

§ 9-121 Records of [incarcerated individuals of] *persons incarcerated by* institutions. The commissioner of correction shall keep and preserve a proper record of all persons who shall come under the commissioner's care or custody, and of the disposition of each, with full particulars as to the name, age, sex, color, nativity and religious faith, together with a statement of the cause and length of detention. Except as otherwise provided by law, the records kept pursuant to this section shall be public and shall be open to public inspection.

§ 26. Section 9-122 of the administrative code of the city of New York, as amended by chapter 322 of the laws of 2021, is amended to read as follows:

§ 9-122 Labor *in other agencies* of [prisoners in other agencies] *persons incarcerated*; correction officers. A correction officer or correction officers from the department of correction shall at all times direct and guard all [incarcerated individuals] *persons incarcerated* of any of the institutions in the department of correction who are performing work for any other agency.

§ 27. Subdivision a of section 9-125 of the administrative code of the city of New York is amended to read as follows:

a. The commissioner of correction shall have custody of [civil prisoners] *persons incarcerated for civil offenses* and the prisons [wherein] *in which* they are confined.

§ 28. Section 9-126 of the administrative code of the city of New York is amended to read as follows:

§ 9-126 Jurisdiction of commissioner of correction [over]*;* civil [prisoners] *offenses*. Any part of the institutions under the jurisdiction of the commissioner of correction which shall be set aside for the accommodation of [prisoners] *persons* detained by civil process shall be under the control of such commissioner of correction.

§ 29. Subdivision b of section 9-127 of the administrative code of the city of New York, as amended by chapter 322 of the laws of 2021, is amended to read as follows:

b. The department of correction shall collect, from any sentenced [incarcerated individual] *person* who will serve, after sentencing, ten days or more in any city correctional institution, information relating to such [incarcerated individual's] *person's* housing, employment and sobriety needs. The department of correction shall, with the consent of such [incarcerated individual] *person*, provide such information to any social service organization that is providing discharge planning services to such [incarcerated individual] *person* under contract with the department of correction. For the purposes of this section and sections 9-128 and 9-129 of this title, "discharge planning" shall mean the creation of a plan for post-release services and assistance with access to community-based resources and government benefits designed to promote [an incarcerated individual's] the successful reintegration into the community *of persons formerly incarcerated*.

§ 30. Section 9-127.1 of the administrative code of the city of New York, as amended by chapter 322 of the laws of 2021, is amended to read as follows:

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

Discharge plan. The term "discharge plan" means a plan describing the manner in which an eligible [incarcerated individual] *person* will be able to receive re-entry services upon release from the custody of the department to the community. A discharge plan shall, to the extent practicable, be designed to address the unique needs of each eligible [incarcerated individual] *person*, including but not limited to [the incarcerated individual's] *such person's* geographic location upon release from the custody of the department, specific social service needs if applicable, prior criminal history, and employment needs.

Eligible [incarcerated individual] *person*. The term "eligible [incarcerated individual] *person*" means a person who served a sentence of 30 days or more in the custody of the department, and who is being released from the custody of the department to the community.

Re-entry services. The term "re-entry services" means appropriate programming and support planning offered to [an incarcerated individual] *a person* upon release from the custody of the department to the community, as well as follow-up support offered to [the incarcerated individual] *such person* after [his or her] release. Such programming, support planning, and follow-up support shall include case management and connections to employment, and other social services that may be available to such [incarcerated individual] *person* upon [his or her] release.

b. Prior to the release of an eligible [incarcerated individual] *person* from the custody of the department, a designee of the department shall to the extent practicable develop and offer to such [incarcerated individual] *person* a discharge plan. Discharge plans developed pursuant to this section shall not be required when, upon release from the custody of the department, [an incarcerated individual] *a person* is transferred to the custody of another government agency or to the custody of a hospital or healthcare provider, or where a discharge plan is otherwise required by law.

§ 31. Subdivisions a and b of section 9-128 of the administrative code of the city of New York, as amended by chapter 322 of the laws of 2021, are amended to read as follows:

a. The department of correction shall make applications for government benefits available to [incarcerated individuals] *persons incarcerated and persons in custody* by providing such applications in areas accessible to [incarcerated individuals] *such persons* in city correctional institutions.

b. The department of correction shall provide assistance with the preparation of applications for government benefits and identification to sentenced [incarcerated individuals] *persons* who will serve, after sentencing, thirty days or more in any city correctional institution and who receive discharge planning services from the department of correction or any social services organization under contract with the department of correction, and, in its discretion, to any other [incarcerated individual] *person incarcerated* who may benefit from such assistance.

§ 32. Section 9-129 of the administrative code of the city of New York, as amended by chapter 322 of the laws of 2021, is amended to read as follows:

§ 9-129 Reporting. The commissioner of correction shall submit a report to the mayor and the council by October first of each year regarding implementation of sections 9-127 and 9-128 of this title and other discharge planning efforts, and, beginning October first, two thousand eight and annually thereafter, regarding recidivism among [incarcerated individuals] *persons* receiving discharge planning services from the department of correction or any social services organization under contract with the department of correction.

§ 33. Section 9-130 of the administrative code of the city of New York, as amended by chapter 322 of the laws of 2021, is amended to read as follows:

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

Adolescent. The term “adolescent” means [an incarcerated individual] *a person incarcerated who is* 16 or 17 years of age.

Adult. The term “adult” means [an incarcerated individual] *a person incarcerated who is* 22 years of age or older.

Assault. The term “assault” means any action taken with intent to cause physical injury to another person.

Department. The term “department” means the [New York city] department of correction.

Hospital. The term “hospital” includes any hospital setting, whether a hospital outside of the department’s jurisdiction or a correction unit operated by the department within a hospital.

Serious injury. The term “serious injury” means a physical injury that (i) creates a substantial risk of death or disfigurement; (ii) is a loss or impairment of a bodily organ; (iii) is a fracture or break to a bone other than fingers and toes; or (iv) is an injury defined as serious by a physician.

Sexual abuse. The term "sexual abuse" has the same meaning as set forth in 28 CFR § 115.6, or successor regulation, promulgated pursuant to the federal prison rape elimination act of 2003.

Staff. The term "staff" means anyone other than [an incarcerated individual] *a person incarcerated* who works at a facility operated by the department.

Young adult. The term "young adult" means [an incarcerated individual] *a person incarcerated who is* 18 to 21 years of age.

Use of force A. The term "use of force A" means a use of force by staff on [an incarcerated individual] *a person incarcerated* resulting in an injury that requires medical treatment beyond the prescription of over-the-counter analgesics or the administration of minor first aid, including those uses of force resulting in one or more of the following: (i) multiple abrasions and/or contusions; (ii) chipped or cracked tooth; (iii) loss of tooth; (iv) laceration; (v) puncture; (vi) fracture; (vii) loss of consciousness, including a concussion; (viii) suture; (ix) internal injuries, including but not limited to ruptured spleen or perforated eardrum; or (x) admission to a hospital.

Use of force B. The term "use of force B" means a use of force by staff on [an incarcerated individual] *a person incarcerated* which does not require hospitalization or medical treatment beyond the prescription of over-the-counter analgesics or the administration of minor first aid, including the following: (i) a use of force resulting in a superficial bruise, scrape, scratch, or minor swelling; and (ii) the forcible use of mechanical restraints in a confrontational situation that results in no or minor injury.

Use of force C. The term "use of force C" means a use of force by staff on [an incarcerated individual] a *person incarcerated* resulting in no injury to staff or [incarcerated individual] *a person incarcerated*, including an incident where the use of oleoresin capsicum spray results in no injury, beyond irritation that can be addressed through decontamination.

b. No later than 20 days after the end of each month, the department shall post on its website a report containing the following information for the prior month, in total and by indicating the rate per 100 [incarcerated individuals in the custody of] *persons incarcerated by* the department during such prior month:

1. fight infractions written against [incarcerated individuals] *persons incarcerated*;

2. assaults on [incarcerated individuals] *persons incarcerated committed* by [incarcerated individuals] *other persons incarcerated* involving stabbings, shootings or slashings;

3. assaults on [incarcerated individuals] *persons incarcerated committed* by [incarcerated individuals] *other persons incarcerated* in which [an incarcerated individual] *a person incarcerated* suffered a serious injury, excluding assaults involving stabbings, shootings or slashings;

4. actual incidents of use of force A;

5. actual incidents of use of force B;

6. actual incidents of use of force C;

7. assaults on staff by [incarcerated individuals] *persons incarcerated* in which staff suffered serious injury.

c. No later than 45 days after the end of each quarter ending March 31, June 30, September 30 and December 31, the department shall post on its website a report containing the following information for the prior quarter, in total and by indicating the rate per 100 [incarcerated individuals in the custody of] *persons incarcerated by* the department during such prior quarter. Such report shall also disaggregate the following information by listing adults, young adults, and adolescent [incarcerated individuals] *persons incarcerated* separately:

1. fight infractions written against [incarcerated individuals] *persons incarcerated*;

2. assaults on [incarcerated individuals] *persons incarcerated committed* by [incarcerated individuals] *other persons incarcerated* in which [an incarcerated individual] *a person incarcerated* suffered a serious injury, excluding assaults involving stabbings, shootings or slashings;

3. assaults on [incarcerated individuals] *persons incarcerated committed* by [incarcerated individuals] *other persons incarcerated* involving stabbings;

4. assaults on [incarcerated individuals] *persons incarcerated committed* by [incarcerated individuals] *other persons incarcerated* involving shootings;

5. assaults on [incarcerated individuals] *persons incarcerated committed* by [incarcerated individuals] *other persons incarcerated* involving slashings;

6. total number of assaults on [incarcerated individuals] *persons incarcerated committed* by [incarcerated individuals] *other persons incarcerated* involving stabbings, shootings or slashings;

7. total number of assaults on [incarcerated individuals] *persons incarcerated committed* by [incarcerated individuals] *other persons incarcerated* involving stabbings, shootings or slashings in which [an incarcerated individual] *a person incarcerated* suffered a serious injury;

8. assaults on [incarcerated individuals] *persons incarcerated committed* by [incarcerated individuals] *other persons incarcerated* in which [an incarcerated individual] *a person incarcerated* was admitted to a hospital as a result;

9. homicides [of incarcerated individuals] *committed against persons incarcerated committed* by [incarcerated individuals] *other persons incarcerated*;

10. attempted suicides by [incarcerated individuals] *persons incarcerated*;

11. suicides by [incarcerated individuals] *persons incarcerated*;

12. assaults on staff by [incarcerated individuals] *persons incarcerated*;

13. assaults on staff by [incarcerated individuals] *persons incarcerated* in which staff suffered serious injury;

14. assaults on staff by [incarcerated individuals] *persons incarcerated* in which the staff was transported to a hospital as a result;

15. incidents in which [an incarcerated individual] *a person incarcerated* splashed staff;

16. allegations of use of force A;

17. actual incidents of use of force A;

18. [incarcerated individual] hospitalization *of a person incarcerated* as a result of use of force A;

19. allegations of use of force B;

20. actual incidents of use of force B;

21. allegations of use of force C;

22. actual incidents of use of force C;

23. incidents of use of force C in which chemical agents were used;

24. incidents of use of force in which staff uses any device capable of administering an electric shock.

d. Beginning July 1, 2016 and every July first thereafter, the department shall post on its website a report for the prior calendar year containing information pertaining to (1) allegations of sexual abuse of [an incarcerated individual] *a person incarcerated committed* by [an incarcerated individual] *another person incarcerated*; (2) substantiated incidents of sexual abuse of [an incarcerated individual] *a person incarcerated committed* by [an incarcerated individual] *another person incarcerated*; (3) allegations of sexual abuse of [an incarcerated individual] *a person incarcerated committed* by staff; and (4) substantiated incidents of sexual abuse of [an incarcerated individual] *a person incarcerated committed* by staff.

e. The information in subdivisions b, c and d of this section shall be compared to previous reporting periods, and shall be permanently stored on the department's website.

§ 34. Section 9-134 of the administrative code of the city of New York, as amended by chapter 322 of the laws of 2021, is amended to read as follows:

§ 9-134 Jail segregated housing statistics. a. Definitions. For the purposes of this section, the following terms have the following meanings:

Department. The term "department" means the [New York city] department of correction.

[Incarcerated individual recreation day. The term "incarcerated individual recreation day" means one day per each individual for every day in punitive segregation during each quarter.

Incarcerated individual shower day. The term "incarcerated individual shower day" means one day per each individual for every day in punitive segregation during each quarter.]

Mental health unit ("MHU"). The term "mental health unit" ("MHU") means any separate housing area staffed by mental health clinicians where [incarcerated individuals] *persons incarcerated or persons in custody* with mental illness who have been found guilty of violating department rules are housed, including but not limited to restricted housing units and clinical alternative to punitive segregation units.

Recreation day. The term "recreation day" means one day per each individual for every day in punitive segregation during each quarter.

Segregated housing unit. The term "segregated housing unit" means any city jail housing units in which [incarcerated individuals] *persons incarcerated* are regularly restricted to their cells more than the maximum number of hours as set forth in subdivision (b) of section 1-05 of chapter 1 of title 40 of the rules of the city of New York, or any successor rule establishing such maximum number of hours for the general population of [incarcerated individuals] *persons incarcerated* in city jails. Segregated housing units do not include mental health units. Segregated housing units include, but are not limited to, punitive segregation housing and enhanced supervision housing.

Serious injury. The term "serious injury" means a physical injury that includes: (i) a substantial risk of death or disfigurement; (ii) loss or impairment of a bodily organ; (iii) a fracture or break to a bone, excluding fingers and toes; (iv) an injury defined as serious by a physician; and (v) any additional serious injury as defined by the department.

Shower day. The term "shower day" means one day per each individual for every day in punitive segregation during each quarter.

Staff. The term "staff" means anyone, other than [an incarcerated individual] *a person incarcerated*, working at a facility operated by the department.

Use of force. The term "use of force" means an instance where staff used their hands or other parts of their body, objects, instruments, chemical agents, electric devices, firearm, or any other physical method to restrain, subdue, or compel [an incarcerated individual] *a person incarcerated* to act in a particular way, or stop acting in a particular way. This term [shall] *does* not include moving, escorting, transporting, or applying restraints to a compliant [incarcerated individual] *person incarcerated*.

Use of force A. The term "use of force A" means a use of force resulting in an injury that requires medical treatment beyond the prescription of over-the-counter analgesics or the administration of minor first aid, including, but not limited to: (i) multiple abrasions and/or contusions; (ii) chipped or cracked tooth; (iii) loss of tooth; (iv) laceration; (v) puncture; (vi) fracture; (vii) loss of consciousness, including a concussion; (viii) suture; (ix) internal injuries, including but not limited to ruptured spleen or perforated eardrum; or (x) admission to a hospital.

Use of force B. The term "use of force B" means a use of force resulting in an injury that does not require hospitalization or medical treatment beyond the prescription of over-the-counter analgesics or the administration of minor first aid.

Use of force C. The term "use of force C" means a use of force resulting in no injury to staff or [incarcerated individuals] *persons incarcerated*.

b. For the quarter beginning October first, two thousand fourteen, commencing on or before January twentieth, two thousand fifteen, and on or before the twentieth day of each quarter thereafter, the commissioner of correction shall post a report on the department website containing information relating to the use of segregated housing units and MHU in city jails for the previous quarter. Such quarterly report shall include separate indicators, disaggregated by facility and housing category for the total number of [incarcerated individuals] *persons incarcerated* housed in segregated housing units and MHU. Such quarterly report shall also include the following information regarding the segregated housing unit and MHU population: (i) the number of [incarcerated individuals] *persons incarcerated* in each security risk group as defined by the department's classification system directive, (ii) the number of [incarcerated individuals] *persons incarcerated* subject to enhanced restraints, including but not limited to, shackles, waist chains and hand mittens, (iii) the number of [incarcerated individuals] *persons incarcerated* sent to segregated housing units and MHU during the period, (iv) the number of [incarcerated individuals] *persons incarcerated* sent to segregated housing units and MHU from mental observation housing areas, (v) the number of [incarcerated individuals] *persons incarcerated*, by highest infraction offense grade as classified by the department, (grade one, two, or three), (vi) the number of [incarcerated individuals] *persons incarcerated* serving punitive segregation in the following specified ranges: less than ten days, ten to thirty days, thirty-one to ninety days, ninety-one to one hundred eighty days, one hundred eighty-one to three hundred sixty-five days, and more than three hundred sixty-five days, (vii) the number of [incarcerated individuals] *persons incarcerated* receiving mental health services, (viii) the number of [incarcerated individuals] *persons incarcerated* twenty-one years of age and under, (ix) the number of [incarcerated individuals] *persons incarcerated* over twenty-one years of age in ten-year intervals, (x) the race and gender of [incarcerated individuals] *persons incarcerated*, (xi) the number of [incarcerated individuals] *persons incarcerated* who received infractions while in segregated housing units or MHU, (xii) the number of [incarcerated individuals] *persons incarcerated* who received infractions that led to the imposition of additional punitive segregation time, (xiii) the number of [incarcerated individuals] *persons incarcerated* who committed suicide, (xiv) the number of [incarcerated individuals] *persons incarcerated* who attempted suicide, (xv) the number of [incarcerated individuals] *persons incarcerated* on suicide watch, (xvi) the number of [incarcerated individuals] *persons incarcerated* who caused injury to themselves (excluding suicide attempt), (xvii) the number of [incarcerated individuals] *persons incarcerated* seriously injured while in segregated housing units or MHU, (xviii) the number of [incarcerated individuals] *persons incarcerated* who were sent to non-psychiatric hospitals outside the city jails, (xix) the number of [incarcerated individuals] *persons incarcerated* who died (non-suicide), (xx) the number of [incarcerated individuals] *persons incarcerated* transferred to a psychiatric hospital from segregated housing units, (xxi) the number of [incarcerated individuals] *persons incarcerated* transferred to a psychiatric hospital from MHU, disaggregated by program, (xxii) the number of [incarcerated individuals] *persons incarcerated* moved from general punitive segregation to MHU, disaggregated by program, (xxiii) the number of [incarcerated individuals] *persons incarcerated* placed into MHU following a disciplinary hearing, disaggregated by program, (xxiv) the number of [incarcerated individuals] *persons incarcerated* moved from MHU to a segregated housing unit, disaggregated by segregated housing unit type, (xxv) the number of [incarcerated individuals] *persons incarcerated* prescribed anti-psychotic medications, mood stabilizers or anti-anxiety medications, disaggregated by the type of medication, (xxvi) the number of requests made by [incarcerated individuals] *persons incarcerated* for medical or mental health treatment and the number granted, (xxvii) the number of requests made by [incarcerated individuals] *persons incarcerated* to attend congregate religious services and the number granted, (xxviii) the number of requests made by [incarcerated individuals] *persons incarcerated* for assistance from the law library and the number granted, (xxix) the number of requests made by [incarcerated individuals] *persons incarcerated* to make telephone calls and the number granted, disaggregated by weekly personal calls and other permissible daily calls, (xxx) the number of [incarcerated individual] recreation days and the number of recreation hours attended, (xxxi) the number of individual recreation hours that were offered [to incarcerated individuals] prior to [six] *6:00* a.m., (xxxii) the number of [incarcerated individual] shower days and the number of showers taken, (xxxiii) the number of [incarcerated

individuals] *persons incarcerated* who received visits, (xxxiv) the number of instances of allegations of use of force, (xxxv) the number of instances of use of force A, (xxxvi) the number of instances of use of force B, (xxxvii) the number of instances of use of force C, (xxxviii) the number of instances in which contraband was found, (xxxix) the number of instances of allegations of [staff on incarcerated individual] sexual assault *by a staff member on a person incarcerated*, (xl) the number of instances of substantiated [staff on incarcerated individual] sexual assault *by a staff member on a person incarcerated*, (xli) the number of instances of allegations of [incarcerated individual on staff] sexual assault *by a person incarcerated on a staff member*, and (xlii) the number of instances of substantiated [incarcerated individual on staff] sexual assault *by a person incarcerated on a staff member*.

§ 35. Section 9-136 of the administrative code of the city of New York, as amended by local law number 134 for the year 2019, subdivision e of such section, as added by local law number 135 for the year 2019, and subdivision g of such section, as amended by local law number 194 for the year 2019, are amended to read as follows:

§ 9-136 Grievance process. a. Definitions. For the purposes of this section, the following terms have the following meanings:

Appeal. The term "appeal" means the action taken when [an incarcerated individual's] *a* grievance is escalated to a higher level within the grievance process to review decisions regarding resolutions of grievances by [incarcerated individuals] *persons incarcerated*.

Grievable complaint. The term "grievable complaint" means a complaint handled by the office of constituent and grievance services. The term includes but is not limited to a complaint regarding classification, clothing, commissary, correspondence, employment, environmental, food, [inmate] *personal* account, housing, length of sentence, laundry, law library, medical, mental health, personal hygiene, phone, programs, property, recreation, religion, rules and regulations, school, search, social service, transportation, and visits.

Non-grievable complaint. The term "non-grievable complaint" means any complaint which is not handled by the office of constituent and grievance services, including but not limited to a complaint regarding an allegation of assault, sexual assault/abuse, and verbal misconduct from a staff member; an allegation of assault, sexual assault/abuse, and non-sexual harassment from another [incarcerated individual] *person incarcerated*; individual security status; medical and mental health staff; request for accommodation due to a disability or claim of discrimination based on disability or perceived disability; request for protective custody; freedom of information laws, housing, and the grievance process.

Office of constituent and grievance services. The "office of constituent and grievance services" means the unit within the department that facilitates a formal process established by the department that provides [incarcerated individuals] *persons incarcerated* with the opportunity to resolve grievable complaints regarding their confinement.

b. Forty-five days after the quarter beginning January 1, 2016, and no later than the forty-fifth day after the end of each subsequent quarter, the commissioner shall post on the department website a report containing the following information for the preceding quarter, in addition to all information in paragraphs 1 through 5 of section d in the aggregate

1. The number of grievable and non-grievable complaints submitted in all departmental facilities, in total and disaggregated by the facility and housing area type in which such grievance was submitted.

2. The number of grievable and non-grievable complaints submitted in all departmental facilities, disaggregated by grievance category, by the facility and housing area type in which such grievance was submitted, and by the method by which such grievance was submitted.

3. The number of grievable complaints, the stages of the grievance process, the stage in the grievance process at which they were resolved, and the categories for which any grievances were dismissed.

4. For non-grievable complaints, where such complaints were referred[;].

5. The number of [incarcerated individuals] *persons incarcerated* that submitted grievances.

c. Reserved.

d. The department shall utilize an electronic tracking system to record all grievable and non-grievable complaints handled by the office of constituent and grievance services and shall provide the board of correction access to such system. Such system shall track the following:

1. Whether a complaint is subject to the process established by the office of constituent and grievance services, and if not, if and where the [incarcerated individual] *person incarcerated* was directed;

2. Whether the [incarcerated individual] *person incarcerated* pursued an appeal;

3. How and when the complaint was resolved, and at what stage the complaint was resolved;

4. Whether the complaint was made by the affected [incarcerated] person, an attorney or other advocate, a public official, or another third party;

5. The housing facility and housing area type where the complaint was made;

e. Complaints and requests made by or on behalf of [an incarcerated individual] *a person incarcerated* to 311 and forwarded to the department shall be addressed by the office of constituent and grievance services.

f. The department shall ensure equal access to the office of constituent and grievance services, including the following procedures:

1. Evaluating the need for grievance boxes and strategically placing a number of boxes in locations where [individuals] *persons* in department custody frequently congregate, and at least one box in each facility.

2. Placing a number of dedicated personnel in each housing unit to conduct outreach.

3. Developing caseload guidelines for grievance coordinators and officers.

g. The department shall install grievance kiosks in each facility where [incarcerated individuals] *persons incarcerated* may file grievances electronically and in a private setting by December 31, 2026. Such kiosks shall be accessible in multiple languages and shall provide [incarcerated individuals] *persons incarcerated* physical receipts confirming filing. If a request made through the kiosk is not subject to the grievance and review process, the kiosks shall provide [incarcerated individuals] *persons incarcerated* with information regarding where the grievance should be redirected.

h. [Incarcerated individuals] *Persons incarcerated who are* unable to read, access, or understand the grievance process shall be provided with assistance necessary to meaningfully engage in such process.

§ 36. Section 9-137 of the administrative code of the city of New York, as amended by chapter 322 of the laws of 2021, is amended to read as follows:

§ 9-137 Jail population statistics. a. Within 45 days of the end of each quarter of the fiscal year, the department shall post a report on its website containing information related to the [incarcerated individual] population *of persons incarcerated* in city jails for the preceding quarter. Such quarterly report shall include the following information based on the number of [incarcerated individual] admissions *of persons incarcerated* during the reporting period, and based on the average daily population of the city's jails for the preceding quarter in total, and as a percentage of the average daily population of [incarcerated individuals] persons in the department's custody during the reporting period:

1. Age, in years, disaggregated as follows: 16-17, 18-21, 22-25, 26-29, 30-39, 40-49, 50-59, 60-69, 70 or older.

2. Gender, including a separate category for those [incarcerated individuals] *persons incarcerated* housed in any transgender housing unit.

3. Race of [incarcerated individuals] *persons incarcerated*, categorized as follows: African-American, Hispanic, Asian, white, or any other race.

4. The borough in which the [incarcerated individual] *person incarcerated* was arrested.

5. Educational background as self-reported by [incarcerated individuals] *persons* after *their* admission to the custody of the department, categorized as follows based on the highest level of education achieved: no high school diploma or general education diploma, a general education diploma, a high school diploma, some college but no degree, an associate's degree, a bachelor's degree, or a post-collegiate degree.

6. The number of [incarcerated individuals] *persons incarcerated* identified by the department as a member of a security risk group, as defined by the department.

§ 37. Section 9-138 of the administrative code of the city of New York, as amended by chapter 322 of the laws of 2021, is amended to read as follows:

§ 9-138 Use of force directive. The commissioner shall post on the department's website the directive stating the department's current policies regarding the use of force by departmental staff on [incarcerated individuals] *persons incarcerated*, including but not limited to the circumstances in which any use of force is justified, the circumstances in which various levels of force or various uses of equipment are justified, and the procedures staff must follow prior to using force. The commissioner may redact such directive as necessary to preserve safety and security in the facilities under the department's control.

§ 38. Section 9-139 of the administrative code of the city of New York, as added by local law number 91 for the year 2015, subdivisions g and h as added by local law number 135 for the year 2019 and two other

subdivisions g and h as subsequently added by local law number 194 for the year 2019, are amended to read as follows:

§ 9-139 [Inmate bill] *Bill* of rights *of persons incarcerated*. a. The department shall inform every [inmate] person upon admission to the custody of the department, in writing, using plain and simple language, of their rights under department policy, which shall be consistent with federal, state, and local laws, and board of correction minimum standards, on the following topics: non-discriminatory treatment, personal hygiene, recreation, religion, attorney visits, access to legal reference materials, visitation, telephone calls and other correspondence, media access, due process in any disciplinary proceedings, health services, safety from violence, and the grievance system.

b. The department shall inform every [inmate] *person* upon admission to the custody of the department, in writing, using plain and simple language, of [their] *the person's* responsibilities under the department's rules governing [inmate] conduct.

c. The department shall inform every [inmate] *person* upon admission to the custody of the department, in writing, using plain and simple language, of available services relating to education, vocational development, drug and alcohol treatment and counseling, and mental health treatment and counseling services.

d. The department shall publish on its website any documents created pursuant to this section. Such documents shall be available in English and Spanish.

e. Within 24 hours of admission to the custody of the department, the department shall provide to each [inmate] *person in such custody* an oral summary of the rights and responsibilities enumerated in subdivisions a, b, and c of this section in [the inmate's] *such person's* preferred language, if the language is accessible through the city's language access plan. The department shall make a good faith effort to provide an oral summary in languages that are not accessible through the city's language access plan as soon as practicable.

f. Upon admission to the custody of the department, each [inmate] *person* shall also be offered the option of being provided the Connections guidebook for [formerly incarcerated people] *persons formerly incarcerated*, or any similar or successor book or handbook that describes resources available to [those re-entering society after being incarcerated] *such persons*.

g. The department shall inform all [incarcerated individuals] *persons incarcerated* in writing, using plain and simple language, of the protections against retaliation for filing a grievance, complaint, or request. The department shall also inform all [incarcerated individuals] *persons incarcerated* in writing and in plain and simple language upon the filing of a grievance, complaint, or request, about which complaints are not subject to the grievance process; the process for resolving such complaints; and the protections against retaliation for filing such grievance, complaint, or request. Grievable complaints made through 311, to the board of correction, by email, by attorneys or other advocates, public officials, or other third parties on behalf of [an incarcerated individual] *a person incarcerated* and over the phone shall be addressed by the office of constituent and grievance services.

[g. The department shall allow incarcerated individuals to decorate a designated area of their living quarters, with appropriate oversight from the department regarding safety and security considerations.]

h. The department shall include on all grievance forms instructions on how to appeal resolutions and post such forms on the department's website.

[h. The department shall maintain a policy that requires its employees to refer to individuals in custody by their names and their preferred pronouns, if known and practicable, and has zero tolerance for staff addressing individuals in custody using dehumanizing terms, such as the word "body."]

i. The department shall allow persons incarcerated to decorate a designated area of their living quarters, with appropriate oversight from the department regarding safety and security considerations.

j. The department shall maintain a policy that requires its employees to refer to persons in custody by their names and their preferred pronouns, if known and practicable, and has zero tolerance for staff addressing individuals in custody using dehumanizing terms, such as the word "body."

§ 39. The definitions of "borough jail facility," "city jail," "professional," "staff" and "visitor" in subdivision a of section 9-140 of the administrative code of the city of New York, as amended by local law number 23 for the year 2019, are amended to read as follows:

Borough jail facility. The term "borough jail facility" means any department facility in which [incarcerated individuals] *persons incarcerated* are housed by the department and that is located outside Rikers Island.

City jail. The term "city jail" means any department facility in which [incarcerated individuals] *persons incarcerated* are housed by the department.

Professional. The term "professional" refers to people who are properly identified as providing services or assistance to [incarcerated individuals] *persons incarcerated*, including but not limited to lawyers, doctors, religious advisors, public officials, therapists, counselors, and media representatives.

Staff. The term "staff" means anyone other than [an incarcerated individual] *a person incarcerated* who is directly employed by the department.

Visitor. The term "visitor" means any person who enters a city jail with the stated intention of visiting [an incarcerated individual] *a person incarcerated* at any city jail, or any person who is screened by the department for visitation purposes, including but not limited to professionals and any person who registers to visit [an incarcerated individual] *a person incarcerated* in the department's visitor tracking system.

§ 40. Subdivision b of section 9-140 of the administrative code of the city of New York, as amended by chapter 322 of the laws of 2021, is amended to read as follows:

b. The commissioner shall post on the department website on a quarterly basis, within 30 days of the beginning of each quarter, a report containing information pertaining to the visitation of [the incarcerated individual population] *persons incarcerated* in city jails for the prior quarter. Such quarterly report shall include the following information in total and disaggregated by whether the visitor is a professional, and also disaggregated by the type of services the professional provides:

1. The total number of visitors to city jails, the total number of visitors to borough jail facilities, and the total number of visitors to city jails on Rikers Island.

2. The total number of visitors that visited [an incarcerated individual] *a person incarcerated* at city jails, the total number of visitors that visited [an incarcerated individual] *a person incarcerated* at borough jail facilities, and the total number of visitors that visited [an incarcerated individual] *a person incarcerated* at city jails on Rikers Island.

3. The number of visitors unable to visit [an incarcerated individual] *a person incarcerated* at any city jail, in total and disaggregated by the reason such visit was not completed.

4. The [incarcerated individual] visitation rate, which shall be calculated by dividing the average daily number of visitors who visited [incarcerated individuals] *persons incarcerated* at city jails during the reporting period by the average daily [incarcerated individual] population of *persons incarcerated in* city jails during the reporting period.

5. The borough jail facility visitation rate, which shall be calculated by dividing the average daily number of visitors who visited [incarcerated individuals] *persons incarcerated* at borough jail facilities during the reporting period by the average daily [incarcerated individual] population of *persons incarcerated* in borough jail facilities during the reporting period.

6. The Rikers Island visitation rate, which shall be calculated by dividing the average daily number of visitors who visited [incarcerated individuals] *persons incarcerated* at city jails on Rikers Island during the reporting period by the average daily [incarcerated individual] population of *persons incarcerated in* city jails on Rikers Island during the reporting period.

§ 41. Section 9-141 of the administrative code of the city of New York, as amended by chapter 322 of the laws of 2021, is amended to read as follows:

§ 9-141 Feminine hygiene products. All [female incarcerated individuals] *persons* in the custody of the department shall be provided, at the department’s expense, with feminine hygiene products as soon as practicable upon request. All [female] individuals arrested and detained in the custody of the department for at least 48 hours shall be provided, at the department’s expense, with feminine hygiene products as soon as practicable upon request. For purposes of this section, “feminine hygiene products” means tampons and sanitary napkins for use in connection with the menstrual cycle.

§ 42. Section 9-142 of the administrative code of the city of New York, as added by local law number 120 for the year 2016, and subdivisions a, c, and d of paragraphs 6 and 7 of such section, as amended by chapter 322 of the laws of 2021, are amended to read as follows:

§ 9-142 Rikers Island nursery procedures and report. a. Definitions. For the purposes of this section, the following terms shall have the following meanings:

Child. The term “child” means any person one year of age or younger whose mother is in the custody of the department.

Nursery. The term "nursery" means any department facility designed to accommodate newborn children of [incarcerated mothers] *mothers who are incarcerated*, pursuant to New York state correctional law section 611 or any successor statute.

Staff. The term "staff" means anyone, other than [an incarcerated individual] *a person incarcerated*, working at a facility operated by the department.

Use of force A. The term "use of force A" means a use of force by staff on [an incarcerated individual] *a person incarcerated* resulting in an injury to staff or [incarcerated individual] *a person incarcerated* that requires medical treatment beyond the prescription of over-the-counter analgesics or the administration of minor first aid, including those uses of force resulting in one or more of the following treatments/injuries: (i) multiple abrasions and/or contusions; (ii) chipped or cracked tooth; (iii) loss of tooth; (iv) laceration; (v) puncture; (vi) fracture; (vii) loss of consciousness; including a concussion; (viii) suture; (ix) internal injuries, including but not limited to, ruptured spleen or perforated eardrum; and (x) admission to a hospital.

Use of force B. The term "use of force B" means a use of force by staff on [an individual incarcerated] *a person incarcerated* resulting in an injury to staff or [individual incarcerated] *a person incarcerated* that does not require hospitalization or medical treatment beyond the prescription of over-the-counter analgesics or the administration of minor first aid, including the following: (i) a use of force resulting in a superficial bruise, scrape, scratch, or minor swelling; and (ii) the forcible use of mechanical restraints in a confrontational situation that results in no or minor injury.

Use of force C. The term "use of force C" means a use of force by staff on [an incarcerated individual] *a person incarcerated* resulting in no injury to staff or [incarcerated individual] *a person incarcerated*, including incidents where use of oleoresin capsicum spray results in no injury, beyond irritation that can be addressed through decontamination.

b. Notice shall be given to all women admitted to any departmental facility that they may be eligible to be housed in the nursery with their child or children, if such child or children are one year of age or younger, and may be eligible to be housed in the nursery with their child after giving birth while in the custody of the department. Information about eligibility for the nursery shall be posted in the clinic. Such information and notice shall be provided in clear and simple language.

c. Children and their mothers shall be housed in the nursery unless the department determines that such housing would not be in the best interest of such child pursuant to section 611 of the correction law or any successor statute. The department shall maintain formal written procedures consistent with this policy and with the following provisions:

1. The warden of the facility in which the nursery is located may deny a child admission to the nursery only if a consideration of all relevant evidence indicates that such admission would not be in the best interest of the child.

2. Any [incarcerated individual] *person incarcerated* whose child is denied admission to the nursery shall be provided with a written determination specifying the facts and reasons underlying such determination. Such notice shall indicate that this determination may be appealed, and describe the appeals process in plain and simple language.

3. [An incarcerated individual] *A person incarcerated* may appeal such determination. The appeal shall be decided by the commissioner or the chief of the department, in consultation with a person who has expertise in early childhood development. Any denial of an appeal shall include a specific statement of the reasons for denial. A copy of this determination on the appeal shall be provided to such [incarcerated individual] *person*.

4. [Incarcerated individuals] *Persons incarcerated* who are unable to read or understand the procedures in this subdivision shall be provided with necessary assistance.

d. The department shall post on the department website by the 30th day of January on a yearly basis a report containing information pertaining to the department's nursery for the prior calendar year. Such annual report shall include:

1. The total number of children admitted to the nursery, and the average daily population of children in the nursery;

2. The total number <u>of</u> applications submitted by mothers to bring their children into the nursery;

3. The total number of applications that were approved;

4. The total number of applications that were denied. For any children for whom such application was denied, the placement of such child in the following categories: (i) with a family member or guardian, (ii) with

New York city administration for [child] *children's* services or any similar governmental agency, or (iii) any other placement;

5. The mean and median length of stay for children in the nursery annually, and for each occasion where a child was discharged, whether the stay was terminated because (i) their mothers were discharged from the custody of the department, (ii) the child reached an age at which they were no longer eligible to be housed at the nursery, or (iii) any other reason. For any child whose nursery stay was terminated for a reason other than their mother's discharge from the custody of the department, the placement of such child in the following categories: (i) with a family member or guardian, (ii) with New York city administration for [child] *children's* services or any similar governmental agency, or (iii) any other placement;

6. The programming and services available to [incarcerated individuals] *persons incarcerated* and children in the nursery, including but not limited to the following categories: parenting, health and mental health, drug and/or alcohol addiction, vocational, educational, recreational, or other life skills; and

7. The following information by indicating the rate per 100 female [incarcerated individuals] *persons* in the custody of the department, disaggregated by whether or not the incident took place in the nursery: (i) incidents of use of force A, (ii) incidents of use of force B, (iii) incidents of use of force C, and (iv) incidents of use of force C in which chemical agents are used.

e. The information in subdivision d of this section shall be compared to previous reporting periods, and shall be permanently accessible from the department's website.

§ 43. Section 9-143 of the administrative code of the city of New York, as amended by chapter 322 of the laws of 2021, and subdivision b of such section, as amended by chapter 486 of the laws of 2022, are amended to read as follows:

§ 9-143 Annual report on [mentally ill incarcerated individuals] *mental illness* and recidivism. a. Definitions. For the purposes of this section, the following terms have the following meanings:

Eligible [incarcerated individual] *person*. The term "eligible [incarcerated individual] *person*" means [an incarcerated individual] *a person incarcerated or person in custody* whose period of confinement in a city correctional facility lasts 24 hours or longer, and who, during such confinement, receives treatment for a mental illness, but does not include [incarcerated individuals] *a person* seen by mental health staff on no more than two occasions during [their] *such person's* confinement and assessed on the latter of those occasions as having no need for further treatment in any city correctional facility or upon [their] release from any such facility.

Reporting period. The term "reporting period" means the calendar year two years prior to the year in which the report issued pursuant to this section is issued.

b. No later than March 31 of each year, beginning in 2017, the department shall post on its website a report regarding [mentally ill incarcerated individuals] *persons incarcerated with mental illness* and recidivism. Such report shall include but not be limited to the following information:

1. The number of [incarcerated individuals] *persons* released by the department to the community during the reporting period, the number of eligible [incarcerated individuals] *persons* released to the community by the department during the reporting period, and the percentage of [incarcerated individuals] *persons* released to the community by the department who were eligible during the reporting period, provided that such report shall count each individual released during the reporting period only once; and

2. The number and percentage of [incarcerated individuals] *persons* released to the community by the department during the reporting period who returned to the custody of the department within one year of their discharge, and the number and percentage of eligible [incarcerated individuals] *persons* released to the community by the department during the reporting period who returned to the custody of the department within one year of their discharge, provided that such report shall count each individual released during the reporting period only once.

c. The information in subdivision b of this section shall be compared to previous reporting periods where such information is available, and shall be permanently accessible from the department's website.

§ 44. Section 9-144 of the administrative code of the city of New York, as amended by chapter 322 of the laws of 2021, is amended to read as follows:

§ 9-144 Correction programming evaluation and report. [a.] The department shall evaluate [incarcerated individual] programming each calendar year. For purposes of this section, "[incarcerated individual] programming" includes but is not limited to any structured services offered directly to [incarcerated individuals] *persons incarcerated* for the purposes of vocational training, counseling, cognitive behavioral therapy,

addressing drug dependencies, or any similar purpose. No later than April 1 of each year, beginning in 2017, the department shall submit a summary of each evaluation to the mayor and the council, and post such summary to the department's website. This summary shall include factors determined by the department, including, but not be limited to, information related to the following for each such program: (i) the amount of funding received; (ii) estimated number of [incarcerated individuals] *persons* served; (iii) a brief description of the program including the estimated number of hours of programming offered and utilized, program length, goals, target populations, effectiveness, and outcome measurements, where applicable; and (iv) successful completion and compliance rates, if applicable. Such summary shall be permanently accessible from the department's website and shall be provided in a format that permits automated processing, where appropriate. Each yearly summary shall include a comparison of the current year with the prior five years, where such information is available.

§ 45. The definition of "correctional health services" in subdivision a of section 9-145 of the administrative code of the city of New York, as added by local law number 142 for the year 2019, and the definition of "staff" in such subdivision, as amended by chapter 322 of the laws of 2021, are amended to read as follows:

Correctional health services. The term "correctional health services" means the entity responsible for the delivery of health and mental health services to [incarcerated individuals] *persons* in the custody of the department.

Staff. The term "staff" means any employee of the department or any person who regularly provides health or counseling services directly to [incarcerated individuals] *persons incarcerated*.

§ 46. Section 9-146 of the administrative code of the city of New York, as amended by chapter 322 of the laws of 2021, is amended to read as follows:

§ 9-146 Court appearance transportation for [incarcerated individuals] *persons incarcerated*. a. By April 1, 2017 and upon gaining access to [such] *the* database described in subdivision c of this section, the department shall, within 48 hours of admission of [an incarcerated individual] *any person* to the custody of the department, determine whether [an incarcerated individual] *such person* has any pending court appearances scheduled in New York city criminal court or the criminal term of New York state supreme court other than those appearances for cases for which such defendant is admitted to the custody of the department or that pertain solely to the payment of court surcharges.

b. In complying with subdivision a of this section, the department shall:

1. notify the office of court administration that such [incarcerated individual] *person* is in department custody upon determination of such court appearance, pursuant to subdivision a of this section; and

2. provide, as required by the court, transportation for every [incarcerated individual] *person* for all such court appearances.

c. The department shall make every effort to reach an agreement with the office of court administration to gain access by the department to a database maintained by the office of court administration related to court appearances scheduled in New York city criminal court or the criminal term of New York state supreme court. The requirements set forth in subdivisions a and b of this section shall apply only when the office of court administration reaches such agreement with the department.

§ 47. Section 9-147 of the administrative code of the city of New York, as amended by chapter 322 of the laws of 2021, is amended to read as follows:

§ 9-147 Court appearance clothing for [incarcerated individuals] *persons incarcerated*. Except as provided elsewhere in this section, the department shall provide every [incarcerated individual] *person incarcerated or person in custody* appearing for a trial or before a grand jury with access to clothing in their personal property prior to transport for such appearance, and produce all such [incarcerated individuals] *persons* for such appearances in such clothing. If such clothing is not available, or if [an incarcerated individual] *a person incarcerated or person in custody* chooses not to wear their personal clothing, the department shall provide such [incarcerated individual] *person* with new or gently used, size appropriate clothing of a kind customarily worn by persons not in the custody of the department, unless (i) such [incarcerated individual] *person* chooses to wear the uniform issued by the department, or (ii) such [incarcerated individual] *person* is required to wear such uniform by an order of the court. The department shall permit personal clothing to be delivered to [an incarcerated individual] *a person incarcerated or a person in custody* during such time as packages are permitted to be delivered under title 40 of the rules of the city of New York or during reasonable hours the day before [an incarcerated individual's] *such person's* scheduled appearance for a trial or before a grand jury. New or gently used, weather- and size-appropriate clothing of a kind customarily worn by persons not in the custody of the

department shall be offered to any [incarcerated individual] *person* released from the custody of the department from a court, unless the [incarcerated individual] *person* is wearing [the incarcerated individual's] *such person's* own personal clothing.

§ 48. Subdivisions a, b and c of section 9-148 of the administrative code of the city of New York, as amended by chapter 322 of the laws of 2021, are amended to read as follows:

a. The department shall accept cash bail payments immediately and continuously after [an incarcerated individual] *a person* is admitted to the custody of the department, except on such dates on which [an incarcerated individual] *a person incarcerated or person in custody* appears in court other than an arraignment in criminal court.

b. The department shall release any [incarcerated individual] *person incarcerated or person in custody* for whom bail or bond has been paid or posted within the required time period of the later of such payment being made or the department's receipt of notice thereof, provided that if [an incarcerated individual] *a person incarcerated or person in custody* cannot be released within the required time period due to extreme and unusual circumstances then such [incarcerated individual] *person* shall be released as soon as possible. Such timeframe may be extended when any of the following occurs, provided that the [incarcerated individual's] *person's* release shall be forthwith as that term is used in section 520.15 of the criminal procedure law:

1. The [incarcerated individual] *person* receives discharge planning services prior to release;

2. The [incarcerated individual] *person* has a warrant or hold from another jurisdiction or agency;

3. The [incarcerated individual] *person* is being transported at the time bail or bond is paid or posted;

4. The [incarcerated individual] *person* is not in departmental custody at the time bail or bond is paid or posted;

5. The [incarcerated individual] *person* requires immediate medical or mental health treatment; or

6. Section 520.30 of the criminal procedure law necessitates a delay.

c. The department shall accept or facilitate the acceptance of cash bail payments for [incarcerated individuals] *persons* in the custody of the department: (i) at any courthouse of the New York City Criminal Court, (ii) at any location within one half mile of any such courthouse during all operating hours of such courthouse and at least two hours subsequent to such courthouse's closing, or (iii) online.

§ 49. Section 9-149 of the administrative code of the city of New York, as amended by chapter 322 of the laws of 2021, and subdivision a of such section, as amended by chapter 486 of the laws of 2022, are amended to read as follows:

§ 9-149 Admission delays. a. In order to facilitate the posting of bail, the department may delay the transportation of [an incarcerated individual] *a person incarcerated* for admission to a housing facility for not less than four and not more than 12 hours following [the inmate's] *such person's* arraignment in criminal court if requested by either the department or a not-for-profit corporation under contract with the city to provide pretrial and other criminal justice services, including interviewing adult defendants either before or after such persons are arraigned on criminal charges, has made direct contact with a person who reports that he or she will post bail for [the incarcerated individual] *such person*.

b. Such delay is not permissible for any [incarcerated individual] *person incarcerated* who:

1. Appears or claims to have a health or mental health condition that requires attention during the time period of such delay, notwithstanding the requirements of title 8 of this code;

2. Appears to be physically incapacitated due to drug or alcohol intoxication;

3. Requests medical attention or appears to require immediate medical attention;

4. Has bail set in an amount of 10,000 dollars or more; or

5. States, upon being informed of the delay permissible pursuant to this section, that [he or she] *such person* will not be able to post bail within 12 hours or otherwise indicates [that they do not wish] *a desire not* to be subject to such delay.

c. This section does not require the department to exceed the lawful capacity of any structure or unit, or require the department to detain [incarcerated individuals] *persons incarcerated* in courthouse facilities during such times as correctional staff are not regularly scheduled to detain [incarcerated individuals] *such persons* provided that the department must provide for the regular staffing of courthouse facilities for at least one hour after the last [incarcerated individual] *such person* was taken into custody on bail.

§ 50. Section 9-150 of the administrative code of the city of New York, as amended by local law number 81 for the year 2019, is amended to read as follows:

§ 9-150 Bail facilitation. Definitions. As used in this section, the following terms have the following meanings:

Bail facilitator. The term "bail facilitator" means a person or persons whose duties include explaining to eligible [incarcerated individuals] *persons incarcerated* how to post bail or bond, explaining the fees that may be collected by bail bonds companies, taking reasonable steps to communicate directly with or facilitate such [individual's] *person's* communication with possible sureties, and taking any other reasonable measures to assist such [individuals] *persons* in posting bail or bond.

Eligible [incarcerated individual] *person*. The term "eligible [incarcerated individual] *person*" means a person *incarcerated by or* in the custody of the department held only on bail or bond.

Institutional defense provider. The term "institutional defense provider" means any private institutional legal services organization selected in accordance with section 13-02 of title 43 of the rules of the city of New York to represent indigent persons, or any successor provision thereto.

a. Within 24 hours of taking custody of an eligible [incarcerated individual] *person*, the department shall provide to such [individual] *person* the following information in written form: (i) the [individual's] *person's* amount of bail or bond, (ii) the [individual's] *person's* New York state identification number or booking and case number or other unique identifying number, (iii) options for all forms of bail payment and all steps required for such payment, including the locations at which a surety may post bail and the requirements for so posting, and (iv) any other information relevant to assisting the [individual] *person* in posting bail or bond.

b. Within 24 hours of taking custody of eligible [incarcerated individuals] *persons*, the department shall notify such [individuals] *persons* that they may post their own bail. Within such time period, the department shall, to the extent practicable and in a manner consistent with officer safety and all applicable laws, offer such [individuals] *persons* the opportunity to obtain property, including personal contact information and financial resources, that such [individuals] *persons* may require for the purpose of posting bail and which is stored in such [individual's] *person's* personal property, provided that any member of the department who accesses such [individual's] *person's* property pursuant to this subdivision shall request access only for the purpose of facilitating posting bail.

c. The department shall ensure that bail facilitators meet with all eligible [incarcerated individuals] *persons* within 48 hours of their admission to the custody of the department, that eligible [incarcerated individuals] *persons* have continued access to bail facilitators, and that bail facilitators are provided with reasonable resources necessary to fulfill their duties.

d. Absent unusual circumstances, the following time periods shall apply to notifications given pursuant to this subdivision to eligible [incarcerated individuals] *persons* and their legal representatives: the department shall generate a list of eligible [incarcerated individuals] *persons* who are held solely due to a bail amount of less than $10 once before noon and once after noon every day of the week. Within three hours of generation of such a list, but no later than 24 hours after receipt of information from the office of court administration regarding the bail status of eligible [incarcerated individuals] *persons*, the department shall provide each eligible [incarcerated individual] *person* who is held solely due to a bail amount of less than $10 with notice that such eligible [incarcerated individual] *person* is held solely due to a bail amount of less than $10. Within ninety minutes of generation of such a list, the department shall consult a website maintained by the New York state unified court system that may contain information relating to such [individual's] *person's* legal representative. If such website identifies the legal representative of such [individual] *person* and contains a telephone number for such legal representative, the department shall telephone such legal representative to inform them that such [individual] *person* is held solely due to a bail amount of less than $10. If such website identifies an institutional defense provider as the legal representative of such [individual] *person*, the department shall telephone or email such institutional defense provider within ninety minutes of generation of such a list to inform them that such [individual] *person* is held solely due to a bail amount of less than $10, regardless of whether a telephone number or email address is identified on a website maintained by the New York state unified court system.

§ 51. The definitions of "department of education site," "educational programming," "use of force A," "use of force B" and "use of force C" in subdivision a of section 9-151 of the administrative code of the city of New York, paragraphs 10 and 22 of subdivision c of such section, as added by local law number 168 for the year 2017, and subdivision d of such section, as amended by chapter 322 of the laws of 2021, are amended to read as follows:

Department of education site. The term "department of education site" means any facility operated by the department of education that offers educational programming to [incarcerated individuals] *persons incarcerated*, including but not limited to adolescents, and that is located on property under the control of the department of correction.

Educational programming. The term "educational programming" means any educational services offered *by the department of education* to [incarcerated individuals in the custody of] *persons incarcerated by* the department of correction [by the department of education].

Use of force A. The term "use of force A" means a use of force by staff on [an incarcerated individual] *a person incarcerated* resulting in an injury that requires medical treatment beyond the prescription of over-the-counter analgesics or the administration of minor first aid, including those uses of force resulting in one or more of the following treatments/injuries: (i) multiple abrasions and/or contusions; (ii) chipped or cracked tooth; (iii) loss of tooth; (iv) laceration; (v) puncture; (vi) fracture; (vii) loss of consciousness; including a concussion; (viii) suture; (ix) internal injuries, including but not limited to, ruptured spleen or perforated eardrum; and (x) admission to a hospital.

Use of force B. The term "use of force B" means a use of force by staff on [an incarcerated individual] *a person incarcerated* which does not require hospitalization or medical treatment beyond the prescription of over-the-counter analgesics or the administration of minor first aid, including the following: (i) a use of force resulting in a superficial bruise, scrape, scratch, or minor swelling; and (ii) the forcible use of mechanical restraints in a confrontational situation that results in no or minor injury.

Use of force C. The term "use of force C" means a use of force by staff on [an incarcerated individual] *a person incarcerated* resulting in no injury to staff or [an incarcerated individual] a *person incarcerated*, including incidents where use of oleoresin capsicum spray results in no injury, beyond irritation that can be addressed through decontamination.

10. The number of [incarcerated individuals] *persons incarcerated* enrolled in department of education sites, disaggregated by age.

22. The number of unique assaults on department of education staff by [incarcerated individuals] *persons incarcerated*.

d. The department of correction report shall include, but need not be limited to, the following information, which shall be produced in a format that protects the privacy interests of [incarcerated individuals] *persons incarcerated*, including but not limited to those who have juvenile records and sealed criminal records or are otherwise protected by state or federal law. The student age as of the incident date will be used to categorize the student as adolescent or young adult, for the purposes of this reporting.

1. The number of departmental infractions issued to adolescents at a department of education site, and the number of departmental infractions issued to young adults at a department of education school site, in total and disaggregated by the type of infraction, as defined by the department.

2. The number of students prevented from attending educational programming by the department of correction because of a behavioral issue or an assault.

3. The number of assaults on staff at a department of education site, in total and disaggregated by whether such assault was committed by an adolescent or young adult.

4. The number of incidents of use of force A at a department of education site, in total and disaggregated by whether such use of force was used on an adolescent or young adult.

5. The number of incidents of use of force B at a department of education site, in total and disaggregated by whether such use of force was used on an adolescent or young adult.

6. The number of incidents of use of force C at a department of education site, in total and disaggregated by whether such use of force was used on an adolescent or young adult.

§ 52. The definition of "incident" in subdivision a of section 9-152 of the administrative code of the city of New York, as amended by chapter 322 of the laws of 2021, is amended to read as follows:

Incident. The term "incident" means any incident in which staff used force on [an incarcerated individual] *a person incarcerated or a person in custody*.

§ 53. Section 9-154 of the administrative code of the city of New York, as added by local law number 144 for the year 2018, is amended to read as follows:

§ 9-154 Telephone services [to inmates]. The city shall provide telephone services to individuals within the custody of the department in city correctional facilities at no cost to the individuals or the receiving parties for

domestic telephone calls. The city shall not be authorized to receive or retain any revenue for providing telephone services.

§ 54. Subdivision a and paragraph 6 of subdivision b of section 9-155 of the administrative code of the city of New York, as added by local law number 164 for the year 2018, are amended to read as follows:

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

Continuous lock-in. The term "continuous lock-in" means any period of time in which [incarcerated individuals] *persons incarcerated* are confined to their cells or beds due to the combination of an emergency lock-in and either a scheduled lock-in or a lock-in extension, or both.

Department-wide emergency lock-in. The term "department-wide emergency lock-in" means any period of time during which [incarcerated individuals] *persons incarcerated* are confined to their cells or beds throughout all department facilities, but shall not include any scheduled period of lock-in.

Facility emergency lock-in. The term "facility emergency lock-in" means any period of time during which [incarcerated individuals] *persons incarcerated* are confined to their cells or beds within all housing areas of an individual departmental facility, but shall not include any scheduled period of lock-in.

Housing area emergency lock-in. The term "housing area emergency lock-in" means any period of time during which [incarcerated individuals] *persons incarcerated* within an individual housing area within a facility are confined to their cells or beds, but shall not include any scheduled period of lock-in.

Lock-in extension. The term "lock-in extension" means when a scheduled period of lock-in is extended.

Mandated services. The term "mandated services" means [incarcerated individual] services required to be provided *to persons incarcerated* pursuant to local law or rule, including but not limited to access to: law library, recreation, religious services, sick call, visits, and educational services.

Partial facility emergency lock-in. The term "partial facility emergency lock-in" means any period of time during which [incarcerated individuals] *persons incarcerated* are confined to their cells or beds within a segment of an individual departmental facility, but shall not include any scheduled period of lock-in. Any emergency lock-in that includes periods of full facility emergency lock-in and partial facility emergency lock-in shall be considered a full facility emergency lock-in.

Scheduled period of lock-in. The term "scheduled period of lock-in" means (1) during the evening, for [an incarcerated individual] *a person incarcerated* count or for sleeping time, a period not to exceed 8 hours within any 24-hour period, (2) during the day, for [an incarcerated individual] *a person incarcerated* count or for required facility business that can only be carried out when [incarcerated individuals] *persons incarcerated* are locked in, a period not to exceed 2 hours within any 24-hour period, and (3) for any other period of regularly scheduled lock-in permitted by applicable law or board of correction rules pertaining to specialized housing areas. Nothing in this section invalidates or affects existing or future laws or board of correction rules regarding the extension of a scheduled period of lock-in.

6. the mean and median number of [incarcerated individuals] *persons incarcerated* housed in areas affected by housing area emergency lock-ins disaggregated by facility, in total and disaggregated by the housing area type;

§ 55. The definitions of "correctional health authority," "sexual abuse," "sexual abuse by staff on an incarcerated individual," and "sexual abuse by an incarcerated individual" in subdivision a of section 9-156 of the administrative code of the city of New York, as amended by chapter 486 of the laws of 2022, and paragraphs 7 and 9 of subdivision b of such section, and paragraph 10 of subdivision c of such section, as added by local law number 21 for the year 2019, are amended to read as follows:

Correctional health authority. The term "correctional health authority" means the entity responsible for the delivery of health and mental health services to [inmates] *persons incarcerated by or persons* in the custody of the department.

Sexual abuse. The term "sexual abuse" includes sexual abuse of [an incarcerated individual] *a person incarcerated* by staff or sexual abuse by [an incarcerated individual] *a person incarcerated*.

Sexual abuse by staff of [an incarcerated individual] *a person incarcerated*. The term "sexual abuse by staff" includes any of the following acts conducted by staff, with or without consent of the [incarcerated individual] *person incarcerated*, including when such acts occur during the course of an otherwise authorized search procedure: (1) contact between the penis and the vulva or the penis and the anus, including penetration, however slight; (2) contact between the mouth and the penis, vulva, or anus; (3) contact between the mouth and any body part where the staff member has the intent to abuse, arouse, or gratify sexual desire; (4) penetration of the anal

or genital opening, however slight, by a hand, finger, object, or other instrument; (5) any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh, or the buttocks where the staff member has the intent to abuse, arouse, or gratify sexual desire; and (6) any attempt to engage in the acts described in paragraphs (1) through (5) of this definition.

Sexual abuse by [an incarcerated individual] *a person incarcerated*. The term "sexual abuse by [an incarcerated individual] *a person incarcerated*" includes any of the following acts if the victim and perpetrator are both [incarcerated individuals] *persons incarcerated*, and if the victim does not consent, is coerced into such act by overt or implied threats of violence, or is unable to consent or refuse: (1) contact between the penis and the vulva or the penis and the anus, including penetration, however slight; (2) contact between the mouth and the penis, vulva, or anus; (3) penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument; and (4) any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or the buttocks of another person, excluding contact incidental to a physical altercation.

7. Whether the alleged victim had been in custody for more than 24 hours and who, during such confinement, received treatment for a mental illness, not including [incarcerated individuals] *persons incarcerated* seen by mental health staff on no more than two occasions during their confinement and assessed on the latter of those occasions as having no need for further treatment in any city correctional facility or upon their release from any such facility;

9. Whether the alleged perpetrator was [an incarcerated individual] *a person incarcerated* or staff;

10. For substantiated allegations, if the perpetrator was a staff person, whether during the pendency of the investigation such staff person resigned, was suspended, placed on modified duty, assigned to a post without contact with [incarcerated individuals] *persons incarcerated*, assigned to a post with restricted contact with [incarcerated individuals] *persons incarcerated*, placed on administrative leave, or administered any other form of discipline;

§ 56. Section 9-158 of the administrative code of the city of New York, as added by local law number 142 for the year 2019, is amended to read as follows:

§ 9-158 Mental health treatment for transgender, gender nonconforming, non-binary, and intersex individuals. The department shall ensure that any housing unit where transgender, gender nonconforming, non-binary, and intersex individuals are housed has access to the same mental health treatment as units housing other [incarcerated individuals] *persons incarcerated*.

§ 57. Subparagraph (a) of paragraph 2 of subdivision b, and subdivision c of section 9-159 of the administrative code of the city of New York, as added by local law number 194 for the year 2019, are amended to read as follows:

(a) a call button or telephone in each room that [incarcerated individuals] *persons incarcerated* may use to contact staff;

c. The department shall digitize paper-based communications and ensure that correctional facilities built after [the effective date of the local law that added this section] *March 16, 2020*, are wired in such a fashion to allow for such electronic communications. Such communication shall include but not be limited to (1) the location of [incarcerated individuals] *persons incarcerated*, (2) communications between staff, (3) the filing of grievances, and (4) communications regarding bail status, in accordance with standards set by correctional oversight agencies.

§ 58. Section 9-306 of the administrative code of the city of New York, as amended by chapter 322 of the laws of 2021, is amended to read as follows:

§ 9-306 Annual reporting on bail and the criminal justice system. a. Within 90 days of the beginning of each reporting period, the office of criminal justice shall post on its website a report regarding bail and the criminal justice system for the preceding reporting period. The reporting period for paragraphs 1, 3, 14, and 15 of this subdivision is quarterly, the reporting period for paragraphs 2, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, and 16 is semi-annually, and the reporting period for paragraphs 17 through 33 is annually. For the purposes of this subdivision, any [incarcerated individual] *person* incarcerated on multiple charges shall be deemed to be incarcerated only on the most serious charge, a violent felony shall be deemed to be more serious than a non-violent felony of the same class, any [incarcerated individual] *person* incarcerated on multiple charges of the same severity shall be deemed to be held on each charge, any [incarcerated individual] *person* incarcerated on multiple bail amounts shall be deemed to be held only on the highest bail amount, any [incarcerated individual] *person incarcerated*

held on pending criminal charges who has a parole hold shall be deemed to be held only on the parole hold, any [incarcerated individual] *person incarcerated* held on pending criminal charges who has any other hold shall be deemed to be held only on the pending criminal charges, and any [incarcerated individual] *person* incarcerated on multiple cases in which sentence has been imposed on at least one of such cases shall be deemed to be sentenced. Such report shall contain the following information, for the preceding reporting period or for the most recent reporting period for which such information is available, to the extent such information is available:

1. The average daily population of [incarcerated individuals] persons in the custody of the department of correction.

2. The number of [incarcerated individuals] *persons* admitted to the custody of the department of correction during the reporting period who had been sentenced to a definite sentence, the number held on pending criminal charges, and the number in any other category.

3. Of the number of [incarcerated individuals] *persons* in the custody of the department of correction on the last Friday of each calendar month of the reporting period, the percentage who had been sentenced to a definite sentence, the percentage held on pending criminal charges, and the percentage in any other category.

4. Of the number of [incarcerated individuals] *persons* in the custody of the department of correction on the last Friday of each calendar month of the reporting period held on pending criminal charges, the percentage who were remanded without bail.

5. The number of [incarcerated individuals] *persons* in the custody of the department of correction who were sentenced to a definite sentence during the reporting period of the following length:

(a) 1-15 days;

(b) 16-30 days;

(c) 31-90 days;

(d) 91-180 days; or

(e) more than 180 days.

6. Of the number [incarcerated individuals] *of persons* in the custody of the department of correction on the last Friday of each calendar month of the reporting period who were sentenced to a definite sentence, the percentage of [incarcerated individuals] *persons* whose sentences were of the following lengths:

(a) 1-15 days;

(b) 16-30 days;

(c) 31-90 days;

(d) 91-180 days; or

(e) more than 180 days.

7. The number of [incarcerated individuals] *persons* admitted to the custody of the department of correction during the reporting period on pending criminal charges who were charged with offenses of the following severity:

(a) class A felonies;

(b) class B or C felonies;

(c) class D or E felonies;

(d) misdemeanors; or

(e) non-criminal charges.

8. Of the number of [incarcerated individuals] *persons* in the custody of the department of correction on the last Friday of each calendar month of the reporting period held on pending criminal charges, the percentage charged with offenses of the following severity:

(a) class A felonies;

(b) class B or C felonies;

(c) class D or E felonies;

(d) misdemeanors; or

(e) non-criminal charges.

9. The number of [incarcerated individuals] *persons* admitted to the custody of the department of correction during the reporting period on pending criminal charges who were charged with offenses of the following severity:

(a) class A felonies disaggregated by offense;

(b) violent felonies as defined in section 70.02 of the penal law;

(c) non-violent felonies as defined in section 70.02 of the penal law;

(d) misdemeanors; or

(e) non-criminal charges.

10. Of the number of [incarcerated individuals] *persons* in the custody of the department of correction on the last Friday of each calendar month of the reporting period held on pending criminal charges, the percentage charged with offenses of the following severity:

(a) class A felonies disaggregated by offense;

(b) violent felonies as defined in section 70.02 of the penal law;

(c) non-violent felonies as defined in section 70.02 of the penal law;

(d) misdemeanors; or

(e) non-criminal charges.

11. Of the number of [incarcerated individuals] *persons* in the custody of the department of correction on the last Friday of each calendar month of the reporting period held on pending criminal charges, the percentage charged with offenses of the following type, including the attempt to commit any of such offense as defined in section 110 of the penal law:

(a) The following crimes as defined in the New York state penal law: (i) misdemeanor larceny as defined in sections 155.25, 140.35, and 165.40, (ii) misdemeanor drug possession as defined in section 220.03, (iii) misdemeanor assault as defined in sections 120.00, 120.14, 120.15, 121.11, and 265.01, (iv) misdemeanor harassment or violation of a court order as defined in sections 215.50 and 240.30, (v) misdemeanor theft of services as defined in section 165.15, (vi) misdemeanor trespass as defined in sections 140.10 and 140.15, (vii) misdemeanor criminal mischief or graffiti as defined in sections 145.00 and 145.60, (viii) misdemeanor sexual crimes as defined in sections 130.52, 130.55, and 135.60, (ix) misdemeanor resisting arrest or obstructing governmental administration as defined in sections 205.30 and 195.05, (x) misdemeanor marijuana possession as defined in sections 221.10 and 221.40, (xi) felony vehicular assault or vehicular manslaughter as defined in sections 120.03, 120.04, 120.04-a, 120.20, 120.25, 125.12, 125.13, and 125.14, (xii) felony assault as defined in sections 120.05, 120.06, 120.07, 120.08, 120.09, 120.10, 120.11, 120.12, and 120.13, (xiii) homicide offenses as defined in sections 125.10, 125.11, 125.15, 125.20, 125.21, 125.22, 125.25, 125.26, and 125.27, (xiv) felony sexual assault as defined in sections 130.25, 130.30, 130.35, 130.40, 130.45, 130.50, 130.53, 130.65, 130.65a, 130.66, 130.67, 130.70, 130.75, 130.80, 130.90, 130.91, 130.95, and 130.96, (xv) kidnapping as defined in sections 135.10, 135.20, and 135.25, (xvi) burglary as defined in sections 140.20, 140.25, and 140.30, (xvii) arson as defined in sections 150.05, 150.10, 150.15, and 150.20, (xviii) robbery, grand larceny, and stolen property offenses as defined in sections 155.30, 155,35, 155.40, 155.42, 160.05, 160.10, 160.15, 165.45, 165.50, 165.52, and 165.54, (xix) felony violation of a court order as defined in sections 215.51 and 215.52, (xx) felony drug possession or sale as defined in sections 220.06, 220.09, 220.16, 220.18, 220.21, 220.31, 220.34, 220.39, 220.41, 220.43, and 220.44, (xxii) firearm or weapons possession as defined in sections 265.01-A, 265.01-B, 265.02, 265.03, 265.04, 265.08, 265.09, 265.11, 265.12, 265.13, 265.14, 265.16, and 265.19.

(b) The following crimes as defined in the New York state vehicle and traffic law:

(i) driving under the influence of alcohol as defined in section 1192,

(ii) driving with a suspended license as defined in section 511.

(c) The following categories of offense:

(i) any violation or non-criminal offense,

(ii) any misdemeanor not specifically enumerated in this paragraph, (iii) any felony not specifically enumerated in this paragraph.

12. The number of [incarcerated individuals] *persons* admitted to the custody of the department of correction during the reporting period on pending criminal charges who were charged with offenses in the categories defined in subparagraphs a, b, and c of paragraph 11 of this subdivision.

13. The number of [incarcerated individuals] *persons* admitted to the custody of the department of correction during the reporting period on pending criminal charges who had bail fixed in the following amounts: (a) $1; (b) $2-$500; (c) $501-$1000; (d) $1001-$2500; (e) $2501-$5000; (f) $5001-$10,000; (g) $10,001-$25,000; (h) $25,001-$50,000; (i) $50,001-$100,000; or (j) more than $100,000.

14. Of the number of [incarcerated individuals] *persons* in the custody of the department of correction on the final Friday of each calendar month of the reporting period who were held on pending criminal charges, the percentage who had bail fixed in the following amounts: (a) $1; (b) $2-$500; (c) $501-$1000; (d) $1001-$2500;

(e) $2501-$5000; (f) $5001-$10,000; (g) $10,001-$25,000; (h) $25,001-$50,000; (i) $50,001-$100,000; or (j) more than $100,000.

15. Of the number of [incarcerated individuals] *persons* in the custody of the department of correction on the final day of the reporting period who were held on pending criminal charges, the percentage who had been incarcerated for the following lengths of time: (a) 1-2 days; (b) 3-5 days; (c) 6-15 days; (d) 16-30 days; (e) 31-90 days; (f) 91-180 days; (g) 180 - 365 days; or (h) more than 365 days.

16. The information in paragraphs 1, 5, 7, 9, 13, 15, 30, 31, 32, and 33 of this subdivision disaggregated by the borough in which the [incarcerated individual's] *person's* case was pending. This data shall be listed separately and shall also be compared to the following crime rates disaggregated by borough:

(a) The number of crimes reported per capita;

(b) The number of class A felonies and violent felonies as defined in section 70.02 of the penal law reported per capita;

(c) The number of arrests per capita for criminal offenses; and

(d) The number of arrests for class A felonies and violent felonies as defined in section 70.02 of the penal law per capita.

17. The number of cases in which bail was set at arraignment on a misdemeanor complaint.

18. Of all cases arraigned on a misdemeanor complaint, the percentage in which bail was set.

19. The number of cases in which bail was set at arraignment on a felony complaint.

20. Of all cases arraigned on a felony complaint, the percentage in which bail was set.

21. The number of cases in which bail was posted during any time in which the most serious pending count was a misdemeanor and the defendant failed to appear for at least one court appearance during the reporting period.

22. Of all cases in which bail was posted during any time in which the most serious pending count was a misdemeanor, the percentage in which the defendant failed to appear for at least one court appearance during the reporting period.

23. The number of cases in which bail was posted during any time in which the most serious pending count was a felony and the defendant failed to appear for at least one court appearance during the reporting period.

24. Of all cases in which bail was posted during any time in which the most serious pending count was a felony, the percentage in which the defendant failed to appear for at least one court appearance during the reporting period.

25. The number of cases in which the defendant was released without bail during any time in which the most serious pending count was a misdemeanor and the defendant failed to appear for at least one court appearance during the reporting period.

26. Of all cases in which the defendant was released without bail during any time in which the most serious pending count was a misdemeanor, the percentage in which the defendant failed to appear for at least one court appearance during the reporting period.

27. The number of cases in which the defendant was released without bail during any time in which the most serious pending count was a felony and the defendant failed to appear for at least one court appearance during the reporting period.

28. Of all cases in which the defendant was released without bail during any time in which the most serious pending count was a felony, the percentage in which the defendant failed to appear for at least one court appearance during the reporting period.

29. The number of defendants assigned supervised release at arraignment and the percentage of arraigned defendants who were assigned supervised release.

30. Of all criminal cases in which bail was fixed during the preceding reporting period, the percentage in which the defendant posted bail, in total and disaggregated by the following bail amounts: (a) $1; (b) $2-$500; (c) $501-$1000; (d) $1001-$2500; (e) $2501-$5000; (f) $5001-$10,000; (g) $10,001-$25,000; (h) $25,001-$50,000; (i) $50,001-$100,000; or (j) more than $100,000.

31. Of all cases in which the defendant was held in the custody of the department of correction on pending criminal charges for any period of time and in which a disposition was reached during the reporting period, the percentage in which the disposition was as follows: (a) conviction for a class A felony disaggregated by offense; (b) conviction for a violent felony; (c) conviction for a non-violent felony; (c) conviction for a misdemeanor; (d)

conviction for a non-criminal offense; (e) charges dismissed or adjourned in contemplation of dismissal; or (f) any other disposition.

32. Of all cases in which the defendant was held in the custody of the department of correction on pending criminal charges during the reporting period for any period of time, the percentage in which the status of the criminal case is as follows: (a) the charges are pending and the defendant was released by posting bail; (b) the charges are pending and the defendant was released by court order; (c) the charges are pending and the defendant was not released; (d) conviction for a violent felony; (e) conviction for a non-violent felony; (f) conviction for a misdemeanor; (g) conviction for a non-criminal offense; (h) charges dismissed or adjourned in contemplation of dismissal; or (i) any other disposition.

33. Of the number of [incarcerated individuals] *persons* in the custody of the department of correction on the last Friday of each calendar month who were held on pending criminal charges during the reporting period, the percentage in which the status of the criminal case on the final day of the reporting period is as follows: (a) the charges are pending and the defendant was released by posting bail; (b) the charges are pending and the defendant was released by court order; (c) the charges are pending and the defendant was not released; (d) conviction for a violent felony; (e) conviction for a non-violent felony; (f) conviction for a misdemeanor; (g) conviction for a non-criminal offense; (h) charges dismissed or adjourned in contemplation of dismissal; or (i) any other disposition.

§ 59. Section 9-307 of the administrative code of the city of New York, as added by local law number 192 for the year 2019, is renumbered section 9-308, and subparagraph (b) of paragraph 1 of subdivision a of such section, are amended to read as follows:

(b) the average and median length of stay of [incarcerated individuals detained pretrial] *persons held in custody or incarcerated pending trial*, in total and disaggregated by borough of arrest and whether there is a co-occurring parole [violations] *violation*; and

§ 60. Subdivision (e) of section 11-4021 of the administrative code of the city of New York, as amended by chapter 322 of the laws of 2021, is amended to read as follows:

(e) In the alternative, the commissioner of finance may dispose of any cigarettes seized pursuant to this section, except those that violate, or are suspected of violating, federal trademark laws or import laws, by transferring them to the department of correction for sale to or use by [incarcerated individuals] *persons in custody or persons incarcerated* in such institutions.

§ 61. Section 14-131 of the administrative code of the city of New York is amended to read as follows:

§ 14-131 Accommodations for women. The commissioner shall designate one or more station houses for the detention and confinement of women under arrest in the city. The commissioner shall provide sufficient accommodations for women held under arrest, keep them separate and apart from the cells, corridors and apartments provided for [males] *men* under arrest, and so arrange each station house that no communication can be had between men and women therein confined, except with the consent of the officer in command of such station house. Officers or employees other than female staff assigned to this detail, shall be admitted to the corridors or cells of the women [prisoners] *incarcerated* only with the consent of the officer in command of such station house. In every station house to which female members of the force or other female staff are detailed, toilet accommodations shall be provided for female staff, which accommodations shall be wholly separate and apart from the toilet accommodations provided for [prisoners] *persons incarcerated*, or for male personnel attached to such station house.

§ 62. Section 14-132 of the administrative code of the city of New York is amended to read as follows:

§ 14-132 Proceedings where woman is arrested. Whenever a woman is arrested and taken to a police station, it shall be the duty of the officer in command of the station to cause a female staff member assigned to this detail to be summoned forthwith, and whenever a woman is arrested in any precinct in which no such female staff member is assigned, she shall be taken directly to the station house designated to receive the women [prisoners] *in custody* of the precinct in which the arrest is made. Such separate confinement, or any such removal of any woman, shall not operate to take from any court any jurisdiction which it would have had. The term "woman" as used in this section and section 14-131 of this title shall not include any female either actually or apparently under the age of sixteen years whose care is assumed by any incorporated society for the prevention of cruelty to children; but every such female detainee under the age of sixteen shall be taken directly to a station house designated to receive women [prisoners] *in custody* and shall be at once transferred therefrom by the officer in charge, to the custody of such society.

§ 63. Subdivision b of section 14-140 of the administrative code of the city of New York, as amended by chapter 322 of the laws of 2021, is amended to read as follows:

b. Custody of property and money. All property or money taken from the person or possession of a [prisoner] *person in custody*, all property or money suspected of having been unlawfully obtained or stolen or embezzled or of being the proceeds of crime or derived through crime or derived through the conversion of unlawfully acquired property or money or derived through the use or sale of property prohibited by law from being held, used or sold, all property or money suspected of having been used as a means of committing crime or employed in aid or furtherance of crime or held, used or sold in violation of law, all money or property suspected of being the proceeds of or derived through bookmaking, policy, common gambling, keeping a gambling place or device, or any other form of illegal gambling activity and all property or money employed in or in connection with or in furtherance of any such gambling activity, all property or money taken by the police as evidence in a criminal investigation or proceeding, all property or money taken from or surrendered by a pawnbroker on suspicion of being the proceeds of crime or of having been unlawfully obtained, held or used by the person who deposited the same with the pawnbroker, all property or money which is lost or abandoned, all property or money left uncared for upon a public street, public building or public place, all property or money taken from the possession of a person appearing to be [insane,] *affected by mental illness,* intoxicated or otherwise incapable of taking care of himself or herself, that shall come into the custody of any member of the police force or criminal court, and all property or money of [incarcerated individuals] *persons in the custody* of any city hospital, prison or institution except the property found on deceased persons that shall remain unclaimed in its custody for a period of one month, shall be given, as soon as practicable, into the custody of and kept by the property clerk except that vehicles suspected of being stolen or abandoned and evidence vehicles as defined in subdivision b of section 20-495 of the code may be taken into custody in the manner provided for in subdivision b of section 20-519 of the code.

§ 64. Paragraph 2 of subdivision c of section 15-127 of the administrative code of the city of New York is amended to read as follows:

2. Building attendants. In every building used or occupied as a hotel, lodging house or public or private hospital or asylum, there shall be employed by the owner or proprietor, or other person having the charge or management thereof, one or more building attendants, whose exclusive duty it shall be to visit every portion of such building at regular and frequent intervals, under rules and regulations to be established by the commissioner, for the purpose of detecting fire, or other sources of danger, and giving timely warning thereof to the [inmates] *occupants* of the building. There shall be provided a clock or other device, to be approved by the commissioner, by means of which the movements of such building attendant may be recorded. The commissioner may, however, in his or her discretion, accept an automatic fire alarm system in lieu of such building attendants and time detectors.

§ 65. Subdivision 1 of section 17-162 of the administrative code of the city of New York is amended to read as follows:

1. That the rental of the building was enhanced by reason of the same being used for illegal purposes, or being so overcrowded as to be dangerous or injurious to the health of the [inmates] *building's occupants*; or

§ 66. Subdivision 1 of section 17-163 of the administrative code of the city of New York is amended to read as follows:

1. Shall in the first case, so far as it is based on rental, be on the rental of the building, as distinct from the ground rent, which would have been obtainable if the building was occupied for legal purposes, and only by the number of persons whom the building, under all circumstances of the case, was fitted to accommodate without such overcrowding as is dangerous or injurious to the health of the [inmates] *building's occupants*; and

§ 67. Subdivision a of section 17-199 of the administrative code of the city of New York, as amended by chapter 322 of the laws of 2021, is amended to read as follows:

a. The department shall submit to the mayor and the speaker of the council no later than July 15, 2015, and every three months thereafter, a report regarding the medical and mental health services provided to [incarcerated individuals] *persons incarcerated* in city correctional facilities during the previous three calendar months that includes, but need not be limited to:

(i) performance indicators reported to the department by any entity providing such services;

(ii) a description of the methodology used in measuring such performance;

(iii) the metrics utilized to determine whether such performance measures meet targets established by the department and any entity providing such services;

(iv) the results of such determinations; and

(v) any actions that the department has taken or plans to take in response to the data reported, including the imposition of liquidated damages.

§ 68. The definition of "health evaluation" in section 17-1801 of the administrative code of the city of New York, as amended by chapter 322 of the laws of 2021, and the definition of "incarcerated individual" in such section, as amended by local law number 190 for the year 2019, are amended to read as follows:

Health evaluation. The term "health evaluation" means any evaluation of [an incarcerated individual's] *a person's* health and mental health upon their admission to the custody of the department of correction pursuant to minimum standards of [incarcerated individual] care established by the board of correction.

[Incarcerated Individual. The term "Incarcerated Individual" means any person in the custody of the New York city department of correction.]

§ 69. Section 17-1803 of the administrative code of the city of New York, as added by local law number 124 for the year 2016, and the section heading of such section, as amended by local law number 190 for the year 2019, are amended to read as follows:

§ 17-1803 Health information from screening for [incarcerated individuals] *persons incarcerated*. The department or its designee shall establish procedures to make available reports received from the New York city police department pursuant to section 14-163 to any health care provider in a department of correction facility conducting a health evaluation, at such time as a health evaluation is conducted.

§ 70. Section 17-1804 of the administrative code of the city of New York is amended to read as follows:

§ 17-1804 Health information exchange for [incarcerated individuals] *persons incarcerated*. The department or its designee shall establish procedures to obtain the pre-arraignment screening record created pursuant to section 17-1802 and any medical records created and maintained by any hospital in connection with treatment provided to an arrestee who subsequently enters the custody of the department of correction, at the request of any health care provider conducting a health evaluation of such [incarcerated individuals] *person incarcerated*.

§ 71. Subdivisions b and c of section 17-1805 of the administrative code of the city of New York, as added by local law number 190 for the year 2019, are amended to read as follows:

b. Information sharing with attorneys of individuals diagnosed with serious mental illness in the custody of the department of correction. For each [incarcerated individual] *person incarcerated or person in custody* who is not sentenced and who is diagnosed with a serious mental illness, correctional health services shall seek voluntary consent from such [individual] *person* to share medical information with the attorney of record of such [individual] *person* within 48 hours of their diagnosis, and provide such information created or obtained pursuant to sections 17-1802 and 17-1804 to the attorney of record for any such [individual] *person* within five calendar days of obtaining consent from [the individual] *such person*. Correctional health services shall make a good faith effort to ascertain such [individual's] *person's* attorney of record, including but not limited to consulting the website maintained by the New York state unified court system, speaking with [the individual] *such person*, contacting the clerk of the court, or any other reasonable means necessary to identify such [individual's] *person's* attorney.

c. Confidential medical condition letter. Within five business days prior to any court date indicated by the New York city department of correction's [inmate] information system *for persons incarcerated*, correctional health services shall provide a confidential medical condition letter to the attorney of record for any [incarcerated individual] *person incarcerated* to whom subdivision a of this section applies, as permitted by law. Such letter shall include the following information for each such [individual] *person*:

1. The psychiatric diagnosis.

2. The type of mental health treatment available in the housing area in which [the individual] *such person* is being housed, including the level of additional support offered in the housing area that facilitates the treatment of [the individual's] *such person's* psychiatric condition.

3. The prescribed psychiatric medication regimen.

4. Their record of adherence to such medication regimen, including any factors that may have contributed to their record of adherence.

5. A detailed description of their current condition, including but not limited to any reduction in symptoms and any indication that [the individual's] *such person's* condition has improved or diagnosis changed.

6. Any relevant documentation related to referrals made by correctional health services for the purpose of discharge planning, if available.

§ 72. Section 21-105 of the administrative code of the city of New York is amended to read as follows:

§ 21-105 Reports and records of institutions. Each such institution caring for destitute and neglected children shall file with the commissioner at the end of every three months a list containing both the names of all the children received or discharged during the month, and the names and residence of the parents and guardians of such children so far as known. Each such institution shall keep a book in which it shall cause to be entered the name and address of each parent, relative or other person visiting [an inmate of] *a child residing in* such institution who is in whole or in part a charge upon the city, and such name and address shall be entered upon the occasion of each visit by any such person.

§ 73. Section 21-106 of the administrative code of the city of New York is amended to read as follows:

§ 21-106 Payments to private institutions. Payments shall not be made by the city to any charitable, eleemosynary or reformatory institutions wholly or partly under private control, for the care, support, secular education or maintenance of any destitute, neglected or delinquent child therein, except upon the certificate of the commissioner that such child has been received and is retained by such institution pursuant to the rules and regulations established by the state board of social welfare. Moneys paid by the city to any such institution for the care, support, secular education or maintenance of [its inmates] *such children* shall not be expended for any other purpose. Whenever the commissioner shall decide, after reasonable notice to such institution and a hearing, that any such child who is received and retained in such institution is not a proper charge against the public, and written notice of such decision is given by the commissioner to such institution, thereupon all right on the part of such institution to receive compensation from the city for the further retention of the child shall cease. The commissioner shall file in the office of the department a statement of the reasons for his or her decision and of the facts upon which it is founded, and shall furnish a copy to such institution where the child is detained. The commissioner's decision may be reviewed on certiorari by the supreme court. No money shall be paid out of any appropriation to any charitable, eleemosynary or reformatory institution which shall deny or limit admission to any destitute, neglected or delinquent children duly committed by the commissioner or a court of appropriate jurisdiction, because of the race, color or religion of such children, provided, however, that no institution of a particular religious faith shall be required to accept children adhering to a religious faith other than its own. The commission on foster care of children shall have the power and continuing duty to investigate and determine, upon complaint made and shall have the power on its own initiative to investigate and determine whether any institution is practicing discrimination in violation of the provisions of the preceding paragraph. The commission may direct that such investigation shall be conducted by one or more of its members or by its secretary or assistant secretary. Whenever in the judgment of the commission, such investigation discloses that there is reason to believe that an institution is practicing discrimination, the commission shall cause a hearing to be held before the commission or before two or more of its members, as it may direct, upon reasonable notice to such institution. The commission shall dismiss the proceedings if it finds upon the basis of such hearing, that such institution is not practicing discrimination. In the event the commission shall find on the basis of such hearing, that such institution is practicing discrimination, it shall certify to the commissioner its findings of fact, together with its determination of the period of time, not to exceed one year, within which the institution shall be permitted to amend its practices and comply with said provisions. The commissioner shall thereupon serve notice of such certification on such institution. All right on the part of such institution to receive moneys from the city shall cease upon the date specified in said certification unless, prior to the expiration thereof, such institution shall have submitted to the commission proof that it has ceased to engage in said violations and the commission shall have found and certified to the commissioner that said institution has complied with said provisions. The institution shall not be deprived of payments for services rendered prior to the date specified in the certification. The determination of the commission that an institution is practicing discrimination, or having been ordered to cease said discrimination has failed to cease, may be reviewed by the supreme court, which may, for good cause shown, during the pendency of such review, stay the termination of the right of such institution to receive moneys from the city. The commission, or any of its members authorized by it to conduct a hearing, may, at any such hearing, compel the attendance of witnesses, administer oaths, take the testimony of any person under oath and require the production of any evidence relating to the matter in question at the hearing. The department and the corporation counsel are authorized upon request by the commission, to make members of their respective staffs

available, upon a temporary basis, to the commission, to assist it in conducting the investigations and hearings provided by this section.

§ 74. Subdivision 2 of section 21-112 of the administrative code of the city of New York is amended to read as follows:

2. All persons [who are inmates] *in the custody* of private institutions who are accepted by him or her as proper charges upon the city.

§ 75. Section 27-260 of the administrative code of the city of New York, as amended by chapter 322 of the laws of 2021, is amended to read as follows:

§ 27-260 Classification. Buildings and spaces shall be classified in the institutional occupancy group when persons suffering from physical limitations because of health or age are harbored therein for care or treatment; when persons are detained therein for penal or correctional purposes; or when the liberty of the [incarcerated individuals] *persons incarcerated* is restricted. The institutional occupancy group consists of sub groups H-1 and H-2.

§ 76. Note b of table 403.1 of the New York city plumbing code, as amended by chapter 322 of the laws of 2021, is amended to read as follows:

b. Toilet facilities for employees shall be separate from facilities for [incarcerated individuals] *persons incarcerated* or patients.

§ 77. Section 408.1.1 of the New York city building code, as amended by local law number 141 for the year 2013, is amended to read as follows:

408.1.1 Definition. The following words and terms shall, for the purposes of this chapter and as used elsewhere in this code, have the meanings shown herein.

CELL. A room within a housing unit in a detention or correctional facility used to confine [inmates or prisoners] *persons incarcerated*.

CELL TIER. Levels of cells vertically stacked above one another within a housing unit.

HOUSING UNIT. A dormitory or a group of cells with a common dayroom in Group I-3.

SALLYPORT. A security vestibule with two or more doors or gates where the intended purpose is to prevent continuous and unobstructed passage by allowing the release of only one door or gate at a time.

§ 78. Section 1103.2.14 of the New York city building code, as amended by local law number 141 for the year 2013, is amended to read as follows:

1103.2.14. Detention and correctional facilities. In detention and correctional facilities, common use areas that are used only by [inmates or detainees] *persons detained or incarcerated* and security personnel, and that do not serve holding cells or housing cells required to be accessible pursuant to Section 1107.5.5, are not required to be accessible or to be on an accessible route.

§ 79. Section 1105.1.4 of the New York city building code, as amended by local law number 141 for the year 2013, is amended to read as follows:

1105.1.4. Entrances for [inmates and detainees] <u>persons detained or incarcerated</u>. Where entrances used only by [inmates or detainees] *persons detained or incarcerated* and security personnel are provided at judicial facilities, detention facilities or correctional facilities, all such entrances shall be accessible.

§ 80. Section 106.4.8 of appendix E of the New York city building code, as amended by local law number 141 for the year 2013, is amended to read as follows:

E106.4.8. Detention and correctional facilities. In detention and correctional facilities, where a public pay telephone is provided in a secured area used only by [detainees or inmates] *persons detained or incarcerated* and security personnel, then at least one TTY shall be provided in at least one secured area.

§ 81. This local law takes effect immediately, and within one year of such effective date all agencies shall take such measures as are necessary to replace, in accordance with this local law, the terms "inmate" and "prisoner," wherever they appear in rules and other official guidance.

Referred to the Committee on Criminal Justice.

Int. No. 152

By Council Members Cabán, Hudson and Hanif.

A Local Law in relation to extending the minimum duration of and updating other requirements pertaining to the task force created to address policies related to the treatment and housing of transgender, gender nonconforming, non-binary, and intersex individuals in the custody of the department of correction

Be it enacted by the Council as follows:

Section 1. Section 1 of local law number 145 for the year 2019 is amended to read as follows:

Section 1. a. *Definitions. For purposes of this local law, the term "correctional health services" means any health care entity designated by the city of New York as the agency or agencies responsible for health services for incarcerated individuals in the care and custody of the department of correction. When the responsibility is contractually shared with an outside provider, this term shall also apply.*

b. The board of correction shall convene a task force to review the department of correction's policies related to the treatment and housing of transgender, gender nonconforming, non-binary, and intersex individuals in the department of correction's custody.

[b.] *c.* Such task force shall consist of *a representative appointed by the speaker of the council and* a representative from each of the following who shall serve at the pleasure of the appointing [agency] *officer*: the department of correction, correctional health services, the commission on human rights, the mayor's office to end domestic and gender-based violence, *and* the [nyc] *NYC* unity project *within the office of the mayor* or similar organization[, and the council]. Such task force shall also include at least one representative from each of the following categories, appointed by the board of correction*:* (i) formerly incarcerated individuals; (ii) individuals formerly or currently incarcerated in the transgender housing unit *of the department of correction*, to the extent practicable; (iii) service providers that address transgender, gender nonconforming, non-binary, and intersex individuals in *the* custody *of the department of correction*; and (iv) local and national organizations that address issues related to transgender, gender nonconforming, non-binary, and intersex individuals. *Members of such task force shall elect a chair from among such members.*

[c.] *d.* Any vacancies in the membership of [the] *such* task force shall be filled in the same manner as the original appointment. All members shall be appointed to [the] *such* task force within 60 days of the effective date of this local law.

[d.] *e.* Members of [the] *such* task force shall serve without compensation and shall meet no less often than on a quarterly basis.

[e.] *f. Prior to each meeting of such task force, the members of such task force shall set an agenda for such meeting and prepare a list of questions for the representatives from the department of correction and correctional health services appointed pursuant to subdivision c of this section, which agenda and list shall be delivered to all members of such task force within 7 days prior to such meeting. The representatives from the department of correction and correctional health services appointed pursuant to subdivision c of this section shall present at such meeting information on transgender, gender nonconforming, non-binary, and intersex*

individuals in the custody of the department of correction that is responsive to the questions prepared pursuant to this subdivision.

g. In addition to presenting the information required pursuant to subdivision f of this section, representatives from the department of correction and correctional health services appointed pursuant to subdivision c of this section shall provide updates at each meeting of such task force on:

1. Any changes to the rules or policies of the department of correction related to the treatment or housing of transgender, gender nonconforming, non-binary, or intersex individuals in the custody of the department of correction; and

2. Each instance in which a transgender, gender nonconforming, non-binary, or intersex individual in the custody of the department of correction was involuntarily moved from one housing unit within such department to another since the last meeting of such task force.

h. Within one year of the formation of [the] *such* task force, such task force shall submit a report containing recommendations regarding policies related to the treatment and housing of transgender, gender nonconforming, non-binary, and intersex individuals in the department of correction's custody, and a summary of key findings to the department of correction, mayor and the speaker of the council. Within 90 days of receiving such report, the department of correction shall provide a written response to the board of correction, the mayor, and the council. Each such written report shall be posted on the department of [correction] *correction's* and the board of correction's websites in a format that is searchable and downloadable and that facilitates printing no later than 10 days after it is delivered to the mayor and the council. [The] *Such* task force shall continue to submit yearly reports thereafter until its termination.

[f. The] *i. Such* task force shall terminate by determination of the board of correction, but no earlier than one year after the issuance of a [final] *fifth* yearly report[, to be submitted in the year 2024]. Any time a new correctional facility is built, the board of correction shall have the option to reconvene [the taskforce] *such task force* for the purpose of reviewing implementation of policies related to the treatment of transgender, gender nonconforming, non-binary, and intersex individuals in such facilities.

§ 2. This local law takes effect immediately. The task force established pursuant to local law number 145 for the year 2019 shall meet within 90 days of such effective date to elect a chair as required by section one of this local law and at such meeting may conduct such other business as such task force deems necessary.

Referred to the Committee on Criminal Justice.

Int. No. 153

By Council Members Cabán, Gennaro, Ung, Restler, Hanif, Krishnan and Marte.

A Local Law to amend the administrative code of the city of New York, in relation to a feasibility study on housing adaptation and mobility, voluntary residential buyouts, and related support services for residents of high-risk flood zones

Be it enacted by the Council as follows:

Section 1. a. Definitions. 1. For purposes of this section, the terms "climate hazard," "environmental justice area," "non-structural risk reduction approach," and "resiliency and adaptation measure" have the same meanings as defined in section 24-808 of the administrative code of the city of New York.

2. For purposes of this section, the following terms have the following meanings:

Climate hazard zone. The term "climate hazard zone" means an area of the city that the task force determines is at elevated risk from climate hazards.

Eligible household. The term "eligible household" means a household whose members reside on an eligible property.

Eligible property. The term "eligible property" means a property located in a flood hazard zone that the task force deems eligible to participate in a housing mobility program. Properties shall not be excluded from

consideration for eligibility solely on the basis of residence, tenure, or public or other government-subsidized or regulated status.

Flood hazard zone. The term "flood hazard zone" means an area of the city of New York that the task force determines to be at foreseeable risk of severe or repeated flooding or storm-related damage within 100 years, or that may provide protection from such flooding or damage to surrounding areas, if converted for that purpose.

Housing mobility program. The term "housing mobility program" means a program or programs for acquiring eligible properties through voluntary residential buyouts, which shall also (i) offer support services to eligible households and owners of eligible properties, and (ii) provide for the permanent conversion of such properties for use as flood protection or public space.

Support services. The term "support services" means services needed by residents or property owners in climate or flood hazard zones in relation to climate-related risk mitigation, adaptation, and relocation, including but not limited to services for information dissemination, social organizing support, and counseling with regard to flood prevention, mitigation, and adaptation options, financial planning and assistance, relocation support, mental health, and insurance options.

Task force. The term "task force" means the New York city climate change adaptation task force established pursuant to section 3-123 of the administrative code of the city of New York.

b. Feasibility study. The task force shall study the feasibility of mitigating and preventing risks associated with climate hazards that may affect property in or adjacent to flood hazard zones. No later than 1 year after the effective date of this local law, the task force shall deliver the feasibility study to the mayor, the speaker of the council, and the borough presidents, and make the report available to the public. The feasibility study must comprise a report on housing adaptation, a proposed framework for a housing mobility program and fund, and a pilot study on support services, as follows:

1. Housing adaptation report. The task force shall recommend strategies and measures to adapt housing for the prevention and mitigation of climate hazards in flood hazard zones, to limit future housing growth in flood hazard zones, and to identify areas at low risk of flooding where housing growth may be feasible, taking into consideration the climate adaptation plan proposed pursuant to section 24-808 of the administrative code of the city of New York, the wetlands protection strategy prepared pursuant to section 24-528 of the administrative code of the city of New York and any successor frameworks for wetlands management, the work of the New York city panel on climate change established pursuant to section 3-122 of the New York city charter, the comprehensive waterfront plan prepared pursuant to section 205 of the New York city charter, and the environmental justice plan and study required by sections 3-1003 and 3-1007 of the administrative code of the city of New York.

2. Housing mobility program framework. The task force shall develop a proposal for the establishment of a housing mobility program for certain property owners and residents of flood hazard zones, informed by best practices for such programs. The proposal shall include the following:

(a) Proposed eligibility requirements and valuation criteria for households and properties to take part in the program, taking into consideration properties' flood and climate hazard risk profiles, economic status of residents and owners, local population density, environmental justice considerations, and the potential of a given land area to contribute to flood prevention or mitigation in surrounding areas;

(b) Estimated number of eligible households and properties and estimated total valuation of all eligible properties, pursuant to the proposed requirements and criteria developed under subparagraph (a) of this paragraph;

(c) Recommendations and considerations for including properties with various ownership and tenancy structures, including but not limited to tenants and cooperators of public housing, rent-regulated housing, federally subsidized housing, supportive housing, limited-equity cooperatives, and housing subject to city or state regulatory agreements;

(d) Recommendations for streamlining applications to participate in the proposed housing mobility program and for prioritizing among eligible properties, including with respect to options for establishing an advanced-commitment program or other form of precertification process;

(e) Recommendations for the provision of integrated support services to eligible households and eligible property owners, commensurate with identified flood hazard zones and the needs of residents of flood hazard zones, and taking into account the results of the pilot study required by paragraph 5 of this subdivision;

(f) Recommendations for establishing a participatory process for working with communities of eligible households to identify and select eligible sites for relocation, and for preventing displacement of any vulnerable populations that may already reside at selected relocation sites; and

(g) Recommendations for converting the use of eligible properties to the prevention or mitigation of flooding and other climate risks, including, as needed, recommended legislative, regulatory, or zoning reforms, recommended entities to take possession of or manage converted properties, and potential recommended uses for converted properties such as green infrastructure installation, habitat restoration, public access, community use and benefit, or other protective or recreational purposes.

3. Buyout Fund. The task force shall propose a plan to establish a fund for the purpose of financing a housing mobility program and support services. The plan shall include, at a minimum, the following information:

(a) An analysis of the economic, fiscal, and social impacts that may be expected from the housing mobility program and support services, including but not necessarily limited to impacts on jobs and local development; tax revenue; social and equity indicators; the costs and benefits associated with different land uses, including with respect to subsidized housing, group quarters, and natural ecosystem restoration; the long-term costs and benefits of protecting or rebuilding current residential uses in the context of foreseeable future climate hazards; and savings from potential flood-mitigation uses of acquired properties, individually and in aggregate, on the basis of varying levels of participation from eligible households and properties;

(b) Potential sources of funding and other resources for a housing mobility program, support services, and ecological restoration, commensurate with the estimates, recommendations, and impact analysis pursuant to subparagraph (a) of this paragraph; and

(c) A recommended framework for establishing, structuring, managing, and administering a permanent housing mobility fund for eligible properties and residents in flood hazard zones.

4. Strategic oversight. The task force shall recommend a structure for the administration, coordination, and strategic leadership for housing adaptation planning, a housing mobility program, a permanent housing mobility fund, and support services. Such recommendations shall include any legal, regulatory, or policy changes that the city may undertake in order to effectuate such structure.

5. Pilot study for support services. The department of housing preservation and development, in consultation with the task force, shall conduct a pilot study to assess the knowledge, interest level, needs, and concerns of households that reside on properties with a high likelihood of being designated as eligible to participate in a housing mobility program and to receive support services. The task force shall take the findings into account when preparing the housing mobility program scope pursuant to paragraph 2 of this subdivision, and shall include an anonymized analysis of the pilot study findings as an appendix in the feasibility study. The pilot study shall include, at a minimum, the following:

(a) Baseline survey. No later than 120 days after the effective date of this local law, the department of housing preservation and development, in consultation with the task force, shall administer a baseline survey to a group of likely eligible households, including residents of public housing and other government-subsidized or regulated housing, which shall be statistically representative of all likely eligible households with regard to income, race, and tenure. The baseline survey shall assess:

(1) Household composition, primary household language, and length and nature of tenure;

(2) The knowledge, experiences, needs, concerns, and goals of eligible households in relation to flooding and to a potential housing mobility program; and

(3) Interest level in participating in a housing mobility program, as applicable, and in receiving relocation and other support services.

(b) Focus groups. No later than 160 days after the effective date of this local law, the department of housing preservation and development, in consultation with the task force, shall conduct qualitative interviews with focus groups composed of a statistically representative group of likely eligible households. The interviews shall further investigate the knowledge, experiences, needs, concerns, and goals of likely eligible households as identified by the baseline survey results.

(c) Recommendations for support services. The task force shall make recommendations for establishing comprehensive support services in relation to household climate adaptation, taking into account the findings of the baseline survey and focus group interviews. The task force shall further recommend:

(1) How the support services can be integrated into a permanent housing mobility program for flood hazard zones, if a program is established, and coordinated or combined with any existing support services offered by the city;

(2) The extent to which support services should be offered in climate or flood hazard zones to households other than those eligible to participate in a housing mobility program; and

(3) How the services can help to mitigate climate inequities, especially in environmental justice areas.

c. Consultation requirements. 1. Community stakeholders. For the purpose of completing the feasibility study required by subdivision b of this section, the task force shall consult, at a minimum, 8 community-based organizations that provide direct services to residents of climate hazard zones, at least 2 of which deliver services to residents of a flood hazard zone located in an environmental justice area.

2. Intragovernmental coordination. The task force shall consult with any other city, state, or federal agency, office, or entity to the extent they may have relevant information in relation to housing adaptation, housing mobility programs, relocation programs, interagency coordination needs, or equity considerations. Such agencies, offices, or entities shall include but need not be limited to the mayor's office of operations, the mayor's office of equity, the department of housing preservation and development, the New York city housing authority, the landmarks preservation commission, the mayor's office of contract services, and any successor to any such office, commission, or authority.

d. Meetings. 1. The chair shall convene a meeting of the task force to carry out the duties described in this local law no later than 30 days after the date that this local law takes effect.

2. The task force shall meet no less than once each quarter to carry out the duties described in this section, inclusive of the twice yearly meetings required pursuant to section 3-123 of the administrative code of the city of New York. This additional meeting requirement is suspended after the task force submits its report as required in subdivision b of this section.

§ 2. Subdivision b of section 3-123 of the administrative code of the city of New York is amended by adding new paragraphs 4 and 5 to read as follows:

4. Each agency affected by this section shall provide appropriate staff and resources to support the agency's work in relation to the task force.

5. In the event that the chair of the task force, an agency affected by this section, or the mayor receives constructive or actual notice of a vacancy on the task force, a successor shall be appointed in the same manner as the original appointment no later than 60 days after the vacancy occurs.

§ 3. This local law takes effect immediately.

Referred to the Committee on Environmental Protection, Resiliency and Waterfronts.

Int. No. 154

By Council Members Cabán, Nurse, Won, Restler, Sanchez, Hanif, Avilés, Abreu and Ossé.

A Local Law to amend the New York city charter, in relation to monitoring power plants performance

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-f to read as follows:

20-f. Monitor power plant performance. 1. The office of long-term planning and sustainability shall track all department of environmental conservation reports on Title V power plants including, but not limited to, draft and final permit issuance, permit comment periods, permit renewals, permit compliance and whether any permit is not in attainment for any criteria pollutant.

2. When any power plant is not in compliance with its permits when renewal for that permit is being considered, the office of long term planning and sustainability shall submit comments on the proposed renewal

including proposed technical improvements, suggested mitigation measures or recommendations respecting continued operation.

§ 2. This local law takes effect immediately.

Referred to the Committee on Environmental Protection, Resiliency and Waterfronts.

Int. No. 155

By Council Members Cabán, Ossé, Restler, Sanchez, Hanif, Avilés, Krishnan and Nurse.

A Local Law to amend the administrative code of the city of New York, in relation to outreach to unsheltered individuals

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 Outreach to unsheltered individuals. a. Definitions. For the purposes of this section, the following terms have the following meanings:

Outreach. The term "outreach" means engaging in contact with or offering services to unsheltered individuals experiencing homelessness.

Tangible support. The term "tangible support" means food, coffee, water, socks, underwear, blankets, hygiene supplies, storage vouchers for personal items and harm reduction health tools.

Trauma-informed care. The term "trauma-informed care" means trauma-informed care as described by the substance abuse and mental health services administration of the United States department of health and human services, or any successor agency, department, or governmental entity.

Unsheltered individual. The term "unsheltered individual" means an individual with a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings.

b. Outreach to unsheltered individuals by any government agency shall not include any involvement by the police department or department of sanitation and shall be limited to department staff or staff contracted by the department who are trained in trauma informed care and working with vulnerable populations, to contact and offer services to unsheltered individuals experiencing homelessness.

c. The department shall ensure that outreach teams provide tangible support to unsheltered individuals experiencing homelessness. Department personnel shall not expend time while on duty or department resources of any kind disclosing information that belongs to the department and is available to them only in their official capacity, in communicating with the police department or department of sanitation regarding any unsheltered individual experiencing homelessness.

d. Notwithstanding any provision of section 16-122(b) of the administrative code of the city of New York, no notice of violation, appearance ticket or summons may be issued against any unsheltered individual experiencing homelessness for the use of nonpermanent materials or parts to fit together bedding or temporary shelter.

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

Referred to the Committee on General Welfare.

Int. No. 156

By Council Members Cabán, Stevens, Gutiérrez, Hanif, Louis, Restler, Hudson, Brewer, Sanchez, Marte, Farías, Won, De La Rosa and Joseph.

A Local Law to amend the administrative code of the city of New York, in relation to requiring district attorneys to report on retained and seized property

Be it enacted by the Council as follows:

Section 1. Title 9 of the administrative code of the city of New York is amended by adding a new chapter 5 to read as follows:

CHAPTER 5
DISTRICT ATTORNEYS

§ 9-501 Definitions. As used in this chapter, the following terms have the following meanings:

Office. The term "office" means an office of a district attorney or the special narcotics prosecutor.

Retained property. The term "retained property" means: (i) property other than U.S. currency that the office has obtained an ownership interest in; or (ii) U.S. currency that the office has obtained an ownership interest in that has been transferred to the general fund of the city pursuant to section 14-140, either because the ownership interest in such currency has been waived or forfeited or because such. currency remains unclaimed after the applicable legal period for claiming such currency has expired.

Seized property. The term "seized property" means property over which the office has obtained custody pursuant to section 14-140, the ownership of which has not been adjudicated, that is held for safekeeping, as arrest evidence, for forfeiture or as investigatory evidence.

§ 9-502 Reporting.

a. Each office shall submit an annual report to the council and the office of criminal justice, and post such report on such office's website. Such reports shall be submitted within 30 days of January 1 each year, starting in 2023, and shall include the following information for retained and seized property during the previous calendar year:

1. The dollar amount of U.S. currency that has become property retained by the office after a settlement agreement entered into between the office and claimants for such currency;

2. The dollar amount of U.S. currency that has become property retained by the office after a judgment in a civil forfeiture proceeding;

3. The dollar amount of U.S. currency returned by the office to the claimant following a dismissal, judgment, or settlement in a civil forfeiture proceeding pursuant to section 14-140;

4. The number of registered motor vehicles that have become property retained by the office after a settlement or judgement in a civil forfeiture proceeding;

5. The revenue generated by liquidation of registered motor vehicles that have become retained property, the number of such vehicles liquidated, and the entity contracted to liquidate such vehicles on behalf of the office;

6. The revenue generated by liquidation of retained property, other than registered motor vehicles and U.S. currency, and the entity contracted to liquidate such property on behalf of the office; and

7. The total amount of seized property in the form of U.S. currency, disaggregated by:

(a) The dollar amount of such U.S. currency classified and held for safekeeping, disaggregated by the police precinct and month in which such property was vouchered, and also disaggregated by the dollar amount returned to claimants;

(b) The dollar amount of such U.S. currency classified and held as arrest evidence, disaggregated by the police precinct and month in which such property was vouchered, and also disaggregated by the dollar amount returned to claimants;

(c) The dollar amount of such U.S. currency held for forfeiture, disaggregated by the police precinct and month that such property was vouchered, and also disaggregated by the dollar amount returned to claimants;

(d) The dollar amount of such U.S. currency held as investigatory evidence, disaggregated by the borough, police precinct and month that such property was vouchered, and also disaggregated by the dollar amount returned to claimants;

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

§ 2. Title 9 of the administrative code of the city of New York is amended by adding a new section 9-310 to read as follows:

§ 9-310 District attorney reporting. No later than 45 days from January 1 of each year, starting in 2023, the office shall provide to the council and publish on its website an annual report on district attorneys. This report shall consist of the information required pursuant to section 9-402 aggregated for all district attorneys, and published in a manner that permits the comparison of such information for such district attorneys.

§ 3. This local law takes effect immediately.

Referred to the Committee on Public Safety.

Int. No. 157

By Council Members Cabán, Restler, Won, Sanchez, Hanif, Avilés, Abreu, Krishnan, Brooks-Powers, Ossé, Nurse and Marte (in conjunction with the Brooklyn Borough President) (by request of the Queens Borough President).

A Local Law to amend the administrative code of the city of New York, in relation to requiring the police department to submit reports on complaints of police misconduct

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 Police misconduct report. Within 10 days from the end of each calendar month, the commissioner shall submit to the council and the mayor, and post on the department's website, a report on the number of complaints of police misconduct, including, but not limited to, misuse of force, harassment, and use of offensive language, received by the department in the prior calendar month, disaggregated by patrol precinct. The report shall include any action taken by the department in response to each such complaint, including any resulting investigation or disciplinary action.

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

Referred to the Committee on Public Safety.

Int. No. 158

By Council Members Cabán, Restler, Won, Sanchez, Hanif, Avilés, Brooks-Powers, Ossé and Nurse (by request of the Queens Borough President).

A Local Law to amend the administrative code of the city of New York, in relation to requiring the police department to provide records of complaints and investigations of bias-based profiling to the city commission on human rights

Be it enacted by the Council as follows:

Section 1. Section 14-151 of the administrative code of the city of New York is amended by adding a new subdivision f to read as follows:

f. The department shall provide records of all closed complaints and investigations of bias-based profiling, including copies of complaints, investigative files and disciplinary records to the city commission on human rights for analysis in the furtherance of the commission's official functions. Such records shall include, but not be limited to, the following information:

1. Information regarding each departmental personnel who was the subject of a bias-based profiling complaint, including such person's name, age, shield number, precinct, rank, command, length of service to the department and whether such person is a uniformed member of service;

2. For each person identified in paragraph 1, the number of bias-based profiling complaints against such person; and

3. For each complaint identified in paragraph 2:

(a) The self-reported demographics of complainants, including but not limited to race, ethnicity, color, national origin, creed, disability, sexual orientation, gender, citizenship status, housing status, and age;

(b) The types of policing encounters associated with complaints of biased-based profiling;

(c) The discriminatory policing conduct alleged; and

(d) The outcomes of such complaints, including whether any disciplinary action was taken.

§ 2. This local law takes effect immediately.

Referred to the Committee on Public Safety.

Res. No. 62

Resolution calling upon the United States Congress to pass, and the President to sign, the COVID-19 Long Haulers Act

By Council Members Cabán, Sanchez, Hanif and Nurse.

Whereas, According to the Centers for Disease Control and Prevention (CDC), people who have been infected with the virus that causes COVID-19 can experience long-term effects; and

Whereas, Post-COVID conditions, or what doctors refer to as "post-acute sequelae of SARS CoV-2 infection (PASC)," are also referred to as "long COVID," "long-haul COVID," "post-acute COVID-19," "long-term effects of COVID," and "chronic COVID"; and

Whereas, Long COVID conditions are a wide range of new, returning, or ongoing health problems that people experience after first being infected with the virus that causes COVID-19; and

Whereas, Anyone who was infected can experience long COVID, and, while most people with long COVID experienced symptoms days after being infected with SARS CoV-2 and were aware they had COVID-19, some people who later experienced long COVID were never aware of their initial infection; and

Whereas, Long COVID can include a wide range of ongoing health problems that last weeks, months, or years; and

Whereas, Symptoms of long COVID can include tiredness, fatigue that interferes with daily life, fever, and respiratory and heart symptoms, such as difficulty breathing or shortness of breath, cough, chest pain, fast-beating or pounding heart; and

Whereas, Symptoms can also include neurological symptoms, such as difficulty thinking or concentrating (sometimes referred to as "brain fog"), headaches, sleep problems, dizziness when a person stands up, sensations of pins-and-needles, changes in smell or taste, depression or anxiety, digestive symptoms, joint or muscle pain, rash, or changes in menstrual cycle; and

Whereas, People who have had COVID-19 may be more likely to develop new health conditions such as diabetes, heart conditions, or neurological conditions compared with people who have not had COVID-19; and

Whereas, According to the news outlet Axios, as many as 24 million Americans may have experienced long COVID symptoms; and

Whereas, CDC estimates of the proportion of people who had COVID-19 that go on to experience post-COVID conditions include 13.3 percent at one month or longer after infection, and 2.5 percent at three months or longer, based on self-reporting; and

Whereas, For those who were hospitalized, more than 30 percent experienced long COVID symptoms at 6 months; and

Whereas, Utilizing CDC estimates, at least tens of thousands of New Yorkers may be living with some long-term health impacts of COVID-19; and

Whereas, Given the disproportionate impact of COVID-19 on Black and Latino communities, immigrant communities, older communities, and others, particularly at the beginning of the pandemic when vaccines were not available, important and clear equity concerns are tied to this topic; and

Whereas, H.R.2754, sponsored by Representative Donald Beyer, requires multiple agencies to carry out research and other activities concerning individuals experiencing long COVID-19, including health disparities related to this condition; and

Whereas, H.R.2754, otherwise known as the COVID-19 Long Haulers Act, requires the Patient-Centered Outcomes Research Trust Fund to support a patient registry to collect information on the symptoms, treatment, demographics, and other relevant data of COVID-19 patients; and

Whereas, The Act also requires the Agency for Healthcare Research and Quality (AHRQ) to conduct or support research on the U.S. health care system's response to long COVID, and AHRQ would also develop protocols and guidance to educate medical professionals about long COVID diagnostics, treatment, and care; and

Whereas, The Act requires the CDC to disseminate information about the common symptoms, treatment options, and disparities that pertain to long COVID and related post-infectious illnesses;

Whereas, The Act also calls on the Centers for Medicare & Medicaid Services to expand its Chronic Conditions Data Warehouse to collect data on items and services furnished through Medicaid or the Children's Health Insurance Program to individuals who experience long COVID; and

Whereas, The Act includes health equity related research and actions, including requiring AHRQ to evaluate whether diagnosis, access to care, or treatment associated with medical providers and care delivered in different settings varied by gender, disability, geography, race, and ethnicity; and

Whereas, The COVID-19 Long Haulers Act will increase research, education, and understanding of long COVID, and will help address the related health, social, and fiscal impacts; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the United States Congress to pass, and the President to sign, the COVID-19 Long Haulers Act.

Referred to the Committee on Health.

Res. No. 63

Resolution calling on the New York State Legislature to pass and the Governor to sign, S.399A/A.338A, to enact the Safer Consumption Services Act, which provides for the establishment of overdose prevention centers.

By Council Members Cabán, Sanchez, Hanif, Avilés, Brewer and Nurse.

Whereas, According to the Center for Disease Control and Prevention (CDC), an estimated 108,000 drug overdose deaths—the highest number ever recorded—occurred within the United States in 2021; and

Whereas, In January 2023, the New York City Department of Health and Mental Hygiene (DOHMH) reported 2,668 overdose deaths occurred in New York City in 2021, reflecting an increase of 565 deaths from the 2,103 overdose fatalities reported in 2020; and

Whereas, DOHMH has attributed the majority of the overdose deaths in New York City to the synthetic opioid fentanyl, which is 50 to 100 times more potent than morphine; and

Whereas, A 2023 New York University (NYU) study found that more than 80 percent of its study participants who had injected drugs tested positive for fentanyl, while only 18 percent of those participants reported they had done so knowingly; and

Whereas, According to NYU, the prevalence of fentanyl in the illicit drug supply causes people who use drugs to unknowingly ingest fentanyl, which substantially increasing their risk of overdose and which, over time, increases their tolerance to fentanyl, potentially requiring increased amounts of the drug to elicit the same effects; and

Whereas, Given the lethality and prevalence associated with fentanyl in the New York City illicit drug supply, NYU emphasized the need to provide continued support for evidenced-based practices such as needle exchanges, medication assisted therapy and treatment programs including OPC; and

Whereas, According to DOHMH, Overdose Prevention Centers (OPC) are places where people can safely use previously obtained drugs under the supervision of trained clinical and medical staff to reduce the potential risks of fatal overdoses, while clients are also introduced to harm reduction techniques and referrals for medical and behavioral health treatment; and

Whereas, Since November 2021, the two OPC's currently operating in New York City—located in East Harlem and Washington Heights—have intervened and successfully prevented 945 potentially fatal overdoses; and

Whereas, Despite the fact that federal law has deemed the activities at OPC's to be unlawful, President Biden's Administration has embraced the harm reduction model, and in a February 2022 statement to the Associated Press, Attorney General Merrick Garland reported the Department of Justice is evaluating supervised consumption sites, "including discussions with state and local regulators about appropriate guardrails for such sites as an overall approach to harm reduction and public safety"; and

Whereas, The Opioid Settlement Fund Advisory Annual Report received by Governor Kathy Hochul on November 1, 2022 included recommendations for continued investments in evidenced-based treatment as well as increased support for syringe services programs, including funding for OPC's; and

Whereas, S.399-A, sponsored by New York State Senator Gustavo Rivera, and companion bill S. 338-A, sponsored by State Assembly Member Linda Rosenthal, would authorize the New York State Department of Health in conjunction with local health departments to allow the safe injection sites to continue to offer service provision while providing staff members with immunity from criminal or civil liability; now, therefore be it

Resolved, That the Council of the City of New York Resolution calls upon on the New York State Legislature to pass and the Governor to sign, S.399A/A.338A, to enact the Safer Consumption Services Act, which provides for the establishment of overdose prevention centers.

Referred to the Committee on Health.

Res. No. 64

Resolution calling upon the New York State Legislature to pass, and the Governor to sign, S.6733/A.7316, legislation that enables community health centers to be fully reimbursed for telehealth care services.

By Council Members Cabán, Sanchez, Hanif, Avilés, Brewer, Nurse and Schulman.

Whereas, Amidst the unprecedented challenges posed by the COVID-19 pandemic, telehealth services through Federally Qualified Health Centers (FQHCs), also commonly known as Community Health Centers (CHCs) became a preeminent means of medical care for vulnerable New Yorkers; and

Whereas, Under the Federal Covid-19 Public Health Emergency, CHCs covered under the New York State (NYS) mental hygiene law such as hospitals and nursing homes (Article 28), emergency medical services (Article 30), and outpatient mental health licensed facilities for mentally disabled (Article 31), chemical dependence, and gambling (Article 32), qualified to receive full reimbursement for conducting services via telehealth; and

Whereas, During the pandemic, the Center for Medicare and Medicaid Services (CMS) reported a staggering 2,745% surge in telehealth services when compared to the pre-pandemic figures; and

Whereas, Both the fear of being exposed to COVID-19 and the need to receive timely and critical emergency care contributed to the expansion of services; and

Whereas, Although telehealth has slightly declined subsequent to the peak of the pandemic, many New Yorkers are still utilizing remote services today; and

Whereas, The valuable benefits of telehealth extend far beyond health concerns relating to the pandemic, giving individuals with limited transportation options, childcare obligations, or the inability to take time off from work, a chance to receive proper and timely healthcare; and

Whereas, Notably, CHCs in NYS have observed a reduction in "no-show" rates for telehealth appointments, particularly in the realm of behavioral health visits; and

Whereas, The approximately 1,296 CHCs in New York City (NYC) are strategically located in underprivileged areas, serving as a means of accessible and cost-effective healthcare services for individuals regardless of their income level, immigration status, or insurance coverage; and

Whereas, The patient population at CHCs includes 89% who are low-income, 68% Black, Hispanic/Latinx, or other people of color, 13% uninsured, and 59% who are enrolled in Medicaid or Child Health Plus; and

Whereas, These patient demographics encounter disproportional health challenges due to systemic inequities that perpetuate health disparities, which have been exacerbated by the COVID-19 pandemic; and

Whereas, However, despite their vital role in providing care to the most venerable New Yorkers, CHCs operating under the Article 28 license (hospitals and nursing homes) are charged facility fees even when both the patient and the provider are situated outside the physical CHC facility, per NYS public health law related to commercial Medicaid reimbursement provided via telehealth; and

Whereas, Clinics governed by mental hygiene law Article 31 and 32, operating under Ambulatory Patient Groups, are exempt from facility fee restrictions, enabling fair reimbursement for telehealth services regardless of location; and

Whereas, A recent revision by the NYS Department of Health dictates that, as of the conclusion of the Federal Covid-19 Public Health Emergency on May 11, 2023, commercial and Medicaid services provided via telehealth will be reimbursed at a one-third rate of in-person services, forcing CHCs to further limit telehealth medical visits, amplifying inequities in the healthcare system; and

Whereas, In response, New York State Senator Gustavo Rivera and New York State Assemblywoman Amy Paulin introduced S.6733/A.7316, which would amend the public health law to allow CHCs under Article 28 license to receive full reimbursement for telehealth services, independent of the geographical location of both patient and provider by removing any facility fee, similar to Article 31 and 32 licensed facilities, which are exempt from facility fees; and

Whereas, On June 12, 2023, the Committee on Health and the Committee on Women and Gender Equity held a hearing on transgender rights and services at hospitals where Callen Lorde Community Health Center, which provides an affirming environment for patients seeking culturally competent care, testified to the importance in supporting S.6733/A.7316; and

Whereas, According to Callen Lorde, at the height of the pandemic, 90-95% of their behavioral health visits were completed via telehealth, safeguarding critical health care access to the LGBTQ, Black, Indigenous, and People of Color (BIPOC) Medicaid beneficiaries; and

Whereas, To ensure the financial stability of CHCs and safeguard access to indispensable healthcare services while advancing health equity for New Yorkers, CHCs should be fully reimbursed through Medicaid for providing quality telehealth services in New York; 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.6733/A.7316, legislation that enables community health centers to be fully reimbursed for telehealth care services.

Referred to the Committee on Health.

Res. No. 65

Resolution calling upon the New York State Legislature to pass, and the Governor to sign, S.5102/A.1475, which would allow municipalities and localities that have a senior citizen rent increase exemption program to establish an automatic enrollment program for eligible seniors to be automatically enrolled or automatically re-enrolled in the program.

By Council Members Cabán, Hudson, Hanif, Lee, Sanchez, Abreu, Won, Krishnan, Brooks-Powers, Ossé and Nurse.

Whereas, New York City ("NYC" or "City") is home to an estimated 1.26 million residents aged 65 and older ("older adults"), about 14.9 percent of the City's total population, per the United States (U.S.) Census Bureau's Population Estimates Program; and

Whereas, Over the next decade, according to the NYC Department of City Planning, the older adult population is expected to grow by 15.9 percent, which is three times faster than the under 18 population and five times faster than the City overall; and

Whereas, Additionally, there is increasing longevity in the projection period, meaning more people are expected to survive into older age; and

Whereas, As such, the number of older adults living in NYC is expected to surpass 1.4 million over the next two decades; and

Whereas, In 2021, according to the Economist Intelligence Unit, NYC was ranked as the sixth most expensive city in the world and the most expensive city in the U.S.; and

Whereas, Rental prices are a significant driver of the high cost of living in NYC, where renters make up two-thirds of all households; and

Whereas, The price of rent in NYC increased 33 percent between January 2021 and January 2022, according to the online listing site Apartment List, almost double the national rate and the highest increase among the 100 largest American cities tracked by the group; and

Whereas, In January 2020, before the pandemic, the median price of rent citywide was $2,900, according to the real estate website StreetEasy; and

Whereas, The price of rent decreased about 14 percent the over the following year, before increasing to $2,895 in January 2022, with more dramatic declines and increases in wealthier neighborhoods, such as the Upper West Side in Manhattan and Williamsburg in Brooklyn, where median asking rents are now higher than they were before the pandemic; and

Whereas, More than one-third of older adult New Yorkers live on a fixed income of less than $25,000 a year, per the U.S. Census Bureau's American Community Survey; and

Whereas, Older adult New Yorkers are among the least likely in the country to move into a nursing home, which costs almost $6,000 a month, or an assisted living facility, which costs almost $13,000 a month, preferring to age in place, per the Kaiser Family Foundation; and

Whereas, Accordingly, older adult New Yorkers, especially those with limited incomes, confront an array of hurdles when it comes to housing, including a lack of affordable housing, a shortage of safe and accessible apartments, low supply of home health care aides, and long waiting lists at many programs; and

Whereas, Without major policy changes, older adult New Yorkers will face greater difficulties aging in their homes and getting the support they need; and

Whereas, The Senior Citizen Rent Increase Exemption ("SCRIE") program provides a subsidy to cover most rent/maintenance increases for seniors who reside in a rent-regulated or Mitchell-Lama apartment, a Redevelopment Company development, a Housing Development Fund Corporation cooperative ("co-op") or a federally-assisted 213 co-op; and

Whereas, In order to be eligible for SCRIE, the head of household must be 62 years or older at the time of the increase and the tenant/shareholder of record; said tenant must be living in the apartment at the time of increase; the total household income cannot exceed the income maximum of $50,000 annually; the monthly basic rent/carrying charge must be more than or equal to one-third of the tenant/shareholders total annual household income; and tenants must not be enrolled in any other rent/carrying charge subsidy program; and

Whereas, The most recently available data show that, in 2016, less than 60,000 New Yorkers were enrolled in SCRIE, although it was estimated that there were over 12,000 potentially eligible SCRIE recipients; and

Whereas, Many eligible seniors do not know about SCRIE, or may not remember to re-enroll in the program; and

Whereas, S.5102/A.1475, sponsored by State Senator John Liu and State Assembly Member Karines Reyes, respectively, would implement automatic enrollment in the SCRIE program for eligible older adults; and

Whereas, S.5102/A.1475 would also provide for a check box for a taxpayer to opt-out of data sharing and automatic enrollment on their tax return; and

Whereas, Older adult New Yorkers have a right to live and age with dignity, and ensuring that they receive the benefits that they are entitled to is one important piece of addressing the current housing crisis in NYC; 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.5102/A.1475, which would allow municipalities and localities that have a senior citizen rent increase exemption program to establish an automatic enrollment program for eligible seniors to be automatically enrolled or automatically re-enrolled in the program.

Referred to the Committee on Aging.

Res. No. 66

Resolution expressing solidarity with unionization drives across New York City's workforce and affirming the right to have union elections free from anti-democratic union-busting practices.

By Council Members Cabán, Aviles, De La Rosa, the Public Advocate Mr. Williams), Powers, Brewer, Hanif, Louis, Hudson, Nurse, Ossé, Ung, Restler, Feliz, Williams, Won, Sanchez, Stevens, Joseph and Gutiérrez.

Whereas, The freedom of workers to join together in unions and negotiate with employers through collective bargaining, is widely recognized as a fundamental right across the world. In the United States, this right is protected by the United States Constitution; and

Whereas, When Americans have wanted to make the economy fairer and more responsive to the needs of workers, they have traditionally joined together in unions to do so; and

Whereas, Unions fought for—and work to strengthen—many of the standards and norms that protect and uplift Americans today, including Social Security, child labor laws, antidiscrimination laws, health and safety laws, Unemployment Insurance, the 40-hour workweek, and the federal minimum wage; and

Whereas, According to a 2021 report from the Bureau of Labor Statistics, nationally, just 10.3% of workers are unionized, hailing from diverse sectors, but the largest numbers are found in the public sector and private sector industries such as education and health services; and

Whereas, The COVID-19 pandemic and its effects on the workforce has spurred a surge of labor organizing across the nation, prompting work stoppages and unionization campaigns in unconventional sectors, in an effort to promote self-determination and worker power; and

Whereas, American workers and labor groups filed 1,174 petitions to unionize from October through March 2022, 57% more than the same period in 2021; and

Whereas, Burgeoning unionization campaigns have emerged in industries and occupations where they have not existed before, such as digital journalists, New York City Council staffers, gig economy workers, and graduate and adjunct faculty at universities; and

Whereas, Workers across the country have been bolstered by successful victories over large corporations to unionize essential industries, including Amazon and Starbucks workers; and

Whereas, In April 2022, Amazon Workers at the Staten Island warehouse, known as JFK8, voted in favor of being represented by a worker-led union, Amazon Labor Union, citing the need to defend against Amazon's abusive practices, such as aggressive production quotas, dehumanizing work environments, unsafe workplaces, and low wages; and

Whereas, Following the successful organizing of three Starbucks stores in and around Buffalo, New York, approximately 250 Starbucks stores filed petitions with the National Labor Relations Board (NLRB) and as of May 4th, 2022, 50 Starbucks stores have successfully voted to unionize, including four stores in New York City; and

Whereas, These efforts have prevailed despite fierce union-busting tactics deployed by corporate opposition, including one-on-one meetings with supervisors, mandatory employee meetings, also known as "captive audience" meetings, union-busting consultants, retaliatory terminations, videos, and leaflets all

discouraging workers from organizing that have been well documented by media sites, including the New York Times and Washington Post; and

Whereas, Amazon and Starbucks' obstruction of worker unionization drives are only made more egregious by the rising wealth of Jeff Bezos and Howard Shultz's billionaire class during the pandemic; and

Whereas, According to a 2021 report from the Brookings Institute, from January 2020 through October 2021, the value of founder Jeff Bezos' Amazon shares rose by $110 billion, while founder and current CEO Howard Schultz's Starbucks shares increased by more than $750 million; and

Whereas, Throughout the pandemic unionized workers have had influence in how their employers navigate the pandemic, demonstrating that when workers have been able to act collectively and through their union, they have been able to secure enhanced safety measures, additional premium pay, and paid sick time; now, therefore, be it

Resolved, that that the Council of the City of New York expresses solidarity with unionization drives across New York City's workforce and affirms the right to have union elections free from anti-democratic union-busting practices.

Referred to the Committee on Civil Service and Labor.

Res. No. 67

Resolution calling on the National Highway Traffic Safety Administration to institute a recall of Hyundai and Kia models lacking immobilizer technology that are vulnerable to theft.

By Council Members Cabán and Brooks-Powers.

Whereas, More than eight million Hyundai and Kia vehicles manufactured between 2011 and 2022 have a vulnerability in their starting systems that allows them to be hotwired and stolen quickly and easily; and

Whereas, A viral social media trend has exposed this vulnerability and exacerbated the problem, with users posting videos that how show how to start the cars and challenging others to do the same; and

Whereas, The New York City Police Department reports that about 782 Kia and Hyundai vehicles were reported stolen in 2022, compared with approximately 351 in 2021, and that 977 Hyundai and Kia vehicles were reported stolen in the first four months of 2023, up about 660 percent from the same period in 2022; and

Whereas, In June 2023, New York City sued Kia and Hyundai alleging that the automakers were guilty of negligence by failing to include anti-theft devices in their cars and claiming that the vehicle thefts are straining police department resources and negatively impacting public safety and emergency services; and

Whereas, In July 2023, two teenagers were killed and several others were injured when the driver of a stolen Hyundai ran a red light and collided with another car near East 179th Street and Audobon Avenue in Manhattan; and

Whereas, Kia and Hyundai have offered free software updates to address this vulnerability, but many insurance companies refuse to cover the affected models due to the high risk of theft, according to NPR; and

Whereas, The attorneys general of 17 states including New York have called for a national recall of the affected vehicles, saying the thefts are creating a "safety crisis" on roads; and

Whereas, Unlike voluntary software upgrades, a recall includes mailed notification to all impacted vehicle owners; now, therefore, be it,

Resolved, that the Council of the City of New York calls on the National Highway Traffic Safety Administration to institute a recall of Hyundai and Kia models lacking immobilizer technology that are vulnerable to theft.

Referred to the Committee on Consumer and Worker Protection.

Res. No. 68

Resolution calling on the New York State Legislature to pass, and the Governor to sign, S15A/A8855A, and S7514/A4231, and for the Governor to exercise clemency power to release older adults who are incarcerated.

By Council Members Cabán, Nurse, Hanif, Avilés, Brewer and Ossé.

Whereas, According to Release Aging People in Prison (RAPP), the number of elders behind bars over the past 20 years has more than doubled; and

Whereas, According to the New York State Senate Crime Victims, Crime and Correction Committee, New York State holds the distinction of having the third largest population of people serving life prison terms in the country; and

Whereas, Housing an older adult in State prison, as defined by the New York State Department of Correction and Community Supervision (DOCCS) to be adults 55 years of age or older, costs New York taxpayers between $100,000 and $240,000 annually; and

Whereas, Studies show that rearrest rates for older adults released from prison are low, particularly for those originally convicted of serious crimes; and

Whereas, Many older adult incarcerated men and women who have served decades in prison for crimes have taken responsibility, transformed their lives, developed skills and abilities and pose little if any public safety risk to the community; and

Whereas, In practice, the Parole Board rarely releases an incarcerated person on their first appearance if the underlying crime was violent, even it if it took place more than 25 years prior to the board appearance and even when the incarcerated person has a low risk of reoffending; and

Whereas, Current law makes the board susceptible to political pressure to deny parole to incarcerated individuals with high profile crimes, even if they have been thoroughly rehabilitated with excellent prison records; and

Whereas, S15A, sponsored by Senator Brad Holyman, and A8855A, sponsored by Assemblywoman Maritza Davila, seek to provide a Parole Board interview in relation to parole eligibility for certain incarcerated persons aged fifty-five or older who have served at least 15 years; and

Whereas, S15A/A8855A authorize the Parole Board to determine if people incarcerated who are 55 or older should be released to community supervision within 60 days of their 55th birthday or the last day of the 15th year of their sentence, whichever is later, but if release is not granted then the person shall be given a subsequent interview no more than 24 months later; and

Whereas, To achieve transparency, S15A/A8855A require the Board of Parole to report quarterly to the Governor, Legislature, and public about the outcomes of elder parole; and

Whereas, S7514, sponsored by Senator Julia Salazar, and A4231A sponsored by Assembly Member David Weprin, mandate the Board of Parole shall release incarcerated persons who are eligible for release on parole, unless such person presents a current and unreasonable risk of violating the law or such risk cannot be mitigated by parole supervision; and

Whereas, S7514/A4231 provide a more meaningful parole review process for incarcerated people who are already parole eligible and ensures that people are evaluated for release based on who they are today, including their rehabilitation efforts, personal transformation, and their current risk of violating the law; and

Whereas, S7514/A4231 establishes the Parole Board must be staffed with 19 commissioners as the law allows and should be comprised of people who share our values of redemption, transformation, and mercy; and

Whereas, The Governor of New York has clemency powers granted by the New York State Constitution; and

Whereas, Clemency as defined by the State Constitution (Article IV, Section 4) provides the Governor the power to grant reprieves, commutations, and pardons after convictions for all offenses except treason and cases of impeachment; and

Whereas, According to New Yorkers for Clemency, many people serving life sentences and sentences so long that they will surely die in prison before they are ever even eligible for parole, entered the prison system when they were teenagers, and have served decades of their sentence; and

Whereas, Over the course of their lengthy sentences, they have amassed admirable achievements, including mentoring younger people in and out of prison while encouraging them to realize their full potential; and

Whereas, The Governor of New York has the opportunity to save lives and reunite people with their families by granting clemency frequently, inclusively, and transparently; and

Whereas, Clemency should not be limited to once or twice per year as a gift for the holidays or new year, but rather granted on an ongoing frequent basis throughout the year; and

Whereas, In the interest of inclusivity, clemency should not excluding anyone based on the nature of their crime, sentence, or time served as everyone is deserving of redemption and a second chance; and

Whereas, Elder prison reform legislation would bring hope to incarcerated older adults who have worked hard to change and would allow people the chance to safely return to their communities and families and save the state hundreds of millions of dollars that could be reinvested to meet critical community needs; 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, S15A/A8855A, and S7514/A4231, and for the Governor to exercise clemency power to release older adults who are incarcerated.

Referred to the Committee on Criminal Justice.

Res. No. 69

Resolution calling on the New the New York State Legislature to pass, and the Governor to sign, S225/A3412, known as the No Slavery in New York Act.

By Council Members Cabán, De La Rosa, Rivera, Hanif, Avilés, Krishnan, Nurse and Marte.

Whereas, Incarcerated people are human beings, worthy of respect and dignity; and

Whereas, While the U.S. Congress ratified the 13th amendment to the United States Constitution in 1865, ostensibly abolishing slavery, the 13th amendment language, "except as a punishment for crime whereof the party shall have been duly convicted" has been criticized by civil rights and criminal justice groups for creating a loophole that has led to incarcerated individuals being exploited; and

Whereas, Incarcerated labor is designed to benefit primarily public entities that capitalize on a vulnerable population that is a captive labor force market according to Beth Schwartzapfel, Taking Freedom: Modern-Day Slavery in America's Prison Workforce; and

Whereas, This captive market is compelled to work through two forms of coercion, coercion through the threat of punishment and through deprivation; and

Whereas, Coercion through deprivation compels an incarcerated individual to work because it is the only way for them to pay for basic necessities or is the only alternative to being confined in their cells according to an inmate written survey response; and

Whereas, In letters to legal advocates, former incarcerated individuals have described retaliation and severe punishments, including solitary confinement, for refusing to work dangerous jobs or assignments for which they have no training; and

Whereas, Coercion through the threat of punishment like solitary confinement for refusing to work has been upheld in federal and state court such as in *Mikeska v. Collins*, 900 F.2d 833, 837 (5th Cir. 1990) establishing that any unjustified refusal to follow the established work regime is an invitation to sanctions; and

Whereas, According to the New York Constitution Article III Legislature Section 24, the New York State Legislature shall by law, provide for the occupation and employment of prisoners sentenced to the several State prisons, penitentiaries, jails, and reformatories in the State; and

Whereas, While Section 24 explicitly rejects the use of incarcerated labor for the profit of private business, it allows for the State to profit on incarcerated labor through State run business entities like Corcraft, the industry program within the New York State Department of Corrections and Community Supervision ("DOCCS"); and

Whereas, S225 sponsored by State Senator Myrie, and A3412, sponsored by Assemblymember Epstein, seek to prohibit involuntary employment of prisoners; and

Whereas, S225/A3412 amends article 1 of the New York State Constitution to forbid forced labor of incarcerated individuals in any state prison, penitentiary, jail, or reformatory; and

Whereas, S225/A3412 mandates that no prisoner shall be compelled to provide labor against his or her will by actual or threats of force, threats of punishment, or any means to cause the incarcerated individual to believe that if they did not provide such labor that they or another person would suffer serious harm or physical restraint; now, therefore, be it

Resolved, That the Council of the City of New York calls on the New the New York State Legislature to pass, and the Governor to sign, S225/A3412, known as the No Slavery in New York Act.

Referred to the Committee on Criminal Justice.

Res. No. 70

Resolution calling on the New York State Legislature to pass, and the Governor to sign, S.6350-B/A.6873-B, the "Freedom to Read Act," to require the Commissioner of the New York State Education Department, school districts, and school library systems to develop policies to ensure that school libraries and library staff are empowered to curate and develop collections that provide students with access to the widest array of developmentally appropriate materials available.

By Council Members Cabán, Abreu, Hanif, Brewer and Marte.

Whereas, According to the American Library Association (ALA), in 2022, libraries faced a record number of 1,269 attempts to ban or restrict library books and resources in the United States (U.S.), an alarming increase from 156 attempts in 2020 and 729 attempts in 2021; and

Whereas, Those attempts involved 2,571 unique book titles, an increase from 223 unique book titles in 2020 and 1,858 unique book titles in 2021; and

Whereas, Book bans and restrictions in 2022 particularly affected public schools and their libraries; and

Whereas, According to PEN America, an organization promoting free expression, during the first half of the 2022-2023 school year, there were 1,477 instances of individual books banned in schools across the U.S., representing 874 unique book titles, an increase of 28 percent from the period between January 2022 and June 2022; and

Whereas, PEN America documented that between July 2022 and December 2022, instances of individual book bans occurred in 66 school districts in 21 U.S. states, encompassing 13 districts in Florida, 12 districts in Missouri, 7 districts in Texas, 5 districts in South Carolina, and 5 districts in Michigan; and

Whereas, Between July 2022 and December 2022, PEN America recorded 438 book bans in Texas, 357 book bans in Florida, 315 book bans in Missouri, and over 100 book bans each in Utah and South Carolina; and

Whereas, According to PEN America, between January 2022 and April 2022, 4 school districts in New York State banned certain books either pending investigation or in libraries and classrooms, including the Connetquot Central School District, the Marlboro Central School District, the Wappingers Central School District, and the Yorktown Central School District; and

Whereas, Per PEN America's Index of School Book Bans, the book titles that were banned in 2022 by some school districts in New York State are "Gender Queer: A Memoir" by M. Kobabe, "Dear Martin" by N. Stone, "The Poet X" by E. Acevedo, "All Boys Aren't Blue" by G. M. Johnson, "Beyond Magenta: Transgender Teens Speak Out" by S. Kuklin, "Jack of Hearts (and other parts)" by L. C. Rosen, "Lawn Boy" by J. Evison, "Looking for Alaska" by J. Green, "Out of Darkness" by A. H. Pérez, "The Bluest Eye" by T. Morrison, and "The Hate U Give" by A. Thomas; and

Whereas, ALA research documents that 90 percent of all book titles targeted for censorship in 2022 in the U.S. were challenged as part of attempts to ban multiple book titles; and

Whereas, In particular, 12 percent of targeted book titles were in cases involving between 2 and 9 challenged titles, 38 percent were in cases involving between 10 and 99 challenged titles, and 40 percent were in cases involving 100 or more challenged titles; and

Whereas, ALA documented that in 2022, the top 13 most challenged book titles in the U.S. were targeted for featuring LGBTQIA+ characters and themes, as well as story plots involving sexual and physical violence, race, racism, and substance abuse; and

Whereas, PEN America's research indicates that during the first half of the 2022-2023 school year, 30 percent of the unique book titles banned across the U.S. were about race, racism, or featured characters of color, 26 percent of the banned book titles had LGBTQIA+ characters or themes, 44 percent of the banned titles portrayed violence and abuse, 38 percent of the banned titles discussed topics of health and well-being, and 30 percent of the banned titles covered death and grief; and

Whereas, ALA stresses that the book challenges across the U.S. and the list of the Top 13 Most Challenged Books of 2022 evidence a growing, well-organized, conservative political movement whose goals include removing books addressing race, history, gender identity, sexuality, and reproductive health from American public and school libraries, because they do not meet the movement's approval; and

Whereas, ALA's 2022 data reveal that 30 percent of the reported book challenges in the U.S. were initiated by parents, 17 percent were initiated by political and religious groups, 15 percent were initiated by school boards and school administration, and 3 percent were initiated by elected officials; and

Whereas, ALA emphasized that in 2022, legislators and elected officials in 12 U.S. states, including Florida, Utah, and Missouri, initiated legislation to amend state criminal obscenity statutes to permit criminal prosecution of librarians and educators for distributing materials falsely claimed to be illegal and inappropriate for minors; and

Whereas, PEN America noted that during the first half of the 2022-2023 school year, numerous U.S. states, including Tennessee and Florida, enacted "wholesale bans" in which entire classrooms and school libraries have been suspended, closed, or emptied of books, either permanently or temporarily, largely because teachers and librarians in several states were directed to catalog entire collections for public scrutiny within short timeframes under a threat of punishment from new, vague laws; and

Whereas, A 2022 survey commissioned by ALA found that 71 percent of American voters across the political spectrum oppose efforts to have books removed from their local libraries; and

Whereas, Per ALA's 2022 survey, 92 percent of American voters believe that school libraries play an important role in communities and schools; and

Whereas, Also per ALA's 2022 survey, 74 percent of American parents of public school students expressed a high degree of confidence in school librarians to make good decisions about which books to make available to children; and

Whereas, According to ALA's 2022 survey results, majorities of American parents of public school students affirmed that various types of books representing a wide array of viewpoints should be available in school libraries on an age-appropriate basis; and

Whereas, Specifically, per ALA's 2022 survey, 84 percent of American parents of public school students endorsed works about U.S. history focusing on the role of slavery and racism in shaping America today, 68 percent of parents endorsed novels portraying police violence against Black people, 65 percent of parents endorsed fiction and non-fiction books about LGBTQIA+ people, and 57 percent of parents endorsed works of fiction featuring sexually explicit content and scenes of sexual violence; and

Whereas, The existence and functioning of a modern, pluralist, diverse democracy depends on informed, thoughtful, and engaged citizens; and

Whereas, Schools and school libraries play a crucial role in American democracy by providing to students a critical foundation of knowledge and important access to a wide array of lived experiences and perspectives through books and other materials; and

Whereas, With the stated aim of ensuring that students in New York State have access to a broad range of materials to enrich their minds, broaden their perspectives, and explore challenging ideas as valuable to students' development as learners, as community members, and as citizens, State Senator Rachel May introduced S.6350-B in the New York State Senate, and Assembly Member Daniel J. O'Donnell introduced companion bill A.6873-A in the New York State Assembly, known as the "Freedom to Read Act;" and

Whereas, S.6350-B/A.6873-A would require the Commissioner of the New York State Education Department, school districts, and school library systems to develop policies to ensure that school libraries and library staff are empowered to curate and develop collections that provide students with access to the widest array of developmentally appropriate materials available; 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.6350-B/A.6873-A, the "Freedom to Read Act," to require the Commissioner of the New York State Education Department, school districts, and school library systems to develop policies to ensure that school libraries and library staff are empowered to curate and develop collections that provide students with access to the widest array of developmentally appropriate materials available.

Referred to the Committee on Education.

Res. No. 71

Resolution calling on the New York State Legislature to pass, and the Governor to sign, A.3903/S.5103, to amend the education law, in relation to including policies and procedures in school safety plans for responding to students having mental health crises in order to reduce the instances where schools resort to police intervention in mental health emergencies.

By Council Members Cabán, Ayala, Sanchez, Hanif, Avilés and Nurse.

Whereas, In 2013, a group of parents sued the New York City Department of Education (DOE), claiming that schools violated their children's constitutional rights and broke federal law by calling 911 in response to behavior that, in many cases, resulted directly from a student's disability, such as mental health issues; and

Whereas, As part of the 2014 settlement of that case, the DOE issued a regulation that requires schools to make every effort to manage students in distress safely without involving police; and

Whereas, Chancellor's Regulation A-411 (CR A-411), issued May 21, 2015, on "Behavioral Crisis De-Escalation/Intervention and Contacting 911" requires schools to employ efforts to de-escalate the behavior safely, including by deploying trained crisis response teams and allowing parents to speak to their children by phone, if possible; and

Whereas, Only where a student's behavior poses an imminent and substantial risk of serious injury to himself or others and the situation cannot be safely addressed by school staff does CR A-411 allow staff to call 911; and

Whereas, Despite adoption of CR A-411, a May 2023 investigation by THE CITY and ProPublica found that New York City schools continue to call on safety agents and other police officers to manage students in distress thousands of times each year—incidents the New York Police Department (NYPD) calls "child in crisis" interventions; and

Whereas, According to that investigation, since 2017—the first post-lawsuit year for which the NYPD reported complete data—schools have seen an average of 3,200 incidents per year, excluding 911 calls made in 2020 and 2021, when schools operated on a remote or hybrid schedule due to the COVID-19 pandemic; and

Whereas, According to *The Systemic Racism of School Policing*, a study by the Urban Youth Collaborative analyzing 2016-2020 policing data for DOE schools, Black and Latinx youth accounted for about 90 percent of arrests by school police despite being only about 65 percent of the student population; and

Whereas, More particularly, according to the Urban Youth Collaborative study, Black students accounted for almost 50 percent of "child in crisis" incidents involving mental health issues despite being only about 25 percent of the student population; and

Whereas, The incidence of child and teen mental health crises has been on the rise in the wake of the COVID-19 pandemic, according to the American Psychological Association; and

Whereas, However, it should not be the case that police, whose job is to enforce the law, should be first responders for students experiencing emotional distress or mental health crises, as law enforcement training and methods are almost never the appropriate response to mental health emergencies; and

Whereas, A.3903, sponsored by Assembly Member Chantel Jackson, and its companion bill S.5103, sponsored by Senator Cordell Cleare, would amend the education law, in relation to including policies and procedures in school safety plans for responding to students having mental health crises; and

Whereas, In addition, A.3903/S.5103 would preclude the use of summoning police for a mental health crisis where there is no perceived or expected threat of violence; and

Whereas, Moreover, it is incumbent upon schools to ensure appropriate intervention and assistance to students experiencing mental health crises; now, therefore, be it

Resolved, That the Council of the City of New York calls upon on the New York State Legislature to pass, and the Governor to sign, A.3903/S.5103, to amend the education law, in relation to including policies and procedures in school safety plans for responding to students having mental health crises in order to reduce the instances where schools resort to police intervention in mental health emergencies.

Referred to the Committee on Education.

Res. No. 72

Resolution calling on the New York State Legislature to pass, and the Governor to sign, legislation to support the provision of medication abortion on all college and university campuses in New York State.

By Council Members Cabán, Powers, Sanchez, Hanif, Avilés, Abreu, Brewer, Nurse and Schulman.

Whereas, On June 24, 2022, the United States Supreme Court overturned Roe v. Wade, eliminating the protection of a woman's right to abortion under the U.S. constitution; and

Whereas, Roe v. Wade, which was decided on January 22, 1973, was reversed by the Supreme Court's decision in Dobbs v. Jackson Woman's Health Organization, thereby overturning five decades of judicial precedent that honored a woman's fundamental right to privacy, and effectively ending the ability for women to control their own personal decisions about family planning; and

Whereas, According to the Guttmacher Institute, in the year following the Dobbs decision, abortion was banned in Alabama, Arkansas, Idaho, Kentucky, Louisiana, Mississippi, Missouri, Oklahoma, South Dakota, Tennessee, Texas, and West Virginia; and

Whereas, Abortion is currently unavailable in North Dakota because its sole clinic moved to Minnesota, and is also unavailable in Wisconsin due to ongoing legal challenges; and

Whereas, The states of Arizona, Florida, Georgia, and Utah continue to litigate the legality of abortion bans under state law; and

Whereas, As near total bans on abortion in the states of Indiana, Wyoming, and Ohio have been blocked by state courts, legal arguments about the terms of gestational bans continue to be ongoing; and

Whereas, While the states of Iowa, Montana, and Nebraska narrowly failed to pass total bans on abortion, state legislators are reportedly likely to try again to pass bans in the 2023 legislative session; and

Whereas, In May 2023, Governor Kathy Hochul signed into law legislation ensuring all public colleges and universities in the State University of New York (SUNY) and City University of New York (CUNY) campuses offer access to medication abortion; and

Whereas, In June of 2023, Governor Hochul signed a bill expanding medication abortion access by protecting doctors who prescribe and provide abortion medications to patients living outside New York state; and

Whereas, The private New York University (NYU) announced medication abortion will be fully covered by NYU insurance beginning in the fall 2023 semester when its Health Center will begin to dispense mifepristone, the safe and commonly used abortion medication drug approved by the FDA nearly 20 years ago; and

Whereas, In direct response to the U.S. Supreme Court's decision to overturn Roe v. Wade, the private New York City women's college, Barnard College, will ensure access for its students to medication abortion pills in the fall of 2023; and

Whereas, The U.S. Census Bureau 2020 estimates the female population of New York City to be 4,382 million, constituting 52 percent of the 8,468 million New Yorkers who live in the five boroughs of the City; and

Whereas, According to the College Simply website, there are 149 private colleges and universities in New York state that enrolled 627,764 students in 2022; and

Whereas, According to the Educational Data Initiative, women continue to outnumber men in college enrollment and graduations in New York City and account for nearly 60 percent of all college admissions; and

Whereas, Governor Hochul stated "as anti-choice extremists and judges continue to roll back abortion rights across the country, we are fighting back here in New York"; now, therefore, be it

Resolved, That the Council of the City of New York calls upon on the New York State Legislature to pass, and the Governor to sign, legislation to support the provision of medication abortion on all college and university campuses in New York State.

Referred to the Committee on Health.

Res. No. 73

Resolution calling on the New York State Legislature to pass and the Governor to sign S.2832B/A.4558B, the Promote Pre-Trial (PromPT) Stability Act, to ensure judicial review of orders of protection.

By Council Members Cabán, Avilés, Gutierrez, Hanif, Louis, Restler, Hudson and Won.

Whereas, According to the New York State Office for the Prevention of Domestic Violence, an order of protection is a court order issued in cases involving domestic violence, requiring one person to do, or not do, certain things if a crime is committed; and

Whereas, Orders of protection often require the person charged to stay away from the protected person and children and anywhere they frequent like work or school; and

Whereas, A temporary order of protection (TOPs) is issued the same day that a complainant files for an order of protection and lasts only until the next court date, at which point it may be extended; and

Whereas, A full order of protection means that the subject of the order of protection must stay completely away from the complainant, their home, job and school, and must not abuse, harass, or threaten them; and.

Whereas, A final order of protection is issued when the case results in a conviction (whether by plea or after a trial) in criminal court or in family court after a judge finds that a family offense was committed; and.

Whereas, According to the Battered Women Justice Program, orders of protection can be critical to survivor safety, however, orders will not be effective if survivors are not presented with an understandable, just and clear process to obtain an order; and

Whereas, According to the New York Civil Liberties Union (NYCLU), during New York Criminal Court arraignment, judges issue full temporary orders of protection as a matter of course on nearly every case if there is a complainant; and

Whereas, Prosecutors ask for TOPs based almost entirely on the representation of law enforcement officers who sometimes act with incomplete information and bias; and

Whereas, As a result, TOPs are also issued against survivors of intimate partner violence, with women of color, especially Black women, frequently criminalized even when defending themselves according to NYCLU; and

Whereas, According to NYCLU, unnecessary TOPS's do not make New Yorkers safe, rather, they disfranchise the most marginalized New Yorkers by making housing, employment and education more difficult to obtain; and

Whereas, These orders exclude people from their homes and jobs, which has immense consequences for the most marginalized New Yorkers, according to NYCLU; and

Whereas, Unlike many other states and the District of Columbia, New York does not have a codified process for accused persons or protected parties to be heard when these ordered are issued; and

Whereas, Recognizing this, the New York Appellate Division recently ruled in the matter of Crawford v. Ally (June 24th, 2021), that when a temporary stay-away order is issued which implicates defendant's due process rights, the Criminal Court should conduct a "prompt evidentiary hearing," thereafter; and

Whereas, The case bears the name of Shamika Crawford, who was removed from her own New York City Housing Authority apartment by a stay-away order, rendered homeless and separated from her children for nearly three months; and

Whereas, A hearing in her case would have offered an opportunity for a judge to examine the facts more closely than they could at arraignment to decide if the order should remain in place, or be limited; and

Whereas, However, the Crawford decision leaves numerous details open to interpretation by the courts, and as a result the ruling has been undermined and applied in an inconsistent manner; and

Whereas, According to The Bronx Defenders, Ms. Crawford's experience is a microcosm of the systemic harms that low-income people of color often face when issued a full order of protection in the absence of procedural due process in a way that violates their human right to housing and further perpetuates the poverty and homelessness crisis; and

Whereas, S.2832B, introduced by Senator Jessica Ramos, and A.4558B, introduced by Assembly Member Dan Quart, would give the charged parties the right to a hearing to determine whether a full TOP is necessary and appropriate during the pendency of a criminal proceeding; and

Whereas, The Promoting Pre-Trial (PromPT) Stability Act codifies Crawford's holding into law while clarifying key details of hearings; and

Whereas, It ensures that due process is complied with and that there is uniform application of the decision across the state; and

Whereas, The PromPT Stability Act allows judges to respond to the unique needs of a particular case while also allowing families to work out their differences, and teenagers and young adults to stay in their family's homes; and

Whereas, This legislation will allow judges to make decisions as to the appropriateness of a stay-away order based upon more complete information than they have at arraignment; and

Whereas, According to the Human Rights Watch, pretrial reform has made New York's system fairer by limiting punishment prior to a conviction, allowing people to contest charges against them without the pressure of being in jail and allowing people to keep their jobs and homes, maintain family connections, and access health care while contesting accusations against them; and

Whereas, We must continue the fight to reinforce one of the most basic tenets of justice to ensure that everyone is given the right to a prompt evidentiary hearing so courts will not impose punishments without first reviewing evidence; 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.2832B/A.4558B, the Promote Pre-Trial (PromPT) Stability Act, and ensure judicial review of orders of protection.

Referred to the Committee on Public Safety.

Int. No. 159

By Council Members Carr, Borelli 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^2) or (ii) two or more buildings on the same tax lot that together exceed 50,000 gross square feet (4645 m^2), 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^2).

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^2), 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, Resiliency and Waterfronts.

Int. No. 160

By Council Members Carr, Borelli, Ariola, Holden and Yeger.

A Local Law to amend the administrative code of the city of New York and the New York city building code, in relation to requiring carbon monoxide detecting devices in the basements of certain dwellings

Be it enacted by the Council as follows:

Section 1. Subdivision a of section 27-2045 of the administrative code of the city of New York is amended by adding a new definition of “basement common area” in alphabetical order to read as follows:

Basement common area. The term "basement common area" means an area in the basement of a class A or class B multiple dwelling that is not within a dwelling unit and that is available for common use by all occupants, including owners or tenants, or a group of occupants and their invitees, except that such term does not include areas regularly used by occupants for access to and egress from any dwelling unit within such multiple dwelling.

§ 2. Subparagraph (b) of paragraph 1 of subdivision b of section 27-2045 of the administrative code of the city of New York, as added by local law number 157 for the year 2016, is amended to read as follows:

(b) Provide and install one or more approved and operational carbon monoxide detecting devices in each dwelling unit *and in any basement common area*, in accordance with section 908.7 of the New York city building code or sections 27-981.1, 27-981.2 and 27-981.3 of the 1968 building code, as applicable, or, in the alternative for class B multiple dwellings, provide and install a line-operated zoned carbon monoxide detecting system with central annunciation and central office tie-in for all public corridors and public spaces, pursuant to rules promulgated by the commissioner of buildings or by the commissioner in consultation with the department of buildings and the fire department;

§ 3. Article 315 of chapter 3 of title 28 of the administrative code of the city of New York is amended by adding a new section 28-315.2.5 to read as follows:

§ 28-315.2.5 Carbon monoxide alarms for occupancy group R-2 basements. Areas in the basement of a multiple dwelling classified in occupancy group R-2, that are not within a dwelling unit and that are available for common use by all occupants, including owners or tenants, or a group of occupants and their invitees, except those areas regularly used by occupants for access to and egress from any dwelling unit within such multiple dwelling, shall be equipped with approved and operational carbon monoxide detecting devices on or before December 1, 2022, in accordance with section 908.7 of the New York city building code.

§ 4. Section 908.7 of the New York city building code is amended by adding a new section 908.7.1.1.4 to read as follows:

908.7.1.1.4 Required locations in basements. For a building within occupancy group R-2 where carbon monoxide alarms or detectors are required under section 908.7.1.1, carbon monoxide alarms or detectors shall be located in all basement common areas, as such term is defined in subdivision a of section 27-2045 of the Administrative Code.

§ 5. This local law takes effect immediately.

Referred to the Committee on Housing and Buildings.

Int. No. 161

By Council Members Carr, Louis and Yeger.

A Local Law to amend the administrative code of the city of New York, in relation to requiring a raised speed reducer feasibility assessment at speed camera locations

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 19-189.2 to read as follows:

§ 19-189.2 Raised speed reducer feasibility assessment. a. Definitions. For purposes of this section, the following terms have the following meanings:

Raised speed reducer. The term "raised speed reducer" means a raised area of roadway that deflects the wheels and frame of a traversing vehicle with the purpose of reducing vehicle speeds, including, but not limited to, speed humps, speed cushions and raised crosswalks.

Speed camera. The term "speed camera" means a photo violation-monitoring system installed for the purposes of issuing violations pursuant to section 1180-b of the vehicle and traffic law.

b. On an annual basis, the department shall assess at least 100 existing speed camera locations to determine whether it is feasible to install a raised speed reducer at the location. If the installation of a raised speed reducer is feasible, the department shall, within one year of the determination, install a raised speed reducer within 125 feet of the speed camera.

c. For the purposes of the assessment required by subdivision b of this section, the department may determine that the installation of a raised speed reducer is not feasible if, in the judgement of the department, the installation would endanger the safety of any road user or would be otherwise inconsistent with department guidelines for the installation of a raised speed reducer, provided that the presence of a speed camera may not be a criteria used to determine raised speed reducer feasibility.

d. No later than December 31 of each year, the department shall submit to the mayor and the speaker of the council and post on its website a report regarding each speed camera location assessed pursuant to subdivision b of this section, and each speed camera location that includes one or more raised speed reducers. The report must include a list of locations assessed pursuant to subdivision b of this section, and for any location where a raised speed reducer was deemed infeasible, an explanation of the reasons for the determination. For any speed camera location that also includes a raised speed reducer, the report must also provide an assessment of changes in speed data, crash history, roadway geometry and speed camera violations issued compared with the same data collected during the year prior to the installation of the raised speed reducer, and a recommendation regarding whether the speed camera at each location remains necessary for the purpose of ensuring street safety and compliance with posted maximum speed limits.

§ 2. This local law takes effect immediately.

Referred to the Committee on Transportation and Infrastructure.

Res. No. 74

Resolution recognizing April 17 annually as Giovanni da Verrazzano Day in the City of New York.

By Council Member Carr.

Whereas, Giovanni da Verrazzano (1485-1528) was an Italian explorer, born into Florentine nobility, who set out on a voyage in 1524 on behalf of French King François 1er to discover a westward passage to Asia; and

Whereas, Verrazzano left France with four ships, but two were sunk by a storm early in the voyage and another was so damaged that it had to return to France, leaving Verrazzano and a crew of 150 on the remaining *Delfina*; and

Whereas, Verrazzano reached what is now Cape Fear in North Carolina in March, 1524, and sailed north, exploring the eastern coast of North America; and

Whereas, During this voyage, Verrazzano became the first European to sail into New York Harbor and into the mouth of the Hudson River on April 17, 1524, before continuing northward past the coast of what is now Rhode Island and Maine and on to Newfoundland; and

Whereas, Verrazzano's voyage contributed to mapmakers' knowledge, at the time, of the geography of the North American coast; and

Whereas, Centuries later, New York City (NYC) Mayor Robert Wagner proclaimed April 17 as Verrazzano Day, after efforts by the Italian Historical Society of America and other historians to bestow on Verrazzano the credit that they felt he was due; and

Whereas, Mayor Wagner's proclamation was followed in 1957 by a proclamation from New York State (NYS) Governor W. Averell Harriman and by proclamations from the governors of South Carolina, New Jersey, Rhode Island, and Maine, identifying Verrazzano as the first European explorer to reach their states; and

Whereas, Spanning the very New York Bay waters explored by Verrazzano, the Verrazzano-Narrows Bridge, which opened in 1964, was named after the Italian explorer, after overcoming some opposition; and

Whereas, In 2018, NYS Governor Andrew Cuomo signed a bill that added the second "z" to the official name of the Verrazzano-Narrows Bridge, which had been spelled incorrectly since the bridge's dedication as "Verrazano," due to an error in the construction contract; and

Whereas, Governor Cuomo said, "The Verrazzano Bridge is a vital transportation artery for millions of Staten Island and Brooklyn residents, [and we] are correcting this decades-old misspelling out of respect to the legacy of the explorer and to New York's heritage"; and

Whereas, April 17, 2024, will be the 500th anniversary of Verrazzano's sailing into New York Harbor; now, therefore, be it

Resolved, That the Council of the City of New York recognizes April 17 annually as Giovanni da Verrazzano Day in the City of New York.

Referred to the Committee on Cultural Affairs, Libraries and International Intergroup Relations.

Int. No. 162

By Council Members Dinowitz, Marte and Brewer.

A Local Law to amend the administrative code of the city of New York, in relation to bicycle storage in city buildings

Be it enacted by the Council as follows:

Section 1. Chapter 2 of title 4 of the administrative code of the city of New York is amended by adding a new section 4-218 to read as follows:

§ 4-218 Bicycle storage in city-owned buildings. a. Definitions. As used in this section, the following terms have the following meanings:

Commissioner. The term "commissioner" means the commissioner of citywide administrative services.

City-owned buildings. The term "city-owned buildings" means all buildings owned by the city, 10,000 square feet or more in size, except that "city-owned buildings" does not include the following:

1. Any building that participates in the tenant interim lease apartment purchase program.

2. Any building that participates in a program administered by the department of housing preservation and development.

3. Any building managed by the New York city health and hospitals corporation.

4. Any building managed by the New York city housing authority.

5. Any senior college in the city university of New York system.

b. 1. Bicycle storage for city employees. The commissioner shall ensure that city employees have access to bicycle storage on the premises of city-owned buildings, where practicable.

2. Bicycle storage for other users of city-owned buildings. The commissioner shall ensure that other users of city-owned buildings have access to bicycle storage on the premises of city-owned buildings, where practicable. The commissioner may determine whether to combine or separate the bicycle storage allotted for city employees and other users of city-owned buildings.

c. Bicycle storage in city schools. The department of education shall ensure that employees of the city school district have access to bicycle storage on the premises of buildings operated by the city school district, where the department deems appropriate. The department of education shall also ensure that other users of buildings operated by the city school district have access to bicycle storage on the premises of school buildings, where the department deems appropriate. The department of education may determine whether to combine or separate the

bicycle storage allotted for city school district employees and other users of buildings operated by the city school district.

d. Amount of bicycle storage allotted. The commissioner may determine the appropriate amount of bicycle storage space to allocate to city employees and other users provided that, where practicable, bicycle storage space is allocated.

e. Inability to accommodate bicycle storage. If, after examining the space within a city-owned building for possible bicycle storage, the commissioner believes that allocating space for bicycle storage is not practicable, the commissioner shall post in a common area an explanation of the reasons why bicycle storage on the premises is not practicable.

f. Reporting. Within 1 year of the effective date of the local law that added this section, the commissioner and the chancellor of the city school district shall report to the mayor and the speaker of the council and post on each department's website a list of each city-owned building and school within the city school district that have had bicycle storage allocated on the premises, and city-owned buildings and schools within the city school district where bicycle storage was deemed impracticable.

§ 2. This local law takes effect immediately.

Referred to the Committee on Governmental Operations, State & Federal Legislation.

Int. No. 163

By Council Members Dinowitz, Borelli, Lee and Brewer.

A Local Law to amend the administrative code of the city of New York, in relation to establishing accessibility guidelines for print documents

Be it enacted by the Council as follows:

Section 1. The title of Chapter 8 of title 23 of the administrative code of the city of New York, as added by local law number 25 for the year 2016, is amended to read as follows:

Chapter 8 – CITY WEBSITES *AND PRINT MATERIALS*

§ 2. Subdivision a of section 23-802 of the administrative code of the city of New York, as added by local law number 26 for the year 2016, is amended to read as follows:

a. The mayor or the mayor's designee shall adopt a protocol for websites maintained by or on behalf of the city or a city agency relating to website accessibility for persons with disabilities. Such protocol shall provide for agency websites to use either of the following standards: 36 CFR § 1194.22 or the Web Content Accessibility Guidelines (WCAG) 2.0 Level AA, developed by the Worldwide Web Consortium, or any successor standards, provided that the adopted protocol may differ from these standards in specific instances when the mayor or mayor's designee determines, after consulting with experts in website design and reasonable accommodations for people with disabilities, and the holding of a public hearing, that such differences will provide effective communication for people with disabilities, and that such differences are documented in such protocol. Such protocol shall be made available online. [This section does not require an agency to take any action that would result in a fundamental alteration in the nature of a service, program, or activity or in undue financial and administrative burdens.]

§ 3. Section 23-802 of the administrative code of the city of New York, as added by local law number 26 for the year 2016, is amended by adding new subdivisions c and d to read as follows:

c. The mayor or the mayor's designee shall establish guidelines relating to the accessibility of print documents for persons with disabilities, and such guidelines shall be made available online. Such guidelines shall contain, but need not be limited to, guidance regarding formatting, visual appearance, and readability. Wherever practicable, print documents that are produced by an agency for dissemination to the public shall adhere to these guidelines.

d. This section does not require an agency to take any action that would result in a fundamental alteration in the nature of a service, program, or activity or in undue financial and administrative burdens.

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

Referred to the Committee on Mental Health, Disabilities and Addiction.

Res. No. 75

Resolution calling on the New York State legislature to pass, and the Governor to sign, S.1983-A/A.1164-B, to require all schools to present on post-secondary financial aid opportunities such as the Free Application for Federal Student Aid or a DREAM Act application and for students to complete an affidavit indicating if they will be applying for such aid.

By Council Members Dinowitz and Brewer.

Whereas, According to the United States (U.S.) Federal Reserve, the student loan debt balance has increased by 66% over the past decade and, as of 2023, totals more than $1.77 trillion; and

Whereas, More than 92% of student loan debt is federal while the remaining amount is owed on private student loans, according to Federal Student Aid, an office of the U.S. Department of Education; and

Whereas, Students can determine their eligibility for financial aid programs, such as the federal Pell Grant program and the state Tuition Assistance Program (TAP), by filling out and submitting the Free Application for Federal Student Aid (FAFSA) form; and

Whereas, Federal financial aid like the Pell Grant, which is the largest source of federal aid for many students of low- and moderate-income families, helps to make postsecondary education more affordable for millions of students each year; and

Whereas, Yet, a report by the National College Attainment Network (NCAN) found the high school class of 2023 left more than $4 billion in Pell grant awards on the table as a result of not completing the FAFSA; and

Whereas, Moreover, NCAN found that the New York State ("NYS" or "State") class of 2023 missed out on over $225 million in Pell grant dollars, ranking it fourth in the country by sum of untapped Pell Grant awards; and

Whereas, Additionally, after a decade of rising college enrollment rates, the percentage of New York City public high school graduates entering college or other postsecondary programs has fallen from nearly 81% in 2019 to 71% in 2021, which is the most recent year for which data is available; and

Whereas, A 2019 National Center for Education Statistics (NCES) survey found high school seniors who complete the FAFSA are 84% more likely to immediately enroll in postsecondary education and, among students in the lowest socioeconomic quintile, FAFSA completion is associated with a 127% increase in immediate enrollment; and

Whereas, S.1983-A/A.1164-B, sponsored by NYS Senator Andrew Gounardes and NYS Assembly Member Jonathan Jacobson respectively, would require the Higher Education Services Corporation (HESC) to create a uniform presentation on FAFSA and DREAM, to be presented to all students throughout the State; and

Whereas, Each high school senior would then be required to complete an affidavit affirming that they have either attended the presentation or received the presentation materials and if they intend to apply for FAFSA or DREAM (which would be coupled together in one category on the form), or neither type of aid; and

Whereas, The NYS Commissioner of Education ("Commissioner") would be responsible for creating the affidavit form to be made available in the 12 most common non-English languages spoken in NYS, and up to four additional languages; and

Whereas, Schools would be responsible for distributing and collecting the affidavit forms, to be transmitted to the Commissioner along with data on senior class sizes; and

Whereas, The Commissioner would be required to transmit this information to HESC for the purposes of compiling a report on the total number of affidavits, per school district and statewide, the total number of FAFSA and DREAM Act applications filed in the previous year and how such numbers compare to the previous five years, and what effect if any that HESC believes the act has had on applications filed; and

Whereas, Finally, the Commissioner and HESC would be required to create a uniform notice describing FAFSA and DREAM for distribution to all high school seniors no less than four times a year and high school juniors no less than two times a year; and

Whereas, Other states have enacted similar laws; and

Whereas, Louisiana began requiring students to complete the FAFSA during the 2017-18 school year, and it now leads the country in FAFSA completion with nearly 79% of its high school seniors completing it compared to only 44% in 2013; and

Whereas, Alabama, California, Illinois, New Hampshire, and Texas have also adopted similar policies, while Maryland obligates local education agencies to encourage and assist as many high school seniors as possible in completing the FAFSA and Colorado establishes a grant program for local educational agencies who adopt a requirement to assist students in FAFSA completion; and

Whereas, FAFSA completion can have a significant impact in helping students, especially those who are low-income, immigrant, first-generation, in temporary housing, and in foster care; 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.1983-A/A.1164-B, to require all schools to present on post-secondary financial aid opportunities such as the Free Application for Federal Student Aid or a DREAM Act application and for students to complete an affidavit indicating if they will be applying for such aid.

Referred to the Committee on Higher Education.

Int. No. 164

By Council Member Farías.

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 $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. 165

By Council Member Farías.

A Local Law in relation to a study on the feasibility of establishing a commercial and residential linkage fee

Be it enacted by the Council as follows:

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

Job creation. The term "job creation" means job training for workers to be qualified to be employed at a project site.

Job contribution. The term "job contribution" means money paid into a trust for the benefit of persons residing within a 2 mile radius of the job site, within the borough in which the job site is located.

Linkage fee. The term "linkage fee" means a fee based on the square footage of a project, in excess of 100,000 square feet, that would be paid into a trust fund for job creation or job contribution.

Project. The term "project" means any new commercial or residential construction.

b. Feasibility study. An office or agency designated by the mayor, in collaboration with the department of consumer and worker protection, the department of city planning, the department of housing preservation and development, the department of buildings, the economic development corporation, and any other office or agency, shall study and report on the feasibility of establishing a linkage fee. No later than one year after the effective date of this local law, the office or agency designated shall submit to the mayor and the speaker of the council and shall post conspicuously on the department's website a report on the findings of this study. Such report shall include:

1. An estimate of funding required for the implementation of a linkage fee program;
2. An estimate of the potential annual revenue if a linkage fee were adopted;
3. An analysis of the maximum allowable linkage fee that would not negatively impact development;
4. An estimate of the current unemployment rate disaggregated by borough;
5. An estimate of worker households by borough;
6. An estimate of employment density by borough;
7. An estimate of the range, mean and median salaries, and associated household incomes by borough
8. An analysis of where projects have been started in the last five years;
9. An analysis of where projects may occur within the next five years;
10. An estimate of the number of workers that would be needed to meet the labor demand of the projects estimated by paragraph 9 of this subdivision, disaggregated by borough;
11. An analysis of the feasibility of a linkage fee program in the city of New York;
12. A discussion of how potential future revenue from a linkage fee could be utilized; and
13. Any other information relevant to assessing the feasibility of a linkage fee.

§ 2. This local law takes effect immediately.

Referred to the Committee on Economic Development.

Int. No. 166

By Council Members Farías and Sanchez.

A Local Law to amend the administrative code of the city of New York, in relation to requiring building owners to provide shower hoses and informational materials on Legionnaires' disease to tenants

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 17 of the administrative code of the city of New York is amended by adding a new section 17-194.2 to read as follows:

§ 17-194.2 Building owner response to a confirmed case of Legionnaires' disease. a. Definitions. As used in this section, the following terms have the following meanings:

Building water system. The term "building water system" means shared water sources that distribute water throughout residential buildings with multiple dwelling units such as cooling towers, water tanks and other plumbing equipment.

Confirmed case of Legionnaires' disease. The term "confirmed case of Legionnaires' disease" means a person diagnosed with Legionnaires' disease that is a tenant in a covered building.

Covered building. The term "covered building" means a residential building whose tenants receive water from a building water system.

Dwelling unit. The term "dwelling unit" has the meaning ascribed to such term by subchapter 1 of the housing maintenance code.

Shower hose. The term "shower hose" means a flexible tube that can be attached to most shower fixtures and provides a steady stream of water.

b. Confirmed cases of Legionnaires' disease in covered buildings. 1. The department shall immediately notify the owner of a covered building when there is a confirmed case of Legionnaires' disease in such building.

2. Within 24 hours of being notified of a confirmed case of Legionnaires' disease, the owner of such covered building, and the owner of any building that shares a building water system with such covered building, shall:

(a) Provide a shower hose to each occupied dwelling unit in such building;

(b) Provide the notice required by subdivision c of this section to each occupied dwelling unit of such building; and

(c) Post the notice required by subdivision c of this section at the entrance of such building and in a conspicuous location on each floor of such building.

3. The shower hose and notices required to be provided by paragraph 2 of this subdivision shall be provided until a test of the building water system does not yield a positive Legionella culture result equal to or more than 50 CFU/ml for at least 30 days after the owner of the covered building was notified of a confirmed case of Legionnaires' disease in such building.

c. Informational materials. No later than March 1, 2023, the department shall create and post on its website a notice that may be easily printed and distributed containing information on Legionnaires' disease, including but not limited to how the disease may be contracted, the health risks associated with contracting the disease, increased risk factors for contracting the disease and ways to prevent contracting the disease. Such notice shall include a disclaimer that any shower hose provided by an owner of a covered building has not been proven to prevent contracting Legionnaires' disease.

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

Referred to the Committee on Health.

Int. No. 167

By Council Member Farías.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the establishment of a municipal human milk bank

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 17 of the administrative code of the city of New York is amended by adding a new section 17-199.25 to read as follows:

§ 17-199.25 Municipal human milk bank. a. Definitions. As used in this section, the term "human milk bank" means an organized service for the selection of donors and the collection, processing, storage, or distribution of human breast milk for infants or children other than the donor's own infant.

b. Human milk bank. The department, or another agency or entity designated by the mayor, shall take all necessary steps to obtain any required licenses or approvals to establish and operate a human milk bank and, upon receipt of such licenses or approval, establish and operate a human milk bank.

§ 2. This local law takes effect 30 days after it becomes law.

Referred to the Committee on Health.

Int. No. 168

By Council Members Farías and Won.

A Local Law to amend the administrative code of the city of New York, in relation to the department of investigation's oversight of the police department use of surveillance technology

Be it enacted by the Council as follows:

Section 1. Section 14-188 of the administrative code of the city of New York as added by local law number 65 for the year 2020 is amended by adding a new subdivisions g and h to read as follows:

g. Upon request, the department shall provide the commissioner of investigation with prompt access to the following information:

1. an itemized list of all surveillance technologies currently used by the department, including specifications of the functionality of each such technology, the types of data collected by each such technology, and which department unit maintains control of information collected by each such technology;

2. any access and retention policies for data collected by surveillance technologies utilized by the department;

3. any access and retention policies for data collected by surveillance technologies utilized by the department that are included in existing contracts with entities from which the department procures such surveillance technologies.

h. No later than January 15, 2024, and quarterly thereafter, the department shall provide the commissioner of investigation with an list all surveillance technologies that were newly acquired by the department or which the department discontinued using during the prior quarter, and all access and retention policies for data collected by such surveillance technologies included in any executed contracts with entities form which the department procured such surveillance technology during the prior quarter.

§ 2. This local law takes effect immediately.

Referred to the Committee on Public Safety.

Int. No. 169

By Council Member Farías.

A Local Law to amend the administrative code of the city of New York, in relation to the installation of electric vehicle charging equipment on lampposts

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 19-159.8 to read as follows:

§ 19-159.8 Lamppost charging stations for electric vehicles. a. The commissioner shall annually determine the feasibility of installing charging equipment for electric vehicles on lampposts under the commissioner's jurisdiction, considering the availability of such equipment and related installation services, cost, location, compatibility with traffic rules and regulations, and any other factor deemed appropriate by the commissioner. As part of this determination and in consultation with the police department, the commissioner shall determine which such lampposts should be reconfigured for installation of such equipment.

b. The commissioner shall install such equipment on lampposts in accordance with the feasibility determination made pursuant to subdivision a.

§ 2. This local law takes effect 120 days after becoming law.

Referred to the Committee on Transportation and Infrastructure.

Int. No. 170

By Council Members Farías and Abreu.

A Local Law to amend the administrative code of the city of New York, in relation to increased penalties for department of buildings violations issued to parking structures

Be it enacted by the Council as follows:

Section 1. Section 28-202.1 of the administrative code of the city of New York, as amended by local law number 126 for the year 2021, is amended to add new exceptions 13 and 13.1 through 13.9 to read as follows:

13. For any violation involving a parking structure, as defined in section 28-323.2:

13.1. The minimum civil penalty for a violation of section 28-204.4 shall be $2,500.

13.2. The minimum civil penalty for an immediately hazardous violation of section 28-207.4.4 shall be $5,000.

13.3. The minimum civil penalty for an immediately hazardous violation of section 28-211.1 shall be $20,000.

13.4. The minimum civil penalty for a violation of section 28-217.1.1 shall be $1,600.

13.5. The minimum civil penalty for a violation of section 28-217.1.6 shall be $5,000.

13.6. The minimum civil penalty for an immediately hazardous violation of section 28-301.1 shall be $2,500 for a first violation and $5,000 for a second violation, in addition to any separate daily or monthly penalty imposed pursuant to exception 13.1 or 13.2 of this section.

13.7. The minimum civil penalty for an immediately hazardous violation of section 28-302.1 shall be $5,000 for a first violation and $7,500 for a second violation, in addition to any separate daily or monthly penalty imposed pursuant to exception 13.1 or 13.2 of this section.

13.8. The minimum civil penalty for an immediately hazardous violation of section 28-302.3 shall be $5,000.

13.9. The minimum civil penalty for a violation of section 28-302.4 shall be $5,000.

§ 2. This local law takes effect immediately.

Referred to the Committee on Housing and Buildings.

Int. No. 171

By Council Members Farías and Salamanca.

A Local Law to amend the administrative code of the city of New York, in relation to waste collection from nursing homes

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 16-114.2 as follows:

§ 16-114.2 Solid waste collection from nursing homes. The department shall provide collection service for solid waste generated by occupants of all nursing homes located in the city in accordance with regulations promulgated by the commissioner. The commissioner may not charge any nursing home a fee for waste collection service. For purposes of this section, "nursing home" has the meaning ascribed to such term in section 2801 of the public health law.

§ 2. This local law takes effect 180 days after it becomes law, except that the commissioner may 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 Sanitation and Solid Waste Management.

Preconsidered Int. No. 172

By Council Members Farías, Louis, Rivera, Won and Mealy.

A Local Law to amend the administrative code of the city of New York, in relation to the compensation received by for-hire vehicle drivers for advertising on the interior of for-hire vehicles

Be it enacted by the Council as follows:

Section 1. Subdivisions c and d of section 19-525.1 of the administrative code of the city of New York, as added by local law number 33 for the year 2024, are amended to read as follows:

c. Interior advertising company license required. It shall be unlawful for any person to provide or supply an approved electronic tablet for use in a for-hire vehicle unless such person secures a license therefor from the commission. The fee for the issuance of such license shall be [no more than] $500 a year. Any person licensed under this section shall provide the commission with any and all information required by the rules and regulations promulgated pursuant to this section, including but not limited to the information required under section 19-546.

d. Driver compensation. Any interior advertising company licensed pursuant to subdivision c of this section shall compensate drivers of a for-hire vehicle with an approved electronic tablet with <u>a minimum of</u> 25 percent of the <u>gross</u> revenue generated by such tablet in their vehicle. One year after the implementation of this local law, the commission shall provide the speaker of the council and the mayor a report examining the compensation received by drivers from approved tablets and may adjust the minimum compensation standards if the commission deems necessary. In the case of a for-hire vehicle with more than 1 driver, each driver operating such vehicle shall receive a pro rata share of such revenue, based on the share of hours the driver operated the vehicle.

§ 2. This local law takes effect on the same date as local law number 33 for the year 2024.

Referred to the Committee on Transportation and Infrastructure (preconsidered but laid over by the Committee on Transportation and Infrastructure).

Int. No. 173

By Council Members Farías, Restler, Louis, Hudson, Joseph and Won.

A Local Law to amend the administrative code of the city of New York, in relation to the establishment of a parking permit enforcement unit within the department of transportation

Be it enacted by the Council as follows:

Section 1. Subchapter 2 of chapter 1 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-175.8 to read as follows:

§ 19-175.8 Parking permit enforcement unit. a. The department shall establish a parking permit enforcement unit, which shall consist of enforcement agents who are specially trained in local laws and rules related to improper use of city-issued parking permits. Such unit shall have the power and duty to:

1. Enforce all local laws and rules related to improper use of a parking permit;

2. Investigate complaints alleging improper use of a parking permit submitted to the 311 citizen center; and

3. Engage in such other activities related to enforcement of local laws and rules related to improper use of a parking permit, or related to improving compliance with such laws and rules.

b. The parking permit enforcement unit shall be fully operational on or before the date six months following the effective date of the local law that added this section and shall commence enforcement activities on or before such date. The department may promulgate such rules as it deems necessary to implement the provisions of this section.

§ 2. This local law takes effect immediately.

Referred to the Committee on Transportation and Infrastructure.

Preconsidered Res. No. 76

Resolution calling on the Commissioner of Citywide Administrative Services to implement the band scoring method for establishing eligible lists for competitive civil service titles.

By Council Members Farías and Louis

Whereas, New York City (City) pioneered the development of the merit-based civil service exam, the gold standard of good government practice that has protected the civil service system for over a century; and

Whereas, In 1885, New York became the first state to adopt a civil service system for its State workers with the passage of a merit-and-fitness requirement in the State constitution; and

Whereas, The civil service exam assesses a candidate's potential job performance in a fair and competitive manner, and serves as the pathway into competitive civil service positions; and

Whereas, While the exam system operates to safeguard the integrity of the civil service system, there are numerous opportunities to modernize the process while prioritizing equity and efficacy; and

Whereas, To ensure the City remains a competitive employer and hires skilled civil servants, it is the responsibility of the Commissioner of Citywide Administrative Services to reform and streamline the exam process in order to support a continuous pipeline of qualified workers into City agencies; and

Whereas, Exam scoring methodology is primed for reform; and

Whereas, The State Civil Service Law restricts agency hiring decisions to a choice of the three highest-scoring candidates on a rank-ordered list, under what is known as the 1-in-3 rule; and

Whereas, Tied scores are treated equally in listing, so more than three eligible candidates may be considered for appointment to an open competitive position; and

Whereas, Other states have eliminated the 1-in-3 restriction altogether and adopted an alternative scoring method known as band scoring; and

Whereas, Band scoring establishes statistically equivalent score ranges, such as 100-96, which signify that the point differential within a score range is not a meaningful difference in predicting the candidate's qualifications; and

Whereas, Proponents of band scoring argue that the City should treat similarly candidates who have demonstrated equivalent merit and fitness in their raw examination scores, thereby maximizing the pools of qualified candidates and amplifying the opportunity for matches between candidates and hiring agencies; and

Whereas, Band scoring would grant some discretion to the hiring manager to identify candidates who are best suited for the job, not simply those who perform the best on the exam; and

Whereas, The use of this scoring method may be implemented under the Civil Service Law, and should be the preferred scoring method used by the Commissioner of Citywide Administrative Services; and

Whereas, Government reform advocates endorse the band scoring technique; and

Whereas, A 2011 Workforce Reform Taskforce, assembled by the former Bloomberg Administration, and a 2012 Capstone Team, assembled by the non-profit organization Citizens Union, both recommended that where sound and consistent with the City's rules, the City should adopt band scoring; and

Whereas, Since its inception, the civil service system evolved to serve the City's best interests and to ensure the quality of the City's civil servants; and

Whereas, Band scoring would promote equity and fairness by expanding civil service opportunities for a larger pool of eligible candidates; and

Whereas, Band scoring would also promote more holistic consideration of eligible candidates and give hiring agencies a chance to find candidates of best fit; now, therefore, be it

Resolved, That the Council of the City of New York calls on the Commissioner of Citywide Administrative Services to implement the band scoring method for establishing eligible lists for competitive civil service titles.

Referred to the Committee on Civil Service and Labor (preconsidered but laid over by the Committee on Civil Service and Labor).

Res. No. 77

Resolution calling on the New York State Legislature to pass, and the Governor to sign, legislation that would create a linkage fee for large scale residential or commercial projects, and create a trust that would receive this fee to fund job training, education and employment programs.

By Council Member Farías.

Whereas, On June 22, 2023, the Center for New York City Affairs (CNYCA), a policy research institute at The New School, reported that 99 percent of the jobs lost during the pandemic have been recovered; and

Whereas, Not all of these jobs have returned to the same industries as before and there has been a notable shift in the type of industries that are experiencing growth; and

Whereas, According to CNYCA, some industries such as warehousing, delivery services, homecare, healthcare, and remote-work industries, like technology, finance and insurance, and professional services, have experienced job growth while industries like retail and jewelry have struggled to recover; and

Whereas, As the types of jobs available in New York City shift to new fields, the City will need to adapt to provide job seekers with the necessary skill sets and licenses to qualify for these new employment opportunities; and

Whereas, According to New York City Employment Training Coalition, the largest city-based workforce development association, New York City relies heavily on not-for-profit workforce development providers to connect New Yorkers to jobs, services and training to secure long-term employment; and

Whereas, New York State could help ensure that New Yorkers are equipped with the skills they need to succeed in these emerging industries; and

Whereas, A linkage fee is a fee that is charged by the local government on certain real estate developments, with the purpose of generating local funding to address the additional needs that arise, such as job training programs, as a result of such development; and

Whereas, The New York State Legislature should pass legislation that would create a linkage fee to raise funds to offset the impacts of any residential or commercial construction that exceeds 100,000 square feet in a community; and

Whereas, This fee should be paid to a newly created trust that would be overseen by three trustees, an appointee by the Council, an appointee by the Mayor, and an appointee by the designated City office or agency of the mayor; and

Whereas, The trust should award its funds for the purposes of supporting job training, education and employment programs that would benefit the community living within a 2 mile radius of the job site; and

Whereas, This bill could be an important step to fostering inclusive growth and ensuring New York City residents benefit from economic development opportunities; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to pass, and the Governor to sign, legislation that would create a linkage fee for large scale residential or commercial projects, and create a trust that would receive this fee to fund job training, education and employment programs.

Referred to the Committee on Economic Development.

Res. No. 78

Resolution calling on the New York State Legislature to pass, and the Governor to sign, legislation amending the Public Officers Law to allow non-citizens to hold civil offices.

By Council Member Farías.

Whereas, The New York State Public Officers Law requires anyone holding a civil office to be a citizen of the United States; and

Whereas, New York City has over 100 boards and commissions;

Whereas, Many members of boards and commissions hold a civil office under the Public Officers Law, and therefore must be a citizen of the United States; and

Whereas, According to the Mayor's Office of Immigrant Affairs, New York City had over 1.2 million non-citizen residents in 2022; and

Whereas, Non-citizen New Yorkers pay taxes, own business and send their children to public schools; and

Whereas, New York City needs civil officer holders who have experiences that reflect those of all New Yorkers, including non-citizen New Yorkers; and

Whereas, Many civil officer positions require specific skills or experiences; and

Whereas, Non-Citizen New Yorkers have a variety of different skills and experiences; and

Whereas, Non-citizen New Yorkers have the skills and experiences required to fill certain civil officer positions; and

Whereas, Non-citizen New Yorkers are an essential part of the fabric of New York 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, legislation amending the Public Officers Law to allow non-citizens to hold civil offices.

Referred to the Committee on Governmental Operations, State & Federal Legislation.

Res. No. 79

Resolution calling on the New York State Legislature to pass, and the New York State Governor to sign, A.10647/S.9569, which would authorize New York City to set a five mile per hour speed limit on streets participating in the Open Streets program.

By Council Member Farías.

Whereas, New York City's (NYC) Open Streets program began during the Spring of 2020 in the face of the COVID-19 pandemic, and is an effort to transform streets into public space open to all; and

Whereas, NYC's Open Streets program allows for a range of activities that promote economic development, support schools, and encourage cultural programming and community-building; and

Whereas, The Open Streets program is overseen by the NYC Department of Transportation (DOT), and works with community-based organizations, public, private and charter schools, and groups of businesses citywide; and

Whereas, In 2021, the NYC Council voted to make the Open Streets program permanent; and

Whereas, In April of 2022, DOT announced that a total of 156 locations covering 300 blocks were slated to participate in the Open Streets program in 2022; and

Whereas, The Open Streets program has provided noticeable positive economic, social and cultural benefits to the City; and

Whereas, For example, according to a recently-released report by DOT entitled: "Streets for Recovery: The Economic Benefits of the NYC Open Streets Program," when comparing restaurants and bars in Open Streets corridors and those in the same borough but not in an Open Street corridor, restaurants and bars in an Open Street corridor saw: an increase in sales growth; a higher percentage of staying in business during the pandemic; and faster growth in the number of new restaurants and bars that opened during the pandemic; and

Whereas, As the popularity in the use of Open Streets has increased, it is important to ensure that these streets are safe for pedestrians, cyclists, drivers and businesses; and

Whereas, In recent years, NYC has experienced higher traffic fatalities, with 273 people dying due to traffic violence in 2021, which is up from 243 during 2020 and 220 in 2019; and

Whereas, For the first nine months of 2022, there have already been 188 traffic fatalities, according to data released by Transportation Alternatives and Families for Safe Streets; and

Whereas, In an effort to ensure Open Streets are safe for New Yorkers and to reduce speed limits in these areas, A.10647 and S.9569 were introduced in the New York State (NYS) Legislature; and

Whereas, A.10647, introduced by NYS Assemblymember Harvey Epstein, and S.9569, introduced by NYS Senator Julia Salazar, relate to authorizing a five mile per hour speed limit for Open Streets in NYC, and would work towards ensuring that Open Streets are safer, particularly for pedestrians and cyclists; 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 New York State Governor to sign, A.10647/S.9569, which would authorize New York City to set a five mile per hour speed limit on streets participating in the Open Streets program.

Referred to the Committee on Transportation and Infrastructure.

Res. No. 80

Resolution calling on the New York State Legislature to pass, and the New York State Governor to sign, legislation that would create a surcharge that would go towards funding the expansion of wheelchair accessible and all-electric for-hire vehicles.

By Council Member Farías.

Whereas, A surcharge is an additional payment that is added to the cost of a good or service beyond the initially quoted price, sometimes imposed due to a governing body's need to dedicate additional revenue, sometimes for a specific purpose related to the good or service but not otherwise funded by the transaction; and

Whereas, In New York State (NYS), there are several examples of a surcharge related to transportation, and particularly related to New York City's (NYC) standard metered taxi fare, including the: 50 cent Metropolitan Transportation Authority (MTA) State Surcharge for all trips that end in NYC or Nassau, Suffolk, Westchester, Rockland, Dutchess, Orange or Putnam Counties; $1 Improvement Surcharge; $1 overnight surcharge related to rides from eight pm to six am; $2.50 rush hour surcharge for trips from four pm to eight pm on weekdays, excluding holidays; and NYS Congestion Surcharge for all trips that begin, end or pass through Manhattan south of 96th Street and vary from 75 cents for shared rides, $2.50 for yellow taxi rides, and $2.75 for green taxi and for-hire vehicles (FHV); and

Whereas, The existing surcharges added onto a taxi fare are implemented in part to fund transit and related improvements, likewise an additional surcharge added to the taxi fare could be beneficial in order to provide financial aid for FHV drivers in transitioning their vehicles to be wheelchair accessible and all-electric; and

Whereas, In NYC, for calendar year 2022, the NYC Taxi and Limousine Commission (TLC) reported that there were 95,129 total vehicle licenses for FHVs, both affiliated and not affiliated with high volume for-hire services, of which only 4,858 were wheelchair accessible vehicles (WAVs); and

Whereas, In addition, according to the TLC, as of 2022, only one of every one hundred, or 1%, of TLC vehicles were all-electric; and

Whereas, As the number of WAVs and all-electric FHVs are relatively low in number, and the TLC is committed to transitioning the majority of its licensed fleet to all-electric vehicles by 2030 and expanding accessibility in electric vehicles through making them WAVs, a surcharge added to taxi fares in NYC could provide financial aid for FHV drivers to make the, at-times costly, transition to these types of vehicles and would improve the way in which New Yorkers, particularly those with disabilities and who are elderly, travel in the City; 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 New York State Governor to sign, legislation that would create a surcharge that would go towards funding the expansion of wheelchair accessible and all-electric for-hire vehicles.

Referred to the Committee on Transportation and Infrastructure.

Int. No. 174

By Council Member Feliz.

A Local Law to amend the administrative code of the city of New York, in relation to prohibiting homeless families with children from being housed in private buildings with multiple class C housing maintenance code violations

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 Housing families in private buildings with multiple class C violations prohibited. The department shall not temporarily house any homeless families with children in private buildings with more than five class C violations issued by the department of housing preservation and development until such violations have been corrected as certified by the department of housing preservation and development.

§ 2. This local law takes effect immediately, except that it shall not apply to homeless families with children housed in private buildings with more than five class C violations on the effective date of this local law.

Referred to the Committee on General Welfare.

Int. No. 175

By Council Members Feliz, Brannan, Ung, Dinowitz, Powers, Salamanca and Brewer.

A Local Law in relation to requiring the department of education to create a plan to provide specialized high schools exam preparation to all middle school students

Be it enacted by the Council as follows:

Section 1. Universal specialized high schools admissions test preparation plan. a. Definitions. For the purposes of this section, the following terms have the following meanings:

Department. The term "department" means the department of education.

Dream program. The term "dream program" means the department of education Saturday and summer academic program that prepares eligible seventh grade New York City public school students to take the specialized high schools admissions test in the eighth grade.

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

Student. The term "student" means a pupil attending a school.

b. No later than 180 days after the effective date of this local law, the department shall submit to the speaker of the council, and post conspicuously on the department's website, a report regarding its efforts to implement a universal specialized high schools admissions test preparation plan for all middle school students in the next two years. Such report shall include, but not be limited to, the following information:

1. For each middle school, whether the school: (i) offers the dream program; (ii) does not offer the dream program; (ii) the total number of students that participated in the dream program, disaggregated by race or ethnicity, gender, special education status, and English language status; and (iii) the average scores for the state of New York English language arts and mathematics tests, disaggregated by grades 7 and 8 for the prior academic year;

2. A description of the steps the department will take to expand the dream program to provide automatic access to all seventh grade students that wish to partake in such program;

3. For each school, a list of specialized high schools admissions test preparation programs that are offered in schools, disaggregated by: (i) those that are free of charge; (ii) those that have a cost associated with such program; and (iii) what time of year such program is offered. The department shall also include, to the extent such information is available, how many students participated in such programs and which school such students attend;

5. A description of steps the department will take to ensure that all students have access to test preparation programs that are free of charge;

6. A description of the steps the department will take to ensure that every seventh and eighth grade student will have the necessary preparation materials to take the specialized high schools admissions test, including making such preparation materials available in the designated citywide languages as defined in section 23-1101 of the administrative code of the city of New York and shall include an opt-out to enable a student to not have to take the specialized high schools admissions test;

7. A cost estimate for implementing such preparation plan; and

8. Barriers, if any, to the department's ability to implement a universal specialized high schools admissions test preparation plan.

c. No later than December 1, 2023, the department shall develop a student survey to assess the general awareness and preparedness of students to take the specialized high schools admissions test. The department shall make such survey available to all students taking the specialized high schools admissions test. The department shall ensure that each such student is advised that such survey is not mandatory or required as part of such student's academic career. In addition, such survey shall include questions, that may be completed in full or in part, at the discretion of the student respondent, including race, ethnicity, gender, first language and family income. The department shall make the results of such survey available to the speaker of the council and posted on its website no later than 60 days following the administration of such survey. The department shall use such survey to assess students regarding the following:

1. Whether such student attended a public school, private school or charter school prior to admittance to a specialized high school;

2. Whether such student took test preparation in advance of taking the specialized high schools admissions test, whether such preparation was administered by the department of education and if such preparation was not administered by the department, then how such student prepared;

3. Whether such student took practice exams and how many;

4. How such student was made aware of the specialized high schools admissions test;

5. How prepared such student felt in taking the specialized high schools admissions test; and

6. Any other such questions the department may designate.

§ 2. This local law takes effect immediately and is deemed repealed upon submission of the report required pursuant to section one of this local law.

Referred to the Committee on Education.

Int. No. 176

By Council Members Feliz, Marte, Nurse, Abreu and Brewer.

A Local Law to amend the administrative code of the city of New York, in relation to the creation of a boilerplate annual checklist for parking garage inspections prior to initial annual condition inspections

Be it enacted by the Council as follows:

Section 1. Section 28-323.2 of the administrative code of the city of New York, as added by local law number 126 for the year 2021, is amended by adding a new definition of "boilerplate annual observation checklist" in alphabetical order to read as follows:

BOILERPLATE ANNUAL OBSERVATION CHECKLIST. A document developed by the department and published on the department website containing essential baseline items to be inspected prior to the initial condition assessment by a parking structure owner. The baseline items shall include, but need not be limited to, the age and location of the structure, whether vehicles are stored on the roof, and whether there are any outstanding violations for structural issues.

§ 2. Article 323 of chapter 3 of title 28 of the administrative code of the city of New York is amended by adding a new section 28-323.4.1 to read as follows:

§ 28-323.4.1 Owner inspection prior to initial condition assessment. The owner or an owner's authorized agent of any new or existing parking structure which is not scheduled to have an initial condition assessment before January 1, 2025 shall use the boilerplate annual observation checklist to inspect such parking structure within 1 year of the creation and publishing of the boilerplate annual checklist by the department.

§ 3. Section 28-323.7 of the administrative code of the city of New York is amended by adding a new item 3 to read as follows:

3. Whenever the owner or owner's authorized agent observes an unsafe condition during an inspection conducted prior to the initial condition assessment pursuant to section 28-323.4.1, the owner shall notify the department immediately and undertake repairs in accordance with section 28-323.8.

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

Referred to the Committee on Housing and Buildings.

Int. No. 177

By Council Members Feliz, Brooks-Powers, Salamanca, Powers, Restler, Won, Brewer and Schulman (in conjunction with the Brooklyn Borough President).

A Local Law to amend the administrative code of the city of New York, in relation to prohibiting the operation of a motor vehicle with fraudulent or expired license plates

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 10-182.1 to read as follows:

§ 10-182.1 Unlawful operation of a motor vehicle with a fraudulent or expired license plate. a. It is unlawful for any person to operate a motor vehicle with a fraudulent license plate, including a fraudulent temporary license plate.

b. It is unlawful for any person to operate a motor vehicle with an expired license plate, including an expired temporary license plate.

c. Civil penalty. 1. Any person who violates subdivision a of this section shall be liable for a civil penalty of not less than $500 for the first violation and not less than $1,000 for each subsequent violation.

2. Any person who violates subdivision b of this section shall be liable for a civil penalty of not less than $300 for the first violation and not less than $500 for each subsequent violation, except that a person shall not be subject to such civil penalty if such person proves within 10 business days of the issuance of the notice of violation and prior to the commencement of an adjudication of such notice, that the violation has been cured.

§ 2. This local law takes effect 45 days after it becomes law.

Referred to the Committee on Public Safety.

Int. No. 178

By Council Members Feliz, Restler and Schulman (in conjunction with the Brooklyn Borough President).

A Local Law to amend the administrative code of the city of New York, in relation to prohibiting the sale or distribution of fraudulent license plates

Be it enacted by the Council as follows:

Section 1. Section 10-182 of the administrative code of the city of New York, as added by local law number 22 for the year 2022, is amended to read as follows:

§ 10-182 Unlawful sale or distribution of materials that obscure license plates*; unlawful sale or distribution of fraudulent license plates*. a. It is unlawful for any person or entity to sell, offer for sale or distribute any artificial or synthetic material or substance for the purpose of application to the license plate of a motor vehicle that will, upon application to such license plate, conceal or obscure the number on such license plate or distort a recorded or photographic image of such license plate.

b. It is unlawful for any person or entity to sell, offer for sale or distribute a fraudulent license plate, including a fraudulent temporary license plate.

[b.] *c.* Authorized agents and employees of the police department, and of any other agency designated by the mayor, shall have the authority to enforce the provisions of subdivisions a *and b* of this section.

[c.] *d.* Civil penalty. *1.* Any person who violates subdivision a of this section shall be liable for a civil penalty of not less than $300 for the first violation and not less than $500 for each subsequent violation, which may be recoverable in a proceeding before the office of administrative trials and hearings, pursuant to chapter 45-A of the charter.

2. Any person who violates subdivision b of this section shall be liable for a civil penalty of not less than $1,000 for the first violation and not less than $2,000 for each subsequent violation, which may be recoverable in a proceeding before the office of administrative trials and hearings, pursuant to chapter 45-A of the charter.

§ 2. This local law takes effect 45 days after it becomes law.

Referred to the Committee on Public Safety.

Int. No. 179

By Council Members Feliz, Hanks, Farías, Narcisse and Restler.

A Local Law to amend the administrative code of the city of New York, in relation to police department tow pound capacity

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 14-194 to read as follows:

§ 14-194 Tow facility capacity. a. Definitions. For the purposes of this section, the following terms have the following meanings:

Towing capacity. The term "towing capacity" means the total number of vehicles that can be stored by the department at any given time.

Tow pound facility. The term "tow pound facility" means real property where the department can store vehicles that have been impounded for violations of traffic laws, rules or regulations.

Vehicle. The term "vehicle" means a vehicle as defined in section 159 of the vehicle and traffic law.

b. The department shall operate tow pound facilities with towing capacity sufficient to meet the department's enforcement needs. Such towing capacity shall reflect the rate of violations that are subject to towing, and the rate of vehicle impoundment necessary to deter illegal conduct.

c. Reporting. No later than January 30, 2025, and no later than 30 after the end of each calendar year, the department shall issue a public report on tow facility capacity and the department's utilization of vehicle towing in response to violations of traffic laws, rules, and regulations. Such report shall include, but need not be limited to: (i) the towing capacity of each tow pound facility operated by the department and the average number of vehicles stored at each such location during the prior calendar year; (ii) the number of violations issued by the department for which a vehicle could be subject to towing by the department during the prior calendar year, disaggregated by police precinct; and (iii) the number of vehicles towed by the department during the prior calendar year, disaggregated by police precinct.

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

Referred to the Committee on Public Safety.

Int. No. 180

By Council Members Feliz, Farías, Narcisse, Hanks, Bottcher, Abreu, Salamanca and Schulman.

A Local Law to amend the administrative code of the city of New York, in relation to establishing a program to provide financial assistance to small retail businesses for the purchase of security system technology

Be it enacted by the Council as follows:

Section 1. Chapter 10 of title 22 of the administrative code of the city of New York is amended by adding a new section 22-1008 to read as follows:

§ 22-1008 Small retail business security system program. a. Definitions. For purposes of this section, the following terms have the following meanings:

Security system technology. The term "security system technology" means technology used to prevent, detect, or respond to retail theft, robbery, and criminal property damage, which may include digital video surveillance cameras, plexiglass windows, and panic buttons.

Small retail business. The term "small retail business" means a business:

1. That occupies a ground floor commercial premises, as such term is defined in section 11-3001;

2. That is small, in accordance with the size standards set forth in section 121.201 of title 13 of the code of federal regulations;

3. That is not a franchise owned by a franchisee, as such terms are defined in section 681 of the general business law; and

4. Wherein consumer commodities are sold, displayed or offered for sale, or where services are provided to consumers at retail.

b. Security system technology program. Subject to appropriation, no later than 6 months after the effective date of the local law that added this section, the department, or another agency designated by the mayor, shall establish a program to provide financial assistance to owners of small retail businesses that would reduce the cost of purchasing and installing security system technology.

§ 2. This local law takes effect immediately.

Referred to the Committee on Small Business.

Int. No. 181

By Council Members Gennaro, Restler and Brewer.

A Local Law to amend the administrative code of the city of New York, in relation to the creation of an energy efficiency program for multiple dwellings

Be it enacted by the Council as follows:

Section 1. Subchapter 4 of chapter 2 of title 27 of the administrative code of the city of New York is amended by adding a new article 4 to read as follows:

ARTICLE 4

ENERGY EFFICIENCY PROGRAM FOR MULTIPLE DWELLINGS

§ 27-2109.61 Energy efficiency program for multiple dwellings. a. For purposes of this article, the term "eligible violation" means (i) a violation that is set forth in rule by the department as eligible for the energy efficiency program for multiple dwellings as established pursuant to this section and (ii) non-hazardous violations.

b. Notwithstanding any other provision of law, the department shall develop and establish an energy efficiency program for multiple dwellings. Such energy efficiency program shall allow an owner of a multiple dwelling who receives an eligible violation to have the civil penalties for such violation waived or reduced, where such owner enters into a regulatory agreement with the department requiring such owner to undertake eligible energy efficiency measures as described in section 27-2109.62. Such regulatory agreement shall specify that any eligible energy efficiency measures that an owner undertakes shall not be the basis for a rent increase. Civil penalties shall be reduced to an amount equal to the amount of money such owner spends to undertake such energy efficiency measures. Where an owner has received more than one eligible violation, such owner may couple the civil penalties for such violations in an amount not to exceed $3,000 for the purposes of undertaking energy efficiency measures.

c. An owner who enters into a regulatory agreement with the department pursuant to subdivision b of this section and is found to not be in compliance with such agreement shall have the original civil penalty or penalties for eligible violations reinstated or doubled.

§ 27-2109.62 Eligible energy efficiency measures. a. The department shall create a list of energy efficiency measures that owners may undertake as part of the energy efficiency program for multiple dwellings established pursuant to section 27-2109.61.

b. Such eligible energy efficiency measures shall include, but need not be limited to, the following:

1. Energy efficient upgrades, including building shell improvements, lighting upgrades, installation of energy efficient appliances and installation of programmable thermostats; and

2. For multiple dwellings that do not exceed 25,000 gross square feet, benchmarking, undergoing energy audits and undertaking retro-commissioning measures.

§ 2. This local law takes effect 180 days after it becomes law, except that the commissioner of housing preservation and development shall take such actions as are necessary for its implementation, including the promulgation of rules, before such date.

Referred to the Committee on Environmental Protection, Resiliency and Waterfronts.

Int. No. 182

By Council Member Gennaro.

A Local Law to amend the administrative code of the city of New York, in relation to renewable natural gas

Be it enacted by the Council as follows:

Section 1. Subdivision a of 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:

a. Definitions. When used in this section or in section 24-163.2 [of this chapter]:

["Alternative fuel"] *Alternative fuel. The term "alternative fuel"* means natural gas, *biomethane or renewable natural gas*, liquefied petroleum gas, hydrogen, electricity, and any other fuel which is at least [eighty-five] *85* percent, singly or in combination, methanol, ethanol, any other alcohol or ether.

["Alternative fuel motor vehicle"] *Alternative fuel motor vehicle. The term "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"] *Average fuel economy. The term "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.

Biomethane or renewable natural gas. The term "biomethane or renewable natural gas" means methane derived from biogas after carbon dioxide and other impurities present in the biogas are chemically or physically separated from the gaseous mixture.

["Bi-fuel motor vehicle"] *Bi-fuel motor vehicle. The term "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"] *Equivalent carbon dioxide. The term "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"] *Fuel economy. The term "fuel economy"* means the United States environmental protection agency city mileage published label value for a particular motor vehicle, pursuant to *subdivision (b) of* section [32908(b)] *32908* of title 49 of the United States code.

["Gross vehicle weight rating"] *Gross vehicle weight rating. The term "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"] *Light-duty vehicle. The term "light-duty vehicle"* means any motor vehicle having a gross vehicle weight rating of 8,500 pounds or less.

["Medium-duty vehicle"] *Medium-duty vehicle. The term "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.

["Motor vehicle"] *Motor vehicle. The term "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"] *Purchase. The term "purchase"* means purchase, lease, borrow, obtain by gift or otherwise acquire.

["Use-based fuel economy"] *Use-based fuel economy. The term "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.

§ 2. This local law takes effect immediately.

Referred to the Committee on Environmental Protection, Resiliency and Waterfronts.

Int. No. 183

By Council Members Gennaro, Ayala and Brewer.

A Local Law to amend the administrative code of the city of New York, in relation to allowing consolidation of required reports on building energy efficiency and emissions

Be it enacted by the Council as follows:

Section 1. Section 28-308.4 of the administrative code of the city of New York, as added by local law number 87 for the year 2009, is amended to read as follows:

§ 28-308.4 Energy efficiency report required. Except as otherwise provided in section 28-308.7, the owner of a covered building shall file an energy efficiency report for such building between January first and December thirty-first of the calendar year in which such report is due pursuant to this section and between January first and December thirty-first of every tenth calendar year thereafter. If the owner of a covered building is also required to file reports pursuant to section 28-320.3.7 regarding the same building, the building owner may, in any year in which a report is due pursuant to this section, file the report required by this section and the report required by section 28-303.3.7 as a single consolidated report, provided that such consolidated report is filed no later than May 1.

§ 2. Section 28-320.3.7 of the administrative code of the city of New York, as amended by local law number 126 for the year 2021, is amended to read as follows:

§ 28-320.3.7 Reports required to be filed by owner. By May 1, 2025, and by May first of every year thereafter, the owner of a covered building shall file with the department a report, certified by a registered design professional, prepared in a form and manner and containing such information as specified in rules of the department, that for the previous calendar year such building is either:

1. In compliance with the applicable building emissions limit established pursuant to section 28-320.3; or

2. Not in compliance with such applicable building emissions limit, along with the amount by which such building exceeds such limit.

For a report filed on or after May 1, 2026, where a report required to be submitted by May 1 in the prior year indicated that the covered building was not in compliance with the applicable building emissions limit

established pursuant to section 28-320.3 in the calendar year covered by such report, but such building is in compliance for the calendar year covered by the report required to be submitted by May 1 in the current year, such report shall describe the methods used to achieve compliance. If the owner of a covered building is also required to file reports pursuant to section 28-308.4 regarding the same building, the building owner may, in any year in which a report is due pursuant to section 28-308.4, file the report required by this section and the report required by section 28-308.4 as a single consolidated report, provided that such consolidated report is filed no later than May 1.

§ 3. This local law takes effect immediately.

Referred to the Committee on Environmental Protection, Resiliency and Waterfronts.

Int. No. 184

By Council Members Gennaro and Brewer.

A Local Law to amend the administrative code of the city of New York, in relation to prohibiting non-therapeutic, elective, or convenience surgical devocalization of healthy cats and dogs

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 17 of the administrative code of the city of New York is amended by adding a new section 17-200.1 to read as follows:

§ 17-200.1 Surgical devocalization of dogs and cats prohibited. a. Definitions. For purposes of this section, the following terms have the following meanings:

Medically necessary. The term "medically necessary" means necessary to treat or relieve physical illness, infection, disease, or injury, or to correct a congenital abnormality that is causing or will cause a dog or cat physical harm or pain. Such term does not include cosmetic or aesthetic reasons or reasons of convenience in keeping or handling a dog or cat.

Surgical devocalization procedure. The term "surgical devocalization procedure" means any ventriculocordectomy or vocal cordectomy of a dog or cat.

b. No person shall perform any surgical devocalization procedure that is not medically necessary.

c. Any surgical devocalization procedure that is not prohibited by subdivision b shall be subject to the following requirements:

1. The procedure shall be performed by a licensed veterinarian; and

2. Anesthesia shall be administered to the dog or cat during the surgical devocalization procedure.

d. Any person who performs a surgical devocalization procedure in violation of subdivision b or c of this section shall be subject to a civil penalty of not less than $1000 and not more than $2500 for each such procedure performed.

e. A veterinarian who is found to have performed a surgical devocalization procedure in violation of this section shall be reported by the commissioner to the state department of education and board of regents for disciplinary action due to unprofessional conduct pursuant to paragraph (1) of subdivision (b) of section 29.1 of title 8 of the New York codes, rules and regulations or any other applicable provision of such section or a successor provision.

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

Referred to the Committee on Health.

Int. No. 185

By Council Members Gennaro 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^2)], (ii) two or more buildings on the same tax lot that together exceed [100,000] 50,000 gross square feet [(9290 m^2)], (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^2)], 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, 2025.

Referred to the Committee on Housing and Buildings.

Int. No. 186

By Council Members Gennaro, Nurse, Restler, Won and Brewer.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of environmental protection to report on its progress toward decreasing the presence of sewage and stormwater contaminants in the city waterways and various strategies to achieve those goals, and providing for the expiration and repeal of such requirement

Be it enacted by the Council as follows:

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

§ 24-532 Studies of city sewage pollution. a. The commissioner of environmental protection shall annually complete a study on sewage and stormwater contaminants in the city's waterways, and shall prepare and file

with the mayor and the council and post on the department's website a report disclosing the results of each such study, including but not necessarily limited to:

1. The current condition of the waterways of the city with respect to the presence of

contaminants from combined sewage overflows, frequencies and volumes of discharges from each combined sewage overflow during the preceding year, and the proportional impact of discharges on environmental justice communities;

2. The progress made by the department of environmental protection toward reaching the milestones, projected reductions in combined sewage overflow volume and frequency, projected pollutant load reductions, and projected water quality improvements included in each combined sewer overflow long term control plan required under state or federal permits or enforcement orders; and

3. For each waterway that is the subject of a combined sewage overflow long term control plan, the five sewage contaminants discharged from city outfalls that are the most frequent cause or contributor during the preceding year to violations of the water quality standards set forth in part 703 of title 6 of the New York codes, rules and regulations or the United States environmental protection agency's 2012 recreational water quality standards.

b. The commissioner shall complete each study and submit the report required by subdivision a by July 1 of each year.

c. The commissioner shall develop and file with the mayor and the council and post on the department's website, for each waterway that is the subject of a combined sewer overflow long term control plan, an integrated watershed management plan, following the guidelines in the United States environmental protection agency's 2008 Handbook for Developing Watershed Plans to Restore and Protect Our Waters. The objectives of each plan shall include, but need not be limited to, year-round compliance throughout each water body, including at all locations where people may come into contact with the water through recreational activities, with water quality standards no less stringent than the United States environmental protection agency's 2012 recreational water quality criteria, or the most recent update to such criteria. The department shall publish one integrated watershed plan for a waterway that is subject to a combined sewer overflow long term control plan but lacks an integrated watershed plan, on July 1 of each year, beginning July 1, 2023, until such plans are completed for each such waterway.

d. For the development of each plan required under subdivision c of this section, the commissioner shall convene an advisory group quarterly to receive an update on substantive findings and analysis and to provide advice. The advisory group shall be composed of no fewer than five members, including:

1. A representative appointed by the borough president of each respective borough adjoining the waterway that is the subject of the respective plan;

2. One member representing a New York city-based organization with at least five years of experience researching and advocating to address the differential effects of environmental degradation on economically disadvantaged communities;

3. Two members representing environmental organizations with at least five years of experience researching and advocating to address urban sewage pollution issues; and

4. One representative affiliated at a college or university with experience in water quality or hydrology.

d. The commissioner shall develop and file with the mayor and the council and post on its website, for each waterway that is the subject of a combined sewage overflow long term control plan, a report identifying all technically feasible opportunities to develop green infrastructure on public and private lands and structures within the sewersheds draining to each respective waterway, including projects that rely on public funding, private funding, or a combination thereof, and the potential for green infrastructure assets to maximize health, quality of life, and economic benefits to environmental justice communities. For the purposes of this paragraph, the term "green infrastructure" refers to methods to divert stormwater away from the sewer system and direct it to areas where it can be infiltrated, evapotranspired, reused, or detained, including, but not limited to, green roofs, trees and tree boxes, blue roofs, permeable pavement, rain barrels and cisterns, rain gardens, vegetated swales, wetlands, infiltration planters, and vegetated sidewalk swales and median strips. The department shall publish a report for a waterway that is subject to a combined sewage overflow long term control plan but lacks a report on such technically feasible opportunities for green infrastructure, on July 1 of each year, beginning July 1, 2023, until such reports are completed for each such waterway.

f. The commissioner shall complete a study evaluating the effectiveness of its current regulations for reducing the volume and rate of stormwater discharge from developed land and establishing a method to be used by the department to track the combined sewage overflow and stormwater pollution reductions achieved by implementing such standards. The commissioner shall submit such study to the mayor and the council and shall post on the department's website a report and recommendations for adopting on-site stormwater retention standards for new development and redevelopment projects in the combined sewage areas and separate sewage areas of the city and for tracking the combined sewage overflow and stormwater pollution reductions that would be achieved by implementing such new standards. The commissioner shall complete the study and submit the report and recommendations by July 1, 2024.

g. The commissioner shall complete a study on chlorination treatments for raw sewage and develop and submit to the mayor and the council and post on the department's website a report evaluating, for each location in the city where a combined sewage overflow long term control plan includes chlorination:

1. Anticipated designs for chlorination methods and types and levels of chemicals;

2. The effectiveness of such designs at treating or neutralizing pathogens and other pollutants; and

3. Potential adverse impacts of the use and discharges of chlorination chemicals and chlorination chemical byproducts and the extent to which anticipated designs will be able to avoid adverse impacts.

h. The report required by subdivision g shall consider the experiences of other wastewater treatment utilities with chlorination treatments for combined sewer overflows. The commissioner shall complete the study and submit the report by July 1, 2023.

i. The commissioner shall:

1. Publish a draft of each report, plan or set of recommendations required by subdivisions a, c, d, e, f and g, on the department's website 90 days before finalization;

2. Hold a public meeting to present the draft report and answer questions from the public; and

3. Allow the public to submit comments on such draft report for 45 days.

j. As part of each report, plan or set of recommendations required by subdivisions a, c, d, e, f and g, the commissioner shall:

1.Include an assessment of public comments, including a copy of all such comments and summary of any unwritten comments offered at the meetings of any relevant advisory group or any relevant public meeting;

2. A summary and an analysis of the issues raised in such comments;

3. Responses to any questions included in such comments;

4. A statement of the reasons why any significant modifications recommended in such comments were not incorporated into the report; and

5. A description of any changes made to the report as a result of such comments.

§ 2. This local law takes effect immediately and remains in effect until 2 years after the completion of the department of environmental protection's combined sewer overflow long term control plan projects or February 1, 2053, whichever is later, at which time it shall expire and be deemed repealed.

Referred to the Committee on Environmental Protection, Resiliency and Waterfronts.

Int. No. 187

By Council Members Gennaro, Restler and Won (by request of the Queens Borough President).

A Local Law to amend the administrative code of the city of New York, in relation to requiring the creation of a database of subsurface conditions to support better engineering of geothermal heat pumps.

Be it enacted by the Council as follows:

Section 1. Section 24-804 of chapter 8 of title 24 of the administrative code of the city of New York is amended by adding a new subdivision to c to read as follows:

c. Database of subsurface conditions. 1. The department, in conjunction with the department of design and construction and the department of city planning, shall develop and maintain a database of subsurface conditions by December 31, 2023 to offer resources to support the engineering and design of geothermal heat pump systems.

2. Such database shall be updated annually and shall include:

(a) A repository for geological logs of the city's geothermal bores;

(b) The locations of existing geothermal energy systems; and

(c) The locations of all water wells, including any unused privately owned water wells.

§ 2. This local law takes effect immediately.

Referred to the Committee on Environmental Protection, Resiliency and Waterfronts.

Int. No. 188

By Council Members Gennaro, Krishnan, Yeger and Restler.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of parks and recreation to resolve risks posed by trees on public property

Be it enacted by the Council as follows:

Section 1. Subdivision a of section 18-157 of the administrative code of the city of New York, as added by local law number 20 for the year 2022, is amended, and new subdivisions b and c are added, to read as follows:

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

Extreme overall risk. The term "extreme overall risk" means when tree failure is imminent, there is a high likelihood of tree failure impacting a target, and the consequences of the failure are severe, in accordance, or substantial equivalence, with "ANSI A300 tree risk assessment standard part 9" of 2017, developed by the American National Standards Institute.

High overall risk. The term "high overall risk" means (i) when consequences of tree failure are significant and likelihood of tree failure impacting a target is very likely or likely; or (ii) when consequences of tree failure are severe and likelihood of tree failure impacting a target is likely; in accordance, or substantial equivalence, with "ANSI A300 tree risk assessment standard part 9" of 2017, developed by the American National Standards Institute.

Low overall risk. The term "low overall risk" means (i) when consequences of tree failure are negligible and likelihood of tree failure impacting a target is unlikely; or (ii) when consequences of tree failure are minor and likelihood of tree failure impacting a target is somewhat likely; in accordance, or substantial equivalence, with "ANSI A300 tree risk assessment standard part 9" of 2017, developed by the American National Standards Institute.

Moderate overall risk. The term "moderate overall risk" means (i) when consequences of tree failure are minor and likelihood of tree failure impacting a target is very likely or likely; or (ii) when consequences of tree failure are significant or severe and likelihood of tree failure impacting a target is somewhat likely; in accordance, or substantial equivalence, with "ANSI A300 tree risk assessment standard part 9" of 2017, developed by the American National Standards Institute.

b. The department shall inspect each tree under its jurisdiction over 6 inches in caliper, to determine if any issue threatens the health of such tree or causes such tree to pose a threat to public safety, at least [once] <u>twice</u> between each time such tree is pruned by the department or by a person authorized by the department to perform routine scheduled maintenance of such tree. Such inspection shall not be required for trees in forests and natural areas, and shall be limited to inspections of trees located on streets and trees located in landscaped parks, which for purposes of this section are referred to as "covered trees". *The department shall adopt a protocol for such inspections that shall use either of the following standards: "ANSI A300 tree risk assessment standard part 9" of 2017, developed by the American National Standards Institute, or "Tree Risk Assessment, second edition,"*

developed by the International Society of Arboriculture. Such adopted protocol may differ from such standards where necessitated by New York city's unique environment, provided that it considers factors such as likelihood of tree failure, likelihood of impacting a target, and consequences of impacting a target.

c. The department shall respond for the purposes of conducting tree work to any inspections of covered trees performed after January 1, 2024, within the following timeframes:

1. Extreme overall risk: 7 days after inspection completed;
2. High overall risk: 28 days after inspection completed;
3. Moderate overall risk: 56 days after inspection completed; and
4. Low overall risk: 84 days after inspection completed.

§ 2. Subdivisions b and c of section 18-157 of the administrative code of the city of New York, as added by local law number 20 for the year 2022, are relettered subdivisions d and e, respectively.

§ 3. a. Definitions. For purposes of this section, the following terms have the following meanings:

Covered trees. The term "covered trees" has the same meaning as set forth in subdivision b of section 18-157 of the administrative code of the city of New York.

Department. The term "department" means the department of parks and recreation.

Low overall risk. The term "low overall risk" has the same meaning as set forth in subdivision a of section 18-157 of the administrative code of the city of New York.

Moderate overall risk. The term "moderate overall risk" has the same meaning as set forth in subdivision a of section 18-157 of the administrative code of the city of New York.

b. By June 30, 2024, the department shall organize a list of covered trees under its jurisdiction which have previously been inspected and assigned a low overall risk or moderate overall risk value by the protocol adopted pursuant to subdivision b of section 18-157 of the administrative code of the city of New York. The department shall include on such list any covered trees which have been inspected but not yet received a work order, and covered trees which have an existing work order. The department shall order such list by the date of the tree's inspection, with the oldest inspections listed first.

1. Starting with the first tree on such list and working towards more recent inspections, the department shall respond for the purposes of conducting tree work to no less than 33 percent of the covered trees on such list no later than June 30, 2025. The department shall respond for the purposes of conducting tree work to no less than 66 percent of the covered trees on such list no later than June 30, 2026. The department shall respond for the purposes of conducting tree work to the remainder of the covered trees on such list no later than June 30, 2027.

2. No later than November 1 of the year this local law takes effect, and annually thereafter, the department shall submit to the mayor and the speaker of the council a report on its progress in conducting tree work pursuant to paragraph 1 of this subdivision. Such report shall cease to be required upon the department's submission to the mayor and the speaker of the council of a report indicating that the department has completed tree work for all covered trees on the list described in subdivision b of this section. The department shall include in each such report:

(a) the number of low overall risk and moderate overall risk trees to which the department has responded for the purposes of conducting tree work during that calendar year;

(b) the number of low overall risk and moderate overall risk trees to which the department remains required, pursuant to paragraph 1 of this subdivision, to respond to for the purposes of conducting tree work; and

(c) the identity of any covered trees remaining on the list described in subdivision b of this section which cannot be addressed pursuant to paragraph 1 of this subdivision, and a description of any circumstances prohibiting the department from complying with the requirements of this section.

§ 4. This local law takes effect immediately.

Referred to the Committee on Parks and Recreation.

Int. No. 189

By Council Members Gennaro and Krishnan.

A Local Law to amend the administrative code of the city of New York, in relation to the removal of trees under the jurisdiction of the department of parks and recreation and reporting thereof

Be it enacted by the Council as follows:

Section 1. Subdivision a of section 18-107 of the administrative code of the city of New York, as amended by local law number 3 for the year 2010, is amended to read as follows:

a. Any person that intends to remove any tree that is within the jurisdiction of the commissioner, shall obtain a permit from the department prior to such removal. *The department shall not grant a permit pursuant to this section unless the permit application includes the name and certification of the person who shall conduct the tree removal and the department determines that such person is an arborist with a certification recognized by the department.*

§ 2. Subdivision a of section 18-129 of the administrative code of the city of New York, as amended by local law number 7 for the year 1996, is amended to read as follows:

a. It shall be unlawful for any [individual, firm, corporation, agent, employee or] person [under the control of such individual, firm or corporation] to cut, remove or in any way destroy or cause to be <u>cut, removed or</u> destroyed, any tree or other form of vegetation on public property under the jurisdiction of the commissioner without acquiring written consent from the commissioner. *For any tree removal that requires a permit pursuant to section 18-107, it shall be unlawful for any person other than the arborist named on the permit application to conduct such removal.* The foregoing provision shall not apply to department employees who are engaged in the proper and authorized performance of their assigned duties.

§ 3. Chapter 1 of title 18 of the administrative code of the city of New York is amended by adding a new section 18-129.1 to read as follows:

§ 18-129.1 City tree removal reporting. a. Definitions. For purposes of this section, "city tree" means any tree under the jurisdiction of the commissioner.

b. No later than 1 year after the effective date of the local law that added this section, and annually thereafter, the department shall submit a report to the mayor and the speaker of the council regarding all removals of city trees in the prior year. Such report shall contain a table in which each row references a city tree removed in the prior year. Each row shall include the following information, set forth in separate columns:

1. Whether the city tree was removed by the department, pursuant to a permit issued under subdivision a of section 18-107, or without authorization from the department;

2. The geospatial reference for each removed city tree;

3. Whether the department has replaced the removed city tree;

4. For each city tree removed pursuant a permit issued under subdivision a of section 18-107, whether an employee of the department was present to supervise the removal; and

5. For each city tree removed without authorization from the department, whether any person has been found liable for a violation of section 18-129.

§ 4. This local law takes effect immediately.

Referred to the Committee on Parks and Recreation.

Res. No. 81

Resolution calling upon the United States Congress to pass, and the President to sign, S. 1350/H.R 2964, the Wastewater Infrastructure Pollution Prevention and Environmental Safety Act (WIPPES), requiring the Federal Trade Commission to issue regulations requiring certain products to have "Do Not Flush" labeling.

By Council Member Gennaro.

Whereas, New York City's (NYC or City) wastewater infrastructure consists of over 7,500 miles of sewer lines, which convey approximately 1.3 billion gallons of water each day to the City's 14 wastewater resource recovery facilities; and

Whereas, From households, wastewater goes through multiple phases of treatment, starting with grates that screen larger pieces of debris from the water as it enters the sewage system, followed by pumping to a wastewater treatment facility where the water is briefly held in settling tanks where heavier sediment sinks to the bottom, and lighter particles and grease can be skimmed from the surface before being sent for additional processing; and

Whereas, The City's wastewater infrastructure is not designed to accept materials other than bodily waste and sanitary paper designed to break down nearly immediately in the presence of water; and

Whereas, Flushing materials unsuitable for the City's wastewater infrastructure down toilets can cause significant problems for such infrastructure, as the material can collect in sewer grates and cause backups, congeal with improperly discarded grease and oil to form into clumps known as fatbergs, and contribute to equipment failures at treatment plants; and

Whereas, Nonwoven wipes, which may be marketed as baby wipes, wet wipes, sanitary wipes, makeup wipes, or cleaning and disinfecting wipes, are usually made either partially or entirely from fossil fuel-derived fibers, and do not break down quickly enough to be flushed, have been identified as a major culprit in sewer line clogs and the formation of fatbergs; and

Whereas, Even wipes explicitly marketed as flushable may contribute to sewage clogs and potential machinery damage according to a 2019 study conducted by Toronto Metropolitan University's Flushability Lab at Ryerson Urban Water, which found that of 23 brands of nonwoven wipes labeled flushable, none broke down quickly enough to safely pass through sewage infrastructure; and

Whereas, During a hearing of the NYC Council's Committee on Environmental Protection in October of 2020, the then Commissioner of the NYC Department of Environmental Protection (DEP), Vincent Sapienza, testified that DEP spends nearly $19,000,000 each year addressing sewage clogs and damage to machinery caused by the flushing of nonwoven wipes; and

Whereas, The National Association of Clean Water Agencies estimates that improperly flushed wipes cost water utilities in the U.S. approximately $441,000,000 in additional operating costs each year; and

Whereas, The WIPPES Act, S. 1350/H.R 2964, sponsored by U.S. Senator Jeff Merkley and U.S. House Representative Lisa McClain, would require the Federal Trade Commission, within 2 years, to establish regulations requiring manufacturers, wholesalers, suppliers, or retailers to label certain household and personal care wipes clearly and conspicuously with high contrast "Do Not Flush" symbols; and

Whereas, The WIPPES Act would apply to pre-moistened, nonwoven disposable wipes sold or offered for sale that are (i) marketed as baby or diapering wipes, or (ii) household or personal care wipes composed either wholly or in part of fossil fuel-derived fibers and that have a high likelihood of being flushed; and

Whereas, The WIPPES Act would establish standards requiring covered products to feature the "Do Not Flush" symbol and label prominently displayed in a location reasonably viewable to users each time a wipe is dispensed, in high contrast colors, unobscured by seams or package design elements, and covering at least 2 percent of the surface area of the main display panel; and

Whereas, The Act would also require the Federal Trade Commission to issue regulations prohibiting the representation or marketing of covered products as flushable; and

Whereas, Violations of the Act would trigger a fine of no more than $2,500 for each day the violation occurs, not to exceed $100,000 for a single violation, and states would be preempted from establishing restrictions different from those contained within the WIPPES Act; and

Whereas, The labeling required by the WIPPES Act may increase awareness among the general public that nonwoven disposable wipes should not be flushed, which may in turn help to reduce this unwanted behavior and minimize the effects of improper disposal on municipal wastewater facilities across the United States; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the United States Congress to pass, and the President to sign, S. 1350/H.R 2964, the Wastewater Infrastructure Pollution Prevention and Environmental

Safety Act (WIPPES), requiring the Federal Trade Commission to issue regulations requiring certain products to have "Do Not Flush" labeling.

Referred to the Committee on Environmental Protection, Resiliency and Waterfronts.

Res. No. 82

Resolution supporting the mission and growth of the Climate Museum.

By Council Member Gennaro.

Whereas, According to the National Aeronautics and Space Administration, Earth's climate is changing at a rate not seen in the past 10,000 years: the global temperature is increasing, oceans are warming, sea levels are rising, ice and snow levels are decreasing, and the frequency of extreme weather events is increasing; and

Whereas, The main cause of climate change is the increasing levels of greenhouse gases (GHG) in Earth's atmosphere; and

Whereas, According to the U.S. Environmental Protection Agency, human activities over the last 150 years have been the principal cause of the increase in GHGs in the atmosphere, and the primary source of GHG emissions in the U.S. is from the burning of fossil fuels; and

Whereas, The United Nation's Intergovernmental Panel on Climate Change has stated that people living within cities now face higher risks of heat stress, reduced air quality because of wildfires, lack of water, food shortages, and other impacts caused by climate change, and that it expects the impacts of climate change to intensify with additional warming; and

Whereas, According to the New York City Department of Environmental Protection, climate change is affecting the City of New York (City), with changes in temperature, precipitation, sea level rise, and extreme weather events, and the effects of climate change will be distributed unevenly across City neighborhoods as a result of land use, economic status, age, and exposure; and

Whereas, The City has set a policy to reduce its GHG emissions and achieve carbon neutrality by the year 2050; and

Whereas, Contending with the climate crisis at scale requires a transformation of public culture, including reducing consumption, increasing utilization of public transportation, and retrofitting buildings to be more energy efficient ; and

Whereas, In order to proactively address climate change, New Yorkers must be educated on the effects of climate change, the scientific link between human activities and climate change, and possible solutions to the crisis; and

Whereas, The Climate Museum, which is dedicated to climate issues and solutions to the crisis, was established in the City in 2015 as the first museum of its kind in the U.S.; and

Whereas, The Climate Museum's mission is to inspire action on the climate crisis with programming across the arts and sciences that deepens understanding, builds connections, and advances just solutions; and

Whereas, The Climate Museum mobilizes the power of arts and cultural programming with the aim of accelerating a shift toward climate dialogue and action; and

Whereas, According to the Climate Museum, the museum will position the City as a leader and launchpad for state-of-the-art climate programs that welcome local, national, and global communities; and

Whereas, Since 2018, the Climate Museum has presented 8 exhibitions and more than 300 events; engaged more than 350 high school students in leadership, advocacy, and arts programs; and welcomed more than a hundred thousand visitors; and

Whereas, The Climate Museum's dedication to addressing the climate crisis and its work towards educating New Yorkers on the effects and solutions to climate change will have a positive impact on the environment and the City of New York; now, therefore, be it

Resolved, That the Council of the City of New York supports the mission and growth of The Climate Museum.

Referred to the Committee on Environmental Protection, Resiliency and Waterfronts.

Res. No. 83

Resolution calling on the New York City Water Board to notify all council members and community boards at least 30 days before a public hearing concerning an annual water rate adjustment.

By Council Member Gennaro.

Whereas, The New York City Water Board ("Board") establishes water rates in New York City ("City"); and

Whereas, Property owners pay the Board at these rates to receive sewage and drinking water service from the New York City Department of Environmental Protection ("DEP"); and

Whereas, Effective July 1, 2022 to June 30, 2023, the City drinking water rate was $4.30 per 100 cubic feet and the sewer water rate was 159 percent of the drinking water rate; and

Whereas, At these rates, the average charge for a single-family household was $1,041 worth of annual water and wastewater service, and the average metered charge for a dwelling unit in a multi-family building was $773 worth of annual water and wastewater service; and

Whereas, The Board adjusts the value and structure of the water rates annually to ensure the fiscal health of the City's water systems; and

Whereas, Pursuant to section 1045-j of the New York Public Authorities Law, the Board may not change the water rate unless it both holds a public hearing that is noticed at least 20 days in advance and holds a public hearing in each borough, each of which must be noticed at least seven days in advance; and

Whereas, In recent years, the Board has satisfied the water rate hearing notice requirement by posting the time, date, and location of hearings on its website; and

Whereas, The Board's current procedure to notice water rate hearings may not alert a sufficient number of residents, as evidenced by the limited quantity of spoken testimony delivered at recent hearings; and

Whereas, In 2023, the Board proposed an increase of up to 4.42 percent in water rates, and additionally proposed to reauthorize three DEP customer payment assistance programs, maintain the minimum daily water service charge of $0.49 for meter-billed customers, and extend the Multi-family Conservation Program compliance deadline; and

Whereas, Despite these proposed changes, the Board heard only two spoken comments at the Bronx water rate adjustment hearing, two spoken comments at the Manhattan hearing, and no spoken comments at the Brooklyn hearing; and

Whereas, Additional notice may increase public participation at water rate hearings, and consequently, improve the transparency of and accountability over the Board; and

Whereas, Council members and community boards frequently engage with the public at community events, through social media, and via other forums; and

Whereas, If the Board provided advance notice of water rate hearings to council members and community boards, then these entities could publicize the hearings through their public outreach infrastructure; and

Whereas, Further advertisement of water rate hearings may give more residents the opportunity to voice concern over proposed increases to the cost of essential City services; now, therefore, be it

Resolved, That the Council of the City of New York calls on the New York City Water Board to notify all council members and community boards at least 30 days before a public hearing concerning an annual water rate adjustment.

Referred to the Committee on Environmental Protection, Resiliency and Waterfronts.

Res. No. 84

Resolution calling on the New York State Legislature to pass, and Governor to sign, legislation to create a permanent, citywide voluntary buyout program to mitigate flood risk.

By Council Member Gennaro.

Whereas, Flooding caused by extreme weather threatens to damage or destroy thousands of homes in New York City (the City); and

Whereas, In 2012, Hurricane Sandy hit the City with a storm surge that flooded 17 percent of the City's landmass, which included more than 300,000 homes and critical infrastructure such as hospitals and the Brooklyn-Battery tunnel; and

Whereas, The storm surge was especially devastating in coastal areas, such as the Coney Island peninsula, where the flood waters reached a depth of 11 feet above ground level, and on the South Shore of Staten Island, where they reached a depth of 14 feet; and

Whereas, These conditions damaged over 69,000 residential units, killed 44 New Yorkers and cost an estimated $19 billion in lost economic activity and property damage; and

Whereas, To repair the damage from Hurricane Sandy, the City received over $17 billion in federal relief spending, which included $9.9 billion from the Federal Emergency Management Agency Public Assistance program and $4.2 billion from the Community Development Block Grant Disaster Relief (CDBG-DR) program; and

Whereas, The City's Build it Back (BIB) Single Family Program, which used CDBG-DR dollars to pay contractors to rebuild single family homes damaged by Hurricane Sandy, had begun assisting only 686 of the roughly 20,000 program applicants by August 2014, nearly two years after the storm struck the City; and

Whereas, Some BIB Single Family Program repairs were not completed until 2021, nearly 10 years after Hurricane Sandy occurred; and

Whereas, Climate change will likely cause extreme weather like Hurricane Sandy to occur more often and with greater intensity; and

Whereas, The New York City Panel on Climate Change has warned that the City will likely experience an increase in chronic tidal flooding and coastal storms over the course of the next century; and

Whereas, These trends may increase the frequency with which extreme weather forces New Yorkers living in high-risk flood zones to rebuild their homes; and

Whereas, Many New Yorkers struggle to rebuild their homes after damage from extreme weather despite federal assistance; and

Whereas, New York State (the State) can mitigate the monetary and human costs of extreme weather by offering to purchase homes at high risk of flooding through voluntary buyout programs, which allow homeowners to resettle in low-risk flood zones and escape the cycle of rebuilding and displacement caused by extreme weather; and

Whereas, Voluntary buyout programs also safeguard communities against future storms, as purchased properties are typically transformed into natural, open space storm water management systems; and

Whereas, Although the State administered the voluntary New York State Acquisition for Redevelopment buyout program after Hurricane Sandy, the program was limited and offered to purchase homes located in only two neighborhoods in the borough of Staten Island; and

Whereas, Homeowners in all five boroughs live at high risk of flood damage and should have the choice to mitigate their risk by selling their property to the State; and

Whereas, The State could likely fund a permanent, citywide voluntary buyout program with new state and federal grant and loan programs; and

Whereas, In November, 2022, New York State voters approved the Clean Water, Clean Air and Green Jobs Environmental Bond Act, which will raise $4.2 billion to pay for climate change mitigation and greenhouse gas abatement projects, up to $250 million of which may be spent on voluntary private property buyouts; and

Whereas, The federal Building Resilient Infrastructure and Communities program, which received $1 billion in funding from the Infrastructure Investment and Jobs Act of 2021 (IIJA), and the federal Safeguarding Tomorrow through Ongoing Risk Mitigation act, which received $500 million in funding from IIJA, can help

states pay for the mitigation of natural hazards through measures such as voluntary buyout programs; now, therefore, be it

Resolved, That the Council of the City of New York calls on the New York State Legislature to pass, and Governor to sign, legislation to create a permanent, citywide voluntary buyout program to mitigate flood risk.

Referred to the Committee on Environmental Protection, Resiliency and Waterfronts.

Res. No. 85

Resolution calling on the New York State Legislature to pass, and the Governor to sign, A.7638-A/S.7216-A, which would establish a noise tax on non-essential helicopter and seaplane flights in cities with a population of one million or more.

By Council Members Gennaro, Farías and Brewer.

Whereas, There are thousands of commercial helicopter flights over New York City each month; and

Whereas, Helicopter-related noise complaints to New York City's 3-1-1 increased from 10,359 in 2020 to 25,821 in 2021 with a vast majority of the complaints coming from Manhattan; and

Whereas, Over the past five years, 3-1-1 has experienced a 2,329% increase in noise complaints related to helicopters; and

Whereas, According to numerous health publications, exposure to excessive noise produced by frequent overhead flights are associated with a number of health effects, including, but not limited to: (i) high blood pressure; (ii) neuroendocrinological issues; (iii) impaired psychological and cognitive functions; (iv) learned helplessness; (v) poorer long-term memory; and (iv) diminished reading comprehension; and

Whereas, Many national and municipal organizations, such as *Stop the Chop NY/NJ*, create public educational campaigns on the dangers to health and the environment that can be caused by non-essential helicopter sightseeing tours and commuter flights that fly over our City; and

Whereas, In an effort to mitigate the impact of the non-essential commercial flights on public health and the environment, A.7638-A, which was introduced by New York State Assemblymember Robert C. Carroll, and companion bill S.7216-A, which was introduced by New York State Senator Kristen Gonzalez, seek to amend the New York State Tax Law by establishing a noise tax on non-essential helicopter and seaplane flights in cities with a population of one million or more; and

Whereas, Pursuant to A.7638-A/S.7216-A, the tax rate on such aircrafts would be fifty dollars per seat ticket, or two hundred dollars per flight, whichever is greater; and

Whereas, Under A.7638-A/S.7216-A, flight operators who fail to pay this tax due to willful neglect would subject to a penalty of four hundred percent of the total tax amount due; and

Whereas, A.7638-A/S.7216-A, would mandate that all funds collected under this new tax be deposited in New York State's Environmental Protection Fund; and

Whereas, The New York State Senate passed S.7216 on June 8, 2023 and was delivered to the Assembly on the same day; and

Whereas, Enacting A.7638-A/S.7216-A would help reduce noise pollution from the plethora of non-essential aircrafts that affect the millions of residents in our great 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, A.7638-A/S.7216-A, which would establish a noise tax on non-essential helicopter and seaplane flights in cities with a population of one million or more.

Referred to the Committee on Economic Development.

Int. No. 190

By Council Members Gutiérrez, Restler, Avilés and Abreu.

A Local Law to amend the administrative code of the city of New York, in relation to establishing a battery safety certification for powered mobility device mechanics

Be it enacted by the Council as follows:

Section 1. Chapter 4 of title 20 of the administrative code of the city of New York, is amended by adding a new subchapter 15 to read as follows:

SUBCHAPTER 15
POWERED MOBILITY DEVICES

§ 20-699.21 Definitions. For the purposes of this subchapter, the term "powered mobility device" means a motorized bicycle, motorized scooter and other personal mobility device powered by a lithium-ion or other storage battery. The term does not include motor vehicles or motorcycles or other mobility devices that must be registered with the New York state department of motor vehicles.

§ 20-699.22 Powered mobility device mechanic certification. a. The commissioner shall establish by rule a process by which powered mobility device mechanics may apply to be recognized as certified in powered mobility device battery safety. The commissioner shall establish the criteria for such certification process.

b. The commissioner shall require by rule all such powered mobility device mechanics to be certified pursuant to subdivision a of this section and shall maintain on the department's website and update at least monthly a list of all mechanics who are certified pursuant to subdivision a of this section.

c. The commissioner shall conduct outreach and education about the provisions of this subchapter. Such outreach and education shall be provided to food delivery workers, third-party food delivery services and other groups frequently using powered mobility devices that the commissioner may identify.

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

Referred to the Committee on Consumer and Worker Protection.

Int. No. 191

By Council Members Gutiérrez, Restler, Louis and Abreu (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 the department of citywide administrative services to give two years notice of lease expiration to tenants of city-leased properties

Be it enacted by the Council as follows:

Section 1. Subdivision b of Section 4-203 of the administrative code of the city of New York, is amended to read as follows:

b. The commissioner may lease or rent, or grant any such permit, license or authorization with respect to any such property or portion thereof, for such rental or other charge and upon such terms and conditions as the commissioner may determine, in any case where the terms of such lease, rental agreement, permit, license or other authorization is less than one year except that where such property or portion thereof has previously been leased, rented, the subject of such a permit, license or other authorization, the term of such lease, rental agreement, permit, license or other authorization may be for a term of up to five years, and the rental or other charge fixed by the commissioner therein does not exceed five thousand dollars per month or any equivalent of such rental or charge. Before the commissioner shall enter into any such lease or rental agreement or issue any such permit, license or other authorization, there shall be filed in the department and with the board of estimate

a written certification signed by two officers or employees of the department having the rank of senior real estate manager or an equivalent or higher rank, stating that the rental or other charge fixed therein is fair and reasonable. *In the case of a lease, rental agreement, permit, license or other authorization for a term greater than two years, the commissioner shall send notice of the expiration date of the term by mail to the tenant, occupant or other person lawfully in possession of such property two years prior to the expiration of the lease, rental agreement, permit, license or other authorization. The commissioner shall also mail a copy of the notice of expiration to the council member, borough president and community board who represent the district where the property is located.*

§ 2. This local law shall take effect immediately.

Referred to the Committee on Governmental Operations, State & Federal Legislation.

Int. No. 192

By Council Members Gutiérrez, Restler, Ossé, Williams, Krishnan, Won, Menin, Narcisse, Cabán and Abreu.

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. 193

By Council Members Gutiérrez and Restler.

A Local Law to amend the administrative code of the city of New York, in relation to requiring taxis and for-hire vehicles to display a decal warning passengers to look for cyclists when opening the door

Be it enacted by the Council as follows:

Section 1. Chapter 5 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-557 to read as follows:

§ 19-557 Anti-dooring decal. a. For purposes of this section, the term "anti-dooring decal" means a sign affixed to the inside of a vehicle's passenger doors that warns passengers to look for cyclists before opening the door.

b. Every owner of a taxicab, coach, for-hire vehicle, commuter van, or wheelchair accessible van shall prominently display anti-dooring decals on the inside of the front passenger and rear passenger doors.

c. The anti-dooring decals shall be provided by the commission at no cost to the driver or owner of the vehicle.

d. The commission shall promulgate rules establishing the penalty for violation of subdivision b of this section.

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

Referred to the Committee on Transportation and Infrastructure.

Int. No. 194

By Council Members Gutiérrez, Restler, Avilés, Won, Cabán and Marte.

A Local Law in relation to establishing a task force to study the feasibility of building charging stations for bicycles with electric assist to be used by food delivery workers

Be it enacted by the Council as follows:

Section 1. Definitions. For purposes of this local law, the following terms have the following meanings:

Bicycle with electric assist. The term "bicycle with electric assist" has the meaning provided in section 102-c of the vehicle and traffic law.

E-bike. The term "e-bike" has the same meaning as the term "bicycle with electric assist" as provided in section 102-c of the vehicle and traffic law.

Food delivery worker. The term "food delivery worker" means any natural person or any organization composed of no more than one natural person, whether or not incorporated or employing a trade name, who is hired, retained, or engaged as an independent contractor by a food service establishment, as an independent contractor of a third-party food delivery service required to be licensed pursuant to section 20-563.1 or as an independent contractor of a third-party courier service to deliver food, beverage, or other goods from a business to a consumer in exchange for compensation.

Third-party courier service. The term "third-party courier service" means a service that (i) facilitates the same-day delivery or same-day pickup of food, beverages, or other goods from a food service establishment on behalf of a third-party food delivery service and (ii) that is owned and operated by a person other than the person who owns such food service establishment.

Third-party food delivery service. The term "third-party food delivery service" means any website, mobile application, or other internet service that: (i) offers or arranges the sale of food and beverages prepared by, and the same-day delivery or same-day pickup of food or beverages from, a food service establishment; and (ii) that is owned and operated by a person other than the person who owns such food service establishment.

§ 2. Task force established. There is hereby established a task force to study e-bike charging stations for food delivery workers.

§ 3. Duties. The task force shall study the feasibility of building charging stations for bicycles with electric assist and shall make recommendations for whether and where such charging stations should be built. Those recommendations shall take into account the cost of building and operating such charging stations, including whether that cost could be borne in whole or in part by third-party courier services or third-party food delivery services or whether there are other appropriate sources of funding, the potential locations for such charging stations, including any land use considerations governing their placement, whether such charging stations should be operated by third-parties, how such charging stations could potentially be reserved for exclusive use by food delivery workers, whether food delivery workers could use the charging stations for free or at low cost, and the way in which such charging stations could mitigate fire risk caused by the lithium-ion batteries contained in bicycles with electric assist.

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

1. The commissioner of transportation or such commissioner's designee, who shall serve as chair;
2. The commissioner of buildings or such commissioner's designee;
3. The commissioner of city planning or such commissioner's designee;
4. The commissioner of design and construction or such commissioner's designee;
5. The chief technology officer, or their designee;
6. The commissioner of consumer and worker protection, or such commissioner's designee;
7. The commissioner of the fire department, or such commissioner's designee;
8. The commissioner of parks and recreation, or such commissioner's designee;
9. Two individuals who are experts on battery charging infrastructure, as appointed by the mayor;
10. Two individuals employed as, or serving as representatives of, food delivery workers in New York, as appointed by the mayor;
11. An individual who is an advocate for e-bike safety within New York, as appointed by the mayor.

b. The mayor shall invite the president of the New York City economic development corporation, the chair of the New York City housing authority, and the chair of Con Edison and 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 90 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 three.

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 270 days 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 legislation and policy relating to whether and where charging stations for bicycles with electric assist to be used by food delivery workers should be built. The report shall include a summary of information the task force considered in formulating its recommendations.

b. The commissioner of transportation shall publish the task force's report electronically on the website of the department of transportation no later than 10 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 Transportation and Infrastructure.

Int. No. 195

By Council Members Gutiérrez, Aviles, Dinowitz, Restler and Louis.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of education to report on certain physical facilities at city schools

Be it enacted by the Council as follows:

Section 1. Subsection b of section 21-952 of the administrative code of the city of New York, as added by local law number 56 for the year 2014, is amended to read as follows:

b. Not later than February 15, 2015, and annually thereafter, the department shall submit to the council and post on the department's website a report of information regarding guidance counselors and social workers for the current school year. Such report shall include, but not be limited to: (i) the number of full and part-time guidance counselors and social workers in each school, (ii) the guidance counselor and social worker to student ratio in each school, (iii) whether the guidance counselor or social worker is providing counseling assistance to more than one school, (iv) the number of guidance counselors and social workers who provide counseling services as mandated by an IEP as of December 15 of the current school year, (v) the number of staff in each school who received professional development or training in postsecondary planning as of the prior school year,

[and] (vi) the number of licensed and certified bilingual guidance counselors and social workers in each school, *and (vii) whether each school has an office or other dedicated physical space for social workers or guidance counselors to provide services, a brief description of the condition of each such space, and the approximate year in which each such space was last updated*. Such report shall also include the number of guidance counselors and social workers in the absent teacher reserve pool for grades seven through twelve, and information regarding any guidance memorandums issued by the department regarding college preparedness. Such report shall include demographic information for students in each school, including, but not limited to race, ethnicity, English language learner status, special education status, and the percentage of students eligible for free and reduced price lunch pursuant to guidelines promulgated by the United States department of agriculture.

§ 2. Paragraph 6 of subdivision b of section 21-960 of the administrative code of the city of New York, as amended by local law number 127 for the year 2019, is amended to read as follows:

6. Information on all designated indoor and outdoor facilities used by the school for physical education instruction including, but not limited to:

(a) Information on all designated physical education instruction spaces inside or attached to the school including (i) the size of the space in square feet; (ii) whether the space is used for any purpose other than physical education instruction; and (iii) whether the space is used by any other schools including co-located schools in the same building and the names of such schools;

(b) Information regarding all off-site indoor and outdoor spaces that are used by the school for the purpose of physical education instruction, including but not limited to (i) the name and the location of the off-site space or facility; and (ii) whether the space is being used by any other schools including co-located schools in the same building and the names of such schools; *and*

(c) A brief description of the condition of each space used for physical education instruction described in subparagraphs (a) and (b) of this paragraph, and the approximate year in which each such space was last updated;

§ 3. Paragraph 6 of subdivision b of section 21-972 of the administrative code of the city of New York, as added by local law number 177 for the year 2016, is amended to read as follows:

6. Information regarding the total available bandwidth in megabits per second provided in each school building, *whether there is one or more accessible wireless local area networks, and if so, the maximum link rate expressed in megabits per second for each*; and for each such school building containing more than one school, the schools in such building.

§ 4. Title 21-A of the administrative code of the city of New York is amended by adding a new chapter 31 to read as follows:

CHAPTER 31
REPORTING ON SCHOOL FACILITIES

§ 21-1002 Definitions. For purposes of this chapter, the term "school" means a school of the city school district.

§ 21-1003 Reporting on School Facilities. a. On February 15 annually, the department shall submit to the speaker of the council and post conspicuously on the department's website a report on the physical facilities of schools which shall include the following:

1. The number of science laboratories in each school, a brief description of the condition of each science laboratory space, and the approximate year in which each such space was last updated;

2. The number of computer laboratories in each school, a brief description of the condition of each computer laboratory space, and the approximate year in which each such space was last updated;

3. The number of libraries in each school, a brief description of the condition of each library space, and the approximate year in which each such space was last updated;

4. The number of cafeterias or dedicated spaces for food service in each school, a brief description of the condition of each cafeteria or food service space, and the approximate year in which each such space was last updated;

5. The number of playgrounds, outdoor recreational areas, or other spaces for non-instructional physical activity by students in each school, a brief description of the condition of each such space, and the approximate year in which each was last updated;

6. The number of offices or dedicated spaces established for student security, law enforcement, or corrections purposes in each school, a brief description of the condition of each such space, and the approximate year in which each was last updated;

7. The number of nurse's offices or dedicated physical spaces for a nurse to provide health services in each school, a brief description of the condition of each room or space, and the approximate year in which each such space was last updated;

8. The number of offices or dedicated spaces established for restorative justice programs in each school, a brief description of the condition of each such space, and the approximate year in which each was last updated; and

9. For each school, the general condition and the year of last update of all:

(a) Roof decks;

(b) Interior walls and ceiling finishes; and

(c) Heating, ventilating, and air-conditioning systems.

§ 5. This local law takes effect immediately.

Referred to the Committee on Education.

Int. No. 196

By Council Members Gutiérrez, Avilés, Restler, Cabán and Marte.

A Local Law to amend the administrative code of the city of New York, in relation to requiring building owners to provide information on elected officials to tenants in multiple dwellings

Be it enacted by the Council as follows:

Section 1. Sections 26-3001 to 26-3020 of the administrative code of the city of New York, as added by local law number 45 for the year 2022, are redesignated sections 26-3301 to 26-3320, respectively.

§ 2. Title 26 of the administrative code of the city of New York is amended by adding a new chapter 36 to read as follows:

CHAPTER 36
INFORMATION ON ELECTED OFFICIALS FOR RESIDENTIAL TENANTS

§ 26-3601 Definitions. As used in this section, the following terms have the following meanings:

Building owner. The term "building owner" means an owner as defined in paragraph 45 of subdivision a of section 27-2004.

Covered elected officials. The term "covered elected officials" means the mayor, comptroller, public advocate, borough presidents, and members of the council, state senate, state assembly, and members of congress that represent residents of the city.

Multiple dwelling. The term "multiple dwelling" has the same meaning as set forth in paragraph 7 of subdivision a of section 27-2004, but does not include residential quarters for members or personnel of any hospital staff.

Tenant. The term "tenant" means any lawful occupant of a dwelling unit in a multiple dwelling.

§ 26-3602 Information on covered elected officials. The department of housing preservation and development shall make available to each building owner in the city a notice to facilitate building owner compliance with section 26-3603. The notice shall include a link to the department's website where a person can obtain accurate, up-to-date information about covered elected officials, including the names, addresses, and telephone numbers of the government offices of all covered elected officials, and, upon entering an address, can identify the covered elected officials who represent the districts in which such address is situated. The notice shall be made available in a downloadable format on the department's website in English and the designated citywide languages, as defined in section 23-1101. The department shall update the notice as necessary.

§ 26-3603 Dissemination of information on covered elected officials. Every building owner shall provide to tenants the notice required by section 26-3602 in English and the designated citywide languages at the time of signing a lease or a lease renewal and upon request by a tenant.

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

Referred to the Committee on Housing and Buildings.

Int. No. 197

By Council Members Gutiérrez, Restler, De La Rosa, Ayala, Avilés, Sanchez, Williams, Louis, Won, Rivera, Abreu and Paladino.

A Local Law to amend the administrative code of the city of New York, in relation to requiring text to 911 and next generation 911 to be available in the designated citywide languages

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 10-174.1 to read as follows:

§ 10-174.1 Text to 911 and next generation 911 language access. a. Definitions. For the purposes of this section, the following terms have the following meanings:

Designated citywide languages. The term "designated citywide languages" has the same meaning ascribed to such term in subdivision a of section 23-1101.

Next generation 911. The term "next generation 911" has the same meaning ascribed to such term in subdivision a of section 10-174.

Text to 911. The term "text to 911" means an interim service that allows people in need of emergency services to text 911, bridging the gap between the current analog 911 system and next generation 911.

b. Designated citywide languages requirement. Text to 911 and next generation 911 shall be available in the designated citywide languages.

c. Report. No later than one year after the effective date of the local law that added this section, and annually thereafter, the commissioner of information technology and telecommunications, in consultation with the police commissioner and the fire commissioner, shall submit to the mayor and the speaker of the council and post on the department of information technology and telecommunications website a report regarding the provision of text to 911 and next generation 911 in the designated citywide languages. Such report shall include, but not be limited to, the following:

1. The following information about next generation 911 and text to 911 until the implementation of next generation 911:

(a) The number of designated citywide languages that text to 911 services are provided in;

(b) An explanation regarding why text to 911 is not available in a designated citywide language, if applicable;

(c) The number of unique instances in which an individual used text to 911 and the following information for each such instance:

(1) The date of such instance;

(2) The zip code of such instance; and

(3) The language used in such instance and whether such language is a designated citywide language; and

(d) The plan and the progress on such plan to make next generation 911 available in the designated citywide languages upon its implementation; and

2. The following information regarding next generation 911, upon its implementation:

(a) The number of designated citywide languages that next generation 911 services are provided in;

(b) The number of unique instances in which an individual used next generation 911 and the following information for each such instance:

(1) The date of such instance;

(2) The zip code of such instance; and

(3) The language used in such instance and whether such language is a designated citywide language; and

(c) The plan and the progress on such plan to make next generation 911 available in the designated citywide languages.

§ 2. This local law takes effect 90 days after it becomes law, except that the police commissioner and the commissioner of information technology and telecommunications 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 Technology.

Int. No. 198

By Council Members Gutiérrez, Won, Sanchez, Louis, Menin, Cabán and Brewer.

A Local Law to amend the administrative code of the city of New York, in relation to reporting on discounted internet service program utilization rates and improving outreach to eligible households

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
DISCOUNTED INTERNET SERVICE PROGRAM

§ 23-1301 Definitions. For the purposes of this chapter, 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.

Discounted internet access program. The term "discounted internet access program" means a program based on an agreement between the city of New York and internet service providers that offers reduced price internet service to low-income families and seniors.

§ 23-1302 Utilization report. No later than September 30, 2023, and on or before September 30 annually thereafter, the commissioner shall prepare and submit to the mayor and the council, and post on the department's website, a report which shall include:

a. The benefits available through the discounted internet access program;

b. The criteria used to determine eligibility for the discounted internet access program;

c. The number of households eligible to receive discounted internet access through such program and their general geographical distribution;

d. The number of households that are receiving discounted internet access through such program and their general geographical distribution; and

e. A plan to promote awareness and utilization of the discounted internet access program.

§ 23-1303 Public outreach. The commissioner shall conduct outreach through the plan developed under section 23-1302 and target public facilities to promote awareness of the discount internet access program among eligible households.

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

Referred to the Committee on Technology.

Int. No. 199

By Council Member Gutiérrez (by request of the Queens Borough President).

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 algorithmic data integrity

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

Algorithmic tool. The term "algorithmic tool" has the same meaning as it does in section 3-119.5 of the administrative code.

Director. The term "director" means the director of algorithmic data integrity.

Office. The term "office" means the office of algorithmic data integrity.

Identifying information. The term "identifying information" has the same meaning as it does in section 23-1201 of the administrative code.

b. Office established. The commissioner of the department of information technology telecommunications in consultation with the commissioner of investigation shall establish an office of algorithmic data integrity. Such office shall be headed by a director of algorithmic data integrity who shall be appointed by the mayor. Such office shall also include other employees as may be appointed by the mayor or designated by the commissioner of the department of information technology telecommunications to assist in the performance of the duties of the office. In the event the director is removed or resigns, the mayor shall appoint a new director within 90 days of such removal or resignation.

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

1. Collaborate with agencies to:

(a) Analyze data and algorithmic tools provided to the office by an agency to determine whether such tools result in biased, unlawfully discriminatory decision-making, or disproportionate impact on individuals, and report the findings back to such agency;

(b) Assist and advise agencies that utilize algorithmic tools on compliance with laws and regulations;

(c) Establish a protocol for receiving complaints from the public, and investigating any such complaints, regarding any potentially unlawfully discriminatory outcome experienced in connection with an agency's use of algorithmic tools;

(d) Make recommendations for policies and best practices to encourage non-discriminatory decision-making in connection with an agency's use of algorithmic tools;

(e) Create and maintain a public facing platform that provides a mechanism for receiving public comments and questions about a specific algorithmic tool used by an agency;

(f) Plan and implement a public engagement and education strategy related to the city's use of algorithmic tools; and

(g) Conduct a pre-deployment assessment of algorithmic tools.

2. Perform any other relevant duties the mayor deems appropriate.

d. Report required. Within one year of the effective date of the local law that added this section, and quarterly thereafter, the director shall post on the office's website and submit to the mayor and the speaker of the council a report containing, at a minimum, the recommendations required by subparagraph (d) of paragraph 1 of subdivision c and a summary of any findings made pursuant to subparagraph (a) of paragraph 1 of subdivision, except to the extent that disclosures of such data would conflict with other applicable law.

§2. Section 3-119.5 of the administrative code of the city of New York is amended to read as follows:

§ 3-119.5 [Annual reporting on algorithmic] *Algorithmic* tools. a. For purposes of this section, the term "algorithmic tool" means any technology or computerized process that is derived from machine learning, artificial intelligence, predictive analytics, or other similar methods of data analysis, that is used to make or assist in making decisions about and implementing policies that materially impact the rights, liberties, benefits, safety

or interests of the public, including their access to available city services and resources for which they may be eligible. Such term includes, but is not limited to tools that analyze datasets to generate risk scores, make predictions about behavior, or develop classifications or categories that determine what resources are allocated to particular groups or individuals, but does not include tools used for basic computerized processes, such as calculators, spellcheck tools, autocorrect functions, spreadsheets, electronic communications, or any tool that relates only to internal management affairs such as ordering office supplies or processing payments, and does not materially affect the rights, liberties, benefits, safety or interests of the public.

b. Each agency shall report to *the office of algorithmic data integrity*, [the mayor's office of operations, or any other office or agency designated by the mayor,] no later than December 31 of every year, every algorithmic tool that the agency has used one or more times during the prior calendar year *or plans to use within the following calendar year*.

c. Each agency shall provide the following information about each algorithmic tool reported pursuant to subdivision b of this section:

1. The name or commercial name, and a brief description of such algorithmic tool;

2. The purpose for which the agency is using such an algorithmic tool;

3. The type of data collected or analyzed by the algorithmic tool and the source of such data;

4. A description of how the information received from such algorithmic tool is used;

5. Whether a vendor or contractor was involved in the development or ongoing use of the algorithmic tool, a description of such involvement, and the name of such vendor or contractor when feasible; and

6. The month and year in which such algorithmic tool began to be used, if known.

d. The [mayor's office of operations] *office of algorithmic data integrity*, or any other office or agency designated by the mayor, shall compile the information received pursuant to subdivisions b and c of this section and report it to the mayor and the speaker of the council, disaggregated by agency, no later than March 31 of every year.

e. No agency shall disclose any information pursuant to this section where such disclosure would violate local, state, or federal law, or endanger the safety of the public, or interfere with an active agency investigation.

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

Referred to the Committee on Technology.

Int. No. 200

By Council Members Gutiérrez, Aviles, 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 a truck route GPS study

Be it enacted by the Council as follows:

Section 1. Section 19-178.1 of the administrative code of the city of New York, as added by local law number 57 for the year 2015, is amended to read as follows:

§ 19-178.1 Truck route compliance study. The department shall conduct a study of compliance with the rules of the city of New York by truck drivers related to truck routes. Such study shall also include locations where large numbers of truck drivers routinely operate off designated truck routes, which may include areas identified by council members and community boards. *Such study shall also include information on the feasibility of integrating the truck route map into an interactive, web-based application that can be used with global positioning systems technology.* Based on the study, the department shall institute measures designed to increase truck route compliance based on best practices for roadway design and operations, including but not limited to, converting two-way streets to one-way streets, posting of signs regarding the permissible use of certain routes by trucks, as appropriate, and education and outreach to the trucking industry. The department shall post on the department's website and submit to the speaker of the council such study, including the locations of such measures, no later than January 1, [2017] *2023*.

§ 2. This local law takes effect immediately.

Referred to the Committee on Transportation and Infrastructure.

Int. No. 201

By Council Members Gutiérrez, Riley, Won, Aviles, Sanchez, Rivera, Hanif, Brewer, Stevens, Lee, Menin, Joseph, De La Rosa, Krishnan, Nurse, Restler, Cabán, Brannan, Louis, Ayala, Ossé, Hudson, Abreu, Farías, Williams and Narcisse (in conjunction with the Brooklyn Borough President).

A Local Law to amend the New York city charter, in relation to establishing an office of child care to oversee free child care for all city residents

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

Child care. The term "child care" means care for a child between the ages of 6 weeks and 5 years on a regular basis provided away from the child's residence for less than 24 hours per day by a person other than the parent, stepparent, guardian or relative within the third degree of consanguinity of the parents or stepparents of such child.

Director. The term "director" means the director of the office of child care.

b. No later than 1 year after the effective date of the local law that added this section, the mayor shall establish an office of child care. Such office may be established in the executive office of the mayor and may be established as a separate office or 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 or the head of such department.

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

1. Ensure that no later than 4 years after the effective date of the local law that added this section, there shall be free child care available for all city residents, including for undocumented children and children of undocumented individuals living in the city;

2. Work in consultation with relevant programs, agencies and state entities to provide information and assistance to families seeking child care services, including center-based and home-based family child care, in the designated citywide languages as defined in subdivision a of section 23-1101 of the administrative code;

3. Facilitate interagency collaboration with relevant agencies, including the department of health and mental hygiene, department of buildings, human resources administration, fire department, department of city planning, administration for children's services, and department of education to provide guidance and support to child care providers and prospective child care providers on how to open and operate a child care service, including guidance for how to open a home-based child care service, and assistance for child care providers on how to comply with relevant laws and regulations, and facilitate communication relating to child care between such agencies;

4. Promote and expand child care providers that offer child care services on nights and weekends, including by conducting an annual study to identify neighborhoods that would most benefit from such services to further economic and racial equity across the city;

5. Ensure child care services are available such that there are no gaps that are experienced due to a child's age and children of all ages have access to continuity of care, including ensuring that home-based family child care is funded based on demand;

6. Establish a funding process specific to New York city that effectively maximizes federal, state and city funding and is in line with the actual cost of high-quality child care in the city, and includes:

(a) A living wage for all child care owners and employees, including compensation and health care and retirement benefits that are in line with teachers employed by the department of education with similar experience and competency;

(b) A grant program to provide funding for child care providers to open a child care service;

(c) The ability for child care providers to submit invoices for reimbursement more than once a month; and

(d) A consideration of the cost of living in the city;

7. Post publicly the budget breakdown for child care owners and employees, which makes transparent the items required in paragraph 6 of this subdivision;

8. Identify future locations where child care can be offered, which shall include but not be limited to identifying spaces in commercial and community spaces and facilities managed by the New York city housing authority and New York city health and hospitals corporation that can be converted into a space to provide child care using city funding, and any locations where access to child care is limited, and the estimated costs for such spaces;

9. Provide training programs for child care providers, including training specifically designed for caring for children with disabilities and for family child care providers in their primary language;

10. Post on the office's website any programs or information related to child care, including information on subsidies, grants, and child care services provided in the city;

11. Create a workforce development program, including paid positions;

12. Coordinate with the department of city planning to identify spaces that could be used for child care;

13. Conduct an education and outreach campaign to inform city residents about the availability of child care, including for families in shelters, families who have a parent or child with a disability, families who have an undocumented parent or child, and hospitals and birth centers; and

14. Conduct annual studies and reports on locations in the city where child care needs are increasing, birth trends in the city and how such trends might affect child care needs in the city, the total number of children in child care, disaggregated by age and race, the types of child care provided, the capacity of each child care provider and the spaces that can be used for child care identified pursuant to paragraph 12, disaggregated by zip code.

d. Interagency coordination. In performing their duties, the director shall coordinate with the department of health and mental hygiene, the department of buildings and the department of education to further the duties of the office.

e. Reporting. Within 12 months of the effective date of the local law that added this section, and annually thereafter, the office of child care shall submit to the mayor and the speaker of the council, and post to such office's website, a report describing the office's activities as required by subdivision c of this section, including but not be limited to:

1. The neighborhoods identified by the study required by paragraph 4 of subdivision c;

2. Any critical gaps in child care identified pursuant to paragraph 5 of subdivision c;

3. The budget breakdown required by paragraph 7 of subdivision c;

4. The locations identified pursuant to paragraph 8 of subdivision c;

5. The locations, trends and spaces identified pursuant to paragraph 14 of subdivision c; and

6. Any additional findings or recommendations made pursuant to this section.

§ 2. This local law takes effect immediately.

Referred to the Committee on Women and Gender Equity.

Res. No. 86

Resolution calling on the State to pass, and the Governor to sign, Senate Bill S2424, a bill that would include sporting events within the definition of places of public entertainment and amusement for purposes of prohibiting wrongful ejection or refusal of admission.

By Council Member Gutiérrez.

Whereas, Madison Square Garden ("MSG") is one of several entertainment venues owned and operated by Madison Square Garden Entertainment ("MSG Entertainment"), and is host to several events, including professional sports games, concerts, and other cultural and sporting events; and

Whereas, Facial recognition technology ("FRT") is a form of biometric identification technology which identifies a person based on their face's physiological characteristics; and

Whereas, Section 40-B of the New York State Civil Rights Law is a law that forbids the wrongful refusal of admission to, and ejection from, places of public entertainment and amusement for those over the age of 21 who present a valid ticket of admission; and

Whereas, According to news reports, MSG Entertainment has been enforcing an internal policy established in 2022 that forbids attorneys employed at firms involved in active litigation with MSG Entertainment from attending any events held at venues owned by MSG Entertainment; and

Whereas, MSG Entertainment has reportedly enforced this policy through the use of FRT, utilizing pictures of attorneys scraped from headshots on law firm websites, and has, according to news reports, prevented at least four attorneys from attending concerts and sports games without those lawyers needing to present identification; and

Whereas, Some of those attorneys were reportedly not directly involved in any representation involving a lawsuit against MSG Entertainment, but instead just happened to be employed at the same law firm where such representation was being given by other attorneys; and

Whereas, Civil rights advocates, elected officials, and attorney associations have expressed concern around what they claim is the policy's "retaliatory behavior," and in particular its enforcement through FRT, with this use case of FRT prompting a letter from the New York State Attorney General to MSG Entertainment to raise concerns around how the policy was potentially violating New York Civil Rights Law; and

Whereas, MSG Entertainment released multiple official statements which stated that their "adverse attorney policy" was due to the "inherently adversarial environment[s]" created by active litigation, and "the need to protect against improper disclosure and discovery", but have lifted the policy selectively for lawyers related to active litigation involving MSG Entertainment's potential sale of its majority stake in Tao Group Hospitality; and

Whereas, MSG Entertainment has not provided a justification for this use of FRT, or MSG's uneven application of its own policy, that was grounded in any security concern; and

Whereas, In March 2023, the Appellate Division of the First Department overturned a lower court's preliminary injunction blocking MSG Entertainment from enforcing their policy, holding that the civil rights law limits the remedies available to claimants to monetary compensation only, but that the civil rights law would require MSG Entertainment to admit all persons who arrive for a theatrical performance or a concert; and

Whereas, While MSG Entertainment operates multi-purpose venues that can be used to host a variety of entertainments, both the preliminary injunction and the ruling overturning the injunction excluded 'sporting events' from their decisions due to that not being one of the enumerated purposes protected under civil rights law; and

Whereas, Section 40-b of the New York State Civil Rights Law was originally passed to prevent theaters from barring critics from attending their shows, and does not presently include sporting events within the definition of "places of public entertainment and amusement"; and

Whereas, This phrasing seemingly allows for MSG Entertainment and other similar private entities to arbitrarily deny entry to parties they deem unsuitable; and

Whereas, New York State Senate Bill S2424, sponsored by State Senator Brad Hoylman-Sigal, would include sporting events within the definition of "places of public entertainment and amusement" within Section 40-b of the New York States Civil Rights Law, thus limiting the ability of private entities to wrongfully refuse admission to sporting events; now therefore be it,

Resolved, That the Council of the City of New York calls on the State to pass, and the Governor to sign, Senate Bill S2424, a bill that would include sporting events within the definition of places of public entertainment and amusement for purposes of prohibiting wrongful ejection or refusal of admission.

Referred to the Committee on Civil and Human Rights.

Res. No. 87

Resolution calling on the United States Consumer Product Safety Commission to establish rules and regulations for the safe use of e-bike batteries.

By Council Members Gutiérrez, Powers, Avilés, Cabán and Brewer.

Whereas, Over the past several years, micromobility devices, such as e-bikes, have become a popular transportation option in cities across the United States (U.S.); and

Whereas, In 2020, New York State law was amended to make it lawful for e-bikes to operate on some of the State's streets and highways; and

Whereas, Subsequently, New York City also enacted legislation that legalized the use of certain types of e-bikes throughout the City; and

Whereas, Many of the e-bikes in use today are powered by lithium-ion batteries, a type of battery that uses electrically connected lithium cells to store and release power by converting chemical potential energy into electrical energy using lithium in ionic form, for its rechargeability, instead of in its solid metallic form, which is non-rechargeable; and

Whereas, According to the U.S. Environmental Protection Agency, lithium-ion batteries are made of materials such as cobalt, graphite and lithium, each of which can cause harm to human health or the environment if they are not properly managed or disposed of at the end of their useful life; and

Whereas, Lithium cells and batteries are considered a hazardous material under the U.S. Department of Transportation's Hazardous Materials Regulations, and thus there are communication requirements for their packaging to govern the markings, labeling, shipping papers and emergency response information, when they are being transported by air, highway, rail, or water, in order to prevent incidents, including fires, on airplanes and other transportation vehicles; and

Whereas, Physical impacts, exposure to extreme temperatures, improper use, or improper charging can damage lithium-ion batteries, rendering them defective, and potentially causing individual cells to fail, which generates heat that damages neighboring cells in a chain reaction known as thermal runaway, potentially creating a hazardous situation that can lead to a fire or an explosion; and

Whereas, According to published reports, as of September 1, 2022, the New York City Fire Department had investigated 130 fires so far this year tied to lithium-ion batteries, resulting in 73 injuries and five deaths, and representing an increase from the 104 lithium-ion battery related investigations the agency conducted in 2021, the 44 conducted in 2020 and the 30 conducted in 2019; and

Whereas, In January 2020, Underwriters Laboratories (UL), a global safety certification company, published UL 2849 a new standard for e-bike systems and certification of an e-bikes' electrical components, in order to address specific issues related to those devices, including mechanical, electrical and functional safety; and

Whereas, Currently, UL certification is not required by federal law for e-bikes; and

Whereas, A federal law enacted in 2002 placed certain e-bikes under the purview of the U.S. Consumer Product Safety Commission (CPSC), an independent federal regulatory agency formed in 1972 whose mission is "to protect the public against unreasonable risks of injury or death from consumer products through education, safety standards activities, regulation, and enforcement," and applied to e-bikes the existing regulations meant for human powered bicycles; and

Whereas, In the past, the CPSC has implemented safety rules on other commercial products, including hoverboards that used lithium-ion batteries that did not meet the UL safety standard; now, therefore, be it

Resolved, That the Council of the City of New York, calls on the United States Consumer Product Safety Commission to establish rules and regulations for the safe use of e-bike batteries.

Referred to the Committee on Consumer and Worker Protection.

Res. No. 88

Resolution calling upon the New York State Department of Environmental Conservation to deny National Grid's permit request for gas vaporizers at Newtown Creek, the New York State Public Service Commission to oppose rate recovery for gas vaporizers or any associated infrastructure, and opposing any "emergency" variance request to truck LNG that National Grid might make.

By Council Members Gutiérrez, Restler, Cabán, Won, Hudson, Ossé, Nurse, Avilés, Hanif, Joseph, Louis, Narcisse and Sanchez (in conjunction with the Brooklyn Borough President).

Whereas, According to the International Panel on Climate Change (IPCC), substantial reductions in greenhouse gas emissions will be required by mid-century in order to limit the global average increase in temperature to 1.5 degrees Celsius, and no more than 2 degrees Celsius, to minimize the worst impacts of climate change; and

Whereas, The IPCC's most recent report found that "without immediate and deep emissions reductions across all sectors, limiting global warming to 1.5°C is beyond reach," stating that no new fossil fuel infrastructure must be built; and

Whereas, In May 2020, National Grid applied to the New York State Department of Environmental Conservation for a permit to add two new Liquefied Natural Gas (LNG) vaporizers to its Newtown Creek facility; and

Whereas, The utility states that the vaporizers are necessary for heating up liquefied gas, enabling it to be pumped into the system during periods of peak demand, in order to maintain reliability for National Grid customers; and

Whereas, Environmental advocates and community advocates representing residents of Cooper Park Houses, a New York City Housing Authority development, have expressed concerns about the effect that the additional vaporizers would have on the already environmentally burdened neighborhood, citing the neighborhood's historically poor air quality, status as an ozone nonattainment zone; and

Whereas, In March of 2021, Cooper Park Resident Council, other affected residents, and Sane Energy Project filed a lawsuit against the New York State Department of Environmental Conservation and National Grid alleging that expansion of National Grid's Newtown Creek facility with the addition of two new LNG vaporizers would violate New York State's Environmental Quality Review Act and Climate Leadership and Community Protection Act;

Whereas, In their lawsuit, Cooper Park Resident Council and Sane Energy asserted that data National Grid provided in its environmental assessment forms shows that the additional vaporizer infrastructure has the potential to increase vaporizer emissions from the Newtown Creek facility by 31%;

Whereas, In August of 2021, community and environmental advocates filed a complaint with the U.S. Department of Justice, the United States Environmental Protection Agency, Department of Transportation, and Department of Energy, alleging that National Grid breached the federal Civil Rights Act by purposefully building the North Brooklyn pipeline through Black and Latinx Brooklyn communities, while circumventing predominantly white neighborhoods; and

Whereas, The complaint estimated that approximately 70% of the community surrounding National Grid's North Brooklyn pipeline is non-white, with Black and Latinx residents disproportionately more likely to live within a 1,275-foot proximity to the pipeline; and

Whereas, Advocates have noted that National Grid chose to route the pipeline through neighborhoods already burdened by the highest rates of asthma in the City and lower life expectancy rates, due in part to local pollution levels, ignoring proposed alternative routes through neighborhoods less burdened with environmental justice issues, with higher proportions of white residents, and without sufficient explanation for such routing; and

Whereas, Concerns have also been raised about the safety of National Grid expanding the gas delivery system without addressing widespread leakage, noting that the Brooklyn backbone of the utility's gas delivery system has had over 22,000 leaks since 2016, and a backlog of 1,944 unaddressed leaks in 2020; and

Whereas, Advocates allege that the proposed addition of the vaporizers to the facility is part of a larger whole action that includes the North Brooklyn Pipeline, the new LNG trucking station at the Newtown Creek

facility, and trucking operations that would enable the transport of LNG to the facility via truck, further increasing local emissions levels; and

Whereas, Advocates have also cited recent declines in natural gas usage and the natural gas industry's own forecasts to call into question the need to build out new infrastructure, expressing concerns that ratepayers will be paying for the cost of the project well after it has become a stranded asset and that National Grid should therefore not be permitted to construct or recover costs of the vaporizers, Phase 5 of the Metropolitan Reliability Infrastructure (MRI), or the trucking station; and

Whereas, The New York City Mayor's Office of Climate and Environmental Justice acknowledges that the City must reduce its reliance on fossil fuels in order to meet the goal of a 100% zero emissions grid by 2040; and

Whereas, On May 22, 2022, The New York State Department of Environmental Conservation delayed a decision on National Grid's permit request for the vaporizers for the fifth time, citing proceedings before the state Public Service Commission evaluating whether the utility can prove the project is actually needed for reliability; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Department of Environmental Conservation to deny National Grid's permit request for gas vaporizers at Newtown Creek, the New York State Public Service Commission to oppose rate recovery for gas vaporizers or any associated infrastructure, and opposing any "emergency" variance request to truck LNG that National Grid might make.

Referred to the Committee on Environmental Protection, Resiliency and Waterfronts.

Res. No. 89

Resolution calling on the New York State Legislature to pass, and the Governor to sign, S.4400/A.4091, to require each institution within the State University of New York and the City University of New York to have at least one vending machine making emergency contraception available for purchase.

By Council Members Gutiérrez, Rivera, Dinowitz and Brewer (in conjunction with the Brooklyn Borough President).

Whereas, The most recent available data by the Centers for Disease Control and Prevention (CDC) reveal that as of 2019, an estimated nearly 14 million or 71.5 percent of women between the ages of 18 and 24 years were at risk for unintended pregnancy in the United States (U.S.); and

Whereas, Per CDC, nationally, an estimated almost 10 million or 69.3 percent of women between the ages of 18 and 24 years needed contraceptive services in 2019; and

Whereas, Also, per CDC, as of 2019, an estimated 490,700 or 72.3 percent of women between the ages of 18 and 24 years were at risk for unintended pregnancy in New York State; and

Whereas, CDC data show that in 2019, an estimated 345,900 or 70.5 percent of women between the ages of 18 and 24 years needed contraceptive services in New York State; and

Whereas, 2019 CDC data also demonstrate that more Hispanic and Black, non-Hispanic New Yorkers were at risk for unintended pregnancy, at 89.2 percent and 85.5 percent, respectively, than among White, non-Hispanic New Yorkers, at 77.5 percent; and

Whereas, Similarly, per 2019 CDC data, more Black, non-Hispanic and Hispanic New Yorkers needed contraceptive services, at 82.4 percent and 81.3 percent, respectively, than among White, non-Hispanic New Yorkers, at 67.1 percent; and

Whereas, Importantly, according to 2019 CDC data, New Yorkers without health insurance coverage had a higher need for contraceptive services than among those with insurance coverage, at 76.4 percent and 73.4 percent, respectively; and

Whereas, These demographics mirror those of students at the City University of New York (CUNY) and the State University of New York (SUNY); and

Whereas, For example, as of Fall 2019, over 74 percent of students across CUNY colleges were under 25 years of age, and as of Fall 2021, the percentage of students aged 24 years and under ranged across all but two SUNY colleges between 69 percent and 98 percent; and

Whereas, According to the Fall 2022 National College Health Assessment by the American College Health Association, 83.5 percent of U.S. college students used at least one method of contraception to prevent pregnancy; and

Whereas, One available method of contraception is emergency contraception, which can prevent up to 95 percent of pregnancies when taken within 5 days after intercourse, and which is indicated for such situations as unprotected intercourse, concerns about possible contraceptive failure, incorrect use of contraceptives, and sexual assault; and

Whereas, The most recent available CDC data indicate that an estimated 33.5 million or 26.8 percent of U.S. women experienced completed or attempted rape at some point in their lifetime; and

Whereas, A study published in 2019 in the Journal of Interpersonal Violence found that 8.4 percent of U.S. women experienced reproductive coercion, including partner condom refusal, during their lifetime; and

Whereas, An analysis by the Guttmacher Institute of the most recent available data revealed that in 2015, among U.S. women who used emergency contraception, 41 percent did so out of concern that their regular method would not work, and 50 percent did so after unprotected sex; and

Whereas, According to the World Health Organization (WHO) and the Office on Women's Health in the U.S. Department of Health and Human Services (HHS), emergency contraception methods do not harm future fertility, do not terminate or harm already occurred pregnancy, and work primarily by preventing or delaying ovulation; and

Whereas, According to the WHO and HHS, the side effects of emergency contraception are uncommon and mild, similar to those of oral contraceptive pills, such as nausea and vomiting, slight irregular vaginal bleeding, and fatigue, which resolve without further treatment; and

Whereas, In the U.S., emergency contraception pills first became available by prescription in 1999, and in 2006, the two-dose regimen of levonorgestrel pills was approved by the U.S. Food and Drug Administration (FDA) for over-the-counter (OTC) sales at pharmacies for individuals aged 18 years or older, with the age limit lowered to 17 years in 2009; and

Whereas, In 2010, FDA approved ulipristal acetate, a new and more effective form of emergency contraception, under the brand name ella, for prescription-only status; and

Whereas, A one-pill regimen of levonorgestrel emergency contraception, under the brand name Plan B One-Step, was approved by FDA for OTC sales for all ages in 2013, with generic versions of this regimen approved for OTC sales in 2014; and

Whereas, According to the most recent available CDC data, as of 2019, 24.3 percent of U.S. women of childbearing age used emergency contraception at least once, an increase from 11 percent in 2008 and 23 percent in 2015; and

Whereas, The National College Health Assessment by the American College Health Association revealed that as of Fall 2022, 17.3 percent of U.S. college students used emergency contraception at least once within the last 12 months; and

Whereas, The American Society for Emergency Contraception reports that as of 2023, among surveyed stores and pharmacies nationwide, 18 percent did not stock emergency contraception at all, and 27 percent imposed outdated age restrictions; and

Whereas, Per the American Society for Emergency Contraception, many student health centers on college campuses do not stock emergency contraception, enforce outdated age restrictions, or refuse to provide it, and among those that do make emergency contraception available to students, many have limited hours of operation, especially at night and on weekends when the need might be especially high; and

Whereas, A vending machine on a college campus, when placed in an accessible private space in a building with extended hours, can provide a confidential, lower-cost, convenient way for students to access emergency contraception and other sexual health products; and

Whereas, The American Society for Emergency Contraception notes that to lower barriers to access, at least 37 college campuses in 16 U.S. states introduced vending machines, which offer emergency contraception, condoms, and other sexual health products, including New York institutions such as Adelphi University, Barnard College, and Columbia University; and

Whereas, With the intent of ensuring that every student has access to affordable emergency contraception on the campuses of the State University of New York and the City University of New York to prevent unintended pregnancies and thereby give students a fair chance to achieve academically, State Senator Lea Webb introduced S.4400 in the New York State Senate, and Assembly Member Jessica González-Rojas introduced companion bill A.4091 in the New York State Assembly, which would require each institution within the State University of New York and the City University of New York to have at least one vending machine making emergency contraception available for purchase; 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.4400/A.4091, to require each institution within the State University of New York and the City University of New York to have at least one vending machine making emergency contraception available for purchase.

Referred to the Committee on Health.

Res. No. 90

Resolution calling on the New York State Legislature to pass, and the Governor to sign, S.2422, also known as 'Sammy's Law,' in relation to allowing New York city to establish a lower speed limit, and A.1901, enacting a crash victims bill of rights, as well as the other bills of the package known as the SAFE Streets Act.

By Council Members Gutiérrez, Hanif, Restler, Ossé, Avilés, Sanchez, Krishnan, Rivera, Cabán, Brewer, Abreu and Marte (in conjunction with the Brooklyn Borough President).

Whereas, In an effort to reduce dangerous driving and prevent injuries caused by traffic crashes, the city instituted its Vision Zero policy in 2014, a policy built on the premise that deaths and serious injuries in traffic are not inevitable "accidents," but preventable crashes that can be ended through engineering, enforcement, and education; and

Whereas, As part of Vision Zero, New York City officials successfully requested that the State allow it to lower the default speed limit from 30 miles per hour to 25 miles per hour throughout the City and to as low as 15 miles per hour alongside schools and on streets where the City has implemented traffic calming measures; and

Whereas, According to data and analysis, pedestrians that are struck by vehicles travelling at 30 miles per hour are twice as likely to be killed as pedestrians that are struck by a vehicle travelling at 25 miles per hour; and

Whereas, Pedestrians fatality rates have been found to be significantly higher in high-poverty neighborhoods when compared to low-poverty neighborhoods; and

Whereas, According to the NYC Department of Transportation, where Neighborhood Slow Zones have been implemented, bringing the local speed limit down to 20 miles per hour, there has been a 14% reduction in injurious crashes and a 31% reduction in injuries for both drivers and passengers; and

Whereas, Since the implementation of these measures, traffic fatalities in New York City have declined significantly, going from 701 in 1990, to 381 in 2000, to an all-time low of 202 in 2018; and

Whereas, In 2019, the City Council passed Local Law 195 of 2019, known as the New York City Streets Master Plan, to improve the safety and accessibility of the City's streets for all New Yorkers through benchmarks for the construction of hundreds of miles of dedicated bus lanes and protected bike lanes; and

Whereas, In the ongoing efforts to combat dangerous and reckless driving, the City Council passed a local law creating the Dangerous Vehicle Abatement Program, under Local Law 36 of 2020, which requires the registered owner of a vehicle with 15 or more adjudicated school speed camera violations or five or more adjudicated red light camera violations during any 12-month period to complete an approved safe vehicle operation course offered by the New York City Department of Transportation, with failure to complete such

course permitting the department to seek an order of seizure and impoundment and, if sustained, for the New York City Sheriff to seize such vehicle until such time as such course is completed; and

Whereas, Despite all these measures undertaken by the City over the years, dangerous and reckless drivers still pose a threat to the safety of all New Yorkers and additional steps need to be taken to address this hazard as recent data reveals that there were 273 traffic fatalities in the city in 2021, the highest number since 2013, and 255 traffic fatalities in 2022; and

Whereas, In the 2022-2023 session of the New York State Legislature, there is a package of bills collectively known as the SAFE (Streets Are For Everyone) Streets Act, that was introduced with the goal of taking aggressive action against dangerous driving, encourage street redesigns to improve safety, and provide support to crash victims and their families; and

Whereas, One of these bills is S2422, sponsored by State Senator Brad Hoylman-Sigal, commonly referred to as "Sammy's Law," which would allow New York City to establish its own lower speed limits by removing the current State restrictions that set the default citywide speed limit at no less than 25 miles per hour; and

Whereas, The sponsor of S2422 explains the need for the measure by citing a study conducted by AAA which estimated that 30 percent of pedestrians struck by motor vehicles at an impact speed of 25 miles per hour will sustain serious injury and about 12 percent will die, but that 91 percent of those struck at impact speeds below 15 miles per hour do not sustain serious injuries, and fewer of them will die; and

Whereas, Another bill that is included in the SAFE Streets Act is A1901, sponsored by Assembly Member Deborah J. Glick, which would enact a "Crash Victims Bill of Rights," requiring accident reports to be delivered to victims of accidents or their next of kin; victim impact statements to be delivered at traffic infraction hearings by injured parties or their next of kin; and employers to grant leave of absence to employees delivering a victim impact statement at a traffic infraction hearing; and

Whereas, The SAFE Streets Act also includes S1724, sponsored by State Senator Pete Harckham, and its companion bill A4346, sponsored by Assembly Member Phil Steck, which would grant safe passage to cyclists by requiring motorists to pass them from behind at a safe distance of no less three feet; and

Whereas, Other bills in the SAFE Streets Act include S100, sponsored by State Senator Sean M. Ryan, and its companion bill A3180, sponsored by Assembly Member Didi Barrett, which would require the consideration of complete street design for certain transportation projects that receive federal or state funding; and S2714, sponsored by State Senator Timothy Kennedy, and its companion bill A1280, sponsored by Assembly Member Jonathan D. Rivera, which would enable safe access to public roads for all users by utilizing complete street design principles in resurfacing, maintenance and pavement recycling projects; 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.2422, also known as 'Sammy's Law,' in relation to allowing New York city to establish a lower speed limit, and A.1901, enacting a crash victims bill of rights, as well as the other bills of the package known as the SAFE Streets Act.

Referred to the Committee on Transportation and Infrastructure.

Int. No. 202

By Council Members Hanif, Restler and Won.

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. 203

By Council Members Hanif, Restler 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 an annual education campaign to combat antisemitism and promote inclusion

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 8 of the administrative code of the city of New York is amended by adding a new section 8-135 to read as follows:

§ 8-135 Annual education campaign to combat antisemitism and promote inclusion. a. The commission shall conduct an annual public education campaign on:

1. The prevention of antisemitic prejudice, harassment, and violence;

2. The contributions of Jewish New Yorkers to the city throughout history;

3. The impacts of antisemitic hate crimes; and

4. Principles and practices to promote equity, inclusion, and understanding.

b. The first campaign required under this section shall begin no later than 60 days after the effective date of the local law that added this section and shall continue for no less than 1 year. Each subsequent campaign required under this section shall begin on May 1 and continue for no less than 30 days in order to coincide with Jewish American Heritage Month, except that the commission may from time to time choose a different campaign start date if, in a given year, such start date would further the purposes of the campaign.

c. In conducting the campaigns required under this section, the commission shall coordinate with the office for the prevention of hate crimes, the office of ethnic and community media, and, as needed, with relevant city agencies, interfaith organizations, community groups, and human rights and civil rights groups.

d. The campaigns required under this section shall use, at a minimum, television, internet, radio, print media, digital kiosks, and subway and other public transportation advertisements throughout the city.

e. The campaigns required under this section shall be designed to reach all age groups, with special attention to reaching young people.

f. Campaign materials and communications shall be available in all designated citywide languages, as defined in section 23-1101, and any additional languages as determined by the department in consultation with local community organizations.

§ 2. This law takes effect immediately.

Referred to the Committee on Civil and Human Rights.

Int. No. 204

By Council Members Hanif, De La Rosa, Cabán, Riley, Restler, Won and Marte (in conjunction with the Brooklyn Borough President).

A Local Law to amend the administrative code of the city of New York, in relation to the expansion of worker coverage under the Earned Safe and Sick Time Act

Be it enacted by the Council as follows:

Section 1. Section 20-912 of the administrative code of the city of New York, as amended by local law number 172 for the year 2021, is amended by amending the definitions of "employee" and "employer" and adding a definition of "professional services" in alphabetical order to read as follows:

"Employee" shall mean any "employee" as defined in subdivision 2 of section 190 of the labor law who is employed for hire within the city of New York for more than eighty hours in a calendar year who performs work on a full-time or part-time basis, including work performed in a transitional jobs program pursuant to section 336-f of the social services law, *or any person deemed an employee under section 20-912.1,* but not including work performed as a participant in a work experience program pursuant to section 336-c of the social services law, and not including those who are employed by (i) the United States government; (ii) the state of New York, including any office, department, independent agency, authority, institution, association, society or other body of the state including the legislature and the judiciary; or (iii) the city of New York or any local government, municipality or county or any entity governed by section 92 of the general municipal law or section 207 of the county law.

"Employer" shall mean any "employer" as defined in subdivision (3) of section 190 of the labor law, *or any other person who employs a person deemed an employee under section 20-912.1*, but not including (i) the United States government; (ii) the state of New York, including any office, department, independent agency, authority, institution, association, society or other body of the state including the legislature and the judiciary; or (iii) the city of New York or any local government, municipality or county or any entity governed by general municipal law section 92 or county law section 207. In determining the number of employees performing work for an employer for compensation during a given week, all employees performing work for compensation on a full-time, part-time or temporary basis shall be counted, provided that where the number of employees who work for an employer for compensation per week fluctuates, business size may be determined for the current calendar year based upon the average number of employees who worked for compensation per week during the preceding calendar year, and provided further that in determining the number of employees performing work for an employer that is a chain business, the total number of employees in that group of establishments shall be counted.

"Professional services" shall mean professional services provided by any of the following: (i) writers; (ii) graphic designers; (iii) webpage and digital designers; (iv) animators, illustrators, industrial product designers, interior designers, or fashion designers; (v) fine artists; (vi) photographers; (vii) journalists, freelance digital media workers, videographers or audio/podcast producers; (viii) software engineers; or (ix) musicians and other persons otherwise engaged in the performing arts.

§ 2. Chapter 8 of title 20 of the administrative code of the city of New York is amended by adding a new section 20-912.1 to read as follows:

§ 20-912.1 Presumption of employment.

a. Solely for the purposes of this chapter, any person performing any services for a hiring entity other than professional services for remuneration within the city of New York for more than 80 hours in a calendar year, including labor or services performed in a transitional jobs program pursuant to section 336-f of the social services law, shall be classified as an employee of the hiring entity unless it can be shown that the person is a separate business entity, or all of the following criteria are met, in which case the person shall be an independent contractor:

1. The individual is free from control and direction in performing the job, both under his or her contract and in fact;

2. The service must be performed outside the usual course of business for which the service is performed; and

3. The individual is customarily engaged in an independently established trade, occupation, profession or business that is similar to the service at issue.

b. Whether a person performing professional services for a hiring entity is an independent contractor or employee of the hiring entity shall be determined by applying the criteria in subdivisions h and i.

c. Any hiring entity that seeks to challenge a person's employee status on the ground that the person is an independent contractor pursuant to this section bears the burden of proof.

d. The failure to withhold federal or state income taxes or to pay unemployment compensation contributions, workers' compensation premiums, or disability or paid family leave benefits premiums with respect to an individual's wages shall not be considered in making a determination under this section, except as set forth in subdivision f.

e. An individual's act of securing workers' compensation, liability insurance, or disability or paid family leave benefits with a carrier as a sole proprietor, partnership, or otherwise shall not be binding on any determination under this section.

f. Solely for purposes of determining whether a business entity performing services for a hiring entity is an employee under this section, a business entity, including any sole proprietor, partnership including any limited liability partnership, corporation, limited liability company, or entity shall be considered a separate business entity from the hiring entity, engaged in a business-to-business relationship, where all of the following criteria are met:

1. The business entity is performing the service free from the direction or control over the means and manner of providing the service, subject only to the right of the contractor for whom the service is provided to specify the desired result;

2. The business entity is not subject to cancellation or destruction upon severance of the relationship with the hiring entity;

3. The business entity has a substantial investment of capital in the business entity beyond ordinary tools and equipment and a vehicle, such as a website or website business listings for the business entity, business cards, dedicated workspace apart from a vehicle, trademarks, general liability insurance for the business entity, and/or business or professional software, and not including any payments for access to an application through which work is distributed;

4. The business entity owns the capital goods, if any, gains the profits and bears the losses of the business entity, as a result of its exercise of managerial skills and the prices that it independently sets for its services;

5. The business entity makes its services directly available to the general public on a continuing basis;

6. The business entity performs services rendered on a federal income tax schedule as an independent business or profession;

7. The business entity performs services for the hiring entity under the business entity's name;

8. When the services being provided require a license or permit, the business entity obtains and pays for the license or permit in the business entity's name;

9. The business entity furnishes the tools and equipment necessary to provide the service;

10. If necessary, the business hires its own employees without approval of the hiring entity, pays the employees without reimbursement from the hiring entity and reports the employees' income to the internal revenue service;

11. The hiring entity does not represent the business entity as an employee of the hiring entity to its customers; and

12. The business entity has the right to perform similar services for others on whatever basis and whenever it chooses.

g. When a business entity meets the definition of a separate business entity pursuant to subdivision f, the separate business entity will be considered a hiring entity subject to all the provisions of this chapter in regard to classification of individuals performing services for it.

h. The presumption of employment set forth in this section shall not apply to workers under contract for professional services, and instead the determination of whether such worker is an employee or an independent

contractor shall be determined using the test set forth in subdivision i, if the hiring entity demonstrates that all of the following factors are met:

1. The individual maintains a business location, which may include the individual's residence, that is separate from the hiring entity;

2. The individual has any license or permit required by law for the individual to practice their profession;

3. The individual has the ability to set or negotiate his or her own rates for the services performed;

4. Outside of project completion dates, timing that is inherent in the project itself, and reasonable business hours, the individual has the ability to set his or her own hours;

5. The individual is customarily engaged in the same type of work performed under contract with another hiring entity or holds himself or herself out to other potential hiring entities as available to perform the same type of work; and

6. The individual customarily and regularly exercises discretion and independent judgment in the performance of the services.

i. For workers who fall within the exemptions described in subdivision h of this section, the following factors, none of which is determinative, must be considered for determining whether such worker is an employee or an independent contractor:

1. The extent of control which, by the agreement, the hiring entity may exercise over the details of the work;

2. Whether or not the individual hired is engaged in a distinct occupation or business;

3. The kind of occupation, with reference to whether the work is usually done under the direction of the hiring entity or by a specialist without supervision;

4. The skill required in the particular occupation;

5. Whether the hiring entity or the worker supplies the instrumentalities, tools, and the place of work for the person doing the work;

6. The length of time for which the person is hired;

7. The method of payment, whether by the time or by the job;

8. Whether or not the work is a part of the regular business of the hiring entity;

9. Whether or not the parties believe they are creating an employment relationship;

10. Whether the hiring entity is or is not in business; and

11. Whether or not the hiring entity has been assigned, or otherwise retained, in word or in substance, the copyright of any material to be produced pursuant to the contract.

§ 3. Subdivision f of section 20-913 of the administrative code of the city of New York, as added by local law 46 of 2013, is amended to read as follows:

f. The provisions of this chapter do not apply to (i) work study programs under 42 U.S.C. section 2753, (ii) employees for the hours worked and compensated by or through qualified scholarships as defined in 26 U.S.C. section 117, (iii) *any person deemed an* independent *contractor* [contractors who do not meet the definition of employee under section 190(2) of the labor law] *under section 20-912.1* and (iv) hourly professional employees.

§ 4. Section 20-919 of the administrative code of the city of New York is amended by adding a new subdivision d to read as follows:

d. Notwithstanding subdivision a of this section, all employers who were not subject to the requirements of this chapter before the enactment date of the local law that added this subdivision shall provide employees with a notice of rights as required under paragraph 1 of subdivision a of this section within 60 days of such enactment date.

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

Referred to the Committee on Civil Service and Labor.

Int. No. 205

By Council Members Hanif, Narcisse, Ung, Marte, Aviles, Krishnan, Lee and Won.

A Local Law to amend the administrative code of the city of New York, in relation to outreach about fraudulent schemes committed by providers of immigration assistance services

Be it enacted by the Council as follows:

Section 1. Sections 20-779.5 and 20-779.6 of the administrative code of the city of New York, as added by local law number 63 for the year 2017, are amended to read as follows:

§ 20-779.5 Reporting. a. In conjunction with the mayor's office of immigrant affairs, the department shall prepare [and submit to the mayor and the speaker of the city council a] *an annual* report that includes the following information related to providers of immigration services:

1. [the number of complaints received related to providers of immigration assistance services, disaggregated by source and type] *A table in which each row references a complaint received related to providers of immigration assistance services, and which indicates, for each complaint received, the type of the complaint, the source of the complaint, whether the complaint resulted in a violation, the type of violation issued, and the length of time the department required to investigate and determine whether to issue a violation*;

2. [the number of proactive investigations that do not stem from a complaint conducted by the department] *A table in which each row references a proactive investigation conducted by the department, and which indicates whether the investigation resulted in a violation, the type of violation issued, and the length of time the department required to investigate and determine whether to issue a violation for each proactive investigation*;

3. [the number of violations issued, disaggregated by type;

4. the number of the violations issued that originated with a consumer complaint;

5. the number of violations issued as a result of a proactive investigation by the department;

6. the length of time the department required to investigate and determine whether to issue a violation for each complaint received;

7. a] *A* description of the department's efforts to proactively investigate providers of immigration assistance services;

[8. a] *4. A* description of the department's efforts to collaborate with other law enforcement agencies on investigation, enforcement, and community education efforts; [and]

[9. a] *5. A* description of changing trends in the provision of services and common fraudulent schemes[.]*;*

6. A table in which each row references an outreach event related to fraud prevention hosted or attended by department staff, including a unique identification code for each outreach event, and which indicates, for each outreach event, the number of staff hours dedicated to the event, the number of staff in attendance, the date, time, borough, council district, and zip code of the event; and

7. A table in which each row references an advertising type related to community outreach and education, including television, radio, subway advertisements, print, or LinkNYC advertisements, and which indicates the duration of the each advertising campaign, the languages of each advertising campaign, and the cost of each advertisement campaign.

b. Such report shall be *published on the department's website and* submitted [on or before October 1, 2017 and every six months thereafter until the year 2020] *to the mayor, the speaker of the city council, and the public advocate no later than July 1 of each year*, and shall include the information required by subdivision a of this section as it relates to the [six] *12* month period prior to the submission of such report.

§ 20-779.6 Community outreach and education. a. In conjunction with the mayor's office of immigrant affairs *the mayor's office of ethnic and community media, and other appropriate agencies*, the department shall engage in community outreach and education efforts to raise awareness about topics including but not limited to common fraudulent schemes committed by providers of immigration assistance services and the department's complaint mechanisms and services. *Outreach shall include information about immigration-related legal assistance and services offered by the city and how to access such services.*

b. Outreach materials shall identify common fraudulent schemes committed by providers of immigration assistance services and provide information about how to avoid common fraudulent schemes.

c. The department shall conduct the community outreach and education efforts via television, internet, radio, print media, subway advertisements, and LinkNYC kiosks. Outreach materials shall be posted and distributed in public places, including but not limited to IDNYC registration sites, humanitarian emergency response and relief centers, asylum seeker resource navigation centers, public schools, and shelters or other facilities administered by city agencies for provision of social services.

d. Outreach materials shall be available in all designated citywide languages, as defined in section 23-1101, and all temporary languages identified pursuant to section 23-1105.

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

Referred to the Committee on Consumer and Worker Protection.

Int. No. 206

By Council Members Hanif, Rivera, Ossé, Bottcher, Narcisse, the Public Advocate (Mr. Williams) and Restler.

A Local Law to amend the administrative code of the city of New York, in relation to requiring correction officers to carry and administer opioid antagonists while on duty and to receive related training

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 Opioid antagonists. a. Definitions. For purposes of this section, the term "opioid antagonist" means a drug approved by the New York state department of health and the federal food and drug administration that, when administered, negates or neutralizes in whole or in part the pharmacological effects of an opioid in the human body.

b. Opioid antagonist training. 1. No later than April 1, 2024, the department of correction, in consultation with correctional health services, or any other entity designated to provide healthcare or medical services to individuals incarcerated in city correctional facilities, shall provide annual training for all correction officers on the administration of opioid antagonists to individuals that are incarcerated. The department of correction shall also offer such training to individuals incarcerated in city correctional facilities who request such training.

2. Such training shall, at a minimum, include guidance on how to recognize the signs and symptoms of a suspected opioid overdose and the steps that must be taken in response to a suspected opioid overdose, which shall include, but are not limited to, the administration of an opioid antagonist.

c. Administration of opioid antagonists. 1. All correction officers trained pursuant to subdivision b of this section shall keep opioid antagonists on their person while on duty and shall administer opioid antagonists to individuals that are incarcerated in accordance with the training provided pursuant to subdivision b of this section.

2. The department of correction shall ensure that opioid antagonists are made readily available for use by those individuals that are incarcerated who have undergone the training provided pursuant to subdivision b of this section.

d. Disclaimer of liability. Administration of an opioid antagonist shall be considered first aid or emergency treatment for the purposes of liability. Nothing contained in this section shall be construed as creating any private right of action against an individual for use of or failure to use an opioid antagonist in the event of an overdose.

e. Reporting. No later than April 1, 2024, and annually thereafter, the department of correction shall post on its website and submit to the speaker of the council, the mayor, and the public advocate a report regarding the number of correction officers and individuals who are incarcerated trained pursuant to subdivision b of this section and the number of opioid antagonists administered pursuant to subdivision c of this section. Such report

shall also include the number of nonfatal overdoses and suspected nonfatal overdoses in which an opioid antagonist was requested or administered.

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

Referred to the Committee on Criminal Justice.

Int. No. 207

By Council Members Hanif, Ayala, Aviles, Sanchez, Cabán, Restler, Gutiérrez, De La Rosa, Rivera, Krishnan, the Public Advocate (Mr. Williams), Won and Marte.

A Local Law to amend the New York city charter, in relation to minimum standards for emergency congregate housing

Be it enacted by the Council as follows:

Section 1. The New York city charter is amended by adding a new section 18-a to read as follows:

§ 18-a Minimum standards for emergency congregate housing. a. For the purposes of this section, the following terms have the following meanings:

Emergency congregate housing. The term "emergency congregate housing" means any location operated by a city agency or provider under contract or similar agreement with a city agency, except for any location operated by the department of social services or provider under contract or similar agreement with the department of social services, where individuals and families reside for more than 96 hours where such individuals and families sleep in a congregate setting with shared facilities, including but not limited to, sleeping quarters and bathrooms.

b. The mayor shall ensure that emergency congregate housing meets, at a minimum, the standards and regulations set forth in parts 491 and 900 of title 18 of the New York codes, rules and regulations.

c. If a city agency or provider under contract or similar agreement with such city agency operating emergency housing fails to meet the requirement set forth in subdivision b of this section, such city agency or provider shall be required to report in writing such failure to the mayor, the speaker of the council, and the public advocate within ten days of having knowledge of such failure.

§ 2. This local law takes effect immediately.

Referred to the Committee on General Welfare.

Int. No. 208

By Council Members Hanif, Ayala, Aviles, Sanchez, Cabán, Restler, Gutiérrez, De La Rosa, Rivera, Krishnan, the Public Advocate (Mr. Williams) and Marte.

A Local Law to amend the New York city charter, in relation to notification of the right to be placed in shelter

Be it enacted by the Council as follows:

Section 1. The New York city charter is amended by adding a new section 18-a to read as follows:

§ 18-a Notification of the right to be placed in shelter. a. Definitions. For the purposes of this section, the following terms have the following meanings:

Emergency congregate housing. The term "emergency congregate housing" means any location operated by a city agency or a provider under contract or similar agreement with a city agency, except for any location

operated by the department of social services or provider under contract or similar agreement with the department of social services, where individuals and families reside for more than 96 hours where such individuals and families sleep in a congregate setting with shared facilities, including but not limited to, sleeping quarters and bathrooms.

Shelter. The term "shelter" means a facility operated by the department of social services or a provider under contract or similar agreement with the department of social services.

b. The mayor or the mayor's designee shall provide written and verbal notification, as provided in this subdivision, to individuals and families, immediately upon such individual or families' entry into emergency congregate housing. Such notification shall be communicated in an easily understandable and culturally competent manner and shall be made available in the language spoken by the individual or family. Such notification shall include but not be limited to the following:

(1) The right to be placed in a shelter within 24 hours of an individual or families' request to be placed in a shelter; and

(2) The right to be provided with transportation to such shelter.

c. If the department of social services fails to meet its obligations to place an individual or family in a shelter within 24 hours of their request to be placed in a shelter, the department of social services shall be required to report such failure to the mayor, the speaker of the council, and the public advocate within one calendar day of having knowledge of such failure.

§ 2. This local law takes effect immediately.

Referred to the Committee on General Welfare.

Int. No. 209

By Council Members Hanif, Ayala, Restler, Brewer and Marte.

A Local Law to amend the New York city charter, in relation to reporting on emergency congregate housing

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 18-a to read as follows:

§ 18-a Report on emergency congregate housing for asylum seekers. a. Definitions. For purposes of this section, the term "emergency congregate housing" means any location operated by an agency or provider under contract or similar agreement with an agency, including large-scale locations known as humanitarian emergency response and relief centers, where individuals and families reside for more than 96 hours and such individuals and families sleep in a congregate setting with shared facilities, including but not limited to, sleeping quarters and bathrooms.

b. On or before November 1, 2023, and weekly thereafter, the mayor or the mayor's designee shall provide to the council and post on the city's website a report on all emergency congregate housing locations. The report shall include a table in which each separate row references a location used for emergency congregate housing. Each such row shall include the following information, as well as any additional information the commissioner deems appropriate, set forth in separate columns:

1. The address and primary function of the location;

2. The capacity of emergency congregate housing at the location;

3. Demographic information of the individuals residing in emergency congregate housing at the location;

4. The number of families residing in emergency congregate housing at the location and, for each, the number of family members and the age of each family member;

5. The average length of stay in emergency congregate housing at the location, disaggregated by the average length of stay for families and the average length of stay for individuals who are not residing in emergency congregate housing with a family;

6. The number of individuals discharged from emergency congregate housing at the location, and, for each individual discharged to a known location, the type of location to which the individual is discharged;

7. The number of individuals involuntarily discharged from emergency congregate housing at each location;

8. The 5 most common reasons for involuntary discharge from emergency congregate housing at the location; and

9. Whether the emergency congregate housing at the location meets the standards set forth in parts 491 and 900 of title 18 of the New York codes, rules and regulations, regarding shelter operations, or any successor provisions, and, if it does not, the specific standards that the emergency congregate housing has failed to meet.

c. For any emergency congregate housing location that is identified as not meeting standards pursuant to paragraph 9 of subdivision b of this section, the mayor or the mayor's designee shall submit to the council a plan, including a timeline, to bring the emergency congregate housing into compliance. Such plan shall be submitted no more than 2 weeks after the emergency congregate housing is first identified as failing to meet standards. The mayor or the mayor's designee shall submit to the council a monthly written update detailing the steps that have been taken to bring the emergency congregate housing location into compliance.

d. No information that is otherwise required to be reported pursuant to this section shall be reported in a manner that would violate any applicable law relating to the privacy of individual information.

§ 2. This local law takes effect immediately.

Referred to the Committee on General Welfare.

Int. No. 210

By Council Members Hanif, Restler, Gutiérrez, De La Rosa, Hudson, Sanchez, Nurse, Won, Avilés, Rivera, Krishnan, Marte, Brewer, Ayala and Cabán (in conjunction with the Brooklyn Borough President).

A Local Law to amend the administrative code of the city of New York, in relation to prohibiting the department of social services or any other city agency from imposing length of shelter stay restrictions in a shelter of any type

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 21-152 to read as follows:

§ 21-152 Prohibition on length of shelter stay limitations. a. Definitions. For purposes of this section, the following terms have the following meanings:

Emergency congregate housing. The term "emergency congregate housing" means any location operated by an agency or provider under contract or similar agreement with an agency, except for any location operated by the department or by a provider under contract or similar agreement with the department, where individuals and families reside for more than 96 hours and where such individuals and families sleep in a congregate setting with shared facilities, including but not limited to, sleeping quarters and bathrooms.

Homeless youth. The term "homeless youth" has the same meaning as provided in section 532-a of the executive law. For the purposes of this section, the term "homeless youth" shall also include homeless young adults.

Homeless young adults. The term "homeless young adult" has the same meaning as provided in section 531-a of the executive law.

Shelter. The term "shelter" means temporary housing assistance provided to homeless adults, adult families, families with children, and runaway and homeless youth by the city or a provider under contract or similar agreement with the city.

b. No agency shall impose limits on the length of time an individual or family may reside in shelter or emergency congregate housing. To reside in shelter operated by the department or a provider under contract or

similar agreement with the department, an individual or family must maintain eligibility for temporary housing assistance pursuant to section 352.35 of title 18 of the New York codes, rules and regulations.

§ 2. This local law takes effect immediately.

Referred to the Committee on General Welfare.

Int. No. 211

By Council Members Hanif and Menin.

A Local Law to amend the administrative code of the city of New York, in relation to the establishment of an office of restaurant recovery in response to the COVID-19 pandemic, and the expiration and repeal thereof

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 subchapter 9 to read as follows:

SUBCHAPTER 9
OFFICE OF RESTAURANT RECOVERY

§ 3-190 Definitions. For the purposes of this subchapter, the following terms have the following meanings:

Director. The term "director" means the director of restaurant recovery.

Restaurant. The term "restaurant" has the same meaning as is ascribed to such term in section 17-502.

§ 3-191 Office. The mayor shall establish an office of restaurant recovery to facilitate the recovery of restaurants from the 2019 novel coronavirus, COVID-19. Such office may be established within any office of the mayor or as a separate office or within any agency. Such office shall be headed by a director of restaurant recovery. The mayor shall appoint the director no later than 30 days after the effective date of this subchapter, except that if the mayor establishes the office within an agency other than the office of the mayor, the head of such agency shall designate the director within such time.

§ 3-192 Powers and duties of director. The director shall have the power and duty to:

1. Develop and implement a citywide restaurant recovery plan, in consultation with relevant agencies, including, but not limited to, the department of small business services, the department of consumer and worker protection, and the department of health and mental hygiene, and, in such capacity, shall:

(a) Assess the challenges restaurants and restaurant workers face and the assistance restaurants and restaurant workers need in light of the COVID-19 pandemic;

(b) Assess all programs and policies relevant to the recovery of restaurants adopted in and outside of the city; and

(c) Develop and implement programs and policies regarding recovery of the restaurant industry;

2. Identify and monitor a set of metrics to assess restaurant recovery, which shall include, but need not be limited to, data regarding the restaurants that have remained open since the onset of COVID-19, data on the restaurants that have closed since such onset, data on the restaurants that opened after such onset, and data on how COVID-19 has affected restaurant worker job opportunities and pay;

3. Advise the mayor on restaurant recovery, including, but not limited to, data, programs and policies, state and federal efforts, and the coordination among agencies under the jurisdiction of the mayor involved in recovery;

4. Promote the recovery of restaurants, in consultation with government and relevant stakeholders, including, but not limited to, restaurants, patrons, worker groups and trade groups; and

5. Perform such other relevant duties as the mayor may assign.

§ 3-193 Reports. a. Initial report. No later than 120 days after the effective date of the local law that added

this subchapter, the director shall submit to the mayor and the speaker of the council an initial report, which shall include, but need not be limited to, the metrics to be used to assess restaurant recovery pursuant to subdivision 2 of section 3-192, preliminary findings regarding recovery and proposed solutions to such findings.

b. Annual report. After the initial report, the director shall annually submit to the mayor and the speaker of the council a report that summarizes the activities of the office of restaurant recovery and assesses the recovery of restaurants based, in part, on the metrics required by subdivision 2 of section 3-192.

c. Publication of report. No more than 30 days after a report required by this section is submitted to the mayor and the speaker of the council, the director shall publish such report on the website of the office of restaurant recovery.

§ 3-194 Early termination. If before the expiration of this subchapter, the mayor, in consultation with the director, determines that the restaurant industry has stabilized based in part on the metrics required by subdivision 2 of section 3-192, the mayor may dissolve the office and end compliance with the requirements of this subchapter following submission to the mayor and the speaker of the council of (i) a written notice of such determination and (ii) a final report by the director pursuant to section 3-193.

§ 3. This local law takes effect immediately and expires and is deemed repealed 5 years after it becomes law.

Referred to the Committee on Governmental Operations, State & Federal Legislation.

Int. No. 212

By Council Members Hanif, De La Rosa and Restler.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of citywide administrative services to provide civil service exams in languages other than English

Be it enacted by the Council as follows:

Section 1. Chapter 2 of title 12 of the administrative code of the city of New York is amended by adding a new section 12-213 to read as follows:

§ 12-213 Language of civil service exams. a. Definitions. For the purposes of this section, the term "department" means the department of citywide administrative services.

b. The department, in consultation with relevant agencies, shall identify all civil service positions that do not require fluency in English for which the department offers an exam and shall provide such exams in each of the designated citywide languages, as defined in section 23-1101.

c. For the civil service exams identified pursuant to subdivision b, the department shall consult with the office of immigrant affairs and community-based organizations to determine additional languages, other than the designated citywide languages, in which to offer such exams, based on the needs of a sizeable population in the city who primarily speak such additional languages.

d. For the civil service exams identified pursuant to subdivision b, the department shall allow exam takers to request the exam in the language of their choice. The department shall provide the exam in the requested language or provide a written rationale for why the exam cannot be offered in the requested language.

e. The department and the office of immigrant affairs shall conduct outreach and education about the provisions of this section.

§ 2. This local law takes effect immediately, except that subdivision d of section 12-213 of the administrative code of the city of New York, as added by section one of this local law, takes effect 180 days after it becomes law.

Referred to the Committee on Governmental Operations, State & Federal Legislation.

Int. No. 213

By Council Members Hanif, Abreu, Krishnan, Cabán, Aviles, Gutiérrez, Nurse and Brewer.

A Local Law to amend the administrative code of the city of New York, in relation to the keeping, restraint, or possession of elephants

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 22 to read as follows:

CHAPTER 22
ANIMALS

§ 17-2201 Definitions. As used in this chapter:

Director. The term "director" means the director of animal welfare.

Elephant. The term "elephant" means an animal in the family Elephantidae.

Office. The term "office" means the office of animal welfare.

§ 17-2202 Keeping, restraining, or possessing elephants. a. Prohibition. No person shall keep, restrain, or possess an elephant in the city, except as provided in subdivision b of this section.

b. Exception. A person shall not be liable for a violation of this section in connection with keeping, restraining, or possessing an elephant if all of the following conditions are met:

1. The total usable area of the elephant's habitat must be a minimum of 15 acres per elephant;

2. The elephant must have continuous access to topographic features and stimuli necessary for emotional and physical wellbeing throughout the habitat;

3. The elephant must be able to forage for food and water throughout the habitat;

4. Female elephants must be housed in groups and allowed to form herds and social groupings unless a female elephant has a contagious disease that necessitates separation from other elephants;

5. Male elephants must be housed either in herds, or if solitary, in close proximity to other elephants where they can engage in olfactory, visual, and vocal communication;

6. The elephant must not be bred;

7. The elephant must not be mounted, ridden, or forced to do labor;

8. The elephant must not be used in educational or commercial exhibitions; and

9. The person keeping, restraining, or possessing the elephant must hold all such licenses and permits as may be required by law, rule, or regulation in connection therewith.

c. Disposition of elephant; notice. 1. Any person who keeps, restrains, or possesses an elephant in violation of subdivision a or b of this section shall relocate such elephant (i) to a facility that meets all of the conditions set forth in subdivision b or (ii) to a sanctuary that will allow the elephant to exercise autonomy, will not place the elephant on public display, will not breed or attempt to breed the elephant, and will house the elephant in a setting that closely resembles the elephant's natural habitat.

2. Any person relocating or otherwise disposing of an elephant because of inability to comply with subdivision b of this section shall submit an affidavit of disposition to the commissioner and the director of animal welfare within 10 days of such disposition. Such affidavit shall be notarized under oath and shall set forth with particularity the following information about the disposition of the elephant: (i) the date and manner of disposition, (ii) the name and business address of the transferee, if ownership of the elephant was transferred, (iii) the business address of the sanctuary or other facility to which the elephant was relocated, (iv) whether or not, upon the information and belief of the affiant, such sanctuary or other facility meets the criteria specified in paragraph 1 of this subdivision, and (v) the name of an individual in responsible charge who is employed by such sanctuary or other facility.

d. Denial of permit. The commissioner shall not approve any application for a permit to exhibit, use, or display an elephant, or a renewal thereof, unless the applicant demonstrates to the satisfaction of the commissioner that the conditions of subdivision b are satisfied.

e. Civil penalty. A person who violates a provision of subdivision a, b, or c of this section is liable to pay a civil penalty of $1,000 per day that such violation continues. The commissioner may recover such penalty by issuing a notice of violation and instituting a proceeding before the office of administrative trials and hearings.

f. Injunction. 1. Subject to all applicable provisions of the civil practice law and rules, any person may bring an action in a court of competent jurisdiction, on such person's own behalf, to enjoin any person who is alleged to be in violation of a provision of this section.

2. A court shall award a prevailing petitioner the reasonable attorney's fees and costs incurred in prosecuting such an action.

3. The rights of a person bringing an action under this section shall abate while any proceeding brought under subdivision e of this section is pending.

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

Referred to the Committee on Health.

Int. No. 214

By Council Members Hanif, Krishnan, Rivera, Powers, Restler and Avilés.

A Local Law to amend the administrative code of the city of New York, in relation to creating a private right of action related to civil immigration detainers

Be it enacted by the Council as follows:

Section 1. Subdivision e of section 9-131 of the administrative code of the city of New York, as amended by local law number 228 for the year 2017, is amended to read as follows:

e. [No private] *Private* right of action. [Nothing contained in this section or in the administration or application hereof shall be construed as creating any private right of action on the part of any persons or entity against the city of New York or the department, or any official or employee thereof.] *Any person detained in violation of this section, or their direct relative, may bring an action in any court of competent jurisdiction for a claim of unlawful detention in violation of this section, for any damages, including punitive damages, and for declaratory and injunctive relief and such other remedies as may be appropriate. The court, in issuing any final order in any section brought pursuant to this section, may award costs of litigation, to the prevailing party whenever the court determines such an award is appropriate. This section does not limit or abrogate any claim or cause of action such person has under common law or by other law or rule.*

§2. Subdivision e of section 14-154 of the administrative code of the city of New York, as amended by local law number 228 for the year 2017, is amended to read as follows:

e. [No private] *Private* right of action. [Nothing contained in this section or in the administration or application hereof shall be construed as creating any private right of action on the part of any persons or entity against the city of New York or the department, or any official or employee thereof.] *Any person detained in violation of this section, or their direct relative, may bring an action in any court of competent jurisdiction for a claim of unlawful detention in violation of this section, for any damages, including punitive damages, and for declaratory and injunctive relief and such other remedies as may be appropriate. The court, in issuing any final order in any section brought pursuant to this section, may award costs of litigation, to the prevailing party whenever the court determines such an award is appropriate. This section does not limit or abrogate any claim or cause of action such person has under common law or by other law or rule.*

§3. Subdivision e of section 9-205 of the administrative code of the city of New York, as amended by local law number 228 for the year 2017, is amended to read as follows:

e. [No private] *Private* right of action. [Nothing contained in this section or in the administration or application hereof shall be construed as creating any private right of action on the part of any persons or entity against the city of New York or the department, or any official or employee thereof.] *Any person detained in violation of this section, or their direct relative, may bring an action in any court of competent jurisdiction for a claim of unlawful detention in violation of this section, for any damages, including punitive damages, and for*

declaratory and injunctive relief and such other remedies as may be appropriate. The court, in issuing any final order in any section brought pursuant to this section, may award costs of litigation, to the prevailing party whenever the court determines such an award is appropriate. This section does not limit or abrogate any claim or cause of action such person has under common law or by other law or rule.

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

Referred to the Committee on Immigration.

Int. No. 215

By Council Members Hanif, De La Rosa, Marte, Brannan, Narcisse, Brewer, Ung, Gutiérrez and Restler.

A Local Law to amend the New York city charter, in relation to establishing an office of translation and interpretation within the office of immigrant affairs

Be it enacted by the Council as follows:

Section 1. Section 18 of the New York city charter is amended by adding a new subdivision h to read as follows:

h. There is hereby established an office of translation and interpretation within the office of immigrant affairs, the head of which shall be the director of the office of immigrant affairs. Within appropriations therefor, the office of translation and interpretation shall employ individuals who are proficient in the designated citywide languages, as defined in section 23-1101 of the administrative code, for the purpose of providing translation and interpretation services to the city and its agencies. The office of translation and interpretation shall have the power and duty to:

1. Upon request, translate documents created by agencies into the designated citywide languages;

2. Provide interpretation services to agencies for the designated citywide languages; and

3. Perform any other appropriate function related to providing translation and interpretation services to city agencies, including identifying translation and interpretation services for languages other than the designated citywide languages.

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

Referred to the Committee on Immigration.

Int. No. 216

By Council Members Hanif, Ayala, Brewer, Restler and Won.

A Local Law to amend the administrative code of the city of New York, in relation to enhancing the IDNYC application process

Be it enacted by the Council as follows:

Section 1. Subdivision b of section 3-115 of the administrative code of the city of New York, as added by local law number 35 for the year 2014, is amended to read as follows:

b. New York city identity card program.

(1) The mayor shall designate an agency to administer the New York city identity card program. The administering agency shall promulgate all rules necessary to effectuate the purposes of this subchapter.

(2) The administering agency shall designate access sites, including at least one site located within each of the five boroughs of the city of New York, where applications for such card shall be made available for pick-up and submission. *The administering agency shall make same day and walk-in application review appointments*

available at such sites. The administering agency shall also make applications available online, *including renewal applications.*

(3) The administering agency in consultation with the mayor's office of immigrant affairs shall:

(i) Perform a quarterly assessment of New York city identity card applicants and use such information to inform the number of on-site application review appointments made available in the next quarter; and

(ii) Provide training every two years for staff of the administering agency on the New York city identity card application process including a review of all necessary documentation.

(4) The administering agency shall make available on-site and online an appeals process for an applicant who is denied a New York city identity card.

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

Referred to the Committee on Immigration.

Int. No. 217

By Council Members Hanif, Gutiérrez, Rivera, Williams, Sanchez, Louis, Marte, Ossé, Krishnan, Won, Avilés, Salaam and Bottcher.

A Local Law to amend the administrative code of the city of New York in relation to prohibiting places or providers of public accommodation from using biometric recognition technology and protecting any biometric identifier information collected

Be it enacted by the Council as follows:

Section 1. Section 22-1201 of the administrative code of the city of New York, as added by local law number 3 for the year 2021, is amended by repealing definitions for the terms "commercial establishment," "consumer commodity," "financial institution," "food and drink establishment," "place of entertainment," and "retail store," amending the definition for the term "biometric identifier information," and adding definitions for the terms "biometric recognition technology," and "place or provider of public accommodation," to read as follows:

Biometric identifier information. The term "biometric identifier information" means a physiological or biological characteristic that is used by or on behalf of a commercial establishment, singly or in combination, to identify, or assist in identifying an individual, including, but not limited to: (i) a retina or iris scan, (ii) a fingerprint or voiceprint, (iii) a scan of hand or face geometry, [or any other identifying characteristic] *(iv) gait or movement patterns, or (v) any other similar identifying characteristic that can be used alone or in combination with each other, or with other information, to establish individual identity*.

Biometric recognition technology. The term "biometric recognition technology" means a process or system that captures or assists in the capture of biometric identifier information of a person or persons in conjunction with any automated process or system that verifies or identifies, or assists in verifying or identifying, a person or persons based on such biometric identifier information.

[Commercial establishment. The term "commercial establishment" means a place of entertainment, a retail store, or a food and drink establishment.

Consumer commodity. The term "consumer commodity" means any article, good, merchandise, product or commodity of any kind or class produced, distributed or offered for retail sale for consumption by individuals, or for personal, household or family purposes.]

Customer. The term "customer" means a purchaser or lessee, or a prospective purchaser or lessee, of goods or services from a commercial establishment.

[Financial institution. The term "financial institution" means a bank, trust company, national bank, savings bank, federal mutual savings bank, savings and loan association, federal savings and loan association, federal mutual savings and loan association, credit union, federal credit union, branch of a foreign banking corporation, public pension fund, retirement system, securities broker, securities dealer or securities firm, but does not include a commercial establishment whose primary business is the retail sale of goods and services to customers and provides limited financial services such as the issuance of credit cards or in-store financing to customers.

Food and drink establishment. The term "food and drink establishment" means an establishment that gives or offers for sale food or beverages to the public for consumption or use on or off the premises, or on or off a pushcart, stand or vehicle.

Place of entertainment. The term "place of entertainment" means any privately or publicly owned and operated entertainment facility, such as a theater, stadium, arena, racetrack, museum, amusement park, observatory, or other place where attractions, performances, concerts, exhibits, athletic games or contests are held.

Retail store. The term "retail store" means an establishment wherein consumer commodities are sold, displayed or offered for sale, or where services are provided to consumers at retail.]

Place or provider of public accommodation. The term "place or provider of public accommodation" shall have the same meaning as in section 8-102.

§2. Section 22-1202 of the administrative code of the city of New York, as added by local law number 3 for the year 2021, is amended to read as follows:

§ 22-1202 Collection, use, and retention of biometric identifier information *and use of biometric recognition technology*. a. Any [commercial establishment] *place or provider of public accommodation* that collects, retains, converts, stores, [or] shares, *or otherwise obtains* biometric identifier information of customers must disclose such collection, retention, conversion, storage, [or] sharing, *or obtaining of biometric identifier information*, as applicable, by placing a clear and conspicuous sign near all of the [commercial establishment's] *place or provider of public accommodation's* customer entrances notifying customers in plain, simple language, in a form and manner prescribed by the commissioner of consumer and worker protection by rule, that customers' biometric identifier information is being collected, retained, converted, stored or shared, as applicable *and shall be required to get the written consent of such customer in advance of any collection*.

b. *It shall be unlawful for any place or provider of public accommodation to use any biometric recognition technology to verify or identify a customer.*

c. It shall be unlawful to *disclose,* sell, lease, trade, *or* share in exchange for anything of value or otherwise profit from the transaction of biometric identifier information *with any third party*.

d. Any place or provider of public accommodation in possession of biometric identifier information shall develop a written policy, to be made available to the public upon request, that shall include a retention schedule and guidelines for the permanent destruction of biometric identifier information when the initial purpose for collecting or obtaining such identifiers or information has been satisfied, or within two years of the individual's last interaction with the place or provider of public accommodation, whichever occurs first.

e. Any place or provider of public accommodation that collects, retains, converts, stores, shares, or otherwise obtains biometric identifier information of any person shall develop, implement and maintain reasonable safeguards to protect the security, confidentiality and integrity of the biometric identifier information including, but not limited to: conducting assessments of risks in network and software design; conducting assessments of risks in information processing, transmission and storage; making reasonable efforts to detect, prevent and respond to attacks or system failures; regularly testing and monitoring the effectiveness of key controls, systems and procedures; and implementing protections against unauthorized access to or use of biometric identifier information during or after the collection, transportation and destruction or disposal of the information.

f. Any place or provider of public accommodation that collects, retains, converts, stores, shares, or otherwise obtains biometric identifier information of customers shall provide the opportunity to any such customer to request that such place or provider of public accommodation erase such biometric identifier information of such customer.

g. Any place or provider of public accommodation that collects, retains, converts, stores, shares, or otherwise obtains biometric identifier information shall not refuse service to any customer because the customer exercised rights pursuant to this section, including, but not limited to, by denying goods or services to the consumer; charging different prices or rates for goods or services, including through the use of discounts or other benefits or imposing penalties; or providing a different level of quality of goods or services to the customer.

§3. Section 22-1203 of the administrative code of the city of New York, as added by local law number 3 for the year 2021, is amended to read as follows:

§ 22-1203 Private right of action. A person who is aggrieved by a violation of this chapter may commence an action in a court of competent jurisdiction on [his or her] *such person's* own behalf against an offending party.

At least 30 days prior to initiating any action against a [commercial establishment] *place or provider of public accommodation* for a violation of subdivision a of section 22-1202, the aggrieved person shall provide written notice[.] to the [commercial establishment] *place or provider of public accommodation* setting forth such person's allegation. If, within 30 days, the [commercial establishment] *place or provider of public accommodation* cures the violation and provides the aggrieved person an express written statement that the violation has been cured and that no further violations shall occur, no action may be initiated against the [commercial establishment] *place or provider of public accommodation* for such violation. If a [commercial establishment] *place or provider of public accommodation* continues to violate subdivision a of section 22-1202, the aggrieved person may initiate an action against such [establishment] *place or provider*. No prior written notice is required for actions alleging a violation of subdivision b *or c* of section 22-1202. A prevailing party may recover:

1. For each violation of subdivision a of section 22-1202, damages of $500;
2. For each negligent violation of subdivision b *or c* of section 22-1202, damages of $500;
3. For each intentional or reckless violation of subdivision b *or c* of section 22-1202, damages of $5,000;
4. Reasonable attorneys' fees and costs, including expert witness fees and other litigation expenses; and
5. Other relief, including an injunction, as the court may deem appropriate.

§4. Section 22-1204 of the administrative code of the city of New York, as added by local law number 3 for the year 2021, is amended to read as follows:

§ 22-1204 Applicability. a. Nothing in this chapter shall apply to the collection, storage, sharing or use of biometric identifier information by government agencies, employees or agents.

b. The [disclosure required] *requirements* of subdivision [a] *e* of section 22-1202 shall not apply to[:]

[1. Financial institutions.

2. Biometric identifier information collected through photographs or video recordings, if: (i) the images or videos collected are not analyzed by software or applications that identify, or that assist with the identification of, individuals based on physiological or biological characteristics, and (ii) the images or video are not shared with, sold or leased to third-parties other than law enforcement agencies.] *any place or provider of public accommodation that is subject to, and in compliance with, any of the following data security requirements: (i) regulations promulgated pursuant to title v of the financial services modernization act of 1999; (ii) regulations implementing the health insurance portability and accountability act of 1996 and the health information technology for economic and clinical health act of 2009; and (iii) part 500 of title 23 of the New York codes, rules and regulations, regarding cybersecurity.*

c. Where the specific services sought by a customer from a place or provider of public accommodation cannot be performed without the collecting and processing of biometric identifier information, the agreement by the customer to engage such services shall be deemed consent for the purposes of subdivision a of section 22-1202. This exemption shall not apply to any security or sale system that is ancillary to the specific services sought by the customer.

§ 5. This local law takes effect 180 days after it becomes law, provided that where the provisions of section 22-1202 of the administrative code of the city of New York, as added by section two 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.

Res. No. 91

Resolution calling on the United States Congress to Pass, and the President to Sign, S. 4787/H.R. 8685, the "Afghan Adjustment Act," which would provide a pathway to permanent legal status for evacuees from Afghanistan.

By Council Member Hanif.

Whereas, More than one million United States service members, frontline civilians, intelligence community staff, and aid workers served the interests of the United States on the ground in Afghanistan from 2001 to 2021; and

Whereas, United States forces withdrew from Kabul on August 31, 2021, leaving behind thousands of allies who believed in the idea of America, endangered their own lives to stand with us, and are now at risk; and

Whereas, Thousands of Afghans, including those who aided the United States and its allies, civil rights defenders, and political activists were forced to flee their country when U.S. forces withdrew from Afghanistan; and

Whereas, According to the International Rescue Committee 76,000 men, women, and children fleeing Afghanistan after the withdrawal of U.S. forces were brought to the United States under humanitarian parole and have only temporary permission to stay in the country with no path to citizenship; and

Whereas, Veterans, frontline civilians, and a cross-section of American volunteers are calling on the United States government to meet its commitments to offer safety to the Afghans who stood with us over our twenty-year conflict; and

Whereas, The groups demanding that we meet our commitment to the Afghans that stood with us have been working with the United States government to continue relocations of our allies; and

Whereas, The bipartisan Afghan Adjustment Act was introduced in both the U.S. House of Representatives and the U.S. Senate in August 2022; and

Whereas, The United States has passed similar legislation in the wake of previous wartime evacuations including after America's withdrawal from Vietnam and after the U.S. military actions in Iraq; and

Whereas, More than 76% of Americans believe we have an obligation to aid Afghan allies in their relocation; now, therefore, be it

Resolved, That the Council of the City of New York calls on the United States Congress to pass, and the President to Sign, S. 4787/H.R. 8685, The Afghan Adjustment Act, which would provide a pathway to permanent legal status for evacuees from Afghanistan.

Referred to the Committee on Immigration.

Res. No. 92

Resolution calling upon the President of the United States and the Secretary of the Department of Homeland Security to grant Temporary Protected Status (TPS) and Special Student Relief (SSR) to those impacted by catastrophic flooding in Pakistan who are now living in the United States.

By Council Member Hanif.

Whereas, In August 2022, Pakistan declared a national emergency after experiencing floods that caused death and destruction and cataclysmic damage affecting the residents, buildings, and critical infrastructure of Pakistan; and

Whereas, Reports indicate some areas of Pakistan had 450 percent more rain than a normal monsoon season and over one third of the country was submerged in water; and

Whereas, Over 33 million people have been affected by the flooding and 1,739 were killed; and

Whereas, Over 8 thousand miles of roads were destroyed; and

Whereas, Flood basins and drain systems were overwhelmed and areas were inundated with stagnant and contaminated flood water; and

Whereas, Villages, farms, and settlements were destroyed, and over one million livestock were killed; and

Whereas, Contaminated water and the destruction of crops and livestock threatens resident's health and food security, and Pakistan is trying to prevent a full scale hunger crisis; and

Whereas, Requests for financial aid remain seriously underfunded, hampering humanitarian support for residents and regions affected by the flooding; and

Whereas, According to data from The Center for Migration Studies, Pakistan is one of the top countries of origin for undocumented residents in the State of New York, largely in the City of New York; and

Whereas, Reports indicate more than 8,000 Pakistani students are studying in the United States, with a significant number of them in the City and State of New York; and

Whereas, Regulatory requirements from the Department of Homeland Security limit opportunities for international students to work, forcing them to rely on financial support from their home countries; and

Whereas, The devastation in Pakistan has made it unsuitable for Pakistanis to return, and Pakistani students and residents need stability in the United States to support themselves, their families, and recovery efforts in Pakistan; and

Whereas, Granting TPS and SSR would provide desperately needed protections and stability for Pakistanis in the United States; and

Whereas, The Secretary of the Department of Homeland Security is empowered to designate that a country qualifies for TPS and SSR when nationals who are already in the United States cannot return safely to their home countries due to extraordinary conditions, such as environmental disasters**;** and

Whereas, Advocates, like Desis Rising Up & Moving, engaged with Pakistani communities and students support TPS and SSR designation in response to the flood damage; and

Whereas, Designations of TPS and SSR for Pakistan would allow access to work permits, access to healthcare, lowered tuition fees, protection from deportation, the ability to request permission to travel back home, and many other local and state benefits; and

Whereas, The people of the City of New York possess a tremendous humanitarian spirit and have always expressed their solidarity with individuals from other nations who undergo suffering; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the President of the United States and the Secretary of the Department of Homeland Security to grant Temporary Protected Status (TPS) and Special Student Relief (SSR) to those impacted by catastrophic flooding in Pakistan who are now living in the United States.

Referred to the Committee on Immigration.

Res. No. 93

Resolution acknowledging July 18 through August 17 as South Asian Heritage Month annually in the City of New York and celebrating the contributions made by New Yorkers of South Asian heritage to our multicultural neighborhoods.

By Council Members Hanif and Krishnan.

Whereas, The countries that make up South Asia include Afghanistan, Bangladesh, Bhutan, India, Maldives, Nepal, Pakistan, and Sri Lanka; and

Whereas, South Asia is home to many cultures, including many world religions, such as Hinduism, Islam, Christianity, Sikhism, Jainism, Judaism, Buddhism, and Zoroastrianism, and including many languages, such as Hindi, Urdu, Bengali, Singhalese, Nepali, and Dhivehi; and

Whereas, South Asian Heritage Month (SAHM) celebrates all of these South Asian cultures, histories, and communities; and

Whereas, The dates chosen for SAHM are significant, with July 18, 1947, being the date of the Indian Independence Act and with August 17, 1947, being the date that the Radcliffe Line established the borders of India, West Pakistan, and East Pakistan (now Bangladesh); and

Whereas, The July and August dates chosen are close to those of the South Asian month of Saravan/Sawan, which is the main month of the monsoons and signifies a time of renewal; and

Whereas, In the United Kingdom (UK), the designation of SAHM has been a project of the South Asian Heritage Trust, which, according to its website, seeks “to deepen people’s understanding of the rich and diverse

contributions of South Asian communities to British society, promote intercultural dialogue, and foster greater social cohesion among communities"; and

Whereas, SAHM has been celebrated annually in the UK since 2020 to honor the impact of South Asian cultures on British culture and on the diversity of the UK's population; and

Whereas, Although the United States (U.S.) does not have the colonial and subsequent cultural ties to South Asia that the UK does, South Asians and their descendants have also had a significant impact on American culture and on life in New York City (NYC), specifically; and

Whereas, South Asians first came to the U.S. in the late 1700s as workers on Yankee clipper ships that carried on trade between the Indian subcontinent and New England; and

Whereas, The first South Asian immigrants to the U.S., who arrived between 1897 and 1924, were primarily Sikh farmers from Punjab, India, and Bengali Muslims; and

Whereas, These early immigrants and those who followed often faced racial and ethnic discrimination and were denied naturalization and citizenship, thus drastically slowing further South Asian immigration; and

Whereas, The Immigration and Nationality Act of 1965 brought South Asian immigrants back to the U.S. in much larger numbers; and

Whereas, Many recent South Asian immigrants to the U.S. are professionals in the fields of science, technology, and medicine; and

Whereas, According to South Asian Americans Leading Together (SAALT), almost 5.4 million South Asians lived in the U.S. in 2017, with about 80 percent being of Indian heritage and over 75 percent being born outside of the U.S.; and

Whereas, According to the Asian American Federation, there were about 330,000 NYC residents of South Asian descent, or about 4 percent of the NYC population, in 2019; and

Whereas, According to SAALT, NYC is the top U.S. metropolitan area for Indian, Nepali, Pakistani, and Sri Lankan residents; and

Whereas, According to Indian American Impact, Indian Americans are one of the largest and fastest-growing ethnic groups in NYC; and

Whereas, The NYC communities of Jackson Heights in Queens, Kensington in Brooklyn, and Tompkinsville in Staten Island are well known for their Indian, Pakistani, and Sri Lankan roots and their cultural sites, shops, restaurants, and activities; and

Whereas, In 2020, the first South Asian was elected Vice President of the U.S. and, in 2021, the first two South Asians were elected to the New York City Council; and

Whereas, South Asian immigrants and New Yorkers of South Asian heritage have enriched the multiethnic, multiracial, and multilingual life of NYC in many arenas, from arts and culture to business to government; now, therefore, be it

Resolved, That the Council of the City of New York acknowledges July 18 through August 17 as South Asian Heritage Month annually in the City of New York and celebrates the contributions made by New Yorkers of South Asian heritage to our multicultural neighborhoods.

Referred to the Committee on Cultural Affairs, Libraries and International Intergroup Relations.

Res. No. 94

Resolution calling upon the New York State Legislature to pass, and the Governor to sign, S.2584A/A.6616, which would require comprehensive sexuality instruction for students in grades K-12 which addresses age and developmentally appropriate physical, mental, emotional and social dimensions of human sexuality and reflects the national sexuality education standards.

By Council Member Hanif (by request of The Bronx Borough President).

Whereas, According to the Centers for Disease Control and Prevention's Youth Risk Behavior Survey (YRBS), in 2019, 25.5 percent of New York City (NYC) high school students reported previously engaging in sexual intercourse, and 45.3 percent of students who reported being sexually active reported not using a condom during their last sexual intercourse; and

Whereas, Failure to use condoms during sexual intercourse puts sexually active students' health at risk; and

Whereas, According to the New York State Department of Health (NYSDOH), in 2019, there were over 16,100 chlamydia diagnoses and nearly 3,400 gonorrhea diagnoses of individuals aged 10-19 in New York City; and

Whereas, Data also shows that many NYC students' physical, mental, emotional and social wellbeing are at risk due to dating violence, and according to the 2019 YRBS, 8.2 percent of all high school students experienced sexual dating violence, including 6.3 percent of high school students in New York City; and

Whereas, The National Sexuality Education Standards reports that comprehensive and age-appropriate sex education, beginning in primary school, can have many benefits for students, including lowering rates of unplanned pregnancies, maternal deaths, unsafe abortions, and sexually transmitted infections (STIs); and

Whereas, Despite the benefits of sexual health education, New York State (NYS) does not require students to take sexual health education and only requires students to receive HIV/AIDS education each year beginning in Kindergarten; and

Whereas, NYS does, however, mandate that kindergarten through fifth grade students receive sequential health education each year, and requires 54 hours of health education for middle and high school students to be taught by a certified instructor; and

Whereas, While health education is beneficial for students, advocates claim that given the mental, physical, and sexual health risks many NYS students are taking, the State should also require all students to take sexuality health education; and

Whereas, Unlike the State, NYC's Department of Education (DOE) requires sixth to twelfth grade students to take sexual health education, but data shows that many DOE students are not fulfilling this requirement; and

Whereas, During a January 2019 NYC Council Education Committee oversight hearing, DOE testified that only 37.2 percent of eighth graders received the complete 54-hour sex education course during the 2017-18 school year, and according to a 2016 poll conducted by the Sexual Education Alliance of New York City, only 65 percent of middle and high school students reported that their school health classes included sexuality education; and

Whereas, Pursuant to Local Law 90 of 2017, which created a Sexual Health Education Task Force (Task Force), in 2018, the Task Force released a report detailing the state of sexual health education in NYC schools and included eleven recommendations on how the DOE can improve on its offering and of implementation of sex health education; and

Whereas, The Task Force found an "urgent need for policy and practice reform" regarding sexual health education in NYC, and recommended that DOE increase the mandated amount of sexual health education across all grade levels and create district-level and school-level accountability for sexual health education; and

Whereas, While the DOE has made recent efforts to address the lack of sexual health education in its school, including the adoption of Health Ed Works, which is a four-year health education initiative, it still does not require sexual health education to be taught in all grades and advocates are concerned that many middle and high school students are still missing out on valuable sex education instruction; and

Whereas, A state law that mandates comprehensive sexuality instruction for students in grades K-12 would help ensure that students across the City and State have the knowledge to help them make the best decisions in relationships and during sexual activity; 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.2584A/A.6616, which would require comprehensive sexuality instruction for students in grades K-12 which addresses age and developmentally appropriate physical, mental, emotional and social dimensions of human sexuality and reflects the national sexuality education standards.

Referred to the Committee on Education.

Res. No. 95

Resolution calling upon the New York City Department of Education to consult with faith-based organizations to develop and provide all grade levels with a curriculum that focuses on religious diversity; to provide professional development focused on religious diversity for teachers, staff, and administrators; to ensure accurate classification of hate crimes in annual school reports and immediate notification and full disclosure to parents of hate crime statistics; and to ensure that schools take actions to condemn bullying and harassment based on religious clothing, food requirements, and the need for prayer space and time year round.

By Council Members Hanif, Schulman, Avilés, Louis, Krishnan, Salaam, Brewer, Ossé, Sanchez and Powers.

Whereas, According to a 2022 Institute for Social Policy and Understanding (ISPU) national survey, about 62 percent of American Muslims (with a higher percentage of American Muslims under 50 years of age) and 50 percent of American Jews reported facing religious discrimination in the past year; and

Whereas, According to the ISPU national survey, about 48 percent of Muslim families and 13 percent of Jewish families reported having a school-age child face religious-based bullying in the past year, with about 20 percent of Muslim families reporting almost daily bullying; and

Whereas, According to the ISPU national survey, about 64 percent of Muslim families who reported religious-based bullying of their children said it was from other students at school and about 31 percent said it was online, while about 42 percent said it was from a teacher or school official at school and about 19 percent said it was online; and

Whereas, As reported by the Islamic Networks Group, a study conducted of Muslim students showed that 57 percent of respondents reported seeing offensive online posts by peers, 26 percent reported cyberbullying, 19 percent reported physical harm or harassment, and 36 percent of hijab-wearing girls reported having their hijab offensively touched or pulled; and

Whereas, Data from 2019 and 2022 surveys conducted by the Muslim Community Network (MCN) in New York City (NYC) showed that Muslim youth between 10 and 18 years of age experienced or witnessed hate crimes most frequently of all age groups, with about 44 percent having experienced or witnessed a hate crime in 2019; and

Whereas, According to a 2022 report by the New York chapter of the Council on American-Islamic Relations (CAIR-NY) documenting bias and hate crimes against Muslim New Yorkers, about 34 percent of those incidents occurred in educational institutions; and

Whereas, A 2014 study by the Sikh Coalition, an advocacy group, reported that about 54 percent of all American Sikh school-age children have been bullied at school, with 67 percent of boys wearing traditional turbans experiencing bullying; and

Whereas, The Coalition of Hindus of North America noted the rising number of hate crimes against Hindus worldwide, as supported by 2020 Federal Bureau of Investigation (FBI) data documenting a 500 percent increase in hate crimes against Indian Americans; and

Whereas, Academically speaking, bias-based bullying can be defined as "physical, verbal, social, or cyber-based threats directed toward a minority population based upon race, ethnicity, religious belief, gender, or sexual orientation and includes a systematic abuse of power that is characterized by intentionality, frequency, and imbalance of power"; and

Whereas, Research shows that implicit and explicit bias-based bullying is associated with poor academic functioning in students as well as negative mental and social outcomes, including depression, decreased quality of life, anxiety, low self-esteem, and conduct disorders; and

Whereas, Bias-based bullying has increased significantly over the last few years in the United States (U.S.), particularly following the election of President Donald Trump; and

Whereas, The National Council for the Social Studies stated that the "study of religion from an academic, non-devotional perspective in primary, middle, and secondary school is critical for decreasing religious illiteracy and the bigotry and prejudice it fuels"; and

Whereas, Many advocates, including ISPU, contend that lessons in school that address religious biases and inaccuracies can help decrease religious-based bullying; and

Whereas, Religious-based bullying is often based on misunderstandings or negative perceptions about how other individuals express their faith; and

Whereas, Teachers often do not have the resources to teach about world religions and to dispel biases and hatreds; and

Whereas, According to the Public Religion Research Institute, NYC has the largest number of Jewish and Muslim residents of any municipality in the U.S., making it imperative that NYC's school curriculum is inclusive of these prominent religions; and

Whereas, According to the FBI's 2020 Uniform Crime Reporting Program, about 44 percent of the 463 hate crimes reported in New York State were religious-based bias incidents, with about 89 percent of those being anti-Jewish incidents, and these numbers might reflect an underreporting of incidents; and

Whereas, According to a 2019 New York State Comptroller report, there was a significant underreporting of harassment, bullying, and intimidation in NYC Department of Education (DOE) schools in the 2015-16 and 2016-17 school years; and

Whereas, A curriculum that teaches NYC students in each grade specifically about all world religions by building students' knowledge, appreciation, and tolerance from kindergarten through grade 12 could help promote an acceptance of religious diversity and discourage bullying in NYC schools; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York City Department of Education to consult with faith-based organizations to develop and provide all grade levels with a curriculum that focuses on religious diversity; to provide professional development focused on religious diversity for teachers, staff, and administrators; to ensure accurate classification of hate crimes in annual school reports and immediate notification and full disclosure to parents of hate crime statistics; and to ensure that schools take actions to condemn bullying and harassment based on religious clothing, food requirements, and the need for prayer space and time year round.

Referred to the Committee on Education.

Res. No. 96

Resolution calling upon the New York State Legislature to pass and the Governor to sign A.9802/S.8783, in relation to establishing a program to address the legalization of specified accessory dwelling units in a city with a population of one million or more.

By Council Members Hanif, Krishnan, and the Public advocate (Mr. Williams).

Whereas, According to recent news reports, tens of thousands of New Yorkers are estimated to be living illegally in basement apartments; and

Whereas, Many tenants in unsafe basement apartments are vulnerable due to the impacts of extreme weather; and

Whereas, The City, an online publication, reported on September 3, 2021 that at least 11 people drowned, the youngest being two years old, in basement apartments located in Queens and Brooklyn due to flooding conditions from a historic storm; and

Whereas, A pathway is needed to transform basement apartments into safe, legal and affordable housing; and

Whereas, A.9802, sponsored by Assembly Member Harvey Epstein in the New York State Assembly, and companion bill S.8783, introduced by State Senator Brian Kavanagh in the New York State Senate, creates a pathway to convert illegal basement units, in-law units, and other secondary units into accessory dwelling units; and

Whereas, A.9802/S.8783 allows for the City of New York to create an amnesty program that could exempt property owners that had accessory dwelling unit before the enactment of this law; and

Whereas, A.9802/S.8783 the permit application to create an accessory unit will also include a certificate that the unit was rented to a tenant and the rent amount; and

Whereas, A.9802/S.8783, helps property owners' clear regulatory hurdles like certain regulations set in the Multiple Dwelling Law or floor area restrictions that prevent accessory dwelling units from becoming legal; now, therefore, be it

Resolved, That the Council of the City of New York calls on the New York State Legislature to pass, and the Governor to sign, A.9802/S.8783, in relation to establishing a program to address the legalization of specified accessory dwelling units in a city with a population of one million or more

Referred to the Committee on Housing and Buildings.

Int. No. 218

By Council Members Holden and Yeger.

A Local Law to amend the administrative code of the city of New York, in relation to requiring towing companies to remove debris from the scene of an accident

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 towing company that removes a vehicle from the scene of a vehicular accident shall remove all debris deposited upon the roadway by such vehicle. A towing company that removes a vehicle from the scene of a vehicular accident at the direction of the police department pursuant to this section shall not charge for such removal of debris from the roadway except to the extent authorized by the commissioner by rule.

§ 2. This local law takes effect immediately.

Referred to the Committee on Consumer and Worker Protection.

Int. No. 219

By Council Members Holden and Yeger.

A Local Law to amend the administrative code of the city of New York, in relation to delayed repairs to sidewalks damaged by city-owned trees

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 18-159 to read as follows:

§ 18-159 Notice regarding delayed sidewalk repairs. For any repair work scheduled to be performed by or on behalf of the department on a sidewalk damaged by a tree under the jurisdiction of the department that is delayed or canceled, the department shall provide electronic notice of such delay or cancellation to the community board for the community district where such sidewalk is located, the council member in whose district the sidewalk is located and the borough president for the borough where such sidewalk is located. Such notice shall be provided no later than 3 days after the department makes a decision to delay or cancel such repair work.

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

Referred to the Committee on Parks and Recreation.

Int. No. 220

By Council Member Holden.

A Local Law to amend the administrative code of the city of New York, in relation to the undertaking of surveys before planting trees

Be it enacted by the Council as follows:

Section 1. Section 18-103 of the administrative code of the city of New York is amended to read as follows:

§ 18-103 Trees and vegetation; definitions. Whenever the word "street" or the plural thereof occurs in sections 18-104, 18-105, [and] 18-106 *and 18-158* of this title, it shall be deemed to include all that is included by the terms street, avenue, road, alley, lane, highway, boulevard, concourse, public square, and public place, or the plurals thereof respectively; the word "tree" or the plural thereof shall be deemed to include all forms of plants having permanent woody self-supporting trunks; the word "vegetation" shall be deemed to include plants collectively of whatever name or nature not included under the term "tree".

§ 2. 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 Tree planting survey. Before the commencement of planting a tree on any street or sidewalk under the jurisdiction of the department, the department shall conduct a survey of the area within a 10-foot radius of the proposed tree planting site to determine whether planting the tree would interfere with the ordinary usage of the street or sidewalk, or injure or impair any sewer, drain, water pipe or other infrastructure. If the results of such survey show that planting a tree at a particular site would cause substantial interference with, injury to or impairment of a street, sidewalk or infrastructure, the department shall not plant a tree at such site. The results of any such survey shall be posted on the department's website.

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

Referred to the Committee on Parks and Recreation.

Int. No. 221

By Council Member Holden.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the parks department to repair damage caused by trees owned by the city of New York

Be it enacted by the Council as follows:

Section 1. Subdivision a of section 7-210 of the administrative code of the city of New York, as added by local law number 49 for the year 2003, is amended to read as follows:

a. It shall be the duty of the owner of real property abutting any sidewalk, including, but not limited to, the intersection quadrant for corner property, to maintain such sidewalk in a reasonably safe condition. *This subdivision shall not require the owner of a one-, two- or three-family residential property that is (i) in whole or in part, owner occupied, and (ii) used exclusively for residential purposes, to repair damage caused to an abutting sidewalk by a city-owned tree*.

§ 2. Section 7-210 of the administrative code of the city of New York is amended by adding a new subdivision a-1 to read as follows:

a-1. Notwithstanding any other provision of law, it shall be the duty of the owner of any residential real property that is (i) in whole or in part, owner occupied, and (ii) used exclusively for residential purposes abutting any sidewalk, including, but not limited to, the intersection quadrant for corner property, to notify the department of parks and recreation or the department of transportation in the event that a sidewalk flag abutting such

property is damaged by a city-owned tree. Failure to notify either department of such damage shall constitute a violation, the penalty for which shall be determined in accordance with section 19-150(b) of the code.

§ 3. Subdivision a of section 19-152 of the administrative code of the city of New York, as amended by local law 64 of the year 1995, is amended to read as follows:

a. The owner of any real property, at his or her own cost and expense, shall (1) install, construct, repave, reconstruct and repair the sidewalk flags in front of or abutting such property, including but not limited to the intersection quadrant for corner property, and (2) fence any vacant lot or lots, fill any sunken lot or lots and/or cut down any raised lots comprising part or all of such property whenever the commissioner of the department shall so order or direct. The commissioner shall so order or direct the owner to reinstall, construct, reconstruct, repave or repair a defective sidewalk flag in front of or abutting such property, including but not limited to the intersection quadrant for corner property or fence any vacant lot or lots, fill any sunken lot or lots and/or cut down any raised lots comprising part or all of such property after an inspection of such real property by a departmental inspector. The commissioner shall not direct the owner to reinstall, reconstruct, repave or repair a sidewalk flag which was damaged by the city, its agents or any contractor employed by the city during the course of a city capital construction project. *The commissioner shall not direct the owner of one-, two- or three-family residential real property that is (i) in whole or in part, owner occupied, and (ii) used exclusively for residential purposes, to reinstall, reconstruct, repave or repair an abutting sidewalk flag which was damaged by a city-owned tree.* The commissioner shall direct the owner to install, reinstall, construct, reconstruct, repave or repair only those sidewalk flags which contain a substantial defect. For the purposes of this subdivision, a substantial defect shall include any of the following:

§ 4. Section 19-152 of the administrative code of the city of New York is amended by adding a new subdivision d-1 to read as follows:

d-1. Notwithstanding any other provision of law, if the owner of a one-, two- or three-family residence that is (i) in whole or in part, owner occupied, and (ii) used exclusively for residential purposes, has notified the department of the existence of a defective, unsafe, dangerous or obstructed condition of a sidewalk abutting such property pursuant to subdivision (a-1) of section 7-210 of the code, and the department determines that such condition was not caused by a city-owned tree, such owner shall have ninety days to repair such condition.

§ 5. This local law takes effect 120 days after its enactment, except that the department of transportation and the department of parks and recreation shall each take such measures as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

Referred to the Committee on Transportation and Infrastructure.

Int. No. 222

By Council Member Holden.

A Local Law to amend the administrative code of the city of New York, in relation to restricting the parking of certain commercial vehicles in residential streets overnight

Be it enacted by the Council as follows:

Section 1. Subdivision b of section 19-170 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:

b. Notwithstanding the foregoing, no person shall park a commercial vehicle on a residential street from 9 p.m. to 5 a.m. For the purpose of this subdivision, residential streets are defined as those streets, or parts thereof, which are located within a residential district under the zoning resolution. Where a commercial vehicle is parked in violation of this subdivision, it shall be an affirmative defense to said violation, with the burden of proof on the person who received the summons, that he or she was actively engaged in business at the time the summons was issued at a premises located within three city blocks of where the summons was issued. [This subdivision shall not apply to vehicles owned or operated by gas or oil heat suppliers or gas or oil heat systems maintenance

companies, the agents or employees, thereof, or any public utility.]

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

Referred to the Committee on Transportation and Infrastructure.

Int. No. 223

By Council Member Holden.

A Local Law to amend the administrative code of the city of New York, in relation to prohibiting the use of a vehicle to reserve a parking space and prohibiting the continuous parking of a vehicle in the same location for more than five consecutive days

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 Restrictions on parking. a. Prohibiting the use of a vehicle to reserve a parking space. Notwithstanding any rule or regulation to the contrary, a person shall not use a vehicle to reserve or attempt to reserve a parking space or to prevent a vehicle from parking on a public street, except as otherwise permitted by law. A person found to be in violation of this subdivision shall be liable for a civil penalty of $95 for each violation.

b. Prohibiting the parking of a vehicle for more than 5 consecutive days. When parking is not otherwise restricted, a person shall not continuously park a vehicle in the same location on a public street or roadway in any area, including a residential area, for more than 5 consecutive days.

c. Outreach. Beginning no later than the effective date of the local law that added this section, and continuing for 90 days thereafter, the commissioner, in collaboration with relevant agencies and relevant stakeholders, shall conduct culturally appropriate outreach in the designated citywide languages, as defined in section 23-1101, to alert vehicle owners and relevant stakeholders to the parking restrictions established by subdivisions a and b of this section. Such outreach shall include, but need not be limited to, posting information on relevant agency websites.

d. The commissioner shall promulgate rules necessary and appropriate to the administration of this section.

§ 2. This local law takes effect 90 days after it becomes law, except that the commissioner of transportation shall take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

Referred to the Committee on Transportation and Infrastructure.

Int. No. 224

By Council Member Holden.

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

Be it enacted by the Council as follows:

Section 1. Subchapter 1 of chapter 1 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-159.6 to read as follows:

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

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

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

Referred to the Committee on Transportation and Infrastructure.

Int. No. 225

By Council Members Holden and Williams.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of environmental protection to post information online regarding scheduled and requested infrastructure services

Be it enacted by the Council as follows:

Section 1. Section 24-503 of the administrative code of the city of New York is amended by adding a new subdivision f to read as follows:

f. The department of environmental protection shall post on its website certain information relating to scheduled and requested infrastructure services. The department shall update such information at least monthly and shall, at a minimum, include the following:

1. Scheduled and requested services relating to infrastructure under the department's jurisdiction, including inspection, maintenance, repair, installation and removal of catch basins and fire hydrants; water quality testing; sinkhole repair; and ponding condition remediation;

2. The date and location of each upcoming service by the department; and

3. The status of requests relating to such services. Such status information shall include the date of the request, the location of the requested service, the type of service requested, any determination made by the department regarding such request and any completed or scheduled service that addresses the request.

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

Referred to the Committee on Environmental Protection, Resiliency and Waterfronts.

Int. No. 226

By Council Members Holden and Williams (by request of the Queens Borough President).

A Local Law to amend the administrative code of the city of New York, in relation to requiring owners of vacant residential properties undergoing foreclosure to post bonds for maintenance purposes

Be it enacted by the Council as follows:

Section 1. The chapter heading of chapter 2 of title 11 of the administrative code of the city of New York is amended to read as follows:

CHAPTER 2
REAL PROPERTY ASSESSMENT, TAXATION [AND], CHARGES, *AND MAINTENANCE BONDS*

§ 2. Chapter 2 of title 11 of the administrative code of the city of New York is amended by adding a new subchapter 3 to read as follows:

SUBCHAPTER 3
MAINTENANCE BOND FOR VACANT RESIDENTIAL PROPERTIES UNDERGOING FORECLOSURE

§ 11-279 Maintenance bond required. a. An owner of a vacant residential property against which a foreclosure action has commenced shall provide to the commissioner of finance a bond in the form of cash or a letter of credit acceptable to such commissioner, in the sum of $5,000, to secure the continued maintenance of such property free of any violations as provided for by the housing maintenance code, the New York city building code, and chapter 1 of title 16, during the entire time the vacancy exists during the course of such action as determined by the commissioner of buildings and the commissioner of finance. Such owner shall provide such bond and such owner's mailing address, and such owner may provide such owner's bank account direct deposit information, to the commissioner of finance within 45 days after the commencement of such action.

b. When such action is settled, is discontinued, is dismissed, or otherwise concludes, the commissioner of finance shall return any unused portion of the bond sum provided by such owner pursuant to subdivision a of this section to such owner upon the request of such owner. Such owner shall make such request in writing to the department of finance after such action's settlement, discontinuance, dismissal, or other conclusion and shall indicate in such request whether the department of finance should send such unused portion to such owner's mailing address or to such owner's bank account.

c. During the entire time the vacancy exists during the course of such action as determined by the commissioner of buildings and commissioner of finance pursuant to subdivision a of this section, if the commissioner of housing preservation and development determines that any such property is being maintained in violation of the housing maintenance code, the commissioner of buildings determines that any such property is being maintained in violation of the New York city building code, or the commissioner of sanitation determines that any such property is being maintained in violation of chapter 1 of title 16, then, in addition to or in lieu of any other available enforcement remedy, the commissioner of finance shall use the bond sum provided by such owner pursuant to subdivision a of this section to pay the costs of actions necessary to eliminate such violation.

d. In the event that the commissioner of finance uses a bond sum as set forth in subdivision c of this section, such commissioner shall send a written demand to such owner for restoration of such sum to the full amount referenced in subdivision a of this section, directed to such owner's mailing address provided by such owner pursuant to subdivision a of this section, within 30 days after the use of such sum. Such owner shall restore such sum to the full amount referenced in subdivision a of this section within 30 days after the date of such written demand.

e. In the event that the commissioner of finance determines that such owner has not provided a bond as required by subdivision a of this section, then, in addition to or in lieu of any other available enforcement remedy, the commissioner of finance shall send a written demand for provision of such bond directed to such owner's last known address. Such owner shall provide such bond within 30 days after the date of such written demand. In the event the commissioner of finance determines that such owner has not restored a bond sum as required by subdivision d of this section, then, in addition to or in lieu of any other available enforcement remedy, the commissioner of finance shall send a second written demand for restoration of such sum, directed to such owner's mailing address provided by such owner pursuant to subdivision a of this section. Such owner shall restore such sum within 30 days after the date of the second written demand.

f. In the event that such owner does not provide a bond within 30 days after the date of a written demand pursuant to subdivision e of this section or does not restore a bond sum within 30 days after the date of a second written demand pursuant to such subdivision, then such owner shall be subject to a civil penalty of $200 per day after the thirtieth day, with each day of failure to timely provide such bond or restore such sum constituting a separate additional offense.

g. This section only applies to owners of vacant residential property undergoing foreclosures that commence after the effective date of the local law that added this section.

§ 3. This local law takes effect 120 days after it becomes law, except that the commissioner of finance, commissioner of buildings, commissioner of housing preservation and development, and commissioner of sanitation 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 Housing and Buildings.

Int. No. 227

By Council Members Holden, Williams and Yeger.

A Local Law to amend the administrative code of the city of New York, in relation to prohibiting certain commercial establishments from parking vehicles on city streets

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 hereby amended to add a new section 19-170.3 to read as follows:

§ 19-170.3 Limitation on parking of motor vehicles by certain commercial establishments. a. As used in this section, the following terms have the following meanings:

Commercial establishment. The term "commercial establishment" means a motor vehicle repair shop, rental vehicle business or vehicle maintenance shop. A commercial establishment does not include a car dealership as defined in section 415 of the vehicle and traffic law.

Inventory vehicle. The term "inventory vehicle" means a motor vehicle that is owned by a commercial establishment for the purpose of selling, renting or leasing to a consumer.

Motor vehicle repair shop. The term "motor vehicle repair shop" means any person, as defined in section 1-112 of this code, who for compensation, is wholly or partially engaged in the business of repairing or diagnosing motor vehicle malfunctions or repairing motor vehicle bodies, fenders or other components damaged by accident or otherwise. The term "motor vehicle repair shop" also includes any shop, drive-in station, or garage at which motor vehicles are inspected for the purposes of appraising, evaluating or estimating the extent or value of motor vehicle damage or the necessity or cost of motor vehicle repairs.

Rental vehicle business. The term "rental vehicle business" means any person, as defined in section 1-112 of this code, in the business of providing rental vehicles to the public. The term "rental vehicle business" does not include carsharing organizations as defined in subdivision a of section 19-175.5.

Shop vehicle. The term "shop vehicle" means a motor vehicle that is in the possession of or is being operated at the direction of a commercial establishment for the purpose of maintenance, service or repair, but is not owned by such commercial establishment.

Vehicle maintenance shop. The term "vehicle maintenance shop" means any person, as defined in section 1-112 of this code, who for compensation, is wholly or partially engaged in the business of performing vehicle maintenance such as fueling, changing oil, batteries or tires, replacing fan belts, air filters or oil filters, installing windshield wiper blades or light bulbs, or such other minor repair and servicing functions.

b. It shall be unlawful for any commercial establishment to park, store, idle or otherwise maintain on any street any inventory vehicle or shop vehicle.

c. Any owner of a commercial establishment found to be in violation of this section is liable for a civil penalty of not less than $250 and not more than $400. For purposes of this section, every day that any single inventory vehicle or shop vehicle is parked in violation of this section shall be considered a separate violation.

d. Where an owner or lessee of a motor vehicle, other than a commercial establishment, receives a summons for a violation of subdivision b, it is an affirmative defense that such motor vehicle was in the possession of or operated at the direction of a commercial establishment at the time of the violation alleged in the summons.

e. Any inventory vehicle that is parked in violation of subdivision b of this section is subject to impoundment. Any inventory vehicle impounded pursuant to this subdivision shall not be released until all applicable towing and storage fees have been paid. The commissioner may promulgate rules concerning the procedure for the impoundment and release of inventory vehicles pursuant to this subdivision.

f. The penalties and fees provided for in this section shall be in addition to any other penalties, fees or remedies provided by law or regulation.

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

Referred to the Committee on Transportation and Infrastructure.

Preconsidered Int. No. 228

By Council Members Hudson, Farías, Stevens, Brooks-Powers and Schulman.

A Local Law to amend the administrative code of the city of New York, in relation to the provision of information regarding the NYC Care program to older adults

Be it enacted by the Council as follows:

Section 1. Chapter 2 of title 21 of the administrative code of the city of New York is amended by adding a section 21-214 to read as follows:

§ 21-214 Provision of information regarding NYC care or successor initiative. a. Definitions. For the purposes of this section, the following terms have the following meanings:

Client. The term "client" means senior citizens to whom direct services are provided by the department.

Department. The term "department" means the department for the aging or all entities that contract with the department to provide services directly to clients.

NYC care initiative. The term "NYC care initiative" refers to the New York city health and hospitals corporation initiative to provide no-cost primary care to uninsured New Yorkers, or any successor initiative.

b. The department shall make information available to all clients regarding the NYC care initiative. The department shall ensure that such information describes the NYC care initiative and provides eligibility guidelines for such initiative. Such information shall be provided to clients via hard copy and shall be available at all locations where services are provided to clients. Such information shall include, at a minimum:

1. A statement that NYC care is free regardless of immigration status; and

2. Information regarding support services offered through NYC care, including access to social workers and care coordinators that connect eligible individuals with housing, legal services, financial assistance, and food assistance.

b. The department shall post, and update as necessary, such information required by this section on the department's website and make it available in the designated citywide languages. Such pamphlet shall also be posted on the 311 citizen center website.

§ 2. This local law takes effect 90 days after becoming law.

Referred to the Committee on Aging (preconsidered but laid over by the Committee on Aging and the Committee on Immigration).

Int. No. 229

By Council Member Hudson.

A Local Law to amend the administrative code of the city of New York, in relation to shelter referrals and assessments for temporary housing assistance

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 21-334 to read as follows:

§ 21-334 Referrals to shelter and assessments for temporary housing assistance. a. Definitions. For purposes of this section, the following terms have the following meanings:

Families with children. The term "families with children" means families with adults and children under the age of 18; families with adults and children under the age of 19 attending secondary school; a single pregnant woman; and families including at least 1 pregnant woman.

Intake facility. The term "intake facility" means the prevention assistance and temporary housing center or any successor entity.

Shelter. The term "shelter" means a building, or individual units within a building, utilized by the department or by a provider under contract or similar agreement with the department to provide temporary emergency housing.

Temporary housing assistance. The term "temporary housing assistance" means a public assistance benefit provided to a family with children to meet an immediate need for shelter.

b. Subject to approval of the state office of temporary and disability assistance, a family with children that has applied for temporary housing assistance shall be provided with emergency shelter for at least 30 days while the assessment of eligibility to receive temporary housing assistance and suitability for referral to a shelter is completed by the department.

c. A family with children shall not be required to furnish evidence demonstrating more than 1 year of housing history to apply for temporary housing assistance.

d. 1. No later than 30 days after the effective date of the local law that added this section, the department shall create an informational pamphlet that contains the following information:

(a) Examples of documents that may verify housing history, including, but not limited to, utility bills, leases, and eviction notices; and

(b) The process and criteria by which housing history is verified by the department.

2. Such informational pamphlet shall be posted on the department's website and distributed to every family with children who visits an intake facility.

§ 2. Chapter 3 of title 21 of the administrative code of the city of New York is amended by adding a new section 21-335 to read as follows:

§ 21-335 Digital case record management. a. Definitions. For purposes of this section, the following terms have the following meanings:

Case record. The term "case record" has the meaning set forth in subdivision (a) of section 354.1 of title 18 of the New York codes, rules and regulations, regarding the maintenance of a case record for each application and for each case of public assistance.

Temporary housing assistance. The term "temporary housing assistance" means a public assistance benefit provided to a family with children to meet an immediate need for shelter.

b. The department shall maintain a digital case record for each applicant or recipient of temporary housing assistance that shall be accessible to such applicant or recipient via a secure website and application for use on mobile devices including phones.

c. The department shall immediately inform an applicant for temporary housing assistance of any need for information to complete the assessment of such applicant's eligibility for temporary housing assistance through the digital case record required by subdivision b of this section, in addition to any other form of notice required by applicable law, rule, or regulation.

§ 3. This local law takes effect immediately.

Referred to the Committee on General Welfare.

Int. No. 230

By Council Members Hudson and Restler.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of housing preservation and development to provide annual lists of open housing maintenance code violations to multiple dwelling occupants and tenants

Be it enacted by the Council as follows:

Section 1. Article 1 of subchapter 4 of chapter 2 of title 27 of the administrative code of the city of New York is amended by adding a new section 27-2096.3 to read as follows:

§ 27-2096.3 Annual notice of open violations in multiple dwellings. No later than January 1, 2023, and annually thereafter, the department shall compile and distribute by mail to the tenants and occupants of each

dwelling unit of a multiple dwelling a list of all unresolved violations of this code in such multiple dwelling, as well as short descriptions of each such violation.

§ 2. This local law takes effect immediately.

Referred to the Committee on Housing and Buildings.

Int. No. 231

By Council Member Hudson.

A Local Law to amend the administrative code of the city of New York, in relation to increasing the frequency of parking structure inspections

Be it enacted by the Council as follows:

Section 1. Section 28-232.3 of the administrative code of the city of New York, as added by local law number 126 for the year 2021, is amended to read as follows:

§ 28-323.3 Condition assessment. A condition assessment of a parking structure shall be conducted at periodic intervals as set forth by rule of the commissioner, provided that such a condition assessment for each parking structure shall be conducted at least once [every six years] by January 1, 2028, and after each notification of an unsafe condition. After January 1, 2028, a condition assessment of each parking structure shall be conducted at least once every four years. All condition assessments shall be conducted on behalf of the building owner by an approved agency.

§ 2. Section 28-323.9.1 of the administrative code of the city of New York, as added by local law number 126 for the year 2021, is amended to read as follows:

§ 28-323.9.1 Safe with repair and/or engineering monitoring assessment requirements. When the results of an initial assessment indicate a parking structure is safe with repair and/or engineering monitoring, the parking structure shall be subsequently assessed no more than [three] two years from the date of the initial assessment and an amended report filed with the department.

§ 3. This local law takes effect immediately.

Referred to the Committee on Housing and Buildings.

Int. No. 232

By Council Member Hudson.

A Local Law to amend the administrative code of the city of New York, in relation to collecting information on the accessibility of private buildings and publishing this information online

Be it enacted by the Council as follows:

Section 1. Article 104 of chapter 1 of title 28 of the administrative code of the city of New York is amended by adding a new section 28-104.7.19 to read as follows:

§ 28-104.7.19 Accessibility features. Upon submission of an application for approval of construction documents, the department shall collect the accessibility features to be constructed or altered, including but not limited to, accessible entrances, elevators, and ramps.

§ 2. Chapter 11 of the New York city building code is amended by adding a new section 1103.3 to read as follows:

§ 1103.3 Publication of accessibility features. For each building for which the department has received information on accessibility features as required in section 28-104.7.19 of the *Administrative Code*, the department shall make such information publicly available online for all privately owned buildings classified as occupancy groups A, B, I, M, and R as defined in chapter 3.

§ 3. This local law takes effect 120 days after becoming law.

Referred to the Committee on Housing and Buildings.

Int. No. 233

By Council Members Hudson and Brewer.

A Local Law to amend the administrative code of the city of New York, in relation to the establishment of a police department policy for using facial recognition technology and regular audits to ensure compliance

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 14-188.1 to read as follows:

§ 14-118.1 Facial recognition policy and evaluation. a. The department, after considering information from entities with expertise in surveillance technologies and privacy, shall create and post on its website, a written policy that establishes procedures and regulations for the department's use of facial recognition technologies. Such policy shall include, but need not be limited to, the following information: a description of the department's use of facial recognition technologies; restrictions placed on access and use of such technologies by department personnel, including procedures for supervisory approval and internal oversight to safeguard against improper use of such technologies; and data retention and use policies, including policies applicable to department personnel utilizing such searches through third-party platforms.

b. The policy established pursuant to subdivision a of this section shall include guidelines related to the modification of the original image used for comparison analysis by facial recognition technology, which at a minimum shall require that any modifications made to an image be documented, including through maintaining records describing any such change made, the date such changes were made, and retained copies of all modified images utilized for facial recognition analysis.

c. The department shall conduct biannual audits of the its use of facial recognition technology. Such audits shall be documented and provided to the department of investigation, and published on the department's website. Such audits shall include a log of each search conducted using facial recognition technology, and for each such search include the following information:

(1) the date search was conducted;

(2) the name of personnel accessing the facial recognition technology;

(3) the name of the facial recognition technology used, including identification of any governmental or private database utilized for such search;

(4) the purpose the search was conducted;

(5) whether an image was modified prior to analysis, and if so, a description of the alteration or enhancement made to such image; and

(7) whether the search yielded match candidates.

§ 2. This local law takes effect immediately.

Referred to the Committee on Public Safety.

Int. No. 234

By Council Member Hudson.

A Local Law to amend the administrative code of the city of New York, in relation to notification and community input regarding designation of, removal of and changes to open streets

Be it enacted by the Council as follows:

Section 1. Subdivisions a, j and l of section 19-107.1 of the administrative code of the city of New York, as added by local law number 55 for the year 2021, are amended to read as follows:

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

Affected representatives. The term "affected representatives" means any council member or community board representing the geographic area in which the relevant open street is located, and any community organization involved in the management or operations of the relevant open street.

Community organization. The term "community organization" means any formal or informal group of people or businesses with ties to the community who collaborate to manage or participate in the operations of an open street.

Open street. The term "open street" means a street or segment of a street designated by the department as such, on which motor vehicle access is controlled by barriers and signage or other traffic calming measures, and on which priority is given to pedestrians, individuals using bicycles, and other non-vehicular street users.

j. Prior to the designation *or permanent removal* of an open street *or any permanent changes to the geographic bounds, design or streetscape elements of an open street*, the department shall*:* [provide notice to affected council members, community boards and community organizations]

1. Provide notice to affected representatives of the proposed action at least 60 days prior to implementation;

2. Following the provision of such notice, provide a period of at least four weeks during which the department shall accept and consider comments from the affected representative and the community regarding the proposed action;

3. Following such comment period, provide a period of at least two weeks in which the department shall consider and prepare responses to such comments; and

4. At least one week before implementation of such designation, removal or change, provide a response summarizing the comments received and whether it will make any changes to the proposed action.

l. Reporting. On an annual basis, the department shall submit to the mayor and the speaker of the council and post on the department's website a report evaluating the open streets program, including any recommendations for modifications or expansion. In addition, the department shall regularly post on the department's website an updated list of open streets, hours of operation and any temporary suspension *of open streets or temporary changes to the geographic scope, design or streetscape elements of open streets. The department shall also provide notice to affected representatives of any temporary suspension of open streets or changes to the geographic scope, design or streetscape elements of open streets. Such notice shall be provided at least 72 hours in advance of any planned temporary changes or suspensions and no later than 72 hours following any unplanned temporary changes or suspensions*.

§ 2. This local law takes effect immediately.

Referred to the Committee on Transportation and Infrastructure.

Int. No. 235

By Council Members Hudson, Restler and Brewer.

A Local Law to amend the administrative code of the city of New York, in relation to the posting of signs notifying operators of bicycles, bicycles with electric assist, and electric scooters of the prohibition against operating such devices on sidewalks, park walkways, and boardwalks, and of related fines and penalties

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 19-176.4 to read as follows:

§ 19-176.4 Signs prohibiting riding on sidewalks. a. Definitions. For purposes of this section:

Bicycle. The term "bicycle" has the same meaning as in paragraph 1 of subdivision a of section 19-176.

Bicycle with electric assist. The term "bicycle with electric assist" has the same meaning as in section 102-c of the vehicle and traffic law or successor provision.

Blockface. The term "blockface" has the same meaning as in section 19-167.

Disability. The term "disability" has the same meaning as in section 8-102.

Electric scooter. The term "electric scooter" has the same meaning as in section 114-e of the vehicle and traffic law or successor provision.

Senior pedestrian zone. The term "senior pedestrian zone" has the same meaning as in section 19-183.1.

Sidewalk. The term "sidewalk" has the same meaning as in paragraph 2 of subdivision a of section 19-176.

b. Posting of signs required. The department shall post signs on the blockface of sidewalks within the city. The signs shall contain information notifying persons operating bicycles, bicycles with electric assist, and electric scooters that they are prohibited from operating on sidewalks, as provided in subdivision b of section 19-176 and in paragraph a of subdivision 5 of section 1242 and paragraph a of subdivision 7 of section 1282 of the vehicle and traffic law. Such signs shall also contain information about the fines and penalties for violations, as provided in subdivisions b and c of section 19-176, and subdivision 12 of section 1242 and subdivision 11 of section 1282 of the vehicle and traffic law. All such signs shall have information printed in English and Spanish, and any other languages that are predominant in the area where the sign is posted.

c. The department shall post at least 500 such signs within 5 years after the effective date of this section, at a rate of no fewer than 100 such signs per year. The department may select the sidewalks on which such signs will be posted but shall prioritize (i) locations that have a high incidence of death, injury, or property damage in connection with operation of bicycles, bicycles with electric assist, or electric scooters on sidewalks; (ii) senior pedestrian zones; and (iii) locations where there are large concentrations of persons with disabilities.

§ 2. Section 18-122 of the administrative code of the city of New York is amended by adding new subdivisions a-1 and c to read as follows:

a-1. Definitions. For purposes of this section:

Bicycle. The term "bicycle" has the same meaning as in paragraph 1 of subdivision a of section 19-176.

Bicycle with electric assist. The term "bicycle with electric assist" has the same meaning as in section 102-c of the vehicle and traffic law or successor provision.

Disability. The term "disability" has the same meaning as in section 8-102.

Electric scooter. The term "electric scooter" has the same meaning as in section 114-e of the vehicle and traffic law or successor provision.

Elevated boardwalk. The term "elevated boardwalk" has the same meaning as in section 18-108.2.

Senior pedestrian zone. The term "senior pedestrian zone" has the same meaning as in section 19-183.1.

Walkway. The term "walkway" means a paved walkway under the purview of the department.

c. Posting of signs required. 1. The department shall post signs along park walkways, beach boardwalks, and other spaces overseen by the department where there are paved walkways within the city. The signs shall contain information notifying persons operating bicycles, bicycles with electric assist, and electric scooters that they are prohibited from operating on such walkways and boardwalks and must ride in designated areas as prescribed by section 18-122. All signs shall have information printed in English and Spanish, and any other languages that are predominant in the area where the sign is posted.

2. The department shall post at least 500 such signs within 5 years after the effective date of this subdivision, at a rate of no fewer than 100 such signs per year. The department may select the park walkways, boardwalks, and other walkways overseen by the department on which such signs will be posted but shall prioritize (i) locations that have a high incidence of death, injury, or property damage in connection with operation of bicycles, bicycles with electric assist, or electric scooters on such walkways and boardwalks; (ii) senior pedestrian zones; and (3) locations where there are large concentrations of persons with disabilities.

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

Referred to the Committee on Transportation and Infrastructure.

Int. No. 236

By Council Member Hudson.

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 Northwestern Brooklyn

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 Northwestern Brooklyn. a. The department shall create and implement a residential parking permit system in Northwestern Brooklyn, to include the area bounded by DeKalb Avenue to the north, Bond Street to the west, Union Street to the south and Vanderbilt Avenue to the east, 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;

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. 237

By Council Members Hudson, Lee and Restler.

A Local Law to amend the administrative code of the city of New York, in relation to establishing a grab-and-go meal program at older adult centers

Be it enacted by the Council as follows:

Section 1. Chapter 2 of title 21 of the administrative code of the city of New York is amended by adding a new section 21-214 to read as follows:

§ 21-214 Grab-and-go meal program. a. Definitions. As used in this section, the following terms have the following meanings:

Grab-and-go meal. The term "grab-and-go meal" means a freshly prepared meal ready to eat made available for pick up.

Older adult center. The term "older adult center" means a facility operated by the city or an entity that has contracted with the city to provide services to individuals ages 60 and older on a regular basis including, but not limited to, meals, recreation, and counseling.

b. Program. No later than 180 days after the effective date of the local law that added this section, the department shall establish a grab-and-go meal program, which shall provide daily grab-and-go meals at participating older adult centers for older adults who are members of the center. Participation in the program shall be voluntary for every older adult center.

c. Signage. No later than 180 days after the effective date of the local law that added this section, the department shall make available to every older adult center that participates in the program a notice that provides information on the grab-and-go meal program established pursuant to subdivision b of this section. Every older adult center that participates in the program shall post the notice in a conspicuous location.

§ 2. This local law takes effect immediately.

Referred to the Committee on Aging.

Int. No. 238

By Council Members Hudson, Brewer, Lee, Gutiérrez, Cabán, Yeger, Louis, Abreu, Farías, De La Rosa and Schulman.

A Local Law to amend the administrative code of the city of New York, in relation to establishing a technical support program for older adults

Be it enacted by the Council as follows:

Section 1. Chapter 2 of title 21 of the administrative code of the city of New York is amended by adding a new section 21-210 to read as follows:

§ 21-210 Technical support program for older adults. a. By no later than December 1, 2024, the commissioner, in collaboration with the commissioner of information technology and telecommunications and any relevant stakeholders deemed necessary by the mayor, shall develop a technical support program to serve older adults. Such program shall be offered at no cost and shall, at minimum, include the following:

1. *Providing technical support related to the use of computers to the extent possible;*
2. *Providing technical support related to the use of phones;*
3. *Accessing and navigating telehealth services; and*
4. *Providing contact information for the technical support team associated with the device.*

b. The program established pursuant to subdivision a of this section shall be made available in all designated citywide languages as defined in section 23-1101.

§ 2. This local law takes effect immediately.

Referred to the Committee on Aging.

Int. No. 239

By Council Members Hudson, Hanif, Abreu, Menin, Restler and Won.

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 Children and Youth.

Int. No. 240

By Council Members Hudson, Menin, Abreu, Restler, Gutiérrez, Avilés and Brewer (in conjunction with the Brooklyn Borough President).

A Local Law to amend the administrative code of the city of New York, in relation to a universal after school program plan

Be it enacted by the Council as follows:

Section 1. Chapter 4 of title 21 of the administrative code of the city of New York is amended by adding a new section 21-410 to read as follows:

§ 21-410 Universal after school program plan. a. Definitions. For the purposes of this section, the following terms have the following meanings

After school program. The term "after school program" means any organized program, under the jurisdiction of either the department of youth and community development or the department of education, that occurs outside the traditional school day which allows students to participate in expanded learning activities that include, but are not limited to, academic support, arts and cultural enrichment, recreation, sports, nutrition, youth development, and mentoring.

Department. The term "department" means the department of youth and community development.

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

Student. The term "student" means any pupil under the age of twenty-one as of September first of the academic period being reported, who does not have a high school diploma and who is enrolled in a school as school is defined in this subdivision.

b. Subject to appropriation, no later than September 1, 2024, the department, in consultation with the department of education, shall make an after school program slot available for any student who requests one.

§ 2. Universal after school program reporting. a. No later than September 1, 2023, and annually thereafter on or before September 1, the department, in consultation with the department of education, shall submit to the mayor and speaker, conspicuously post to its website and make available to students and parents, a report detailing the implementation efforts to be undertaken by the city to achieve universal after school pursuant to section 21-410 of the administrative code of the city of New York. Such report shall include, but need not be limited to:

1. An assessment of how many after school slots are needed to achieve universal after school;

2. The availability and cost of creating additional capacity within existing after school programs and how many new after school programs need to be created and the cost associated with creating such programs;

3. Current methods used by the department and the department of education to make students and parents aware of after school programs;

4. The number and percentage of students in each school district taking part in an after school program as compared with the preceding calendar year;

5. The demographic information for students in each after school program including, but not limited to grade, age, race, ethnicity, gender, special education status, and English language learner status as compared with the preceding calendar year;

6. Steps the department and the department of education are taking to increase enrollment in existing after school programs;

7. Implementation deadlines to be achieved in establishing universal after school; and

8. Any other issues related to after school capacity and participation rates in the city that the department of youth and community development and the department of education deem appropriate.

b. Beginning with the second report required pursuant to subdivision a of this section and for every report thereafter, the department, in consultation with the department of education, shall incorporate progress made in achieving implementation deadlines required pursuant to paragraph seven of subdivision a of this section. If implementation deadlines are not able to be met in any given year, the department shall detail why the implementation deadline will not be met and identify remedial steps the department will take to achieve the implementation timeframe in subsequent years.

c. Upon implementation of universal after school pursuant to section 21-410 of the administrative code of the city of New York, the department, in consultation with the department of education, shall certify to the mayor and the speaker that an after school program slot is available for all students.

§ 3. This local law takes effect immediately, except that section two of this local law is deemed repealed at the conclusion of the final calendar year during which the department, in consultation with the department of education, has certified to the mayor and speaker that an after school program slot is available for all students.

Referred to the Committee on Children and Youth.

Int. No. 241

By Council Members Hudson, Williams, Restler and Won.

A Local Law to amend the administrative code of the city of New York, in relation to prohibiting discrimination on the basis of poverty in opportunities of employment 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 58 for the year 2020, 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, immigration or citizenship status, gender, sexual orientation, disability, marital status, partnership status, caregiver status, sexual and reproductive health decisions, uniformed service, *poverty*, 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 58 for the year 2020, are amended to read as follows:

(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, poverty or immigration 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, poverty or immigration 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, poverty or immigration 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, *poverty* or immigration or citizenship status, or any intent to make any such limitation, specification or discrimination.

§ 3. 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 58 for the year 2020, are 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, *poverty*, immigration 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, *poverty*, immigration 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, *poverty*, immigration 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.

§ 4. 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 58 for the year 2020, 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, *poverty* or immigration 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, *poverty* or immigration 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, *poverty* or immigration or citizenship status.

§ 5. 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 relating to discrimination on the basis of poverty shall not prohibit the refusal, withholding or denial of any of the accommodations, advantages, services, facilities or privileges of a place or provider of public accommodation on the basis of failure to pay a generally applicable price or to comply with any generally applicable rule of such place or provider of public accommodation.

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

Referred to the Committee on Civil and Human Rights.

Int. No. 242

By Council Members Hudson, Williams, Restler and Riley.

A Local Law to amend the administrative code of the city of New York, in relation to the creation of a truth, healing, and reconciliation process

Be it enacted by the Council as follows:

Section 1. Title 8 of the administrative code of the city of New York is amended by adding a new chapter 11 to read as follows:

CHAPTER 11
TRUTH, HEALING, AND RECONCILIATION

§ 8-1101 Legislative findings. a. The council hereby finds that from 1626 to 1827, the city of New York was the site of the wrongful but legally sanctioned enslavement of human beings of African and indigenous American descent; that in the early 1700s, the city of New York had one of the highest rates of slave ownership in the country, with between 15 and 20 percent of New Yorkers enslaved and deprived of their fundamental human rights; that after slavery was banned in the state in 1827, the city of New York continued to generate significant income from the illegal international trade of enslaved persons; and that racially motivated discrimination, riots, segregation, and violence continued after the United States formally abolished slavery in 1865, including through racially discriminatory laws, policies, and practices.

b. The council further finds that on November 8, 2022, New Yorkers voted to adopt a new preamble to the charter acknowledging "the grave injustices and atrocities that form part of our country's history, including the forced labor of enslaved Africans" and "the discrimination, racial segregation, mass incarceration, and other forms of violence and systemic inequity that continue to be experienced by marginalized groups." The preamble also acknowledges that these systemic injustices continue to cause profound harms to individuals, families, and communities, and that "[w]e must act intentionally to remedy these past and continuing harms and to reconstruct, revise and reimagine our foundations, structures, institutions, and laws to promote justice and equity for all New Yorkers."

c. The council further finds that on November 8, 2022, when the preamble to the charter was approved, New Yorkers voted to affirm that "We, the people of New York city, united in our resolve to build a just and equitable city for all, recognize the efforts of those New Yorkers, past and present, who fought for racial equity and social justice, honor the contributions of those New Yorkers who have suffered in the name of freedom, and acknowledge all who fought, struggled, and dreamed for a better life and a better city. Together, we stand on their shoulders as we move boldly toward a brighter tomorrow for ourselves, our children, and future generations."

d. Therefore, the council intends by this chapter to create a truth, healing, and reconciliation process, through which New Yorkers can publicly name and acknowledge the past, present, and ongoing harms and traumas caused by and associated with slavery and its legacies in the city of New York; and by which these grave harms and injustices can be publicly recognized, memorialized, and formally repudiated; and through which New Yorkers may ensure accountability for such harms and injustices, including by ensuring that such harms and injustices are not forgotten, perpetuated, or repeated; and through which the city may take action to repair relationships and social bonds amongst all New Yorkers.

§ 8-1102 Definitions. As used in this chapter, the following terms have the following meanings:

Affected person or community. The terms "affected person" and "affected community" mean a person and a group of people, respectively, that have experienced harm or injustice as a result of the legacies, badges, and aftereffects of slavery, or whose ancestors were subjected to slavery.

Commission. The term "commission" means the commission on racial equity established pursuant to section 3404 of the charter.

Community stakeholder. The term "community stakeholder" means a person who is an affected person or member of an affected community, a representative of a community-based organization, a community or religious leader, a scholar or expert, or a representative of a student group.

Public forum. The term "public forum" means a building or other physical location where, in accordance with rules promulgated by the commission, members of the public may learn about and engage with the history, personal experiences, and past or ongoing harms and injustices related to slavery.

Racial equity. The term "racial equity" means, when referring to an outcome, the achievement of equity with a particular focus on race or the intersection of race with other characteristics of identity. When referring to a process, the term "racial equity" means the closing of gaps in policy, practice, and allocation of city resources through the prioritization of access, opportunities, and resources to persons and communities who, based on or at least in part due to race, have historically faced or currently face marginalization or oppression, underinvestment, disinvestment, or under-resourcing.

Reconciliation. The term "reconciliation" means an ongoing process of establishing and maintaining respectful societal relationships rooted in the acknowledgement of historical truths, universal human dignity, and the shared pursuit of racial equity.

Slavery. The term "slavery" means the legally sanctioned, race-based practice in New York of enslaving Black and indigenous American persons between the years 1626 and 1827, and the effects, legacies, badges, and aftereffects of that practice.

Truth and reconciliation. The term "truth and reconciliation" means public proceedings, including but not limited to public hearings and research efforts, conducted for the purpose of investigating and recording serious human rights violations and abuses with the goal of achieving genuine healing, reconciliation, and progress toward a more just and equitable society. Such proceedings seek to establish patterns, practices, and chains of command that reveal the purposeful and systematic nature of such violations and abuses, potentially but not necessarily in concert with or in anticipation of reparative or restorative justice efforts.

§ 8-1103 Truth and reconciliation process established. a. Objectives. The commission shall establish a truth and reconciliation process with the following objectives:

1. Establishing historical facts about slavery in or in connection with the city of New York that remain disputed or denied; identifying the historical and social contexts that gave rise to them; and making recommendations as to whether further investigation is appropriate;

2. Protecting, acknowledging, and empowering affected persons and communities before, during, and after the process; and

3. Recommending and encouraging policy and social changes for government and community institutions in order to prevent the recurrence or perpetuation of harms and injustices related to slavery.

b. Plan required. Not later than June 19, 2024, the commission shall deliver to the mayor and the speaker of the council, and shall post publicly on its website, a plan describing the scope and implementation for a truth and reconciliation process, including but not limited to a plan for a public outreach and information campaign, a list of sites to be designated as public forums, the specific topics to be addressed through a truth and reconciliation process, terms and guidelines for public participation in proceedings, a plan to support and protect the physical and psychological health of participants, an implementation timeline, measures to ensure the preservation and memorialization of the proceedings and findings in accordance with section 8-1108, and any other steps the commission deems necessary to achieve broad-based public awareness, engagement, and participation before, during, and after the truth and reconciliation process.

c. Participatory process. In creating a plan, selecting topics, and otherwise carrying out its duties in relation to a truth and reconciliation process pursuant to this chapter, the commission shall consult extensively with community stakeholders and persons with expertise in truth and reconciliation processes. The commission shall, at a minimum, consult with community stakeholders who:

1. Have relevant personal experience or expertise regarding harms and injustices related to slavery in or in connection with the city of New York, which experience may include having descended from enslaved persons;

2. Represent institutions, organizations, corporations, or associations that are organized or operated primarily for historical, cultural, educational, religious, or charitable purposes and that are connected to African American or indigenous American heritage, history, or culture; or

3. Have relevant personal experience or expertise in promoting racial justice and equity in the city of New York.

§ 8-1104 Truth and reconciliation topics and proceedings. a. Topics to be addressed. The truth and reconciliation process shall address topics relating to the history and effects of slavery in or in connection with the territory that is now the city of New York, as defined in section 2-201. In selecting topics to be addressed,

the commission shall consider, at minimum, rights violations, events, practices, systems, and consequences in relation to the following:

1. Topics prioritized by community stakeholders, especially those relating to harms and injustices experienced by descendants and family members of persons who were enslaved in or in connection with the city of New York;

2. Historical or ongoing civil and political injustices and inequities, which may include but need not be limited to the physical abuses, sexual violence, torture, and death including by lynching of enslaved persons and their descendants; race-based, legal and extralegal barriers to voting and other forms of political participation; racially discriminatory police violence and over-criminalization; and other forms of racially discriminatory violence and oppression;

3. Historical or ongoing economic, social, and cultural injustices and inequities, which may include but need not be limited to enslaved persons' abduction from their homelands and communities; deprivation of economic autonomy; forced family separations; cultural oppression and erasure; segregation and "Jim Crow" laws; community displacement; redlining and other forms of discriminatory zoning and development; environmental injustice; mental, physical, and reproductive health inequities; pay and employment disparities; and other psychological and social repercussions of racial discrimination and trauma;

4. Differentiated experiences of harms and injustices associated with race-based discrimination and violence as they may have varied or vary on the basis of sex, gender, religion, ethnic and cultural origin, language, educational attainment, socioeconomic status, ability, or other personal characteristic;

5. The involvement of government, corporate, and community-based entities in perpetrating or supporting slavery;

6. Time periods, practices, or events of particular relevance to the physical site of a public forum or to nearby residents and affected communities;

7. Systemic and lived connections between various racial injustices or inequities; and

8. Past and present contributions of New Yorkers to addressing, repairing, and fighting against slavery, racial discrimination, and related injustices and inequities.

c. Opening date. The truth and reconciliation proceedings required by this chapter shall commence no later than June 19, 2025.

§ 8-1104 Public forums. a. Site selection. The commission, in consultation with community stakeholders, shall select a minimum of 5 sites on which to establish public forums for truth and reconciliation, as follows:

1. The commission shall select a minimum of 1 site in each borough.

2. The commission shall give priority consideration to sites that are:

(a) Suitable for public hearings, exhibitions, and other relevant proceedings, including those that would support remote viewing and participation, such as through interactive livestream;

(b) Easily accessible by multiple forms of transportation and otherwise conducive to maximizing public participation, including by ensuring adequate capacity for reasonably foreseeable attendance levels, with particular consideration for affected persons and communities; and

(c) Of particular relevance to the topic or topics to be addressed at that site or generally.

3. The commission may dedicate each public forum to addressing 1 or more specific topics, or the commission may determine that any topic may be raised at multiple or all public forums.

b. The commission shall list the location, schedule of meetings, and topic or topics to be addressed at each public forum on its website, and to the extent possible make materials, video recordings, public testimony, and other research from each public forum available on its website as they become available.

c. At any time during the course of the truth and reconciliation process required by this chapter, the commission may establish a temporary site dedicated to a specific event, performance, exhibition, or other proceeding which is especially or solely suited to such site.

§ 8-1105 Public engagement. a. Public information campaign. Beginning no later than 6 months after the effective date of the local law that added this chapter, and ending no earlier than 1 year after the conclusion of the truth and reconciliation process required by this chapter, the commission, in consultation with the civic engagement commission and the office of ethnic and community media, shall conduct a public outreach and information campaign designed to encourage awareness of, engagement with, and participation in the truth and reconciliation process and findings. Such information campaign shall at a minimum include:

1. Creating educational materials tailored to persons of different ages and backgrounds;

2. Creating resources for teachers, parents, historians, journalists, and persons in other relevant professions and community leadership roles;

3. Identifying community outreach partners, stakeholders, and opportunities for engagement; and

4. Distributing and publicizing materials and resources through the use of print, radio, internet, and public space, as practicable.

b. Terms and guidelines for participation. The commission shall issue terms and guidelines for the creation and protection of a physically and psychologically secure space and process for truth and reconciliation. The commission shall describe these terms and guidelines, as well as any relevant training needs, in the plan required pursuant to section 8-1103 of this chapter. In creating these terms and guidelines, the commission shall take into particular consideration the interests and needs of affected persons and communities.

c. Public notice of proceedings. The commission shall post public notice of the time and place of meetings, hearings, and other proceedings of the commission in which it is planned to address matters relating to truth and reconciliation. Wherever practicable, such proceedings shall be scheduled and publicly noticed at least 30 days in advance, or within 2 days of when the meeting was scheduled, whichever is earlier. If videoconferencing is used to conduct a meeting, the public notice for the meeting shall inform the public that videoconferencing will be used, identify the locations for the meeting, and state that the public has the right to attend the meeting at any of the locations. The public notice provided for by this section shall not be construed to require publication as a legal notice. Public notice shall include:

1. Giving notice to the news media;

2. Conspicuously posting notice in 1 or more designated public locations at a reasonable time, preferably at least 2 weeks before a scheduled proceeding; and

3. Conspicuously posting notice on the website of the commission. § 8-1106 Special inquiries. a. Special inquiries authorized. In carrying out its duties pursuant to this chapter, the commission may conduct or cause to be conducted relevant research on public and non-public city records, including but not limited to retrieval of relevant historical documents.

b. Support for special inquiries. Pursuant to commission request, city agencies shall provide appropriate staff and resources to facilitate and support any reasonably defined inquiry authorized by this section.

§ 8-1107 Narrative report and recommendations. No later than one year following the conclusion of the truth and reconciliation process required by this chapter, the commission shall publish a report on the history and legacies of slavery in the city of New York, including but not limited to the legacy and badges of such slavery that continue to undermine racial equity in the city of New York in the present day. The report shall, at a minimum:

a. Document the findings of the truth and reconciliation process, including the experiences and recommendations shared by participants, including those affected by slavery in or in connection with the city of New York; and

b. Recommend steps that the city can take to address, repair, and combat race-based discrimination and injustice in the present and future, which may include but need not be limited to proposed steps toward memorialization, as described in section 8-1108; recommendations regarding specific cases for referral to any local, state, or national reparations mechanism that exists or may exist in future, or to any other tribunal, as appropriate; and identification of other grave injustices raised during the truth and reconciliation process but outside the scope of this chapter that may benefit from a separate, dedicated truth and reconciliation process.

§ 8-1108 Preservation and memorialization. The commission shall preserve its working documents, videos, transcripts, and operational and administrative records and shall recommend, as part of the report required by section 8-1107, a means of memorializing and making available to the public its records and findings for the purpose of public education and engagement in perpetuity. Such means may include but need not be limited to making some or all documents, exhibits, and other materials permanently available online; establishing a museum of truth, healing, and reconciliation; creating physical markers such as but not necessarily limited to a map, monument or monuments, forms of artistic expression such as permanent or temporary art installations, performances, film, or other form of artistic expression; establishing future forums or processes for truth-telling, healing, and community engagement; and proposing other measures for the promotion of racial healing, understanding, and equity.

§ 2. This local law takes effect immediately.

Referred to the Committee on Civil and Human Rights.

Int. No. 243

By Council Members Hudson, Ayala, Won and Restler.

A Local Law to amend the administrative code of the city of New York, in relation to indirect costs of nonprofit city service contractors

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 6-148 to read as follows:

§ 6-148 Indirect costs of city service provision. a. Definitions. As used in this section, the following terms have the following meanings:

City chief procurement officer. The term "city chief procurement officer" means the person 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.

City service contract. The term "city service contract" means any written agreement, except an emergency contract procured pursuant to the procedure set forth in section 315 of the charter, between any person and an agency whereby: (i) an agency is committed to expend or does expend funds; and (ii) the principal purpose of such agreement is to provide human services.

Covered city service contractor. The term "covered city service contractor" means any nonprofit organization that enters into or renews a city service contract with an agency after the effective date of the local law that added this section. Such organization shall be deemed a city service contractor for the duration of the city service contract that the organization enters into.

Indirect cost. The term "indirect cost" means a cost incurred for a common or joint purpose, such as general facilities and administrative costs, which is not readily assignable to a single program, work stream, project, or contract.

NICRA. The term "NICRA" means a negotiated indirect cost rate agreement issued by the federal government in accordance with part 200 of title 2 of the code of federal regulations, regarding uniform administrative requirements, cost principles, and audit requirements for federal awards, or a successor provision.

Nonprofit organization. The term "nonprofit organization" means an 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 501 of the internal revenue code.

b. The city chief procurement officer and the director of the office of management and budget, or another officer or agency head designated by the mayor, in consultation with the executive director of the office of not-for-profit organization services, shall develop a methodology pursuant to which nonprofit organizations may calculate the indirect costs associated with the delivery of services pursuant to a city service contract. The methodology shall also allow organizations to establish an indirect cost rate pursuant to the terms of subdivision c of this section. Such methodology and any related materials, including any applicable guidelines, shall be made available on the website of the office of not-for-profit organization services.

c. As an alternative to calculating indirect costs pursuant to the methodology established in subdivision b of this section, a nonprofit organization may elect to establish an indirect cost rate by using:

1. A de minimis indirect cost rate of 20 percent of direct project costs;

2. An indirect cost rate received by the nonprofit organization pursuant to a NICRA or extension thereto that is in effect as of the effective date of the city service contract; or

3. An indirect cost rate received by the nonprofit organization pursuant to an agreement or extension thereto that is (i) in effect as of the effective date of the city service contract and (ii) with one of the contracting entities identified pursuant to subdivision d of this section.

d. The city chief procurement officer and the director of the office of management and budget, or another officer or agency head designated by the mayor, in consultation with the executive director of the office of not-for-profit organization services, shall develop a list of federal, state, or other contracting entities that approve indirect cost rates for nonprofit organizations, and whose approved rates may be accepted pursuant to paragraph 3 of subdivision c of this section.

e. The list required pursuant to subdivision d of this section and any relevant guidelines for establishing an indirect cost rate pursuant to subdivision c of this section shall be included with the related materials published pursuant to subdivision b of this section and shall be reviewed and updated at a minimum every 5 years.

f. The contracting agency or another officer or agency designated by the mayor shall reimburse indirect costs incurred by covered city service contractors in the amounts determined in accordance with the methodology developed pursuant to subdivision b of this section.

g. The website of each agency shall provide a link to the methodology and any related materials developed and published pursuant to subdivision b of this section.

§ 2. This local law takes effect 45 days after it becomes law.

Referred to the Committee on Contracts.

Int. No. 244

By Council Members Hudson and Joseph.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the New York city department of education to distribute New York state non-driver identification card applications to all high school students

Be it enacted by the Council as follows:

Section 1. Section 21-1001 of the administrative code of the city of New York, as added by local law number 48 for the year 2023, is amended to read as follows:

CHAPTER 30
DISTRIBUTION OF [IDNYC MUNICIPAL] *INFORMATION REGARDING* IDENTIFICATION [PROGRAM MATERIALS] *CARDS*

§ 21-1001 Distribution of [IDNYC municipal] *information regarding* identification [program materials] *cards*. a. Definitions. As used in this section, the following terms have the following meanings:

IDNYC. The term "IDNYC" means the New York city identity card established pursuant to section 3-115.

Non-driver identification card. The term "non-driver identification card" means the identification card established pursuant to section 490 of the vehicle and traffic law.

School. The term "school" means a school of the city school district of the city of New York that contains any combination of grades from and including grade 9 through grade 12.

b. At the start of each school year, the department shall distribute to each school, for distribution to every student of such school, information related to the IDNYC program. Distribution of such information to schools and students may be in hard copy or electronic if distribution of other similar information occurs electronically. At a minimum, such information shall include the IDNYC application form and information on: (i) eligibility requirements; (ii) the application process, including but not limited to a list of documents accepted to prove identity and residency; and (iii) relevant benefits and discounts provided to IDNYC cardholders.

c. At the start of each school year, the department shall distribute to each school, for distribution to every student of such school, information related to non-driver identification cards. Distribution of such information

to schools and students may be in hard copy or electronic if distribution of other similar information occurs electronically. At a minimum, such information shall include the non-driver identification card application form and information on: (i) eligibility requirements and (ii) the application process, including but not limited to relevant application fees and a list of documents accepted to prove identity and residency.

[c.] *d.* The department shall make available the information required to be distributed pursuant to subdivision b and c of this section on the department's website in English and in each of the designated citywide languages, as such term is defined in subdivision a of section 23-1101.

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

Referred to the Committee on Education.

Int. No. 245

By Council Members Hudson, Brewer and Restler.

A Local Law to amend the administrative code of the city of New York, in relation to establishing a universal benefits application for city benefits and codifying Access NYC, and to repeal section 3-119.3 of the administrative code of the city of New York, relating to a study on notification of public assistance eligibility

Be it enacted by the Council as follows:

Section 1. Section 3-119.3 of the administrative code of the city of New York is REPEALED.

§ 2. a. Definitions. For the purposes of this section, the following terms have the following meanings:

City benefits. The term "city benefits" means all forms of public assistance, as defined in section 21-151 of the administrative code of the city of New York, provided by the city of New York for which a natural person may apply through an application designed and administered by a city agency.

Commissioner. The term "commissioner" means the commissioner of the department of social services.

b. By December 31, 2023, the commissioner, in collaboration with relevant agencies, shall complete and publish on the department of social service's website a report regarding the utility and feasibility of creating a universal city benefits application. Such report shall include, but need not be limited to:

1. The utility and feasibility of synchronizing city benefit eligibility criteria, including any documents required as proof of eligibility for a city benefits program;

2. Identifying and assessing any means to shorten the length of a universal city benefits application;

3. Identifying and assessing any risks and means to diminish risks to applicants created by a universal city benefits application such as benefits cliffs, impact on eligibility for other benefits, and the potential for submission of erroneous information;

4. Identifying and assessing any issues relating to data collection and storage across city agencies; and

5. Recommendations for any legislation or policy changes necessary to implement or improve a universal city benefits application.

c. Within 90 days of submission of the report required by subdivision b of this local law, the commissioner shall make a determination as to whether further legislation is necessary to create a universal city benefits application.

d. Within 180 days of the commissioner's determination required by subdivision c of this local law:

1. If the commissioner determines that no further legislation is necessary, then the commissioner in collaboration with relevant agencies shall develop a universal city benefits application;

2. If the commissioner determines that further legislation is necessary, then the commissioner in collaboration with relevant agencies shall develop a universal city benefits application including as many city benefits applications as feasible without further legislation.

§ 3. 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 Streamlining access to public assistance. a. Definitions. For the purposes of this section, the following terms have the following meanings:

City benefits. The term "city benefits" means all forms of public assistance provided by the city of New York for which a natural person may apply through an application designed and administered by a city agency.

Public assistance. The term "public assistance" means all forms of government benefits, including but not limited to financial assistance, housing assistance, safety net assistance and family assistance, provided by the federal government, the state of New York or the city of New York for which a natural person residing in the city of New York may apply.

b. Universal city benefits application. The commissioner in consultation with relevant agencies shall establish and maintain a universal city benefits application in accordance with this local law. The commissioner shall incorporate any newly created city benefit into the universal city benefits application within 90 days after the effective date of such city benefit. If the commissioner determines that a newly created city benefit cannot be legally incorporated into the universal city benefits application the commissioner shall submit a report to the speaker of the council explaining that determination.

c. Access NYC. The commissioner in consultation with relevant agencies shall establish and maintain a website known as Access NYC or any successor name that permits the public to assess their potential eligibility for every public assistance program and provides a means to access an application or otherwise receive the public aid for which they may be eligible. The universal city benefits application required by subdivision b of this section may be incorporated into the Access NYC website.

1. The commissioner shall incorporate additional public assistance programs into the Access NYC website as practicable. Beginning January 1, 2023, and annually thereafter, the commissioner shall publish a report on the department's website explaining why any public assistance program has not been incorporated into the Access NYC website.

d. The commissioner in collaboration with relevant agencies and non-profit providers, shall undertake efforts to increase public awareness of the universal city benefits application and the Access NYC website. Such efforts shall include but not be limited to providing a quick response code in physical application materials, and including a link to the universal benefits application and the Access NYC website on any city website relating to public assistance programs.

e. Nothing in the local law that added this section shall prohibit an applicant from applying individually to any city benefit included in a universal city benefits application or any public assistance program included on the Access NYC website.

§ 4. This local law takes effect immediately.

Referred to the Committee on General Welfare.

Int. No. 246

By Council Members Hudson, Cabán, Schulman, Bottcher, Restler and Brewer.

A Local Law to amend the New York city charter, in relation requiring city agencies to provide an "X" option for gender on certain forms.

Be it enacted by the Council as follows:

Section 1. Paragraph 4 of subdivision k of section 15 of the New York city charter, as amended by local law number 76 for the year 2018, is to read as follows.

4. Beginning no later than six months after the effective date of the local law that added this subdivision, and annually thereafter, the office of operations, or the office or agency designated by the mayor, shall conduct a review of all forms issued by the agencies described in paragraph 1 of this subdivision and any other agencies so designated by the mayor that: collect demographic information addressing the questions contained on the survey form, are completed by persons seeking services and contain content and/or language in relation to collecting such information that is within the administering city agency's authority to edit or amend. The office of operations, or the office or agency designated by the mayor, shall submit to the council within 60 days of such review, a list of all forms reviewed and all forms eligible for updating, and for forms not eligible for updating an explanation of why such forms are not eligible for updating, and indicate which forms shall be updated. When

practicable, when such forms are updated they shall request voluntary responses to questions about sexual orientation, including heterosexual, lesbian, gay, bisexual or asexual status, or other; gender identity, including transgender, cisgender and intersex status or other; and the gender pronoun or pronouns that an individual identifies with and that others should use when talking to or about that individual. *Any such update shall, where practicable, include "X" as an option when gender identity information is collected.* All forms identified as eligible for updating during the review required pursuant to this paragraph shall be updated to invite responses to questions about sexual orientation, gender identity and the gender pronoun or pronouns that an individual identifies with and that others should use when talking to or about that individual no later than five years from the effective date of the local law that added this subdivision. All forms not eligible for updating shall be provided in conjunction with the standardized, anonymous and voluntary demographics information survey form as established by paragraph 1 of subdivision k of this section.

§ 2. This local law takes effect immediately.

Referred to the Committee on Governmental Operations, State & Federal Legislation.

Int. No. 247

By Council Members Hudson, Bottcher, Ossé, Schulman, Cabán, Carr, Restler and Won.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of health and mental hygiene to conduct monkeypox education and prevention efforts and establish an infectious disease vaccine scheduling portal

Be it enacted by the Council as follows:

Section 1. a. Definitions. As used in this section, the following terms have the following meanings:

City monkeypox vaccination site. The term "city monkeypox vaccination site" means a location at which monkeypox vaccinations are provided to the public that is operated in whole or in part by the department.

Department. The term "department" means the department of health and mental hygiene.

Designated citywide languages. The term "designated citywide languages" has the same meaning ascribed to such term in section 23-1101 of the administrative code of the city of New York.

Monkeypox local state of emergency. The term "monkeypox local state of emergency" means the local state of emergency declared by the mayor in emergency executive order number 158, issued on August 1, 2022, as extended.

b. Monkeypox response plan. No later than 30 days after the effective date of this local law, the department shall submit to the mayor and the speaker of the council and post on the department's website a plan to prevent the spread of the monkeypox virus in response to the monkeypox local state of emergency. Such plan shall include, but need not be limited to, the following:

1. A description of the steps the department has taken to address the monkeypox state of emergency and to prevent the spread of the monkeypox virus;

2. A description of the steps the department will take to address the monkeypox state of emergency and to prevent the spread of the monkeypox virus;

3. Information on how the monkeypox virus is transmitted and how individuals can avoid becoming infected with and spreading the monkeypox virus;

4. Information on the availability of monkeypox vaccination and treatment options; and

5. A description of any challenges or barriers to addressing the monkeypox state of emergency or preventing the spread of the monkeypox virus, and the department's recommendations to address such challenges or barriers, if any.

c. Monkeypox education and outreach. No later than 30 days after the effective date of this local law, the department, in collaboration with the office of nightlife and relevant agencies and community organizations, shall conduct a public education and outreach campaign to inform the public about the monkeypox outbreak resulting in the monkeypox state of emergency, including how the disease is transmitted, how to prevent the infection and spread of the virus, and how to obtain vaccination and treatment. Such campaign shall direct its

outreach to the communities most at risk of contracting monkeypox, and shall include, but need not be limited to, the following:

1. Creating written materials, including but not limited to pamphlets, posters and flyers, in the designated citywide languages;

2. Posting such materials and other relevant information on the websites of the department, the office of nightlife and relevant agencies; and

3. Providing such materials to health care providers, hospitals, shelters, jails, community organizations and food and nightlife establishments to distribute to individuals.

d. Monkeypox vaccine access. 1. No later than 30 days after the effective date of this local law, the department shall coordinate with relevant agencies, community organizations and health care facilities to ensure that communities most at risk of contracting the monkeypox virus and communities that may not have access to vaccines through city monkeypox vaccination sites, including individuals housed in shelters and jails, have adequate access to the monkeypox vaccine.

2. No later than 30 days after the effective date of this local law, and at least weekly thereafter until no city monkeypox vaccination site is in operation, the department shall examine the demographics of individuals who have received the monkeypox vaccine, including but not limited to gender, sexual orientation, gender identity and expression, socioeconomic status and race and ethnicity, if such information is available. The department shall adjust the hours of operation and location of city monkeypox vaccination sites based on such examination and the needs of the communities most at risk of contracting the monkeypox virus to ensure adequate and equitable vaccine access for such individuals and communities. Such examination of demographic information shall not include reporting or disclosure of any personally identifiable information.

§ 2. Chapter 1 of title 17 of the administrative code of the city of New York is amended by adding a new section 17-109.1 to read as follows:

§ 17-109.1 Infectious disease vaccine scheduling portal. a. Definitions. As used in this section, the following terms have the following meanings:

COVID-19. The term "COVID-19" means the disease caused by the severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2).

Designated citywide languages. The term "designated citywide languages" has the same meaning ascribed to such term in section 23-1101.

b. Establishment of scheduling portal. No later than 30 days after the effective date of the local law that added this section, the department shall establish and maintain an online portal that allows individuals to schedule vaccination appointments for COVID-19, monkeypox and other infectious disease vaccinations available through cooperating providers that may include, but need not be limited to, vaccination locations operated by the department, the health and hospitals corporation and New York state. Such online portal shall display all available appointments across all vaccination locations of cooperating providers, organized by date and time and filterable by zip code and eligibility category, and shall allow for the scheduling of such available vaccination appointments. Such online portal shall be made available to the public in the designated citywide languages and shall be accessible to individuals with disabilities in accordance with section 23-802.

c. Privacy. The department shall take all necessary steps to protect the privacy of individuals who access the infectious disease vaccine scheduling portal as established by subdivision b of this section and to ensure that any personally identifiable information provided by individuals to schedule vaccination appointments is secure and confidential.

§ 3. This local law takes effect immediately.

Referred to the Committee on Health.

Int. No. 248

By Council Members Hudson, Marte, Bottcher, Sanchez and Restler.

A Local Law to amend the administrative code of the city of New York, in relation to complaints of housing violations

Be it enacted by the Council as follows:

Section 1. Subchapter 5 of chapter 2 of title 27 of the administrative code of the city of New York is amended by adding a new article 11 to read as follows:

ARTICLE 11
PROCEDURE FOR COMPLAINTS OF HOUSING VIOLATIONS

§ 27-2155 Complaints of housing violations. a. Definitions. As used in this section, the term "designated citywide languages" has the same meaning as set forth in subdivision a of section 23-1101.

b. The department shall require a tenant or occupant of a dwelling unit in a residential building submitting a complaint of a violation of this code to include, in a form prescribed by the department, contact information for such tenant or occupant, including but not limited to a phone number.

c. No later than 30 days after the department notifies a building owner of a complaint of a violation of this code submitted by a tenant or occupant of a dwelling unit in a residential building, the department shall visit the premises to verify whether such violation has occurred. If the department is unable to enter the dwelling unit to verify whether such violation has occurred, the department shall post on the door of such unit and provide to the building owner a notice that shall include, but not be limited to, the following information in English and the designated citywide languages:

1. The case number of the complaint and the date the complaint was submitted;

2. The date the department attempted to enter the premises to verify whether such violation occurred;

3. Information on how complaints of housing violations are resolved by the department; and

4. The department's phone number and website for tenants to schedule an appointment with the department for services relating to housing complaints and violations.

d. If the department is unable to enter the dwelling unit after visiting the premises at least two times on different days to verify whether a violation of this code has occurred, the department shall contact the tenant or occupant by phone call and text message to schedule an appointment to visit the premises. If the department is unable to reach the tenant or occupant by phone or text message, the department shall categorize the complaint as unresolved and shall post on the door of the dwelling unit and provide to the building owner a notice that shall include, but not be limited to, the following information in English and the designated citywide languages:

1. The dates the department attempted to enter the premises to verify whether such violation occurred;

2. The reason why the complaint is being categorized as unresolved; and

3. The department's phone number and website for tenants to schedule an appointment with the department for services relating to housing complaints and violations.

e. Any building owner or tenant or occupant who submitted a complaint of a violation of this code may contact the department to schedule an appointment for the department to visit the premises to verify whether such a violation has occurred or has been resolved.

f. A complaint of a violation of this code shall be categorized as closed only when the department has verified that a condition has been cured, a condition does not exist or such complaint has otherwise been resolved.

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

Referred to the Committee on Housing and Buildings.

Int. No. 249

By Council Members Hudson, Powers, Feliz, Sanchez, Brewer, Restler and Won.

A Local Law to amend the administrative code of the city of New York, in relation to minimum temperatures required to be maintained in dwellings

Be it enacted by the Council as follows:

Section 1. Subdivision a of section 27-2029 of the administrative code of the city of New York, as amended by local law number 86 for the year 2017, is amended to read as follows:

a. During the period from October first through May thirty-first, centrally-supplied heat, in any dwelling in which such heat is required to be provided, shall be furnished so as to maintain, in every portion of such dwelling used or occupied for living purposes:

(1) between the hours of six a.m. and ten p.m., a temperature of at least [sixty-eight] *seventy* degrees Fahrenheit whenever the outside temperature falls below fifty-five degrees; and

(2) between the hours of ten p.m. and six a.m., a temperature of at least [sixty-two] *sixty-six* degrees Fahrenheit.

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

Referred to the Committee on Housing and Buildings.

Int. No. 250

By Council Members Hudson, De La Rosa, Gutiérrez and Restler.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of housing preservation and development to conduct periodic studies of rent stabilized housing accommodations and to develop a program to incentivize owners to keep such accommodations rent stabilized for an extended period of time

Be it enacted by the Council as follows:

Section 1. Chapter 4 of title 26 of the administrative code of the city of New York is amended by adding a new section 26-520.1 to read as follows:

§ 26-520.1 Periodic study and plan to incentivize owners of rent stabilized housing accommodations to keep such accommodations stabilized for an extended period of time. a. As used in this section, the term "rent stabilized housing accommodations" means housing accommodations that are subject to the rent stabilization law of 1969.

b. The department of housing preservation and development shall conduct periodic studies of rent stabilized housing accommodations as required by this section. Each such study shall evaluate the stock of rent stabilized housing accommodations located within the city, including, but not limited to, the number of housing accommodations that ceased to be rent stabilized housing accommodations within the five years preceding the date on which submission of the findings of such study is due under subdivision c of this section, disaggregated by the reasons for which such accommodations ceased to be subject to the rent stabilization law of 1969 and the number of housing accommodations that have become rent stabilized housing accommodations within the five years preceding the date on which submission of the findings of such study is due under subdivision c of this section, and shall include a plan to encourage, through the use of financial incentives or otherwise, owners of rent stabilized housing accommodations that have ceased to be subject to the rent stabilization law of 1969 to keep such accommodations affordable for an extended period of time. In addition, the study may include recommendations for legislation, policy, budget initiatives and other measures the city can take, either acting alone or in collaboration with other organizations or governmental entities, to prevent or lessen the loss of rent stabilized housing accommodations.

c. By no later than March 1, 2023, the department of housing preservation and development shall submit the findings of the first such study to the mayor and the council. For each subsequent study, such department shall submit the findings thereof to the mayor and the council in the sixth month preceding the expiration date of the rent stabilization law of 1969 as set forth in section 26-520.

§ 2. This local law takes effect immediately.

Referred to the Committee on Housing and Buildings.

Int. No. 251

By Council Members Hudson, Ossé and Won.

A Local Law to amend the administrative code of the city of New York, in relation to affordable housing lottery processes

Be it enacted by the Council as follows:

Section 1. Title 26 of the administrative code of the city of New York is amended by adding a new chapter 32 to read as follows:

CHAPTER 32
AFFORDABLE HOUSING LOTTERIES

§ 26-3201 Definitions.
§ 26-3202 Affordable housing lotteries.

§ 26-3201 Definitions. For the purposes of this chapter, the following terms have the following meanings:

Affordable housing lottery. The term "affordable housing lottery" means any lottery for affordable housing units that is administered by or on behalf of the department.

Affordable housing unit. The term "affordable housing unit" means "affordable housing unit" as defined in section 26-2201.

Applicant. The term "applicant" means an applicant for an affordable housing unit.

Application. The term "application" means an application for occupancy of an affordable housing unit.

Appeal. The term "appeal" means an appeal of a marketing agent's determination not to select an applicant to occupy an affordable housing unit.

Department. The term "department" means the department of housing preservation and development.

Marketing agent. The term "marketing agent" means any individual or entity responsible for the advertising of and resident selection for affordable housing units.

§ 26-3202 Affordable housing lotteries. a. The department shall promulgate rules governing affordable housing lotteries consistent with, but not limited to, the provisions of this subdivision.

1. The department shall provide every applicant a written notification, online or by electronic mail, and by regular mail, stating whether such applicant was selected in an affordable housing lottery.

2. The department shall maintain a compliance hotline for the purpose of providing information and guidance to marketing agents.

3. Every marketing agent shall attend at least one in-person or online training regarding resident selection for affordable housing units. Such training shall be developed by the department.

4. Every applicant shall be permitted a reasonable amount of time, but not less than five business days after receiving notice from a marketing agent of any deficiencies identified in an application, to cure any such deficiencies before such marketing agent may reject the application. Marketing agents shall accept an applicant's revised application online or by electronic mail, and by regular mail.

5. Every applicant shall be permitted a reasonable amount of time, but not less than five business days, to respond to a marketing agent's request for information before such marketing agent may reject the application. Marketing agents shall accept an applicant's responses to requests for information online or by electronic mail, and by regular mail.

6. Marketing agents shall provide every applicant a written notification stating whether such applicant is selected to occupy an affordable housing unit. If any applicant is not selected to occupy an affordable housing unit such written notification shall provide specific and detailed reasoning why an applicant cannot be approved, information explaining how the applicant may appeal and information about community-based service providers that may assist the applicant. All written notifications sent pursuant to this paragraph shall be delivered online or by electronic mail, and by regular mail. Marketing agents shall send the department or the New York city housing development corporation, as applicable, a copy of every written notification sent pursuant to this paragraph.

7. Marketing agents shall not use the following information and criteria to determine if an applicant is selected to occupy an affordable housing unit:

(a) Home visits, photographs, videos, or other representations of an applicant's current living situation;

(b) Report cards or other school records relating to minor children residing with an applicant; or

(c) Such other information and criteria as the department may specify by rule.

8. Marketing agents shall not reject any applicant based solely on an applicant's credit score. Marketing agents may consider an applicant's credit score only as an indicator of such applicant's financial stability, consistent with rules promulgated by the department.

9. Marketing agents shall review and evaluate all sources of an applicant's income, including, but not limited to, wages, self-employment income, unemployment income and income from other sources consistent with rules promulgated by the department.

10. Any applicant not selected to occupy an affordable housing unit shall be permitted a reasonable amount of time, but not less than 30 business days, to appeal such determination. Marketing agents shall accept an applicant's appeal online or by electronic mail, and by regular mail. Marketing agents shall send the department or the New York city housing development corporation, as applicable, a copy of every appeal.

11. Marketing agents shall provide every applicant who submits an appeal a written notification stating whether such applicant is selected to occupy an affordable housing unit. If any applicant is not selected to occupy an affordable housing unit such written notification shall provide specific and detailed reasoning why an applicant cannot be approved, information explaining how to file a complaint with the department or the New York city housing development corporation, as applicable, and information about community-based service providers that may assist the applicant. All written notifications sent pursuant to this paragraph shall be delivered online or by electronic mail, and by regular mail. Marketing agents shall send the department or the New York city housing development corporation, as applicable, a copy of every written notification sent pursuant to this paragraph.

12. Any applicant whose appeal is rejected shall be permitted a reasonable amount of time, but not less than five business days, to file a complaint with the department or the New York city housing development corporation, as applicable. Such complaint shall include a written explanation of why the applicant believes the appeal was rejected in error and documentation to support the explanation. The department or the New York city housing development corporation, as applicable, shall accept such complaints online or by electronic mail, and by regular mail. During the pendency of its review of such complaint, provided no other affordable housing units are available, the department or the New York city housing development corporation, as applicable, may prohibit a marketing agent from selecting another applicant to occupy an affordable housing unit at issue in the complaint. The department or the New York city housing development corporation, as applicable, shall provide every applicant who submits a complaint a written notification stating whether such applicant is selected to occupy an affordable housing unit. All written notifications sent pursuant to this paragraph shall be delivered online or by electronic mail, and by regular mail.

§ 2. This local law takes effect 120 after it becomes law, except that the commissioner of housing preservation and development 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 Housing and Buildings.

Int. No. 252

By Council Members Hudson, Marte and Brewer.

A Local Law to amend the administrative code of the city of New York, in relation to requiring landlords to provide tenants with documentation of damages when deducting money from a tenant's security deposit

Be it enacted by the Council as follows:

Section 1. Title 26 of the administrative code of the city of New York is amended by adding a new chapter 35 to read as follows:

CHAPTER 35
RETURN OF SECURITY DEPOSIT

§ 26-3501 Definitions. As used in this chapter, the following terms have the following meanings:

End date. The term "end date" means the earliest of the following:

1. The expiration date of a rental agreement without renewal and without the initiation of a tenancy at will, a tenancy by sufferance, a monthly tenancy or a month to month tenancy pursuant to article 7 of the real property law;

2. The date on which a tenant lawfully surrenders a premises or terminates a lease pursuant to article 7 of the real property law; or

3. The date on which a landlord may lawfully reenter a premises after terminating a rental agreement, a tenancy at will, a tenancy by sufferance, a monthly tenancy or a month to month tenancy pursuant to article 7 of the real property law.

Landlord. The term "landlord" means an owner, lessor, sublessor, assignee or other person receiving or entitled to receive rent for the use or occupancy of a premises or an agent of any of the foregoing.

Repairs. The term "repairs" means repairs or cleaning to address damage to a premises that the landlord did not cause and that did not result from the tenant's reasonable use of the premises.

Security deposit. The term "security deposit" means money, whether cash or otherwise, paid to a landlord to be held for all or part of the term of a tenancy to secure performance of any obligation of the tenant under the rental agreement.

Tenant. The term "tenant" means a person paying or required to pay rent for a premises as a lessee, sublessee, licensee or concessionaire.

§ 26-3502 Documentation required when part or all of security deposit is withheld. a. No later than 21 calendar days after the end date of a residential or commercial tenancy, the landlord shall provide the tenant, by personal delivery, first-class mail or electronic mail, with a copy of an itemized statement describing the amount of any security deposit received from the tenant by the landlord as a condition of the tenancy, as well as any amount the landlord has deducted or intends to deduct from the security deposit for repairs or for any other purpose permitted by both the rental agreement and applicable law.

b. Along with the itemized statement required by subdivision a of this section, the landlord shall include copies of documents showing charges deducted or intended to be deducted by the landlord from the security deposit, as follows:

1. (a) If the landlord has deducted or intends to deduct from the security deposit for the cost of repairs to the premises performed by the landlord or the landlord's employee, agent or affiliated management company, the landlord shall provide a reasonably complete description of the work performed, the time spent, the reasonable hourly rate charged and the total cost of the work to be deducted from the security deposit.

(b) If a person other than the landlord or the landlord's employee, agent or affiliated management company performed the repairs to be deducted from the security deposit, the landlord shall provide the tenant with a copy of the bill, invoice or receipt supplied by such person. The itemized statement required by subdivision a of this section shall provide the tenant with the name, address and telephone number of the person performing the repairs if the bill, invoice, or receipt does not include that information.

2. If the landlord has deducted or intends to deduct from the security deposit the cost of materials, the landlord shall provide a copy of the bill, invoice or receipt for such materials. If a particular material is purchased by the landlord on an ongoing basis, the landlord may provide a copy of a bill, invoice, receipt, vendor price list or other vendor document that reasonably documents the cost of the item used in the repairs of the premises.

c. If repairs cannot reasonably be completed within 21 calendar days after the end date of a residential or commercial tenancy, or if the documents from a person or entity providing services or materials are not in the landlord's possession within 21 calendar days after the end date of such a tenancy despite the landlord's best efforts, the landlord may deduct the amount of a reasonable estimate of the charges that will be incurred and provide such estimate to the tenant along with the itemized statement required by subdivision a of this section.

If a bill, invoice or receipt from a person providing services or materials is not in the landlord's possession 21 calendar days after the end date of such a tenancy, the itemized statement required by subdivision a of this section shall include the name, address and telephone number of the person or entity providing such services or materials. Within 14 calendar days of completing the repairs or receiving the documentation, the landlord shall complete the requirements of subdivision b of this section.

§ 26-3503 Damages for noncompliance; attorney's fees. Upon finding a violation of section 26-3502 in any action brought before a court of competent jurisdiction, the court may award damages to the tenant in the amount of one half of the security deposit, in addition to reasonable attorney's fees and other costs.

§ 26-3504 Outreach and education. The department shall conduct outreach and education efforts to inform landlords and tenants about the requirements of this chapter.

§ 2. Paragraph 1 of subdivision b of section 26-1102 of the administrative code, as added by local law number 45 for the year 2014, is amended to read as follows:

(1) owners' responsibilities with respect to eviction, heat and hot water, pest management, repairs and maintenance, *security deposits*, tenant organizations, rent-regulated leases, rental assistance for elderly or disabled tenants, and housing discrimination;

§ 3. Paragraph 1 of subdivision c of section 26-1103 of the administrative code, as added by local law number 45 for the year 2014, is amended to read as follows:

(1) owners' responsibilities with respect to eviction, heat and hot water, pest management, repairs and maintenance, *security deposits*, tenant organizations, rent-regulated leases, rental assistance for elderly or disabled tenants, and housing discrimination;

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

Referred to the Committee on Housing and Buildings.

Int. No. 253

By Council Members Hudson and Hanif.

A Local Law to amend the New York city charter, in relation to establishing an office of refugee and migrant settlement

Be it enacted by the Council as follows:

Section 1. The New York city charter is amended by adding a new section 18-a to read as follows:

§ 18-a Office of refugee and migrant settlement. a. For the purposes of this section, the term "director" means the director of the office of refugee and migrant settlement.

b. The mayor shall establish an office of refugee and migrant settlement. 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. Such office shall be headed by a director who shall be appointed by the mayor.

c. The office of refugee and migrant settlement shall coordinate short and long term access to relevant resources, including housing, medical care, education, and food, to any individual who is resettled from a foreign nation, for any reason, in the city of New York, providing they meet eligibility requirements established by the Mayor's office of Immigrant Affairs, including any individuals who:

(1) Have processing priority levels 1, 2 or 3 according to the federal department of state; or

(2) Are from a country designated for temporary protected status by the federal department of homeland security; or

(3) Are from a region for which the United Nations High Commissioner for Refugees declared a level 3 emergency.

d. The director of the office of refugee and migrant settlement shall:

1. Advise and assist the mayor in planning, developing and coordinating efforts among agencies under the jurisdiction of the mayor to coordinate an all-agency response to the arrival of refugees and migrants from

anywhere under any circumstances to ensure those eligible individuals have the resources needed to resettle in the city of New York. The director shall, in collaboration with relevant departments and agencies, use a culturally-competent and holistic approach, based on socioeconomic and public health considerations, that addresses the needs of eligible individuals to safely establish themselves in the city of New York until they are able to return to their country of origin, or elsewhere, safely should they leave the city of New York. Such efforts may include the development and implementation of programs, initiatives and strategies that:

(a) Prevent eligible individuals from being homeless;

(b) Ensure the health and safety of eligible individuals;

(c) Place newcomer youth in schools where staff have training in supporting newcomer immigrants and English language learners;

(d) Ensure eligible individuals have access to culturally-competent, appropriate nutrition;

(e) Connect eligible individuals to appropriate city agencies, social services, legal services, and community-based organizations authorized and able to provide needed services and goods without fear of recrimination;

(f) Identify, secure and allocate funds from city, state, federal and other sources.

5. No later than September 1, 2023, and September 1 of every year thereafter, the office shall provide to the mayor and speaker of the council and post on such office's website, a report detailing the activities of the office during the previous calendar year, including the following:

(a) The number of people for whom the office coordinated access to services the office deems relevant to its mission, their countries of origin, and reasons for seeking refuge;

(b) Information regarding initiatives the office has undertaken, including initiatives conducted in partnership with other offices, agencies, and community-based organizations; and

(c) The nature and purpose of the services provided, the cost of such services, and whether the office sought and received remuneration from the state of federal government for delivery of such services.

6. Perform such other duties as the mayor may assign.

§ 2. This local law takes effect 30 days after it becomes law.

Referred to the Committee on Immigration.

Int. No. 254

By Council Members Hudson, Hanks, Narcisse, Stevens and Restler (in conjunction with the Brooklyn Borough President).

A Local Law to amend the administrative code of the city of New York, in relation to the establishment of a process to divert young people to community-based organizations in lieu of arrest

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 Youth diversion guidance. a. Definitions. For the purposes of this section, the following terms have the following meanings:

Community-based organization. The term "community-based organization" means a non-profit organization representing the needs of and providing services to a particular community or a trade union that offers apprenticeship or pre-apprenticeship programs.

Neighborhood coordination officer. The term "neighborhood coordinator officer" means a member of the department who spends their shift in a particular neighborhood and serves as a liaison between the police and the community by among other things, attending community events, visiting schools, and meeting with civic leaders and clergy.

Youth coordination officer. The term "youth coordination officer" means a member of the department who seeks to identify young people at risk of becoming involved with the criminal justice system with the goal of identifying opportunities to coordinate with local community-based organizations to improve youth outcomes.

b. The commissioner shall provide guidance to uniformed officers, including neighborhood coordination officers and youth coordination officers, with respect to diverting young people to community-based organizations to receive services in lieu of criminal enforcement.

c. The commissioner shall submit to the council and the mayor, and post to the department's website, within 30 days of the beginning of each quarter, a report containing the following information from the previous quarter:

1. The number of patrol precincts, housing police service areas, and transit districts in which the guidance required by subdivision c is being utilized;

2. The number of individuals within each patrol precinct, housing police service area, or transit district diverted pursuant to the guidance required by subdivision c disaggregated by:

(a) Age;

(b) Race;

(c) Gender identity;

(d) Any potential criminal charge the individual may have received in lieu of diversion; and

(e) The name of the community-based organization to which the referral was made.

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

Referred to the Committee on Public Safety.

Int. No. 255

By Council Members Hudson, Restler and Won (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. 256

By Council Members Hudson, Bottcher, Restler and Brewer.

A Local Law in relation to requiring the commissioner of sanitation to study the feasibility and potential environmental effects of a recycling mandate for household textiles

Be it enacted by the Council as follows:

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

Commissioner. The term "commissioner" means the commissioner of sanitation.

Department. The term "department" means the department of sanitation.

Recycling. The term "recycling" means any process by which recyclable materials are separated, collected, processed, marketed, and returned to the economy in the form of raw materials or products.

Textile. The term "textile" means cloth, fabric, and other flexible materials made of animal skin, hair, fur, or fleece; plants; minerals; or synthetic materials.

b. No later than 1 year after the effective date of this local law, the commissioner shall submit to the council and to the mayor a report on the feasibility and potential environmental effects of a mandate for the source separation by households and the collection by the department of textiles for recycling and reuse and whether the implementation of such mandate would require a municipal textile recycling facility to process collected textiles. Such report shall include, but need not be limited to:

1. An evaluation of market demand for recycled and reused textiles, including whether there is greater demand for certain types of textiles, and potential impacts of recycling mandates on market demand;

2. A comparison of the net cost to the department, at the time of the report, of collecting, processing, recycling, reusing, and disposing of textile waste with the projected net cost of collecting, processing, recycling, reusing, and disposing of textile waste if the recycling mandate is implemented;

3. An evaluation of the potential benefits to the environment resulting from the recycling mandate, including reductions in greenhouse gases and pollution;

4. A discussion of the potential negative effects of the recycling mandate, including the possibility of increased consumption of textiles caused by perceptions that textile recycling has eliminated the negative environmental effects of textile disposal and impacts on non-profits and other private entities that currently collect textiles for recycling;

5. An estimate of what percentage of textiles collected under the recycling mandate would ultimately be recycled, reused, or landfilled, taking into account whether such textiles would likely be transferred to a third party after collection or processing and how such a third party would likely dispose of such textiles, and actions the commissioner could implement to increase the percentage of collected textiles that are recycled or reused;

6. An assessment of whether the recycling mandate would require a municipal recycling facility to process the collected textiles, including the capacity of existing private recycling facilities and the costs of contracting with existing private recycling facilities compared with the costs of establishing and operating a municipal facility;

7. An assessment of the advantages and disadvantages of partnerships with private entities to collect textiles and operate textile recycling facilities; and

8. A discussion of any potential barriers to department collection of textiles and any other information relevant to assessing the feasibility the recycling mandate.

§ 2. This local law takes effect immediately.

Referred to the Committee on Sanitation and Solid Waste Management.

Res. No. 97

Resolution calling on the Federal Communication Commission Management Agency to add alerts for missing persons with dementia to the Wireless Emergency Alerts system.

By Council Members Hudson, Yeger, Brewer and Schulman.

Whereas, According to the Population Reference Bureau, more than 7 million Americans ages 65 and older had dementia, as a result of Alzheimer's disease or a similar condition, in 2020, and, based on current trends, more than 9 million Americans could have dementia by 2030 and nearly 12 million by 2040; and

Whereas, According to the Alzheimer's Association, in 2020 there were 410,000 people living with dementia in New York State, as a result of Alzheimer's disease or a similar condition, and the number of New Yorkers living with dementia is expected to increase by 12.2 percent by 2025; and

Whereas, According to the Alzheimer's Association, in 2020 there were over 586,000 family members and friends providing care for people with dementia in New York State, as a result of Alzheimer's disease or a similar condition; and

Whereas, Dementia may cause a person to lose their ability to recognize familiar places and persons, often resulting in a person living with dementia wandering or becoming lost; and

Whereas, The Alzheimer's Association reports that 6 in 10 persons living with dementia will wander at least once and many will do so repeatedly; and

Whereas, Wandering for a person with dementia can be dangerous and even life-threatening and can cause great stress and anguish for caregivers; and

Whereas, According to the Alzheimer's Association, up to 50 percent of those who wander risk serious injury or death if not found within 24 hours; and

Whereas, The city of New York has a Silver Alert system that issues alerts through communication channels, such as broadcast news, for older individuals with dementia who are missing from the New York City area and are in imminent danger; and

Whereas, The state of New York has the Missing Vulnerable Adult Program which also issues alerts for missing cognitively impaired adults, including those who have dementia, when there is a credible risk of harm; and

Whereas, The 2020 annual report of the Missing Vulnerable Adult Program reported that out of 118 alerts issued that year for missing adults, 89 of such alerts were for missing adults who had dementia; and

Whereas, Both the Silver Alert system and the Missing Vulnerable Adults Program send notifications only to mobile devices that have specifically enrolled to receive such notifications through NotifyNYC, NY-Alert, or a similar program, and such notifications are sent to all enrolled mobile devices regardless of the location of the mobile device; and

Whereas, The federal Warning, Alert and Response Network Act established the Wireless Emergency Alerts (WEA) system and authorized the Federal Communication Commission (FCC) to manage the WEA system; and

Whereas, Alerts sent through the WEA system are sent directly to all compatible mobile devices located in a targeted geographic area even if the mobile device has not enrolled or subscribed to receive such alerts; and

Whereas, The FCC, as a part of its role as the administrator of the WEA system, establishes the types of alerts to be sent out through the system, which currently include alerts regarding dangerous weather, missing children, and other public safety situations; and

Whereas, The risk to a missing person with dementia could be minimized if an alert is broadcast to all compatible mobile devices in the area where such person went missing by increasing the chances of quickly locating such missing person; now, therefore, be it

Resolved, That the Council of the City of New York calls on the Federal Communication Commission Management Agency to add alerts for missing persons with dementia to the Wireless Emergency Alerts system.

Referred to the Committee on Aging.

Res. No. 98

Resolution calling on the New York State Legislature to pass, and the Governor to sign, S.884/A.6331, to direct the New York State Office for the Aging and the Empire State Development Corporation to expand encore entrepreneurship in New York State to empower individuals 50 years of age or older to establish small businesses.

By Council Members Hudson and Schulman.

Whereas, The American Association of Retired Persons (AARP) and the U.S. Small Business Administration define encore entrepreneurs as people aged 50 years or older who start and operate a small business; and

Whereas, According to a 2021 report commissioned by the U.S. Small Business Administration, encore entrepreneurs constituted 50.9 percent of all U.S. business owners as of 2020; and

Whereas, A 2018 study by the Center for an Urban Future reported that there were approximately 210,000 self-employed New York City residents aged 50 years or older, an increase of 19 percent since 2005; and

Whereas, Moreover, per the same 2018 study, the number of encore entrepreneurs aged 60 years or older in New York City grew by 44 percent between 2005 and 2016 to over 104,000 people; and

Whereas, Per a 2021 report by the U.S. Small Business Administration, encore entrepreneurs were nearly 30 percent more likely to utilize their businesses as a supplemental income than their younger counterparts; and

Whereas, A 2021 Encore Entrepreneur Report by Hiscox, a global insurer, documented that 50 percent of the responding encore entrepreneurs started their business to earn more income; and

Whereas, Recent U.S. Census Bureau data show that the annual median income among Americans aged 55 years to 64 years declined by 2.6 percent between 2020 and 2021, from an estimated $77,872 to an estimated $75,842; and

Whereas, Similarly, the annual median income among U.S. adults aged 65 years and older decreased by 2.6 percent between 2020 and 2021, from an estimated $48,866 to an estimated $47,620; and

Whereas, The prevalence of poverty among Americans aged 65 years and older increased between 2020 and 2021, from 8.9 percent, or over 4.8 million people, to 10.3 percent, or more than 5.8 million people; and

Whereas, Moreover, 4.2 percent of U.S. adults aged 65 years and older, or over 2.3 million people, lived in deep poverty in 2021; and

Whereas, According to the New York State Office of Temporary and Disability Assistance, as of November 2021, 631,101 people in New York State and 372,302 people in New York City received Supplemental Security Income; and

Whereas, The New York State Department of Labor documented that 10.9 percent of adults aged 55 years to 74 years and 13.1 percent of adults aged 75 years and older in New York State lived in poverty in 2021; and

Whereas, Likewise, 15.6 percent of adults aged 55 years to 74 years and 19.8 percent of adults aged 75 years and older in New York City were in poverty in 2021; and

Whereas, According to the U.S. Bureau of Labor Statistics, between April 2022 and April 2023, prices paid by urban consumers for all items, as measured by the Consumer Price Index, increased by 4.9 percent nationally and by 3.7 percent in New York State; and

Whereas, Between May 2022 and May 2023, housing costs in the New York Metropolitan Area grew by 4.2 percent; and

Whereas, Per a 2021 report by the U.S. Small Business Administration, almost 72 percent of U.S. encore entrepreneurs felt unsupported by their local government, and over 65 percent of American encore entrepreneurs felt unsupported by their state government; and

Whereas, According to the same 2021 report, among U.S. encore entrepreneurs, 74 percent used personal savings to finance their business, while 36.6 percent utilized personal credit cards, and 23.6 percent used retirement savings for that purpose; and

Whereas, With the aim of positioning New York State as a leader in supporting encore entrepreneurs by addressing a lack of formal programs and services for this population's unique needs, State Senator Rachel May introduced S.884 in the New York State Senate, and Assembly Member Al Stirpe introduced companion bill A.6331 in the New York State Assembly, which would direct the New York State Office for the Aging and the Empire State Development Corporation to expand encore entrepreneurship in New York State to empower individuals aged 50 years or older to establish small businesses; and

Whereas, Specifically, S.884/A.6331 would direct the New York State Office for the Aging and the Empire State Development Corporation to create a taskforce to develop recommendations on innovative programming for encore entrepreneurs and to implement a program to provide education and training specific to the unique needs of this category of small business owners; 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.884/A.6331, to direct the New York State Office for the Aging and the Empire State

Development Corporation to expand encore entrepreneurship in New York State to empower individuals 50 years of age or older to establish small businesses.

Referred to the Committee on Aging.

Res. No. 99

Resolution calling on the New York State Legislature to pass, and the Governor to sign, A.6362, to authorize localities to provide for an additional real property tax exemption for eligible persons who are 65 years of age and older.

By Council Members Hudson, Yeger and Schulman.

Whereas, Recent U.S. Census Bureau data show that the median annual income among Americans aged 65 years and older decreased by 2.6 percent between 2020 and 2021, from an estimated $48,866 to an estimated $47,620; and

Whereas, The prevalence of poverty among U.S. adults aged 65 years and older increased between 2020 and 2021, from 8.9 percent, or over 4.8 million people, to 10.3 percent, or more than 5.8 million people; and

Whereas, Moreover, 4.2 percent of Americans aged 65 years and older, or over 2.3 million people, lived in deep poverty in 2021; and

Whereas, According to the New York State Office of Temporary and Disability Assistance, as of November 2021, 631,101 people in New York State and 372,302 people in New York City received Supplemental Security Income; and

Whereas, According to the U.S. Bureau of Labor Statistics, between April 2022 and April 2023, prices paid by urban consumers for all items, as measured by the Consumer Price Index, increased by 4.9 percent nationally and by 3.7 percent in New York State; and

Whereas, Between May 2022 and May 2023, housing costs in the New York Metropolitan Area expanded by 4.2 percent; and

Whereas, The U.S. Census Bureau calculated that in New York State, the median homeowner costs, inclusive of a mortgage, were $2,267 per month or $27,204 per year in 2021; and

Whereas, In New York City, the median homeowner costs, inclusive of a mortgage, amounted to $2,913 per month or $34,956 per year in 2021; and

Whereas, As of 2021, the median value of owner-occupied housing units was $340,600 in New York State and $660,700 in New York City; and

Whereas, The New York City Department of Finance noted that as of January 2023, assessed values of one-, two-, and three-family homes in New York City increased by 6 percent, while the tax rate for Tax Year 2023 for this property class was 20.31 percent of the assessed value; and

Whereas, Similarly, as of January 2023, assessed values of cooperative and condominium apartments in New York City grew by 3.1 percent, while the tax rate for this property class was 12.27 percent of the assessed value for Tax Year 2023; and

Whereas, According to the U.S. Internal Revenue Service, as of 2023, the median property tax in New York State was $3,755 per year; and

Whereas, Among the counties encompassed by New York City, as of 2023, the median annual property tax was $2,653 in Bronx County, $2,903 in Kings County, $5,873 in New York County, $2,914 in Queens County, and $2,842 in Richmond County; and

Whereas, A report for Fiscal Year 2022 by the New York City Department of Finance highlighted that the rate of property tax delinquency for Class One property in New York City, including one-, two-, and three-family homes, increased between 2019 and 2021, from 3.34 percent to 3.45 percent; and

Whereas, Likewise, the rate of property tax delinquency for Class Two property in New York City, including cooperative and condominium apartments, grew between 2019 and 2021, from 1.66 percent to 2.28 percent; and

Whereas, The Senior Citizen Homeowners' Exemption (SCHE) program in New York State provides a property tax exemption for eligible persons aged 65 years and older, who own one-, two-, or three-family homes, condominiums, or cooperative apartments, provided that the total combined annual income of the property owner and spouse or co-owner does not exceed $58,399; and

Whereas, As of 2023, to be eligible for the largest tax exemption of 50 percent of the assessed property value under SCHE in New York City, an eligible homeowner's total combined annual income must be $50,000 or less; and

Whereas, With the aim of providing additional relief for older New Yorkers from the burden of real property tax, thereby reducing their risk of housing dislocation and homelessness, Assembly Member David Weprin introduced A.6362 in the New York State Assembly, which would authorize localities to provide for an additional real property tax exemption for persons aged 65 years and older who meet the income eligibility limits and other criteria to the extent of 60 percent of the assessed valuation of such real property; and

Whereas, Specifically, A.6362 would authorize localities in New York State to offer a property tax exemption of 60 percent of the assessed property value for homeowners who are 65 years and older with a combined annual income between $3,000 and $22,000; 55 percent of the assessed property value for homeowners who are 65 years and older with a combined annual income of over $22,000, but less than $23,000; and 50 percent of the assessed property value for homeowners who are 65 years and older with a combined annual income of more than $23,000, but less than $24,000; now, therefore, be it

Resolved, That the Council of the City of New York calls on the New York State Legislature to pass, and the Governor to sign, A.6362, to authorize localities to provide for an additional real property tax exemption for eligible persons who are 65 years of age and older.

Referred to the Committee on Aging.

Res. No. 100

Resolution calling on the New York State Legislature to pass, and the Governor to sign, S.3004/A.6324, which would establish an Office of Older Adult Workforce Development within the State Office for the Aging.

By Council Members Hudson and Schulman.

Whereas, In the United States (U.S.), with the exception of the loss of life since early 2020 due to the COVID-19 pandemic, life spans have greatly increased since the early twentieth century; and

Whereas, Today, a 65 year old in good health can expect to live to nearly 90 years of age, while experts in longevity believe that children born this century should prepare to live to 100 years of age; and

Whereas, Moreover, health spans, which refers to the years one can live without requiring care, are also increasing, which means that older adults are working for many more years than ever before; and

Whereas, The U.S. Bureau of Labor Statistics (BLS) projects that those 55 years and older will comprise nearly 25 percent of the labor force in 2024; and

Whereas, With a population of 4.6 million New Yorkers age 60 and older, New York State ("State") has the fourth largest population of older adults in the country; and

Whereas, Compared to the rest of the U.S., the State has a higher share of its labor force that is 65 and older, a group which grew 32.8 percent over the decade and comprised 22.1 percent of the population in 2021, which is nearly 5 percent higher than in 2011; and

Whereas, In New York City (NYC), there are more than 1 million people age 60 and older, and that figure is projected to grow by 40 percent over the next couple of decades; and

Whereas, According to the NYC Department of Consumer Affairs, half of New Yorkers age 55 and older have no money in traditional retirement accounts and 40 percent of New Yorkers between the ages of 50 and 64 have less than $10,000 saved in such accounts; and

Whereas, Additionally, 21 percent of those 65 and older live below the poverty line in NYC; and

Whereas, According to research from the Age Smart Employer Awards project at Columbia University, there are numerous advantages to retaining and hiring older workers; and

Whereas, Such advantages include "experience, critical thinking and sheer knowledge that cannot be taught;" having a strong work ethic; higher rates of productivity in multigenerational teams; and capacity to train the next generation of workers; and

Whereas, Older workers tend to stay in jobs longer and take fewer days off; and

Whereas, In 2022, the median tenure of workers ages 55-64 in all industries was 9.8 years, which was more than three times the 2.8 years for workers ages 25-34, according to BLS; and

Whereas, While the Equal Employment Commission had advised that the Age Discrimination in Employment Act of 1967 projects job applicants against discrimination for years, some federal courts have ruled otherwise since 2016; and

Whereas, According to a 2022 AARP Research survey of nearly 3,000 people age 50 and older, 62 percent of respondents think older workers face discrimination in the workplace based on age and, among them, 93 percent believe that age discrimination against older workers is common in the workplace; 32 percent report hearing negative comments in the workplace about an older co-worker's age over the past two years; 17 percent say that they have been the recipient of negative comments about their age at work; and 13 percent have been passed up for a promotion or chance to get ahead because of their age; and

Whereas, S.3004, sponsored by State Senator Cordell Cleare, and A.6324, sponsored by State Assembly Member Al Stirpe, would amend the elder law, in relation to creating the Office of Older Adult Workforce within the State Office for the Aging, as well as establish the duties of the coordinator, which include helping to plan and implement efforts to help address the needs of older adults in the workplace; creating a centralized website with resources for older adults; providing information on prohibitions against age discrimination and remedies to victims of such discrimination; and conducting outreach and education on the services provided by the Office; and

Whereas, Whether out of financial necessity or a desire to continue to work, an increasing number of older New Yorkers are delaying retirement or reentering the workforce after retiring, and they deserve the assistance they require to gain or retain employment; 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.3004/A.6324, which would establish an Office of Older Adult Workforce Development within the State Office for the Aging.

Referred to the Committee on Aging.

Res. No. 101

Resolution calling upon the New York State Legislature to pass, and the Governor to sign, the Predatory Marketing Prevention Act (S7487C), which relates to false or misleading advertisements of food and food products; provides factors to determine whether an advertisement is false or misleading; provides for enforcement and a private right of action.

By Council Member Hudson.

Whereas, Childhood and adolescent obesity is a serious problem associated with a higher risk of premature mortality and morbidity in the form of preventable diseases, such as type 2 diabetes, hypertension, fatty-liver disease, cardiovascular disease, cancer, osteoarthritis, chronic kidney disease, asthma, sleep apnea, and a range of psychological disorders, including eating disorders and depression; and

Whereas, Moreover, obesity is correlated with a compromised immune-system function, a diminished lung capacity, and — consequently — an elevated risk of severe illness, including three times the risk of hospitalization as a result of a COVID-19 infection, and a heightened risk of COVID-19-related death; and

Whereas, In the United States, between 2017 and 2020, among children and adolescents in the 2-19 years age category, 19.7 percent were obese, accounting for approximately 14.7 million children and adolescents; and

Whereas, Nationally, childhood and adolescent obesity burden disproportionately affects low-income and racial minority population groups, with the prevalence of obesity being 26.2 percent among Hispanic children, 24.8 percent among non-Hispanic Black children, 16.6 percent among non-Hispanic white children, 9 percent among non-Hispanic Asian children, 18.9 percent among children and adolescents in the lowest income group, and 10.9 percent among those in the highest income group; and

Whereas, In New York State (NYS), childhood and adolescent obesity rates tripled over the past thirty years, reaching epidemic proportions, with 16.5 percent of NYS (excluding New York City) elementary through high school students being overweight, and 17.3 percent of NYS (excluding New York City) elementary through high school students being obese; and

Whereas, In New York City, between 15 percent and 19.4 percent of children are overweight, and an additional 22 percent to 27 percent of children are obese; and

Whereas, Scientific studies conclude that children's and adolescents' exposure to television and online advertisements of unhealthy food and beverages dense with calories, but low in nutrients, activates sensitive and still-developing neural networks associated with diet self-control; food cravings modulation; reward; emotional response; habit formation; and addiction, serving as a causal factor of childhood and adolescent obesity, with the evidence base being especially strong for children aged 8 years and younger, as well as for children from socioeconomically disadvantaged and racial minority population groups; and

Whereas, Available evidence indicates that statutory regulation is a cost-effective policy response to the obesogenic effect of unhealthy-food advertisements targeted at children, as they are an especially vulnerable audience, who tend to lack a developed ability to understand and protect their interests by rationally overriding their impulses and cravings; and

Whereas, The healthcare savings achieved from statutory regulations outweigh the costs of implementing the policy, with the data from the U.S. National Health and Nutrition Examination Survey indicating that between one in seven and one in three children could be saved from developing obesity by a reduction to zero of exposure to unhealthy-food advertisements; and

Whereas, On October 27, 2021, with the stated aim of protecting children from junk food companies targeting them with false or misleading advertisements, NYS Senator, Zellnor Myrie, introduced Senate Bill S7487C, known as the Predatory Marketing Prevention Act, which would: 1) amend the agriculture and markets law, the general business law, and the public health law in relation to false or misleading advertisements of food and food products; 2) provide factors to determine whether an advertisement is false or misleading; and 3) provide for enforcement and a private right of action; 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 the Predatory Marketing Prevention Act (S7487C), which relates to false or misleading advertisements of food and food products; provides factors to determine whether an advertisement is false or misleading; provides for enforcement and a private right of action.

Referred to the Committee on Children and Youth.

Res. No. 102

Resolution calling on the New York State Legislature to pass, and the Governor to sign, legislation repealing all provisions of law that require most counties to maintain a jail.

By Council Member Hudson.

Whereas, Section 217 of the New York State County Law requires all counties in New York State to maintain a county jail, except counties wholly contained within a city, as outlined in paragraph (a) of Section 2; and

Whereas, Subsection 3 of section 500-A of the New York State Correction Law further requires that buildings presently in use as county jails must continue to be used for that purpose until and unless they are replaced; and

Whereas, The United States currently incarcerates approximately 1.9 million people, roughly a quarter of whom are confined in local jails, according to the Prison Policy Initiative; and

Whereas, As of 2017, local governments were spending a total of $25 billion on jails each year, accounting for approximately 5% of all county spending, according to the Pew Charitable Trusts; and

Whereas, Local jails are primarily utilized for pretrial detention, including for individuals held on monetary bail, creating a fundamental unfairness to detainees who lack sufficient financial means to secure their own release; and

Whereas, Pretrial detention may incur serious social and criminogenic costs, including increased recidivism, without producing a commensurate increase in court efficiency, according to a 2019 research summary from the Vera Institute of Justice; and

Whereas, Even as New York State jail incarceration rates have generally decreased in recent years, both in absolute terms and relative to national trends, 17 counties still experienced increases in jail incarceration over the decade prior to 2021, as measured by data provided by the Vera Institute of Justice; and

Whereas, The requirement that all counties maintain a jail fuels the presumptive use of incarceration as a first-line measure in response to alleged criminality; and

Whereas, New York's current statutory scheme inhibits local ingenuity and restricts the ability of local policymakers to develop new approaches to criminal justice that do not rely primarily on incarceration; and

Whereas, Principles of democracy and community self-determination further demand that communities be permitted to implement new and innovative approaches to the criminal justice system that align with the values of the local electorate; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to pass, and the Governor to sign, legislation repealing all provisions of law that require most counties to maintain a jail.

Referred to the Committee on Criminal Justice.

Res. No. 103

Resolution calling on the United States Congress to pass, and the President to sign, legislation requiring that the Federal Aviation Administration ensure that all approved emergency medical kits on airplanes flying within the United States include life-saving medications and devices, including, but not limited to, a glucometer, an EpiPen, automatic blood pressure cuffs, disposable stethoscopes and naloxone.

By Council Member Hudson.

Whereas, Since 1986, the regulations of the Federal Aviation Administration's (FAA), the agency responsible for managing the United States' airspace and all aspects of civilian aviation, have mandated that all domestic passenger airplanes with a required flight attendant have an emergency medical kit (EMK) containing medications and devices onboard; and

Whereas, Since 1986, the FAA-approved EMK has expanded under federal law and regulations to include, among other things, varying quantities of: a sphygmomanometer; a stethoscope; a self-inflating manual resuscitation device; protective nonpermeable gloves; needles; syringes; non-narcotic analgesic tablets; antihistamine tablets; an antihistamine injectable; an epinephrine injectable; a lidocaine injectable; nitroglycerin tablets; and basic instructions for use of the drugs in the kit; and

Whereas, According to a 2018 review article in the Journal of the American Medical Association, in-flight medical emergencies occur in about one in every 604 commercial flights; and

Whereas, In recent years, there have been multiple instances when a doctor or medical professional was called to help in a mid-flight emergency and found that the EMK on their flight was missing key items, including, among other things, certain drugs, blood pressure cuffs, and auto-injectors; and

Whereas, This includes a recent incident where Dr. Andrea Merrill, in June of 2022, was asked to help and found that the EMK on her flight was missing items, including a glucometer, an EpiPen, and automatic blood pressure cuffs, according to National Public Radio; and

Whereas, According to the report, after tweeting out her experience, Dr. Merrill received numerous replies citing the same issue that other medical professionals have gone through, highlighting long-standing calls to expand the required items in EMKs on airplanes; and

Whereas, Dr. Paulo Alves, global medical director for aviation health at MedAire, a company that provides guidance from the ground during in-flight medical emergencies, has said that the last time EMKs were modified by the FAA was in 2004, thus the regulations in place have not evolved with advancing medical knowledge and equipment; and

Whereas, In addition, according to the New York Times, the FAA is allowed to grant airlines exemptions that permit passenger planes to fly without a complete EMK if the airlines say they cannot replenish drugs that are cited to be in short supply, with 50 airlines being granted four-year exemptions in January 2016 from the requirement to carry all five drugs (two doses of epinephrine, atropine, dextrose, and lidocaine) in the EMK; and

Whereas, Although the FAA Reauthorization Act of 2018 requires the FAA to consider whether the minimum contents of FAA-approved EMKs include appropriate medications and equipment to meet the emergency medical needs of children and pregnant women, there are gaps in this process which result in EMKs not having the right medical equipment for certain in-flight emergencies; and

Whereas, New York City is home to two large airports: John F. Kennedy International Airport, which in the 12 months ending in April 2022 served about 36 million passengers; and LaGuardia Airport, which in the 12 months ending in April 2022 served about 20 million passengers, according to The Port Authority of New York and New Jersey, therefore it is imperative that EMKs on all airplanes flying in the United States contain effective and adequate medical equipment and medications to ensure that if a mid-flight emergency does occur, the person impacted can receive the care they need in the most effective way; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the United States Congress to pass, and the President to sign, legislation requiring that the Federal Aviation Administration ensure that all approved emergency medical kits on airplanes flying within the United States include life-saving medications and devices, including, but not limited to, a glucometer, an EpiPen, automatic blood pressure cuffs, disposable stethoscopes and naloxone.

Referred to the Committee on Health.

Res. No. 104

Resolution calling on the New York State Legislature to pass, and the Governor to sign, S.6569-A, in relation to deed theft, and for the Governor to sign S.6577/A.6656, in relation to the theft of real property and protections for victims of real property theft.

By Council Member Hudson.

Whereas, According to the New York City (NYC) Department of Finance, deed fraud, also known as deed theft, is when criminals record a fraudulent deed, mortgage, or other lien against a property without the owner's knowledge or consent, with the New York State's (NYS) Office of the Attorney General (OAG) stating in 2023 that the most common ways scammers steal deeds are through forging a real homeowner's signature on a deed before submitting it to a county clerk to imitate a property sale, or tricking a homeowner into unknowingly signing over their property; and

Whereas, According to the OAG, from 2014 to April 2023, the NYC Sheriff's Office counted nearly 3,500 complaints of deed theft throughout the city, with more than 1,500 complaints in Brooklyn and 1,000 from Queens; and

Whereas, The OAG also reported in 2023 that New York State neither has laws that make deed theft a standalone crime nor adequate legal remedies to reverse a fraudulent property sale or stop a deed theft in process, leaving prosecutors bound by statutes of limitations and forced to use charges like grand larceny that, according to the NYS Chief Deputy Attorney General for Social Justice, do not allow prosecutors to take into account

certain factors, such as whether the victim is a vulnerable person or whether the property is the victim's primary residence, in determining the severity of the crime; and

Whereas, Deed theft can have devastating effects, with the most obvious being forcing homeowners to give up their homes, but can also include draining a homeowner's finances as they fight a deed theft in court, which can place them in an untenable financial position even if they successfully prevent a deed theft from occurring, and could ultimately still result in the homeowner losing their home due to the scam's financial impacts; and

Whereas, The victims of deed theft are disproportionately Black, Brown, and elderly, with scammers focusing on gentrifying neighborhoods where homes have appreciated in value; and

Whereas, NYC is already in the midst of a housing affordability crisis as well as a homelessness crisis, with the real estate group Douglas Elliman reporting that house prices and rents reached record levels in 2022 and 2023, while City officials stated that NYC's homeless shelter populations hit record levels of 66,000 in October 2022 and 100,000 in June 2023; and

Whereas, Having these concurrent crises raises the importance of keeping homeowners in their homes and preventing the loss of their residences and wealth, especially when the loss is due to fraud; and

Whereas, New York State Senate Bill S.6569-A, sponsored by State Senator Zellnor Myrie, and New York State Bill S.6577/A.6656, sponsored in the State Senate by State Senator Brian Kavanagh and in the State Assembly by Assemblymember Helene E. Weinstein, were introduced as a package of legislation with a number of key provisions to combat and prevent deed theft; and

Whereas, S.6569-A would establish a crime of deed theft, grant the OAG concurrent criminal jurisdiction to prosecute cases related to deed theft and real estate-related crimes, and extend the statute of limitations to eight years for any felony related to a deed theft and any felony where there is fraud in connection with a real property transaction; and

Whereas, S.6577/A.6656 would void "good faith purchaser" protections that allow buyers to retain their rights to a property regardless of how the seller acquired it, stay eviction proceedings in housing court for homeowners who can show evidence that there is possible deed theft in progress, and expand existing protections from the Homeowner Equity Theft Prevention Act to include homeowners that have active utility liens; and

Whereas, S.6569-A has been passed by the New York State Senate but has yet to be passed by the Assembly, while S.6577/A.6656 has been passed by both branches of the New York State Legislature but is awaiting signature from the Governor; 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.6569-A, in relation to deed theft, and for the Governor to sign S.6577/A.6656, in relation to the theft of real property and protections for victims of real property theft.

Referred to the Committee on Housing and Buildings.

Res. No. 105

Resolution calling on the State Legislature to pass, and the Governor to sign, S.6352-A, in relation to certain housing accommodations and certain hardship provisions.

By Council Members Hudson and Moya.

Whereas, New York City (NYC or City) has an ongoing housing affordability crisis, as real estate firms and housing market companies like Douglas Elliman and Zumper reported that, as of May 2023, rental prices across the city have reached record highs, with median rents for a 1-bedroom apartment reaching $3,900 per month, averaged across all 5 boroughs, and reaching medians as high as $4,395 per month in Manhattan and $3,550 per month in Brooklyn; and

Whereas, The 2021 NYC Housing and Vacancy Survey (HVS), a joint project conducted by the NYC Department of Housing Preservation and Development (HPD) and the U.S. Census Bureau, revealed several key statistics that underlined the NYC housing crisis, including that rental homes listed below $1,500 per month had

a vacancy rate of less than 1 percent, the lowest rate in 30 years, and that 54.1 percent of renting households are rent-burdened, meaning that they are paying at least 30 percent of their household income towards rent; and

Whereas, The U.S. has seen cost-of-living increases in the wake of the COVID-19 pandemic, experiencing record inflation rates of 7 to 9 percent while also witnessing month-to-month increases in food prices that were as high as 10 percent in February 2023, according to the U.S. Bureau of Labor Statistics; and

Whereas, A June 2023 NBC article reported that high consumer prices were likely to persist through 2023 amidst a slowdown in wage growth and the Federal Reserve hiking interest rates, underscoring the need to ensure the preservation and production of affordable housing in NYC; and

Whereas, NYC is experiencing its housing affordability crisis and cost-of-living increases against a backdrop of record homelessness, as NYC officials reported that the City's homeless shelter populations hit record levels of over 100,000 in June 2023, up from the previous record of 66,000 in October 2022, further emphasizing the importance of keeping people housed and making more affordable housing available for New Yorkers; and

Whereas, Housing experts recommend increasing the supply of housing, particularly affordable housing, as fundamental to solving NYC's housing crisis; and

Whereas, Despite widespread agreement on the need to increase housing supply, especially affordable housing, the 2023 Preliminary Mayor's Management Report listed just 16,428 units of affordable housing that began construction in NYC in the 2022 fiscal year, down from 29,388 and 30,311 units in fiscal years 2021 and 2020, respectively; and

Whereas, In addition, the New York Housing Conference's NYC Housing Tracker found that in calendar year 2022, the City produced just 14,766 units of affordable housing when taking into account both new construction and preservation of existing housing, a 48 percent decrease from 28,387 units, which was the average production over the past 5 years; and

Whereas, Thousands of affordable units that could otherwise be used to alleviate the housing shortage are reported to be kept off the market because property owners find the repairs needed to rehabilitate them upon vacancy too expensive; and

Whereas, Allowing the possibility for rent adjustment would provide a means to address the concern that rental rates do not adequately cover the cost of repairs; and

Whereas, S.6352-A, introduced by State Senator Leroy Comrie and referred to the State Senate Committee on Housing, Construction, and Community Development, would incentivize the preservation and restoration to the rental market of rent-stabilized dwelling units vacated after long-term occupancies, in part by allowing property owners to apply to adjust the rent for their apartments after submitting documentation verifying the completion of certain restorations; now, therefore, be it

Resolved, That the Council of the City of New York calls on the State Legislature to pass, and the Governor to sign, S.6352-A, in relation to certain housing accommodations and certain hardship provisions.

Referred to the Committee on Housing and Buildings.

Res. No. 106

Resolution calling on the New York State Legislature to pass, and the Governor to sign, S.1150/A.1422, which would permit other qualifying members of a household to qualify for the Disability Rent Increase Exemption program.

By Council Members Hudson, Lee and Yeger.

Whereas, The New York City ("NYC" or "City") Rent Freeze Program, which includes the Disability Rent Increase Exemption ("DRIE") program, helps those eligible stay in affordable housing by freezing their rent at the current level and exempting them from future rent increases; and

Whereas, Under the NYC Rent Freeze Program, a property tax credit covers the difference between the actual rent amount and what a tenant is responsible for paying at the frozen rate; and

Whereas, To qualify for DRIE, one must be at least 18 years old; be named on the lease/rent order or have been granted succession rights in a rent controlled, rent stabilized or rent regulated hotel apartment; have a combined household income that is $50,000 or less; spend more than one-third of their monthly household income on rent; and have been awarded Federal Supplemental Security Income (SSI), Federal Social Security Disability Insurance (SSDI), United States (U.S.) Department of Veterans Affairs disability pension or compensation; or disability-related Medicaid if the applicant has received either SSI or SSDI in the past; and

Whereas, An individual may also qualify for DRIE if they satisfy the aforementioned criteria and live in an apartment located in a building where the mortgage was federally insured under Section 213 of the National Housing Act, owned by a Mitchell-Lama development, Limited Dividend housing company, Redevelopment Company or Housing Development Fund Corporation incorporated under the New York State ("State") Private Housing Finance Law; and

Whereas, The restrictive eligibility requirements for DRIE exclude thousands of households in which a family member has a disability, but is not an eligible head of household under the existing requirements; and

Whereas, S.1150, sponsored by State Senator Cordell Cleare, and A.1422, sponsored by State Assembly Member Harvey Epstein, would amend the language of the real property tax law to make a parent, legal guardian, or other relative of a person with a disability eligible for DRIE, and provide rent relief to households that face similar or identical hardships to those already covered by DRIE; 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.1150/A.1422, which would permit other qualifying members of a household to qualify for the Disability Rent Increase Exemption program.

Referred to the Committee on Aging.

Res. No. 107

Resolution calling on the United States Congress to reintroduce and pass and the President to sign the Cannabis Administration and Opportunity Act.

By Council Members Hudson, Riley, Williams and Farías.

Whereas, There are currently 38 states that have adopted laws allowing for legal access to cannabis, commonly known as marijuana, with 21 of these states adopting laws legalizing cannabis for recreational sale and use; and

Whereas, New York State legalized the recreational sale and use of marijuana in 2021; and

Whereas, Prior to states legalizing marijuana, many states enforced disproportionately punitive drug possession statutes, including one of the toughest in the nation—New York's *Rockefeller Drug Laws*; and

Whereas, Although dozens of states have legalized cannabis in some capacity, the federal government currently defines cannabis as a banned substance; and

Whereas, Narcotics and other chemicals that are considered controlled substances under the *United States Controlled Substances Act* are divided into five schedules; and

Whereas, The Schedule I classification applies to a category of substances considered by the United States Drug Enforcement Administration ("DEA") to contain no legitimate medical value and exhibit a high potential of dependence; and

Whereas, Cannabis is a narcotic classified by the federal government as a Schedule I banned substance; and

Whereas, Narcotics that share the same Schedule I classification with marijuana are heroin and "ecstasy;" and

Whereas, During the 117th session of Congress, United States Senator Cory Booker introduced the *Cannabis Administration and Opportunity Act*; and

Whereas, The *Cannabis Administration and Opportunity Act* aims to help those communities most harmed by over 85 years of cannabis prohibition and remedy the disproportionate collateral consequences that have affected people of color; and

Whereas, The *Cannabis Administration and Opportunity Act* seeks to: (i) decriminalize and remove cannabis from the *United States Controlled Substances Act*, and eliminate prohibitions in states that have chosen to legalize cannabis; (ii) establish a Center for Cannabis Products within United States Food and Drug Administration ("FDA") to regulate the production, distribution, and sales of the cannabis industry; (iii) create a restorative grant program to reinvest in communities and individuals most harmed by the failed "War on Drugs" as well as assist in expunging certain cannabis related convictions; and (iv) prioritize cannabis business licenses be awarded to communities that have been disparately impacted by cannabis laws; and

Whereas, The *Cannabis Administration and Opportunity Act* would transfer federal jurisdiction over cannabis from the DEA to the FDA and the Alcohol and Tobacco Tax and Trade Bureau; and

Whereas, The *Cannabis Administration and Opportunity Act* helps create a national approach to the decriminalization of cannabis and assist in addressing the disparate incarceration of people of color; now, therefore, be it

Resolved, That the Council of the City of New York calls United States Congress to reintroduce and pass and the President to sign the Cannabis Administration and Opportunity Act.

Referred to the Committee on Civil and Human Rights.

Res. No. 108

Resolution calling on Congress to pass, and the President to sign, S. Res. 144/H. Res. 269, recognizing the duty of the Federal Government to develop and implement a Transgender Bill of Rights to protect and codify the rights of transgender and nonbinary people under the law and ensure their access to medical care, shelter, safety, and economic security.

By Council Members Hudson, Cabán, Schulman, Ossé and Brewer.

Whereas, According to a 2022 study by the University of California at Los Angeles's Williams Institute, an estimated 1.6 million people in the United States (U.S.) over the age of thirteen identify as transgender; and

Whereas, In November 2022, the Human Rights Campaign (HRC) reported that 32 transgender and gender-nonconforming people in the U.S. died as victims of hate crimes; and

Whereas, According to the Trans Legislation Tracker, 2023 marks the fourth consecutive "record-breaking" year of increased legislative efforts to disenfranchise transgender people from accessing basic healthcare services, uniform legal recognition and protection, employment, educational and athletic opportunities, and the right to openly exist in public life; and

Whereas, According to the American Civil Liberties Union (ACLU), between January and March of 2023, 450 bills—from primarily southern state legislatures—were introduced and advanced to committees, with nearly two dozen bills passed into law that restrict freedom of expression and access to equal opportunities for LGBTQ+ individuals; and

Whereas, The ACLU report compared the 450 anti-LGBTQ+ bills introduced within the first three months of 2023 to the total of 315 bills, previously introduced by state legislatures during the entire 2022 session, and noted the alarming and growing trend away from ensuring civil rights with respect to public services, accommodations, employment, housing, and health care for the LGBTQ+ and transgender community; and

Whereas, According to HRC, anti-transgender legislation has sought to limit discussion of LGBTQ+ topics in schools, restricted gender-affirming health care, and serves to prevent transgender children from playing sports on teams or using bathrooms that align with their gender identities; and

Whereas, A PBS NewsHour/NPR/Marist poll report found 43 percent of Americans to be in support of criminalizing gender-transition-related medical care for minors as opposed to 54 percent who oppose such laws; and

Whereas, S. Res. 144, sponsored by U.S. Senator Edward J. Markey (D-MA) and H. Res. 269, sponsored by U.S. Representative Pramila Jayapal (D-WA-7), was introduced on March 30, 2023—the International Transgender Day of Visibility—in order to create a comprehensive framework of protections to ensure medical care, shelter, safety and economic security in response to escalating attacks upon the transgender community; and

Whereas, According to the New York State Department of Health, in 2022, New York State was home to over one million adults who identify as LGBTQ+, with an estimated 0.5% of New York State adults identifying as transgender or gender non-confirming; and

Whereas, According to HRC, the "epidemic" of violent incidents targeting the transgender and gender non-conforming community in New York City has resulted in at least 11 fatalities in 2023; now, therefore, be it

Resolved, That the Council of the City of New York calls upon Congress to pass, and the President to sign, S. Res.144/H. Res.269, recognizing the duty of the Federal Government to develop and implement a Transgender Bill of Rights to protect and codify the rights of transgender and nonbinary people under the law and ensure their access to medical care, shelter, safety, and economic security.

Referred to the Committee on Civil and Human Rights.

Res. No. 109

Resolution calling on the New York State Legislature to pass, and the Governor to sign, A.1435, also known as the "New York City Teleworking Expansion Act".

By Council Members Hudson, De La Rosa, the Public Advocate (Mr. Williams), Abreu, Gutiérrez and Hanif.

Whereas, The U.S. Office of Personnel Management defines telework as a work flexibility arrangement under which an employee performs the duties and responsibilities of their position, and other authorized activities, from an approved worksite other than the location from which they would otherwise work; and

Whereas, At the onset of the COVID-19 pandemic, many New York City (City) agencies leveraged telework to accomplish their missions during a dangerous and disruptive time; and

Whereas, Now that City workers have returned to their offices, many contend that a City telework policy would increase employee productivity, promote diversity and inclusion, and support employee retention; and

Whereas, Workers report that teleworking eliminates the distractions of a traditional office setting, improving employee efficiency by allowing them to retain more of their time in the day and better accommodate their personal, mental, and physical needs to optimize productivity; and

Whereas, According to U.S. News & World Report, telecommuters log five to seven more hours per week than non-telecommuters; and

Whereas, Additional benefits of telework are greater location and schedule flexibility to accommodate people with disabilities, including mobility challenges and sensory impairments, and

Whereas, Mass adoption of telework has the potential to expand employment opportunities for people with disabilities, for whom tasks like daily grooming and commuting can add strain and complexity to the day, and contribute to increased personal stress and safety risks; and

Whereas, The convenience of telework, especially from the home, can offer an added incentive for many older workers to delay retirement or reenter the workforce; at the same time, employers could tap into this expanded labor pool without having to consider costs associated with office space and transportation; and

Whereas, Telework offers a strategic recruitment advantage for employers; and

Whereas, A December 2022 report by the City Comptroller (Comptroller) found that as of October 2022, the government vacancy rate almost reached 8 percent, far greater than the pre-COVID-19 pandemic rate of about 2 percent; and

Whereas, According to the Comptroller's report, in many critical City agencies the vacancy rate stood far higher: the Department of Small Business Services' vacancy rate was 32.0 percent, the Department of Buildings' vacancy rate was 22.7 percent, and the Department of City Planning's vacancy rate was 22.3 percent; and

Whereas, The Comptroller's report recommended that the City build a comprehensive strategy to attract, retain, and right-size the City workforce, including the implementation of telework for appropriate City titles; and

Whereas, A telework policy tailored to the needs of each City agency has the potential to improve employee efficiency and cure staffing shortages, while encouraging the inclusion of marginalized groups in the City workforce; and

Whereas, The New York City Teleworking Expansion Act, A.1435, sponsored by Assembly Member Nily Rozic, would require City agencies to establish a policy and program to allow employees to perform all or a portion of their duties through teleworking to the maximum extent possible without diminished employee performance; now, therefore, be it

Resolved, That the Council of the City of New York calls on the State Legislature to pass, and the Governor to sign, A.1435, also known as the "New York City Teleworking Expansion Act."

Referred to the Committee on Civil Service and Labor.

Res. No. 110

Resolution calling on the New York State Legislature to pass, and the Governor to sign, legislation allowing family and friends of incarcerated individuals to deliver packages in person during prison visits.

By Council Members Hudson and Rivera.

Whereas, Under a recent New York State Department of Corrections and Community Supervision (DOCCS) policy, Directive 4911A, known as the Secure Vendor Package Program, family members and friends of individuals incarcerated in New York State prisons are no longer allowed to ship food directly to incarcerated people, or bring packages on in-person visits, except for two non-food packages per year, and

Whereas, The Secure Vendor Package Program's intended crackdown on contraband stipulates packages have to be mailed, and must be ordered from online vendors willing to ship to prisons, and

Whereas, Directive 4911A, which began in May 2022 as a pilot program in 8 prisons with plans to expand to all 44 prisons in New York State, and

Whereas, The Secure Vendor Package Program follows a failed attempt in 2018 to implement a similar policy that was reversed after 10 days amid intense public outcry, and

Whereas, Directive 4911A adds financial and logistical burdens to an already difficult shipping process, and

Whereas, Mandating items must be ordered from online vendors creates hardships on families as vendors like Access Securepak and Union Supply charge steep markups for a limited selection of food products, and

Whereas, Many grocery stores and affordable retail vendors don't ship fresh food to prisons, which impacts vulnerable prisoners, such as diabetics, who view food packages as a lifeline, and

Whereas, According to watchdog organization Correctional Association of New York (CANY), the purported relationship between packages and contraband used to justify the new restrictive policy is questionable, and

Whereas, Tyrell Muhammad senior advocate at CANY reportedly indicates that during the pandemic there were no visits and very few packages, but DOCCS had an explosion in drug use, and

Whereas, Advocates argue that much of the contraband making its way into prisons comes from corrections officers and prison staff, an issue the package restrictions fails to address, and

Whereas, According to present and former incarcerated individuals, packages from home provide both access to fresh food and an emotional connection to loved ones, and

Whereas, By further tying a prisoner's access to fresh food to their financial resources, the new package policy threatens to entrench existing health disparities behind bars, especially among Black and low-income people who are highly overrepresented in New York's prison system and must be overturned; now, therefore, be it

Resolved, That the Council of the City of New York calls the New York State Legislature to pass, and the Governor to sign, legislation allowing family and friends of incarcerated individuals to deliver packages in person during prison visits.

Referred to the Committee on Criminal Justice.

Res. No. 111

Resolution calling on the New York State Legislature to pass, and the Governor to sign, S215, the Challenging Wrongful Convictions Act, which would amend state law to provide an authentic legal pathway to criminal conviction exoneration.

By Council Members Hudson and Riley.

Whereas, According to the Innocence Project, New York state has the third highest number of wrongful convictions in the United States; and

Whereas, Current New York State law makes it virtually impossible for innocent individuals who plead guilty to challenge their convictions in court; and

Whereas, According to the National Registry of Exonerations, more than 1 in 5 of the nearly 2,800 people who have been exonerated in the United States since 1989 plead guilty, despite knowing they were innocent; and

Whereas, According to the Innocence Project, New York State has an extremely high rate of plea bargaining, 98% for felony cases, with many pleas accompanied by a Waiver of Appeal; and

Whereas, According to *People v. Bisono*, the New York Court of Appeals, in deciding 10 cases consolidated for review, found the defendant's waivers of the right to appeal were invalid; and

Whereas in a two page memorandum the New York Court of Appeals held that they could not say with confidence that the defendant comprehended the nature and consequences of the waiver of their appellate rights; and

Whereas, There are also structural barriers to exoneration after a guilty plea as ruled in *People v. Tiger* where the New York Court of Appeals held that people who plead guilty cannot challenge their convictions solely on the grounds of innocence ;and

Whereas, S215 sponsored by Zellnor Myrie, amend article 440 of the criminal procedure law, which governs post-judgment motions, to provide people previously convicted of crimes the opportunity for meaningful review to ensure redress for wrongful convictions, including in cases where the person pled guilty; and

Whereas, S215 addresses motions to vacate judgment, authorizes filing motions to vacate judgment due to a change in law, authorizes motions to vacate judgment to be filed at any time after entry of a judgment obtained at trial or by plea, and extends due process protections to applicants for post-conviction relief; and

Whereas, New York State must act to right past wrongs and allow people wrongfully or improperly convicted in previous decades to clear their names and their records; and now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to pass, and the Governor to sign, S215, the Challenging Wrongful Convictions Act, which would amend state law to provide an authentic legal pathway to criminal conviction exoneration.

Referred to the Committee on Criminal Justice.

Res. No. 112

Resolution designating May 20 annually as Gloria "Hurricane G" Rodriguez Day in the City of New York and recognizing her contributions to the cultural landscape of her home borough of Brooklyn and to Hip Hop worldwide.

By Council Members Hudson and Ossé.

Whereas, Lifelong Brooklynite Gloria Rodriguez was born on May 20, 1970, and became one of Hip Hop's first female Puerto Rican MCs (master of ceremonies), known to her fans as Hurricane G; and

Whereas, Hurricane G became the first female member of Def Squad (originally known as Hit Squad), the Hip Hop crew that included Erick Sermon (who had come from gold-album duo EPMD), Redman, and Keith Murray, who featured each other on their songs; and

Whereas, Hurricane G gained notice in 1992 when she called out rap legend Redman at the beginning of his "Tonight's Da Night," starting with "Yo yo Redman"; and

Whereas, Hurricane G "[stole] the show," according to KEXP radio host Larry Mizell, Jr., on "We Run N.Y.," her second hit with Redman, which came from his 1994 *Dare Iz a Darkside* album; and

Whereas, Well-known Hip Hop radio duo and rap kingmakers Stretch and Bobbito praised Hurricane G's "Milky" (featuring Redman and produced by Sermon), which they debuted on their WKCR-FM show and which showed off Hurricane G's freestyling flow, with lines like "I'm livin' like Thanksgivin' and chillin' "; and

Whereas, *All Woman*, released in 1997 on Jellybean Benitez's H.O.L.A. (Home of Latino Artists) Recordings, was Hurricane G's only solo album and included songs rapped in English and in Spanish, "effortlessly bringing a distinctive Nuyorican edge to her straightforward flow," according to the *Pitchfork* newsletter; and

Whereas, "Somebody Else" from *All Woman* rocketed to No. 10 on Billboard's Hot Rap Singles chart, telling the painful story of being mistreated in a relationship and using the haunting chorus of "You gonna make me love somebody else if you keep on treating me the way you do"; and

Whereas, "El Barrio" from *All Woman*, rapped in Spanish in Hurricane G's characteristic Nuyorican style to a lyrical melody, tells the story of the resilient and proud "Hurricane Gloria, the queen of rap," growing up in the barrio, where "kings and queens suffer and die" and where "life … is hard, I swear it to you"; and

Whereas, Hurricane G brought her unique style to a remix of Puff Daddy/P. Diddy's "P.E. 2000," as Hurricane G and Diddy rap together in Spanish to a driving infectious beat; and

Whereas, Hurricane G also collaborated with other rappers, including with Xzibit on "Just Maintain" and "Bird's Eye View" from his debut album; and

Whereas, In 2013, Hurricane G. released *Mami & Papi*, a final album with fellow Brooklyn rapper Thirstin Howl III; and

Whereas, Hurricane G died on November 6, 2022, after a battle with lung cancer, and was eulogized by Old School Hip Hop Lust, a repository of Hip Hop history, as "an unapologetic spitter of cultural rigor—instilling a prominent spotlight on Afro-Latina hip-hop practitioners"; and

Whereas, Sermon, who shares a daughter with Hurricane G, paid tribute to Hurricane G as "a legend in her own right" and as someone "who paved the way" and was "as real as they come"; and

Whereas, It is appropriate to dedicate a day to honor Hurricane G's legacy as one of rap's female pioneers; now, therefore, be it

Resolved, That the Council of the City of New York designates May 20 annually as Gloria "Hurricane G" Rodriguez Day in the City of New York and recognizing her contributions to the cultural landscape of her home borough of Brooklyn and to Hip Hop worldwide.

Referred to the Committee on Cultural Affairs, Libraries and International Intergroup Relations.

Res. No. 113

Resolution calling on the New York State Department of Education to mandate bystander intervention training for all staff, educators and administrators, require annual training for students in grades 6-12, and resources for parents around the issues of harassment and bullying.

By Council Members Hudson, Farías and Louis.

Whereas, Bullying and harassment are serious societal problems and widespread in schools throughout the United States (U.S.); and

Whereas, The most recent data available from the National Center for Education Statistics, a division of the U.S. Department of Education, found that in 2019 approximately 22% or 1 in 5 students ages 12-18 reported being bullied at school during the school year; and

Whereas, According to stopbullying.gov, a federal government website managed by the U.S. Department of Health and Human Services, bullying not only affects those who are bullied, but also those who bully, and those who witness bullying, known as "bystanders"; and

Whereas, Bullying and harassment can interfere with a student's ability to learn and can lead to lower grades, dropping out of school, mental health issues such as depression and engaging in high risk behaviors such as drug and alcohol abuse, and even suicide; and

Whereas, New York State enacted its own anti-bullying law, the "Dignity for All Students Act" (DASA), in September 2010, which took effect on July 1, 2012; and

Whereas, The goal of DASA is to provide the State's public school students with a safe and supportive environment free from discrimination, harassment, and bullying; and

Whereas, DASA requires schools to collect and report data regarding incidents of discrimination, harassment, and bullying; and

Whereas, Further, DASA requires school districts to create policies, procedures and guidelines intended to create a school environment that is free from harassment, bullying, and discrimination; and

Whereas, As part of this effort, schools are responsible for providing training to employees to raise awareness of, as well as prevent and respond to, acts of harassment, bullying, and discrimination, and

Whereas, However, DASA doesn't specify any particular type of employee training, nor require specific anti-bullying and harassment instruction for students, rather leaving it up to individual schools and districts to determine; and

Whereas, Bystander intervention training is an evidence-based strategy to reduce harassment, bullying, and violence; and

Whereas, According to the New York City Commission on Human Rights, "Bystander intervention is built on the idea that we all play a role in creating safe public spaces for each other when we see our neighbors and community members facing bias, discrimination, or harassment"; and

Whereas, Moreover, bystander intervention trainings provide witnesses with the tools and strategies to safely respond when they witness incidents of bullying and harassment; and

Whereas, Anti-bullying intervention programs that have been shown to be most effective implemented activities at the individual, peer, classroom, school, and parent levels; and

Whereas, To date, the New York City Department of Education has not required bystander intervention training for staff (to include teachers, administrators and other appropriate staff) or instruction for students, nor has it provided training and additional resources to parents and guardians of these students; and

Whereas, The quality of implementation of prevention programs has been found to be a significant factor in achieving positive outcomes; and

Whereas, To optimize learning, bystander intervention training and resources should be developed by experts in anti-harassment/anti-bullying spaces in New York City; the training offered to staff, administrators, and parents should be a minimum of 60 minutes and include a live in-person or virtual instructor; and the training offered to students should be a minimum of 2 hours and offered as live, in-person instruction; and

Whereas, Requiring bystander intervention training for school staff, instruction for students, and resources for parents regarding harassment and bullying would help to create a safe environment and positive learning conditions for all students; now, therefore, be it

Resolved, That the Council of the City of New York calls on the New York State Department of Education to mandate bystander intervention training for all staff, educators and administrators, require annual training for students in grades 6-12, and resources for parents around the issues of harassment and bullying.

Referred to the Committee on Education.

Res. No. 114

Resolution calling on the New York State Legislature to pass, and the Governor to sign, A.4375/S.351, to require school districts and charter schools to include instruction on the political, economic, and social contributions, and lifeways of lesbian, gay, bisexual, transgender, queer, intersex, and asexual people, in an appropriate place in the curriculum of middle school and high school students.

By Council Members Hudson, Cabán, Schulman, Ossé and Bottcher.

Whereas, The lesbian, gay, bisexual, transgender, queer, intersex, and asexual (LGBTQIA or LGBTQ+) communities have historically been marginalized and discriminated against throughout the United States (U.S.); and

Whereas, LGBTQ+ youth continue to be frequent targets of discrimination and harassment, particularly in school; and

Whereas, According to the latest (2021) National School Climate Survey conducted by the Gay, Lesbian and Straight Education Network (GLSEN), 76.1% of LGBTQ+ students reported being verbally harassed at school because of their sexual orientation or gender expression; and

Whereas, The survey further noted that 31.2% of LGBTQ+ students reported being physically harassed and 12.5% reported being physically assaulted at school in the past year because of their sexual orientation or gender expression; and

Whereas, LGBTQ+-related discrimination at school has extremely negative effects on students; and

Whereas, According to GLSEN's 2021 survey, LGBTQ+ students who experienced discrimination at school were nearly three times as likely to have missed school in the past month and had lower GPAs than their peers; and

Whereas, The GLSEN survey also found that LGBTQ+ students who experienced discrimination at school had lower self-esteem and school belonging and higher levels of depression, which is of particular concern in light of the fact that LGBTQ+ youth have significantly higher rates of attempted suicide and suicidal ideation than the general population; and

Whereas, Studies have shown that teaching LGBTQ history in the classroom leads to fewer instances of bullying and harassment at school and creates a safer school climate for all students regardless of sexual orientation or gender expression; and

Whereas, Furthermore, LGBTQ+ communities and individuals have made lasting contributions to the U.S. as a whole and New York in particular, including breaking barriers and paving the way for a more inclusive, tolerant, and understanding society; and

Whereas, A.4375, sponsored by Assembly Member Daniel O'Donnell, and its companion bill S.351, sponsored by Senator Robert Jackson, would require school districts and charter schools to include instruction on the political, economic, and social contributions, and lifeways of lesbian, gay, bisexual, transgender, queer,

intersex, and asexual people, in an appropriate place in the curriculum of middle school and high school students; and

Whereas, In addition, A.4375/S.351 would create a task force to study, make recommendations, and prepare a report on the policies, procedures, and best practices for the selection and adoption of inclusive instructional materials; and

Whereas, As New York is the historic home of many of these communities and social movements, it is fitting and appropriate that our state fully tells their stories so our students are prepared for a more inclusive world view; and

Whereas, Moreover, it is incumbent upon schools to ensure equal educational opportunity, basic civil rights protections, and freedom from erasure for all students, including LGBTQ+ young people; now, therefore, be it

Resolved, That the Council of the City of New York calls on on the New York State Legislature to pass, and the Governor to sign, A.4375/S.351, to require school districts and charter schools to include instruction on the political, economic, and social contributions, and lifeways of lesbian, gay, bisexual, transgender, queer, intersex, and asexual people, in an appropriate place in the curriculum of middle school and high school students.

Referred to the Committee on Education.

Res. No. 115

Resolution calling upon the United States Department of Health and Human Services to increase the number of monkeypox vaccines available and ensure the amount of vaccines sent to New York City is reflective of the proportion of the nationwide cases for an equitable distribution and effective containment of the nationwide monkeypox outbreak.

By Council Members Hudson, Bottcher, Ossé, Cabán, Schulman and Carr.

Whereas, Monkeypox, which is a contagious disease that is spread through close physical and intimate contact, is now spreading across the globe, including the United States and other nations that have generally been free from the monkeypox virus in recent decades; and

Whereas, Monkeypox is not as contagious as other viruses, such as the virus that causes COVID-19, and is typically spread through direct contact with rash, sores, and/or bodily fluids of an infected person; respiratory droplets; kissing; engaging in sexual activity; or sharing clothes, bedsheets, or food; and

Whereas, While any person can be susceptible to monkeypox, the recent outbreak has clustered around members of the LGBTQ+ community, specifically, gay, bisexual, or other men who have sex with men (MSM); and

Whereas, Although the mortality rate for monkeypox is between three to six percent globally, in countries like the United States, with access to quality health care, the death rate falls below one percent; and

Whereas, Although monkeypox is rarely fatal and often self-healing, symptoms include rash, sores, discomfort from itching, fevers, headaches, and tiredness that may appear seven to 21 days after the exposure and last for a few days to a few weeks; and

Whereas, New York City has become the national epicenter of monkeypox, with the highest rate of infected persons and, according to New York State Health Commissioner Dr. Mary Bassett, this number is expected to increase as more testing is made available; and

Whereas, As of August 3, 2022, the Centers for Disease Control and Prevention (CDC) has reported 6,617 cases nationwide, with New York State making up almost a quarter of the total infected persons (1,666 individuals); and

Whereas, As of August 3, 2022, the New York City Department of Health and Mental Hygiene (DOHMH) reported a growing count of 1,558 monkeypox cases, which is almost equivalent to the CDC's total of 1,666 infectious individuals for New York State, emphasizing that the bulk of cases from New York State are coming from New York City; and

Whereas, In response to the outbreak, as of July 21, 2022, the United States Department of Health and Human Services (HHS) has distributed nearly 200,000 JYNNEOS vaccinations, a two-dose vaccine for monkeypox and smallpox, administered over a period of 14 days, nationwide; and

Whereas, As of July 21, 2022, those eligible in New York State for the vaccine include individuals with recent exposure to a suspected or confirmed monkeypox case within the past 14 days; those at high risk of a recent exposure to monkeypox (including gay men, those in the bisexual, transgender, and gender non-conforming community and other communities of MSM); and individuals who have had skin-to-skin contact with someone in a social network experiencing monkeypox spread; and

Whereas, New York City has the highest infection rate in the country, yet as of July 19, 2022, it has only received approximately 12% (23,963) of JYNNEOS doses out of the 200,000 distributed by HHS, leading to an extreme vaccination shortage in the city for eligible individuals; and

Whereas, This shortage of monkeypox vaccinations was demonstrated when all 9,200 appointments made available by DOHMH were booked within 10 minutes of launch, leading the website to crash; and

Whereas, Due to this unprecedented demand, an additional 14,500 doses were sent to New York City by the Federal government; and

Whereas, Out of those 14,500 doses, 8,200 first dose appointments were made available on July 15, 2022, but were booked within minutes, leaving many eligible patients frustrated as they anxiously await appointments to protect themselves and their loved ones from monkeypox; and

Whereas, An additional 4,000 doses were reserved for referrals from community partner organizations serving highest-risk patients and the remaining vaccines were kept for second dose appointments until more vaccines arrive; and

Whereas, This shortage could have dire consequences as infection rates more than doubled within the week of July 13 to July 20, 2022 in New York City, jumping from 336 to 711 cases; and

Whereas, In July, HHS began distributing 800,000 new vaccinations throughout the country, allotting about 14% (110,000) of JYNNEOS doses to New York State from which, only 80,000 vaccines or 10% of the total supply will be given to the New York City; and

Whereas, As of August 3, 2022, DOHMH has received approximately 40% (32,000) of the promised doses of JYNNEOS vaccines, opening 23,000 new first-dose appointment on its online portal on August 4, 2022, while reserving the rest for referrals from community partner organizations, health care providers, and close contacts of known cases; and

Whereas, On July 11, 2022, New York City Mayor Eric Adams wrote an open letter to United States President Joseph Biden requesting an equity-driven allocation of monkeypox vaccinations for the residents of the New York City; and

Whereas, On July 23, 2022, the World Health Organization (WHO), declared monkeypox a "Public Health Emergency of International Concern," to urge countries to take immediate actions; and

Whereas, On July 29, 2022, New York State Governor Kathy Hochul issued an executive order, declaring the monkeypox outbreak a state disaster emergency to allow a quicker and more flexible response to the growing outbreak; and

Whereas, On August 1, 2022, Mayor Adams issued an emergency executive order, declaring monkeypox a local state of emergency, further echoing alarm on the necessity of equitable monkeypox vaccine distribution and testing services within New York City; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the United States Department of Health and Human Services to increase the number of monkeypox vaccines available and ensure the amount of vaccines sent to New York City is reflective of the proportion of the nationwide cases for an equitable distribution and effective containment of the nationwide monkeypox outbreak.

Referred to the Committee on Health.

Res. No. 116

Resolution calling upon the New York State legislature to pass, and the Governor to sign, legislation that would establish the medical debt relief fund and allow taxpayers to make a donation to such fund on their personal tax returns.

By Council Members Hudson and Schulman.

Whereas, Medical debt is any balance or amount owed after receiving medical services or goods, including amounts owed that have not been paid, have become delinquent, or have been sent to third-party collections; and

Whereas, According to the White House 2022 Fact Sheet, medical debt is now the largest source of debt in collections in the country—more than credit cards, utilities, and auto loans combined; and

Whereas, The Consumer Financial Protection Bureau (CFPB) states that the majority of debt in third-party collections in the United States, about 58 percent, comes from medical bills; and

Whereas, According to RIP Medical Debt, over 100 million adults across the United States struggle with healthcare debt, owing an estimated $195 billion in medical debt combined; and

Whereas, A 2021 United States Census report on the burden of medical debt found that 19 percent of United States (U.S.) households are unable to pay their medical debt, owing a median of $2000 per household; and

Whereas, Additionally, young adults, low-income households, people with some to no college education, people with disabilities, the uninsured, immigrants, Black and Hispanic communities, and families with minor children are disproportionately impacted and make up the bulk of the population with medical debt; and

Whereas, The National Library of Medicine found that black adults incur substantial medical debt compared to white adults, and more than 40 percent of this difference is mediated by health status, income, and insurance disparities; and

Whereas, According to Kaiser Health News (KHN), despite the landmark 2010 Affordable Care Act (ACA), which expanded insurance coverage to tens of millions of Americans, patient debt continues to rise as health insurers have shifted costs onto patients through higher deductibles, forcing working-class people to pay thousands of dollars in healthcare bills and leaving many vulnerable to medical debts and bankruptcy; and

Whereas, Public Citizen reports that every year more than 60 percent of all personal bankruptcies are caused by medical debt, as nearly 650,000 people are pushed into bankruptcy by medical bills; and

Whereas, According to CFPB, medical debt can lead people to avoid medical care, develop physical and mental health problems, and face adverse financial consequences like lawsuits, wage and bank account garnishment, home liens, and bankruptcy; and

Whereas, Furthermore, past-due medical debt reported to consumer reporting companies can appear on a person's credit report, which can lower their credit score and reduce their access to credit, making it harder for many to rent or buy necessities such as a home or car; and

Whereas, Data published by Community Service Society found that between 2015 and 2020, over 52,000 New Yorkers were sued by hospitals, and thousands of New Yorkers have had property liens placed on their homes or had their wages garnished because of medical debt; and

Whereas, To aid certain causes such as Alzheimer's, Firearm Violence Research, and Teen Health Education, the New York State Department of Taxation and Finance allows individuals to make voluntary contributions to various funds of their choice on their personal income tax return; and

Whereas, As of May 2023, there are 34 funds that New Yorkers can contribute to on their personal income tax through completing Form IT-227; and

Whereas, Creating such a fund for medical debt would help New Yorkers access the healthcare they need without being pushed into medical debt related bankruptcy; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State legislature to pass, and the Governor to sign, legislation that would establish the medical debt relief fund and allow taxpayers to make a donation to such a fund on their personal tax returns

Referred to the Committee on Health.

Res. No. 117

Resolution calling on the New York State Legislature to pass, and the Governor to sign, legislation to extend the statute of limitations for medical negligence and related injury civil suits to ten years.

By Council Members Hudson, Menin and Schulman.

Whereas, New York City has both a large number of medical facilities and providers, and a high volume of malpractice claims; and

Whereas, In New York State ("State"), the statute of limitations to sue for a particular condition, illness or injury resulting from medical malpractice is two years and 6 months from date of malpractice, or from the end of continuous treatment rendered by the party or entity; and

Whereas, This statute of limitations is the shortest negligence statute in the State, except for claims against municipalities; and

Whereas, The current statute of limitations causes undue hardship for victims of medical malpractice and related injuries, particularly in cases arising out of a misdiagnosis or failure to diagnose, where the patient may not discover the injury suffered until well after the statute of limitations has expired; and

Whereas, The current statute of limitations does not account for cases where the injury may not manifest itself until years after the negligent act, such as, for example, a patient exposed to radiation that eventually leads to cancer; and

Whereas, The State has already recognized the need for discovery of injuries in cases of toxic torts, enacting Civil Practice Laws & Rules (CPLR) Section 214-c in 1986, which delays the statutory period to initiate a lawsuit until individuals exposed to toxic substances have discovered their injuries; and

Whereas, In 1992, CPLR Section 214-c was amended to include implantation within "exposure" to remedy an injustice to patients with silicone breast implants; and

Whereas, The current statute of limitations is founded on an outdated principle that a lawsuit based on negligence must be filed at the time of the negligent act; and

Whereas, Other states, including New Jersey and North Carolina, recognize that some injuries do not manifest at the time of the negligent act, and permits victims of medical malpractice to discover their injury before their statutory period to initiate a lawsuit runs out; and

Whereas, Extending the statute of limitations would remove this barrier, which effectively allows a patient's rights to expire before they are even aware they had rights in the first place; and

Whereas, While some individuals and lawyers may try to take advantage of statutes of limitations, such as, for example, by waiting until just before it expires in hopes of securing a settlement, or by disputing the date of injury; and

Whereas, According to a report by the Medical Liability Monitor, as of 2021, New York is among the states with the highest medical malpractice rates in the country; and

Whereas, These high rates are often attributed to the large number of medical malpractice claims in the State and the high cost of defending against such claims; and

Whereas, Such legislation would prevent the statute of limitations from being used as an unfair and inequitable shield for professionally negligent medical misconduct; 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 to extend the statute of limitations for medical negligence and related injury civil suits to ten years

Referred to the Committee on Health.

Res. No. 118

Resolution calling upon institutions of higher education in New York City to take action to create and foster LGBTQIA+ inclusive campus climates.

By Council Members Hudson, Cabán, Ossé and Bottcher.

Whereas, The New York City Council's LGBTQIA+ caucus is concerned about discrimination against LGBTQIA+ persons and LGBTQIA+ organizations at institutions of higher learning; and

Whereas, Some LGBTQIA+ students in New York City have expressed that they feel excluded, othered, and unwelcomed on their university campuses; and

Whereas, The New York City Human Rights Law prohibits discrimination on the basis of actual or perceived sexual orientation in employment, housing, commercial space and lending practices, public accommodations, credit, apprentice training programs, and education; and

Whereas, The New York State Sexual Orientation Non-Discrimination Act prohibits discrimination on the basis of actual or perceived sexual orientation in employment, housing, public accommodations, education, and credit; and

Whereas, Joint National Public Radio and Robert Wood Johnson Foundation statistical research shows that 58 percent of LGBTQIA+ respondents say that they are sometimes or often discriminated against at college; and

Whereas, Analysis conducted by Cornell University shows that there is a strong link between anti-LGBTQIA+ discrimination and harms to the health and well-being of LGBTQIA+ people; and

Whereas, The National Institute of Mental Health found that while rates of depression, suicidal thoughts, and suicidal behaviors are high among all college students, rates for these risk factors are higher among adolescents and young adults identifying as LGBTQIA+; and

Whereas, The National Institute of Mental Health results show that students identifying as transgender, non-binary, genderqueer, or other-gender have significantly higher rates of depression, suicidal ideation, and suicide attempts relative to cisgender students; and

Whereas, The National Institute of Mental Health results demonstrate that students identifying as asexual, pansexual, bisexual, queer, or mostly gay/lesbian are substantially more likely to have two or more suicide risk factors relative to heterosexual students; and

Whereas, The significant variation in suicide risk highlights the need for targeted interventions for groups at highest risk; and

Whereas, Research conducted by the U.S. Department of Education shows that students report less discrimination and bias at institutions where they perceive a stronger institutional commitment to diversity; and

Whereas, According to the U.S. Department of Education, institutions of higher education serve as gateways to educational and economic mobility; and

Whereas, U.S. Department of Labor, Bureau of Labor Statistics data indicates that the attainment of a postsecondary degree has become increasingly important due to technological changes and increasing demand for skilled workers; now, therefore, be it

Resolved, That the Council of the City of New York calls upon institutions of higher education in New York City to take action to create and foster LGBTQIA+ inclusive campus climates.

Referred to the Committee on Higher Education.

Res. No. 119

Resolution calling on the New York State Legislature to pass, and the Governor to sign, legislation denying property owners from filing eviction proceedings for tenants who reside in buildings with substantial pending housing maintenance code violations.

By Council Members Hudson, Cabán, Hanif, Farías, De La Rosa and Schulman.

Whereas, Building and housing maintenance codes are the regulations and standards governing building and housing construction in New York State (NYS or the State) and New York City (NYC or the City), establishing a base set of standards that ensure a building's safety, quality, and habitability; and

Whereas, The Department of Buildings (DOB) and the Department of Housing Preservation and Development (HPD) hold building owners accountable to these standards through inspections and issuing violations for failure to meet standards and requirements; and

Whereas, Housing maintenance code violations are issued by HPD and can be summarized as Class "A" Non-Hazardous, Class "B" Hazardous, and Class "C" Immediately Hazardous violations; and

Whereas, The Office of the New York City Public Advocate published its "2021 Worst Landlord Watchlist", in which it found that from December 2020 to November 2021, a total of 463 buildings, housing 9,384 units, averaged 55,202 open Class B and Class C HPD violations; and

Whereas, On March 1, 2022, HPD announced its Alternative Enforcement Program (AEP), in which it would increase enforcement at 250 apartment buildings that have around 40,000 combined open Class B and Class C violations, with Crain's New York Business reporting that more than 50 of the buildings listed as part of the AEP belonged to landlords on the Public Advocate's Worst Landlord Watchlist; and

Whereas, No statute currently prevents landlords or property managers with outstanding housing code violations from filing eviction proceedings; and

Whereas, The COVID-19 pandemic saw the introduction of a statewide eviction moratorium, which expired on January 15, 2022, allowing eviction proceedings to resume; and

Whereas, The State and particularly the City are experiencing an eviction crisis, as the eviction moratorium's expiration saw an increased rate of eviction filings, which, combined with the backlog of eviction cases present before the pandemic eviction moratorium, resulted in 266,426 total pending eviction cases in New York State for the week of October 23, 2022, according to the advocacy organization Right to Counsel NYC Coalition, citing state court data; and

Whereas, The eviction moratorium's expiration quickly saw NYC Housing Court calendars flooded with eviction cases and legal service providers lacking the resources to keep up with the accelerated pace of residential eviction cases, resulting in many tenants facing eviction proceedings without a lawyer; and

Whereas, A 2021 working paper from the Furman Center at NYU established that a growing body of sociological research shows that eviction is associated with economic hardship, worse health outcomes, and prolonged residential instability; and

Whereas, Independent news organization, The Indy, reported on March 31, 2022 that many tenants across NYC were experiencing poor living conditions, with some facing eviction despite these conditions; and

Whereas, HPD states that landlords are required to keep their buildings in compliance with the housing maintenance codes and must otherwise keep their buildings in livable conditions, and a property's state of disrepair or poor living conditions is cited by the New York State Unified Court System as a common defense in eviction proceedings; and

Whereas, Tenants have the right to mount a defense against eviction proceedings filed against them, but going through the court system to begin a legal defense requires time, resources, and knowledge that many tenants do not have; and

Whereas, Property owners and landlords with outstanding violations should not be allowed to file eviction proceedings in housing court as doing so would contribute to the backlog in the housing court system, and the burden then falls on the tenant to prove the state of their living conditions in court, a difficult prospect for many tenants who often do not have the money, time, or knowledge to mount an effective eviction defense; 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 denying property owners from filing eviction proceedings for tenants who reside in buildings with substantial pending housing maintenance code violations.

Referred to the Committee on Housing and Buildings.

Res. No. 120

Resolution calling upon New York State Legislature to pass, and the Governor to sign, S7475B/ A7770C, which would increase oversight of the immigration bond industry and curb abusive practices.

By Council Members Hudson and Hanif.

Whereas, There were more than 21,000 immigrants booked into Immigration and Custom Enforcement (ICE) detention as of June 2022, according to data by Syracuse University; and

Whereas, Immigrant New Yorkers are detained in approximately 76 different detention facilities in New York State; and

Whereas, Some immigrant detainees are bond eligible and can be charged between $1,500 and $10,000 for a bond, according to *Documented*; and

Whereas, According to *Documented*, the median bond is $7,500 in New York City; and

Whereas, Many bond companies require immigrant detainees to pay fees greater than $400 to wear an ankle monitor in exchange for a bond; and

Whereas, According to Human Rights First report, the average wait time in New York State immigration courts is at least 2 years; and

Whereas, As a result, detained immigrants sometimes end up paying thousands of dollars for ankle monitor fees alone; and

Whereas, For example, a Virginia-based for-profit bond company, Libre by Nexus, reportedly charged one immigrant detainee $420 a month for an ankle monitor over the course of three years as the detainee waited for his case to proceed; and

Whereas, In 2021, New York Attorney General Letitia James, along with U.S. Consumer Financial Protection Bureau and the attorneys general of Massachusetts and Virginia, sued Libre by Nexus in federal court, for alleged deceptive and abusive practices; and

Whereas, S7475B, introduced by State Senator Jamaal Bailey, and companion bill, A7770C, introduced by State Assembly Member Harvey Epstein, would impose restrictions on immigration bail businesses and prohibit immigration bond businesses from requiring electronic monitoring as a condition of an immigration bail; and

Whereas, S7475B/A7770C would also establish a cap on immigration bond premiums; and, therefore, be it

RESOLVED, That the Council of the City of New York calls upon New York State Legislature to pass, and the Governor to sign, S7475B/ A7770C, which would increase oversight of the immigration bond industry and curb abusive practices.

Referred to the Committee on Immigration.

Res. No. 121

Resolution calling on the New York State Legislature to pass and the Governor to sign S9247/A10447, which would prohibit fake electronic communication service accounts and use of such information by law enforcement and other government entities.

By Council Members Hudson and Avilés.

Whereas, S9247/A10447 sponsored by Senator Cordell Cleare and Assembly Member Zohran K. Mamdani, respectively, prohibit the creation of fake electronic communication service accounts and prohibits the collection and use of account information by law enforcement and other governmental entities; and

Whereas, According to the police accountability group *Lucy Parsons Labs*, law enforcement uses undercover techniques to monitor and manipulate social media users to mine location and content data from

Twitter, Facebook, Instagram, Snapchat, TikTok, etc., by setting up fake accounts to assemble dossiers on persons of interest; and

Whereas, Tool sites such as Geofeedia, Statigram, Instamap, Echosec, Voyager Labs, etc, help law enforcement agencies to analyze photo trends or collect photos on individuals in targeted areas; and

Whereas, The aforementioned Voyager Labs software can reportedly enable law enforcement clients to collect and analyze user data from companies like Facebook and use fake accounts to access otherwise inaccessible and private user information; and

Whereas, Reports indicate Geofeedia can be used to geolocate users and conduct a radius and polygram search of an area for social media content as according to the American Civil Liberties Union (ACLU) was used to track the accounts of Black Lives Matter protesters for law enforcement clients as a crackdown on political dissent; and

Whereas, In addition to these tools relying on individuals' public social media posts, law enforcement agencies can purportedly use catfishing, creating fake accounts, to get non-public social media data, even though such accounts are not permitted on Facebook, Twitter, Instagram, Snapchat, TikTok, etc.; and

Whereas, According to a nationwide 2014 Lexis Nexis survey, 70 percent of detectives using undercover online operations are self-taught, 52 percent of departments polled have no formal process for using social media in investigations, and 40 percent of law enforcement officers used social media monitoring just to keep tabs on "special events"; and

Whereas, The New York City Police Department (NYPD) has formalized social media protocols for its own social media presence and the social media presence of officers outside their work in NYPD Patrol Guide procedure 203-28; and

Whereas, Although NYPD Operations Order 34, is entitled, "Use of Social Networks for Investigative Purposes" beyond requiring supervisory approval to create an online alias, the policy does not contain guidance on the normative factors to consider in either creating such an alias or in using mined data for any purpose and would appear that the discretion of supervisory officers is guiding these decisions; and

Whereas, Civil liberties advocates warn that users should be concerned about the ways in which their data is being retained and interpreted by law enforcement as the NYPD's social media surveillance gang operations allegedly collect and sift through social media content from teens and pre-teens over years, and use the information against them in court; and

Whereas, According to the ACLU, such social media monitoring methods are unfairly targeting the general public and not those who have already committed a crime and should not give law enforcement a "blank check" to create undercover accounts and collect information on law abiding people; and

Whereas, Deceptive, malicious, and abusive tactics undertaken by law enforcement under the guise of fake social media profiles are being used to trick the public into waiving their rights by accepting friend and follow requests from officers must cease; 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 S9247/A10447, which would prohibit fake electronic communication service accounts and use of such information by law enforcement and other government entities

Referred to the Committee on Public Safety.

Res. No. 122

Resolution calling on the New York State Legislature to pass, and the Governor to sign, legislation requiring the Metropolitan Transportation Authority to publish air pollution data for each subway station and mitigate the highest concentrations of air pollutants

By Council Members Hudson and Restler.

Whereas, In New York City (NYC or the City), the subway system is managed, maintained and run by NYC Transit, a subsidiary of the Metropolitan Transportation Authority (MTA) which is a State-run entity; and

Whereas, Millions of New Yorkers rely on the City's subway system for their public transportation needs; and

Whereas, There are 472 subway stations and 665 miles of track across the City, with many of those stations and tracks located underground and in tunnels; and

Whereas, One of the benefits of using public transportation, like the City's subway system, is that it removes hundreds of thousands of cars from our streets, contributing to a cleaner environment; and

Whereas, According to the MTA, traveling by bus or train instead of a vehicle means that there are 400 million fewer pounds of soot, carbon monoxide, hydrocarbons, and other toxic substances released each year into the city's air; and

Whereas, While taking mass transit is beneficial for the environment, the MTA should also ensure that the air quality within the subway itself is safe for its riders; and

Whereas, Researchers from New York University Langone's Department of Environmental Medicine conducted a study (NYU Langone Study) published in February 2021, which found that the City's subways were one of the most polluted transit systems in the Northeast; and

Whereas, The NYU Langone Study found that the concentrations of hazardous metals and organic particles in the subway system were anywhere from two to seven times higher than outdoor air samples in the City; and

Whereas, According to the NYU Langone Study, the air pollutants found in the City's subway system were likely present due to "the continual grinding of the train wheels against the rails, the electricity collecting shoes, and diesel soot emissions from maintenance locomotives"; and

Whereas, The United States Environmental Protection Agency reports that exposure to particles like those found in the City's subway system can affect both the lungs and the heart and have been linked to asthma, heart disease, and increased respiratory problems; and

Whereas, Data from the Pew Research Center shows that Americans who are lower-income, black or Hispanic, and immigrants are more likely to use public transportation on a regular basis; and

Whereas, In addition to concerns for the health of subway riders, there are concerns about the impact that prolonged exposure to the air pollutants found in the subway might have on MTA employees who spend a significant amount of time in the underground stations; 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 requiring the Metropolitan Transportation Authority to regularly publish air pollution data for each subway station and mitigate the highest concentrations of air pollutants.

Referred to the Committee on Transportation and Infrastructure.

Res. No. 123

Resolution calling on Congress to pass, and the President to sign, the LGBTQIA+ package of legislation currently before Congress.

By Council Members Hudson, Brooks-Powers and Sanchez.

Whereas, The LGBTQIA+ community has long been marginalized, and the movement for equal rights for LGBTQIA+ individuals in the United States has spanned many decades; and

Whereas, The first documented gay rights organization in the U.S., the Society for Human Rights, was established in 1924, creating the first known publication in support of gay rights, *Friendship and Freedom*; and

Whereas, On June 28, 1969, a series of protests for gay rights spanning 6 days took place outside of the Stonewall Inn in New York City; and

Whereas, This uprising, commonly referred to as the Stonewall Riots or Stonewall Uprising, was a major turning point in the fight for the rights of groups marginalized due to their sexual orientation, which subsequently led to further progress in securing rights for LGBTQIA+ individuals of all types; and

Whereas, For example, the Supreme Court in 2015 and 2020 issued decisions that led to the legalization of same-sex marriage and the prohibition of discrimination based on sexual orientation and gender identity within employment, respectively; and

Whereas, Despite this significant progress, members of the LGBTQIA+ community still continue to face discrimination and hate; and

Whereas, According to the Federal Bureau of Investigation ("FBI"), as of 2020, the number of hate crimes reported across the country reached its highest level in more than two decades; and

Whereas, In their annual release of hate crime statistics in 2021, with regard to the total number of hate crimes that occurred nationwide in 2020, the FBI reported that 20 percent were anti-gay incidents, the highest category second only to race and ancestry; and

Whereas, On December 13, 2022 President Joseph Biden signed into law H.R. 8404/S. 4556, also known as the Respect For Marriage Act, which repeals the Defense of Marriage Act and provides statutory authority for same-sex and interracial marriage; and

Whereas, A number of other bills have been introduced in the 117th Congress (2021-2022) to strengthen and protect the rights of LGBTQIA+ individuals; and

Whereas, H.R. 5/S. 393, also known as the Equality Act, would prohibit discrimination on the basis of sex, gender identity, and sexual orientation; and

Whereas, H.R. 7993, also known as the Ruthie and Connie LGBTQ Elder Americans Act of 2022, would update the Older Americans Act of 1965 to better serve LGBT elders by establishing a National Resource Center on LGBT Aging, and determining the needs of LGBT elders through data collection and research; and

Whereas, H.R. 4176/S. 2287, also known as the LGBTQI+ Data Inclusion Act, would require federal agencies that collect information through surveys for statistical purposes that include demographics to review existing data sets to determine which data sets do not include information about sexual orientation, gender identity, and variations in sex characteristics; and

Whereas, The aforementioned legislation could greatly impact the lives of LGBTQIA+ individuals living in the United States and should be passed by Congress and signed into law by the President; now therefore, be it

Resolved, That the Council of the City of New York calls on Congress to pass, and the President to sign, the LGBTQIA+ package of legislation currently before Congress.

Referred to the Committee on Women and Gender Equity.

Res. No. 124

Resolution celebrating the contributions of Marsha P. Johnson and Sylvia Rivera to the LGBTQ+ rights movement in the United States.

By Council Members Hudson, Cabán, Ossé, Schulman, Bottcher and Brewer.

Whereas, Marsha P. Johnson and Sylvia Rivera were pioneering transgender activists at the vanguard of the LGBTQ+ rights movement; and

Whereas, Ms. Johnson and Ms. Rivera were both drag performers and vibrant characters in Greenwich Village street life who championed homeless LGBTQ+ youth and those affected by H.I.V./AIDS; and

Whereas, They were key figures in the June 1969 Stonewall Uprising who fought police as they raided the LGBTQ+ bar and safe haven on Christopher Street; and

Whereas, Ms. Johnson, who was born in 1945, was 5 years old when she began to wear dresses, but persecution from other children forced her to stop; and

Whereas, After she graduated from high school, Ms. Johnson moved to New York City with just $15 and a bag of clothes; and

Whereas, Ms. Rivera, who was born in 1951 to a Puerto Rican father and Venezuelan mother, was only 11 when she began living in New York City on her own; and

Whereas, Together, Ms. Johnson and Ms. Rivera founded Street Transvestite Action Revolutionaries (STAR) in 1970, a group that provided shelter and support to poor youth who were shunned by their families; and

Whereas, Ms. Johnson was a "drag mother" of STAR House, in the longstanding tradition of "Houses" as chosen families in the Black and Latinx LGBTQ+ community; and

Whereas, Ms. Johnson worked to provide food, clothing, emotional support, and a sense of family for young drag queens, trans women, and gender nonconformists; and

Whereas, Within the gay rights movement, Ms. Johnson and Ms. Rivera were often sidelined by mainstream organizations that were led by cisgender white men, who excluded transgender people from their activism; and

Whereas, In 1973, Ms. Johnson and Ms. Rivera were banned from participating in the gay pride parade by the gay and lesbian committee administering the event; and

Whereas, Ms. Johnson and Ms. Rivera responded by marching defiantly ahead of the parade; and

Whereas, In 1992, Ms. Johnson's body was pulled from the Hudson River; and

Whereas, Ms. Johnson's death was ruled a suicide, but her peers questioned that determination; and

Whereas, Law enforcement later reclassified the manner of death to drowning from undetermined causes; and

Whereas, In the aftermath of Ms. Johnson's death, Ms. Rivera resurrected the work of STAR, fighting for transgender rights and the enduring legacy of transgender leaders of the LGBTQ+ movement; and

Whereas, Ms. Rivera fought for a trans-inclusive New York State Sexual Orientation Non-Discrimination Act (SONDA), which prohibits discrimination on the basis of actual or perceived sexual orientation in employment, housing, public accommodations, education, credit, and the exercise of civil rights; and

Whereas, The bill eventually passed the New York State legislature in 2002, the same year Ms. Rivera passed away; and

Whereas, Ms. Rivera's legacy lives on though the Sylvia Rivera Law Project, which provides legal assistance to transgender and gender non-conforming people regardless of income or race, and free from harassment and discrimination; and

Whereas, In June of 2019, New York City announced plans to build two monuments honoring both Ms. Johnson and Ms. Rivera for their lifelong commitment to creating safe spaces and ending oppression for LGBTQ+ people; and

Whereas, The efforts of Ms. Rivera and Ms. Johnson still resonate deeply as the health, safety, and autonomy of Black, Brown, and transgender people are still challenged across the country; and

Whereas, Both Ms. Rivera and Ms. Johnson were persistent and enduring voices for the rights of low-income transgender communities, whose work honored the intersectionality of sexual orientation, gender, and race; now, therefore be it

Resolved that the City Council of the City of New York celebrates the contributions of Marsha P. Johnson and Sylvia Rivera to the LGBTQ+ rights movement in the United States.

Referred to the Committee on Women and Gender Equity.

Res. No. 125

Resolution calling upon the New York Legislature to pass and the Governor to sign legislation to ensure equal educational opportunity, basic civil rights protections and laws and policies that prohibit bias-based victimization, exclusion, and erasure of LGBTQ+ young people in K-12 New York State schools, as called for in GLSEN's 2023-2024 "Rise Up for Youth" campaign.

By Council Members Hudson and Cabán.

Whereas, The Gay, Lesbian and Straight Education Network (GLSEN) is an organization founded in 1990 by teachers to create affirming learning environments for lesbian, gay, bisexual, transgender, queer, questioning, intersex and asexual (LGBTQ+) youth; and

Whereas, According to GLSEN, there are over 2 million LGBTQ+ youth who attend schools in the United States; and

Whereas, A 2020 report published by the Williams Institute at the University of California at Los Angeles School of Law estimated 113,000 youth between ages of 13 and 17 in New York State identify as LGBTQ+; and

Whereas, GLSEN's "Rise Up For Youth" campaign calls upon adults and allies in positions of authority to support equal opportunities in education, and rise up to address transphobia, homophobia, racism, and all forms of bigotry and discrimination; and

Whereas, According to the 2021 National School Climate Survey State Snapshot (NSCSSS), anti-LGBTQ+ remarks from students and staff were reported as being overheard by 96 percent of the LGBTQ+ student body in New York State schools; and

Whereas, The 2021 NSCSSS noted LGBTQ+ students in New York State reported experiencing discrimination at school related to their gender—in particular transgender and nonbinary students—who reported being prevented from using their name or preferred pronouns in school, being prevented from using the locker room or rest room aligned with their gender, or being prevented from playing on the sports team that were consistent with their gender; and

Whereas, According to the 2021 NSCSS, while 97 percent of New York State LGBTQ+ students could identify at least one school staff member that they knew to be supportive of LGBTQ+ students, only 72 percent of students could identify 6 or more supportive school staff members; and

Whereas, Although only 25 percent of LGBTQ+ students reported being taught positive representations of LGBTQ+ people, history, or events, 23 percent of the LGBTQ+ students reported their school as having a comprehensive anti-bullying/harassment policy that included protections on sexual orientation and gender identity; and

Whereas, Recommendations from the 2021 NSCSS include implementing professional development for school staff, increasing LGBTQ+ inclusive curricular resources to enable higher academic achievement while working proactively to lower incidence of LGBTQ+ victimization, and seeking to ensure a safe learning environment for all; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York Legislature to pass, and the Governor to sign, legislation to ensure equal educational opportunity, basic civil rights protections, and laws and policies that prohibit bias-based victimization, exclusion, and erasure of LGBTQ+ young people in K-12 New York State schools, as called for in GLSEN's 2023-2024 "Rise Up for Youth campaign.

Referred to the Committee on Women and Gender Equity.

Int. No. 257

By Council Members Joseph, Feliz and Louis.

A Local Law to amend the administrative code of the city of New York, in relation to a universal summer youth program plan

Be it enacted by the Council as follows:

Section 1. Chapter 4 of title 21 of the administrative code of the city of New York is amended by adding a new section 21-414 to read as follows:

§ 21-414 Universal summer youth program plan. a. Definitions. For the purposes of this section, the following terms have the following meanings

Department. The term "department" means the department of youth and community development.

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

Youth. The term "youth" means any person under 18 years of age or under 21 years of age who does not have a high school diploma and who is enrolled in a school as school is defined in this subdivision.

Summer youth program. The term "summer youth program" means any organized program, under the jurisdiction of either the department, the department of education or the department of parks and recreation that occurs during the months of July and August, which allows youths to participate in expanded learning activities that include, but are not limited to, academic support, arts and cultural enrichment, recreation, sports, nutrition, youth development, and mentoring.

b. Subject to appropriation, no later than September 1, 2023, the department, in consultation with the department of education, the department of parks and recreation and any relevant city agency, shall make a summer youth program slot available for any youth who requests one.

§ 2. Universal summer youth program reporting. a. No later than September 1, 2022, and annually thereafter on or before September 1, the department of youth and community development, in consultation with the department of education, the department of parks and recreation and any relevant city agency, shall submit to the mayor and speaker of the council, conspicuously post to its website and make available to youths and parents, a report detailing the implementation efforts to be undertaken by the city to achieve universal summer youth programs pursuant to section 21-414 of the administrative code of the city of New York. Such report shall include, but need not be limited to:

1. An assessment of how many summer youth programs are needed to achieve universal summer youth programs;

2. The availability and cost of creating additional capacity within existing summer youth programs and how many new summer youth programs need to be created and the cost associated with creating such programs;

3. Current methods used by the department of youth and community development, the department of education and the department of parks and recreation to make youths and parents aware of summer youth programs;

4. The number and percentage of youths, disaggregated by borough, taking part in a summer youth program as compared with the preceding calendar year;

5. To the extent such information is available, the demographic information for youths in each summer youth program including, but not limited to age, race, ethnicity, gender and family income as compared with the preceding calendar year;

6. Steps the department of youth and community development, the department of education and the department of parks and recreation are taking to increase enrollment in existing summer youth programs;

7. Implementation deadlines to be achieved in establishing universal summer youth programs; and

8. Any other issues related to summer youth program capacity and participation rates in the city that the department of youth and community development, the department of education and the department of parks and recreation deem appropriate.

b. Beginning with the second report required pursuant to subdivision a of this section and for every report thereafter, the department of youth and community development, in consultation with the department of education, the department of parks and recreation and any relevant city agency, shall incorporate progress made in achieving implementation deadlines required pursuant to paragraph seven of subdivision a of this section. If implementation deadlines are not able to be met in any given year, the department of youth and community development shall detail why the implementation deadline will not be met and identify remedial steps the department will take to achieve the implementation timeframe in subsequent years.

c. The department of youth and community development, in consultation with the department of education the department of parks and recreation and any relevant city agency, shall certify to the mayor and the speaker of the council when a summer youth program slot is available for all youths.

§ 3. This local law takes effect immediately, except that section two of this local law is deemed repealed at the conclusion of the final calendar year during which the department of youth and community development, in consultation with the department of education, the department of parks and recreation and any relevant city

agency, has certified to the mayor and speaker of the council that a summer youth program slot is available for all youth.

Referred to the Committee on Children and Youth.

Int. No. 258

By Council Members Joseph, Restler, Feliz, Abreu and Louis.

A Local Law to amend the New York city charter, in relation to the winterization of farmers' markets

Be it enacted by the Council as follows:

Section 1. Subdivision c of Section 20-i of Chapter 1 of the New York city charter, as amended by local law 40 for the year 2020, is amended to read as follows:

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

1. Provide recommendations to the mayor and agencies regarding food policy;

2. Coordinate multi-agency initiatives relating to food policy;

3. Perform outreach to food policy advocates, community based organizations, academic institutions, and other entities to advance the city's food policy; [and]

4. Support initiatives that are designed to promote access to healthy food, including but not limited to initiatives designed to promote healthy food access for communities that have historically had inequitable access to healthy foods due to economic, racial, or environmental factors*; and*

5. Develop and implement a plan to prepare farmers' markets in the city for use in winter weather.

§ 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 shall take such measures as are necessary for the implementation of this local law before such date.

Referred to the Committee on Economic Development.

Int. No. 259

By Council Members Joseph, Yeger, Restler, Feliz and Louis.

A Local Law to amend the administrative code of the city of New York, in relation to the sale and use of diesel-powered leaf blowers and lawn mowers

Be it enacted by the Council as follows:

Section 1. Chapter 4 of title 20 of the administrative code of the city of New York is amended by adding a new subchapter 14 to read as follows:

SUBCHAPTER 14
LAWN CARE DEVICES

§ 20-699.8 Diesel-powered leaf blowers and lawn mowers.

§ 20-699.9 Penalty.

§ 20-699.8 Diesel-powered leaf blowers and lawn mowers. No person shall distribute, sell or offer for sale a diesel-powered leaf blower or diesel-powered lawn mower after September 1, 2022.

§ 20-699.9 Penalty. a. A person who violates any provision of this subchapter shall be subject to a civil penalty of not less than $250 nor more than $1,000 for each violation.

b. Civil penalties under this section may be recovered by the department in an action in any court of

appropriate jurisdiction or in a proceeding before the environmental control board. Such board shall have the power to impose civil penalties provided for in this section.

c. The civil penalties set forth in subdivision a of this section shall be indexed to inflation in a manner to be determined by department rules.

§ 2. Section 24-242 of the administrative code of the city of New York is amended by adding a new subdivision c to read as follows:

(c) No person shall operate a diesel-powered leaf blower or diesel-powered lawn mower after September 1, 2023.

§ 3. This local law takes effect immediately.

Referred to the Committee on Environmental Protection, Resiliency and Waterfronts.

Int. No. 260

By Council Members Joseph, Feliz and Louis.

A Local Law to amend the administrative code of the city of New York, in relation to establishing a warming centers program

Be it enacted by the Council as follows:

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

§ 17-199.19 Warming centers program. a. Definitions. For purposes of this section, the following terms have the following meanings:

Age group. The term "age group" means the range of ages of the visitors, as determined by the department.

Code blue alert. The term "code blue alert" means a weather emergency notice that the city issues when the temperature is 32 degrees Fahrenheit or below.

Visitor. The term "visitor" means an individual who visits a warming center.

Vulnerable population. The term "vulnerable population" means a group of persons in the city who are more sensitive to, or at a greater health risk, than the general population from the conditions of a cold blue alert.

b. Program established. The commissioner, in consultation with the commissioner of emergency management, shall establish a warming centers program to provide accessible spaces in each borough for the public to obtain refuge during a code blue alert. As part of such program, the commissioner, in consultation with the commissioner of emergency management, shall do the following:

1. Create a list of at least 10 locations in each borough to be used as warming centers, based on criteria, including, but not limited to, the areas where vulnerable populations reside and the areas most accessible to such populations;

2. Identify and coordinate the details of such centers, including, but not limited to, the hours of operation, the amenities offered to visitors, the staff at such centers and staff training;

3. Provide culturally appropriate electronic and non-electronic notification in advance of the opening of such centers to individuals, including, but not limited to, prior visitors, those in vulnerable populations and those who lack internet access;

4. During a code blue alert, operate at least two warming centers in each borough from the list required by paragraph 1 of this subdivision, operating additional centers based on demand and other factors that the commissioner determines by rule; and

5. At least annually survey the visitors regarding the warming centers and utilize the results of such survey to improve such program and centers.

c. Outreach. The commissioner, in consultation with the commissioner of emergency management, shall conduct culturally appropriate outreach on the warming centers program established by subdivision b of this

section to create awareness of such program and the opening of such centers. Such outreach shall include, but need not be limited to, the following:

1. Creating a page about the program established by subdivision b of this section on the department website and the office of emergency management website, which shall provide information, including, but not limited to, the hours of operation and the location of the warming centers that the department operates;

2. Collaborating with churches, community-based organizations and government stakeholders, particularly those that serve vulnerable populations and populations who lack internet access, to enhance awareness of the warming centers; and

3. Posting information on relevant government websites and in public spaces, including, but not limited to, community centers, New York city housing authority buildings, public libraries and senior centers, which shall be made available in the designated citywide languages as defined in section 23-1101.

d. Reporting. No later than one year after the effective date of the local law that added this section, and annually thereafter, the commissioner shall report on the warming centers program required by subdivision b of this section to the mayor and the speaker of the council and post such report on the department's website. Such annual reports shall include, but not be limited to, the following anonymized information:

1. The list of warming centers required by paragraph 1 of subdivision b of this section, and a description of the criteria that the department considered in creating such list;

2. The total number of warming centers that the department operated;

3. The total number of visitors;

4. A list of each warming center that the department operated, with each separate row of such list referencing a unique warming center and providing the following information about such center set forth in separate columns:

(a) The name of such center;

(b) The zip code and borough in which such center operated;

(c) The type of space in which such center was located, including, but not limited to, a community center, a public library, a New York city housing authority building or a senior center;

(d) The number of days and the number of hours per day that such center operated;

(e) The number of staff in such center;

(f) The number of visitors; and

(i) The age group and the zip code of each such visitor;

5. A description of the results of the visitors' survey required by paragraph 5 of subdivision b of this section and how such results were used to improve such centers;

6. An explanation as to why the department operated more than two such centers in a borough pursuant to subdivision b of this section, if applicable;

7. A comparison of the utilization of such centers in the current reporting period to the prior reporting period; and

8. An evaluation of the outreach required by subdivision c of this section, including, but not limited to, recommendations to improve such outreach, recommendations to improve utilization of such centers and an estimate of any resources to implement such recommendations.

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

Referred to the Committee on Health.

Int. No. 261

By Council Members Joseph, Feliz and Louis.

A Local Law to amend the New York city building code, in relation to the means of egress requirements in certain new buildings

Be it enacted by the Council as follows:

Section 1. Section 1006.3.2 of the New York city building code, as added by local law number 126 for the year 2021, is amended to read as follows:

1006.3.2 Single exits. A single exit or access to a single exit shall be permitted from any story or occupied roof designed for human occupancy or use where one of the following conditions exists:

1. The occupant load, number of dwelling units and exit access travel distance do not exceed the values in Table 1006.3.2.

2. Rooms, areas and spaces complying with Section 1006.2.1 with exits that discharge directly to the exterior at the level of exit discharge are permitted to have one exit or access to a single exit.

3. Open or enclosed parking garages where vehicles are mechanically parked shall be permitted to have one exit provided such exit shall not be a vehicle ramp.

4. Group R-3 occupancies shall be permitted to have one exit or access to a single exit.

5. Individual single-story or multistory dwelling units shall be permitted to have a single exit or access to a single exit from the dwelling unit provided that both of the following criteria are met:

5.1. The dwelling unit complies with Section 1006.2.1 as a space with one means of egress.

5.2. Either the exit from the dwelling unit discharges directly to the exterior at the level of exit discharge, or the exit access outside the dwelling unit's entrance door provides access to not less than two approved independent exits.

6. Buildings of Occupancy Group R-2 where all of the following conditions are met:

6.1. The building does not exceed four stories;

6.2. The building contains not more than three dwelling units per story;

6.3. The building is of construction Type I or II;

6.4. The building does not exceed 2,500 square feet (232.3 m^2) per story;

6.5. Each dwelling unit has at least one window facing the street, or facing a lawful yard with open, unobstructed, and direct access to the street. Such yard or direct access shall be a minimum width equal to 25 percent of the vertical distance from the windowsill of the highest operable window, facing such yard or direct access, to the grade of such yard or direct access directly below such window, but shall in no case be less than 36 inches (914.4 mm) wide;

6.6. The stairway extends to the roof surface through a stairway bulkhead complying with Section 1509.2, provided the roof has a slope not steeper than 20 degrees (0.35 rad), or the stairway is constructed against the street wall, with one window facing the street at each landing and access to the roof is provided via a scuttle with a stationary, noncombustible access ladder;

6.7. The stairway is enclosed in 2-hour fire-rated walls with all exit doors leading into the stairway having at least 1½-hour fire rating; and

6.8. The building is equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.2.

7. Buildings of Occupancy Group R-2 of construction Type I or II not exceeding six stories and [not exceeding 2,000 square feet (185.8 m^2) per story.] *the following conditions are met:*

7.1 There are no more than two single exit stairway conditions on the same property;

7.2 Each story does not exceed 4,000 square feet (371.6 m^2) per single exit stairway condition; and

7.3 There are no more than 20 feet (6096 mm) of travel to the exit stairway from the entry/exit door of any dwelling unit.

§ 2. This local law takes effect immediately.

Referred to the Committee on Housing and Buildings.

Int. No. 262

By Council Members Joseph, Restler, Feliz, Louis and Marte.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the installation of speed humps on roadways adjacent to any park equal or greater than one acre

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 19-189.2 to read as follows:

§19-189.2 Installation of speed humps on roadways adjacent to parks. a. Definitions. For the purposes of this section, the following terms having the following meanings:

1. Park. The term "park" means any park under the jurisdiction of the department of parks and recreation that is equal to or greater than one acre.

2. Speed hump. The term "speed hump" means any raised area in the roadway pavement surface extending transversely across the travel way that is composed of asphalt or another paving material and is installed and designed for the purpose of slowing vehicular traffic.

b. Notwithstanding the provisions of sections 19-183 and 19-185 of this chapter, the department shall install a speed hump on all roadways adjacent to any park that is equal or greater than one acre.

c. The commissioner may decline to install any speed hump that is otherwise required by this section if such installation would, in the commissioner's judgment, endanger the safety of motorists or pedestrians or not be consistent with the department's guidelines regarding the installation of speed humps.

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

Referred to the Committee on Transportation and Infrastructure.

Int. No. 263

By Council Members Joseph, Restler, Feliz and Louis.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of transportation to investigate vehicle collisions

Be it enacted by the Council as follows:

Section 1. Section 19-182.3 of the administrative code of the city of New York, as added by local law number 49 for the year 2021, is amended to read as follows:

§ 19-182.3 Crash investigation and analysis unit. a. Definitions. For the purposes of this section, the following terms have the following meanings:

Serious vehicular crash. The term "serious vehicular crash" means any collision between a motor vehicle and a pedestrian, cyclist, motorist or any other person that results in significant injury to or the death of any person*, as well as any collision involving a motor vehicle for which a collision report, as defined by section 14-167, was prepared by the police department of the city of New York.*

Significant injury. The term "significant injury" means any injury categorized as an "A" injury by the New York state department of motor vehicles, or any injury which requires hospitalization, or any other injury as determined by the department.

b. Powers and duties. No later than January 1, 2022, the department shall establish a crash investigation and analysis unit, which shall have the duty to analyze and report on serious vehicular crashes. In coordination with the police department, such unit shall have all powers necessary to investigate serious vehicular crashes or any other crash, including but not limited to, inspecting crash sites, documenting vehicle and party positions, measuring and collecting data, interviewing witnesses, and conducting collision reconstructions. The unit shall also have the primary responsibility for all public statements, press releases or any other public communications regarding serious vehicular crashes and related investigations. Nothing contained in this subdivision shall be construed to inhibit or interfere with the ability of the police department to pursue criminal investigations, or as otherwise conflicting with any obligation under the vehicle and traffic law regarding the investigation of vehicle crashes.

c. *Investigation. The crash investigation and analysis unit shall investigate every serious vehicular crash. Such investigation shall commence no later than one week after the date of the crash, and be completed no later than one month after the date of the crash.*

d. Review of street design. As part of any investigation undertaken pursuant to subdivision b of this section in which the department determines that street design or infrastructure contributed to a serious vehicular crash, the crash investigation and analysis unit shall review the existing street design, infrastructure and driver behavior at the location of each such crash, and as part of each such review, any available crash data or reports on locations with similar street design or infrastructure. In conducting the review, the unit may coordinate with the police department, the department of health and mental hygiene, the office of the chief medical examiner, or any other agency, office or organization deemed relevant by the department. Following each such review, the unit shall determine whether changes to street design or improvements to infrastructure could reduce the risk of subsequent serious vehicular crashes and make recommendations, if any, for safety maximizing changes to street design or infrastructure at the location of such crash, or citywide.

[d] *e*. Reporting. No later than April 30, 2022, and every three months thereafter, the department shall post on its website a report with information on each investigation completed during the preceding three month period ending thirty days prior. Nothing contained in this subdivision shall be construed to inhibit or interfere with the ability of the police department to pursue criminal investigations, or as otherwise conflicting with any obligation under the vehicle and traffic law regarding the investigation of vehicle crashes. Furthermore, nothing required to be reported by this subdivision shall be reported in a manner that would reveal the identity of a person or persons involved in a serious vehicular crash. Each such report shall include, but need not be limited to, the following:

1. The total number of investigations completed *during the reporting period*;

2. *For each such investigation, all* [All] evidence and data collected pursuant to each *such* investigation*, including a graphical reconstruction of the serious vehicular crash*;

3. *For each such investigation, any determinations* [Determinations] as to fault, including any potential criminal wrongdoing;

4. *For each such investigation, any* [Any] factors that may have contributed to each crash, or increased or mitigated the severity of each such crash; [and]

5. *For each such investigation, whether* [Whether] changes to street design or improvements to infrastructure could reduce the risk of subsequent serious vehicular crashes, at each crash location or other similar locations, *the estimated cost to implement such improvements*, and a recommendation as to any such changes or improvements that should be made[.]*; and*

6. For each such investigation, the number of serious vehicular crashes with similar contributing factors, including but not limited to the travel direction of the motor vehicles, pedestrians, cyclists, or other persons involved in the serious vehicular crash or the speed of the motor vehicle at the time of the serious vehicular crash, that have occurred at the intersection or location in the previous five years. If the department made any changes to the street design or infrastructure at such intersection or location within the previous five years, the report shall include an analysis of the quantity and nature of serious vehicular crashes before and after the implementation of such changes.

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

Referred to the Committee on Transportation and Infrastructure.

Int. No. 264

By Council Members Joseph, Restler, Feliz, Louis and Marte.

A Local Law to amend the administrative code of the city of New York, in relation to the establishment of a parking enforcement unit within the department of transportation

Be it enacted by the Council as follows:

Section 1. Subchapter 2 of chapter 1 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-162.6 to read as follows:

§ 19-162.6 Parking enforcement. The commissioner shall establish within the department a parking enforcement unit which shall have the power and duty to enforce laws and rules regulating parking, stopping, or standing.

§ 2. This local law takes effect immediately, and the commissioner of transportation shall establish the parking enforcement unit required by this local law no later than 90 days after such effective date.

Referred to the Committee on Transportation and Infrastructure.

Int. No. 265

By Council Members Joseph, Louis, Restler, Won, Gutiérrez, Brannan, Borelli and Feliz.

A Local Law to amend the administrative code of the city of New York, in relation to health insurance for city employees

Be it enacted by the Council as follows:

Section 1. Section 12-126.3 of the administrative code of the city of New York, as added by local law number 4 for the year 2000, is redesignated section 12-126.4.

§ 2. Chapter 1 of title 12 of the administrative code of the city of New York is amended by adding a new section 12-126.5 to read as follows:

§ 12-126.5 Continuation of health insurance for city employees. a. Definitions. As used in this section, the following terms have the following meanings:

Agency. The term "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.

City employee. The term "city employee" means a person who is employed by an agency and paid from the city treasury.

b. Health insurance coverage. Each agency shall make best efforts to expedite all processes related to providing and continuing health insurance coverage for city employees who transfer employment from one agency to another, in order to prevent any lapses in health insurance coverage during such transfer of employment.

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

Referred to the Committee on Civil Service and Labor.

Int. No. 266

By Council Members Joseph, Vernikov, Feliz and Louis (by request of the Manhattan Borough President).

A Local Law in relation to establishing a bullying prevention task force

Be it enacted by the Council as follows:

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

Bullying. The term "bullying" means the creation of a hostile environment by conduct or by threats, intimidation or abuse, whether verbal or nonverbal, including cyberbullying, that include, but are not limited to, conduct or threats, intimidation or abuse based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex, and that:

1. Has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional or physical well-being;

2. Reasonably causes or would reasonably be expected to cause a student to fear for such student's physical safety;

3. Reasonably causes or would reasonably be expected to cause physical injury or emotional harm to a student; or

4. Creates or would foreseeably create a risk of substantial disruption within the school environment, even if it occurs off school property, where it is foreseeable that the conduct, threats, intimidation or abuse might reach school property.

Cyberbullying. The term "cyberbullying" means bullying or harassment that occurs through any form of electronic communication.

Department. The term "department" means the department of education.

School. The term "school" means a school of the city school district of the city of New York that contains any combination of grades from and including pre-kindergarten through grade 12.

b. There shall be a bullying prevention task force consisting of at least 13 members as follows:

1. The chancellor of the city school district of the city of New York, or the chancellor's designee, who shall serve as chair;

2. The chairperson of the city commission on human rights, or the chairperson's designee;

3. The commissioner of health and mental hygiene, or the commissioner's designee;

4. The commissioner of the police department, or the commissioner's designee;

5. At least five members appointed by the mayor, including school administrators, teachers, guidance counselors or other appropriate department employees, and experts in conflict resolution, bullying prevention, mental health, school safety or education; and

6. At least four members appointed by the speaker of the council, including school administrators, teachers, guidance counselors or other appropriate department employees, and experts in conflict resolution, bullying prevention, mental health, school safety or education.

c. Each member of the task force shall serve without compensation for a term of 12 months, to commence after the final member of the task force is appointed. All members shall be appointed within 60 days after the effective date of this local law.

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. The ex officio members 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 as the delegating member. The designation of a representative shall be made by a written notice of the ex officio member served upon 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. The ex officio members are the chancellor of the city school district of the city of New York, the chairperson of the city commission on human rights, the commissioner of health and mental hygiene and the commissioner of the police department.

f. The task force shall meet at least quarterly and shall hold at least two public meetings prior to submission of the plan required pursuant to subdivision h of this section to solicit public comment on preventing bullying in schools.

g. The mayor may designate one or more agencies to provide staffing and other administrative support to the task force.

h. No later than 12 months after the final member of the task force is appointed, the task force shall submit to the mayor and the speaker of the council a plan to prevent and address bullying in schools. In developing such plan, the task force shall consider the following:

1. Data and reports of the department related to bullying in schools, including any trends in the types of reported incidents of bullying;

2. Existing department policies, guidelines and resources related to bullying prevention;

3. Existing department methods and procedures for reporting and responding to bullying;

4. Existing department training programs to prevent bullying and to help school employees identify and respond to bullying; and

5. The level of coordination among appropriate city, state and federal agencies and other relevant organizations with regards to efforts to prevent and address bullying in schools.

i. The bullying prevention task force shall dissolve upon submission of the plan required pursuant to subdivision h of this section.

§ 2. This local law takes effect immediately.

Referred to the Committee on Education.

Int. No. 267

By Council Members Joseph, Restler, Won, Feliz, Brewer, Abreu, Louis and Marte (by request of the Manhattan Borough President)

A Local Law to amend the administrative code of the city of New York, in relation to making certain bathrooms in city facilities available for public use

Be it enacted by the Council as follows:

Section 1. Chapter 2 of title 4 of the administrative code of the city of New York is amended by adding a new section 4-218 to read as follows:

§ 4-218 Public access to bathrooms in city-managed facilities. a. Definitions. As used in this section, the following terms have the following meanings:

ADA accessible bathroom. The term "ADA accessible bathroom" means a bathroom that complies with the Americans with Disabilities Act and the regulations promulgated thereunder, contained in parts 35 and 36 of

title 28 of the code of federal regulations, and any additional applicable federal, state, and local laws relating to accessibility for persons with disabilities, as such laws, rules, or regulations may from time to time be amended.

Available bathroom. The term "available bathroom" means a bathroom located in a publicly accessible area of a city facility.

City facility. The term "city facility" means a building or structure or part thereof that (i) is owned or leased by the city; (ii) is managed or operated by an agency; and (iii) has a publicly accessible area.

Commissioner. The term "commissioner" means the commissioner of citywide administrative services

Publicly accessible area. The term "publicly accessible area" means an area of a city facility to which members of the public are regularly invited or permitted entrance to on most business days and which does not require special authorization, other than basic security screening, to gain admission.

Facility employee. The term "facility employee" means a person who regularly performs work in a city facility with at least 1 available bathroom.

b. Bathrooms to be opened to the public. The commissioner shall coordinate with the heads of all agencies that manage or operate a city facility to open every available bathroom to public use during the operating hours of the city facility in which each bathroom is located. In determining which available bathrooms are to be opened to the public, the commissioner shall coordinate with the manager or operator of each city facility to:

1. Make every reasonable effort to open available bathrooms that are ADA accessible to the public;

2. At least 28 calendar days before selected bathrooms are to be opened to the public, provide written notice to the designated leadership of any labor union or labor organization that represents facility employees; and

3. At least 28 calendar days before selected bathrooms are to be opened to the public, post notice in or near all entrances to each selected bathroom.

c. Information to be shared with the public. 1. The commissioner shall coordinate with the heads of all city agencies that manage or operate a bathroom opened to the public pursuant to this section to display signage indicating that the facility offers bathrooms for public use. During operating hours, such signage shall be conspicuously visible in front of all publicly accessible entrances to each city facility. The sign shall state the hours during which the bathrooms are open and whether the bathrooms are ADA accessible.

2. A bathroom opened to the public pursuant to subdivision b of this section shall be considered a public bathroom for the purposes of section 18-159.

d. Report on implementation. No later than 30 days after the effective date of this section, the commissioner shall coordinate with all agency heads that manage or operate a city facility to submit a report to the speaker of the council, the mayor, the public advocate, and each community board that lists:

1. The address of each city facility and the name of the agency that manages or operates it;

2. A list of all bathroom facilities in each city facility, categorized as follows: (i) ADA accessible bathrooms open to the public; (ii) bathrooms open to the public that are not ADA accessible; (iii) bathrooms not open to the public; and

3. For any bathroom not opened to the public, the factors that led to such determination. Where such bathroom is ADA accessible, the report shall describe the potential workarounds that were considered and why these were insufficient to allow opening the bathroom to the public.

e. Agency duty to notify. Agencies shall notify the commissioner of the following changes in circumstance at least 30 days in advance of when such change are expected to occur, except where such change is unforeseen, in which case agencies must notify the commissioner within 2 business days from when the change occurred:

1. When a bathroom opened to the public pursuant to this section is to be closed to the public during operating hours for a reason other than regularly scheduled maintenance, or when a bathroom becomes inaccessible to persons with disabilities after having been listed as ADA accessible, including, as applicable, the date on which the bathroom is expected to be re-opened to the public or to persons with disabilities; or

2. When a bathroom becomes available to the public for the first time or an available bathroom is newly made ADA accessible, including the date on which such change is expected to occur.

f. Periodic updates to the report. Upon a change in circumstance pursuant to subdivision e of this section, the commissioner shall update and resubmit the report required by subdivision d of this section. The updated portion of the report must also be submitted to the agency designated by the mayor pursuant to subdivision c of section 18-159 and reflected on the website listing all public bathrooms in the city. If a bathroom will be closed temporarily, the report and website must specify the date on which the bathroom is expected to be re-opened to

the public. The updated report must be submitted no later than 14 calendar days before a change in circumstance pursuant to subdivision e of this section is expected to occur, or 4 business days after an unforeseen change, except that no update shall be required within 14 calendar days of the previous update.

§ 2. Paragraph 26) of subdivision a of section 4-208 of the administrative code of the city of New York, as added by local law number 48 for the year 2011, is amended to read as follows:

26) the major use of the structure or structures, where applicable, *including whether it contains a publicly available bathroom as defined in section 4-218*;

§ 3. This local law takes effect 90 days after it becomes law, except that, to the extent that any part of this local law cannot be implemented without reference to section 18-159 of the administrative code of the city of New York, that part takes effect no earlier than the effective date of a local law to amend the administrative code of the city of New York, in relation to requiring reporting on the features and condition of public bathrooms, as proposed in introduction number 576 for the year 2022.

Referred to the Committee on Governmental Operations, State & Federal Legislation.

Int. No. 268

By Council Members Joseph and Brooks-Powers.

A Local Law to amend the administrative code of the city of New York, in relation to prohibiting the sale of flavored cigarettes

Withdrawn (originally intended for the Committee on Health).

Int. No. 269

By Council Members Joseph, Louis, Restler, Hanif, Hudson, Brewer and Gutiérrez (by request of the Brooklyn Borough President).

A Local Law to amend the administrative code of the city of New York, in relation to notification of intent to alter or demolish certain rent regulated housing accommodations

Be it enacted by the Council as follows:

Section 1. Article 104 of title 28 of the administrative code of the city of New York is amended by adding a new section 28-104.8.1.1 to read as follows:

§28-104.8.1.1 Notification to appropriate community board and council member. Within ten business days after receiving an application containing a statement described by item 3 of section 28-104.8.2, the department shall notify in writing the community board of the community district in which the site of the building to be altered or demolished is located and the council member in whose district such site is located.

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

Referred to the Committee on Housing and Buildings.

Int. No. 270

By Council Members Joseph, Krishnan, Restler, Won and Feliz.

A Local Law to amend the administrative code of the city of New York, in relation to special activation of the Open Streets program on certain holidays and time periods with significant pedestrian traffic

Be it enacted by the Council as follows:

Section 1. Subdivision a of section 19-107.1 of the administrative code of the city of New York is amended by adding a new definition of "special activation opportunity" in alphabetical order to read as follows:

Special activation opportunity. The term "special activation opportunity" means a specially designated window of days or hours during which the department or a community organization may choose to operate an open street, outside of or in addition to regularly scheduled operations.

§ 2. Subparagraphs f and g of paragraph 1 of subdivision d of section 19-107.1 of the administrative code of the city of New York, as added by local law 55 for the year 2021, are amended and a new subparagraph h is added to read as follows:

(f) Description of measures to facilitate use of the open street by people with disabilities; [and]

(g) Proposed plan for how to maintain emergency vehicle access and any staffing plans[.]*; and*

(h) Proposed days and hours of operation for special activation opportunities on certain holidays, with options to include Memorial Day, Juneteenth, Fourth of July, Labor Day, Halloween, and other holidays or time periods with significant pedestrian traffic at the discretion of the department or the suggestion of applicants.

§ 3. Paragraph 2 of subdivision d of section 19-107.1 of the administrative code of the city of New York, as added by local law 55 for the year 2021, is amended to read as follows:

2. The department shall offer a short-form application to renew the management of an open street. Such short-form application shall include an opportunity for an applicant to request any of the following: additional resources, traffic calming measures as specified in subdivision i, street furniture, accessibility improvements, *special activation opportunities*, or consideration of conversion of such street to a shared street.

§ 4. The opening paragraph of subdivision e of section 19-107.1 of the administrative code of the city of New York, as added by local law 55 for the year 2021, is amended to read as follows:

e. Selection. In exercising its discretion to designate an open street *or permit a special activation of an open street*, the department shall consider the following factors:

§ 5. Paragraphs 6 and 7 of subdivision g of section 19-107.1 of the administrative code of the city of New York, as added by local law 55 for the year 2021, are amended and a new paragraph 8 is added to read as follows:

6. Procedures by which community organizations may create their own barriers, signage and street furniture that encourage sustainability and welcoming design, subject to the review and approval of the department; [and]

7. Procedures by which community organizations may expeditiously obtain permits related to programming on open streets[.]*; and*

8. Procedures by which community organizations may participate in or suggest new special activation opportunities, which shall include Memorial Day, Juneteenth, Fourth of July, Labor Day, and Halloween, and may also be offered on other days at the discretion of the department.

§ 6. This local law takes effect 30 days after it becomes law.

Referred to the Committee on Transportation and Infrastructure.

Int. No. 271

By Council Members Joseph, Restler, Won and Feliz.

A Local Law to amend the administrative code of the city of New York, in relation to the installation of protected bicycle lanes

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 19-187.1 to read as follows:

§ 19-187.1 Protected bicycle lanes. a. Definitions. For purposes of this section, the term "protected bicycle lane" means a path intended for the use of bicycles that is separated from motorized traffic by a vertical delineation or physical barrier.

b. The department shall install, on an annual basis, at least 100 miles of protected bicycle lanes.

§ 2. This local law takes effect on January 1, 2023 and remains in effect until January 1, 2029, when it is deemed repealed.

Referred to the Committee on Transportation and Infrastructure.

Int. No. 272

By Council Members Joseph, Restler, Won, Feliz, Brewer, Abreu, Louis and Marte (by request of the Manhattan Borough President).

A Local Law in relation to a capital plan and timeline for installing public bathrooms

Be it enacted by the Council as follows:

Section 1. a. Definitions. For purposes of this section:

1. The terms "capital project," "scope of project," "proposed scope of project," and "cost" have the same meanings as set forth in section 210 of the New York city charter.

2. The term "introduction number 258-A" means a local law for the year 2022 relating to a report on suitable locations for installing public bathrooms, as proposed in introduction number 258-A.

b. Report. No later than May 31, 2024, an agency or office designated by the mayor, in coordination with the department of parks and recreation and the department of transportation, shall submit to the mayor and to the speaker of the council a report that proposes a capital project plan and implementation timeline for the installation and maintenance of public bathroom facilities at each of the sites to be identified pursuant to introduction number 258-A. The report shall contain a detailed estimate of the costs either to acquire and install or to design and construct each public bathroom facility, as well as the costs to maintain each facility. In addition, such report shall include, but need not be limited to, the following information:

1. A proposed scope of project that conforms to the standards and limits set out under section 221 of the New York city charter;

2. The cash flow requirements and proposed sources of funding for each bathroom facility, including estimated expenditures for each fiscal year until its completion;

3. A summary description of the factors that led to the determination of the proposed site, proposed type of facility, proposed safety measures, and other projected costs, including a description of how these determinations address the challenges identified pursuant to paragraphs 4 and 5 of subdivision b of section 1 of introduction number 258-A;

4. A proposed schedule for beginning and completing the installation of each facility, with no fewer than 12 facilities proposed for installation annually and a target completion date for all facilities of no later than June 1, 2035;

5. Each facility's period of probable usefulness;

6. An appropriate maintenance schedule, including estimated annual costs through the end of fiscal year 2029; and

7. A description of how the equity evaluation required under subdivision d of this section was undertaken, and how the findings are reflected in the proposed installation schedule, funding streams, and maintenance schedules.

c. Coordination. In preparing the report, the designated agency or office, in coordination with the department of parks and recreation and the department of transportation, shall consult with other city agencies, offices, or entities that are qualified to address the challenges identified pursuant to paragraphs 4 and 5 of subdivision b of section 1 of introduction number 258-A. Such city agencies, offices, or entities may include but need not be limited to the department of city planning, the department of small business services, the department of design and construction, the department of environmental protection, the office of management and budget, the mayor's office of contract services, a contracted entity as defined in section 22-821 of the administrative code of the city of New York, and any other city agency, office, or entity that may aid or influence the siting, planning, construction or maintenance of each facility.

d. Equity considerations. In proposing an installation timeline, allocation of funds, and maintenance resources for each facility pursuant to paragraphs two, four, and six of subdivision b of this section, the designated agency or office, in coordination with the department of parks and recreation and the department of transportation, shall give priority to each facility or group of facilities based on its estimated potential to improve social, economic, and environmental equity outcomes.

§ 2. This local law takes effect on the same date as a local law in relation to a report on suitable locations for installing public bathrooms, as proposed in introduction number 258-A for the year 2022, takes effect.

Referred to the Committee on Transportation and Infrastructure.

Int. No. 273

By Council Member Krishnan.

A Local Law to amend the administrative code of the city of New York, in relation to the interpretation of the New York city human rights law, and the repeal of paragraph f of subdivision 13 of section 8-107 of such code relating to vicarious liability of employers

Be it enacted by the Council as follows:

Section 1. This local law shall be known and may be cited as the "No exceptions law of 2023".

§ 2. Legislative findings and purpose. For more than 30 years, the council has enacted local laws directing courts to construe the provisions of the New York city human rights law liberally. Nevertheless, some courts, both at the trial and appellate levels, have resisted these directives. Opinions in Chauca v. Abraham, 30 N.Y.3d 325 (2017), Makinen v. City of New York, 30 N.Y.3d 81 (2017), and Krohn v. New York City Police Department, 2 N.Y.3d 329 (2004), are illustrations of narrow interpretations of the language set forth in the New York city human rights law contrary to the legislative intent, and the council now intends to correct these misinterpretations and reaffirm its intent that the New York city human rights law always be construed liberally for the accomplishment of its uniquely broad and remedial purposes. The purpose of this local law is to emphasize that there are no exceptions to the requirements set forth in section 8-130 of the administrative code of the city of New York and to provide further guidance to direct courts to liberally and independently construe the New York city human rights law in a manner that is maximally protective of civil rights in all circumstances.

§ 3. Section 8-130 of the administrative code of the city of New York is amended by adding new subdivisions (d), (e), (f), (g), and (h) to read as follows:

(d) There are no exceptions to the liberal construction requirements of this section, and any purported exception, whether supposed to arise from common law, a statutory source, or an interpretative doctrine, contravenes the intention of this section.

(e) The failure of this section to repudiate an opinion of a court is not intended to ratify, and shall not be construed as constituting implicit ratification, of any such opinion.

(f) The council repudiates the interpretation of the New York city human rights law in Krohn v. New York City Police Department, 2 N.Y.3d 329 (2004). The city's sovereign immunity as to claims brought under the New York city human rights law was always intended to be waived. The restatement of this intention is found in subdivision a-2 of section 8-502.

(g) The council repudiates the interpretation of the New York city human rights law by the majority opinion in Chauca v. Abraham, 30 N.Y.3d 325 (2017). Upon a finding of liability, a plaintiff was always entitled to charge a jury or other finder of fact with considering whether or not to impose punitive damages, in addition to all other forms of relief. The restatement of this intention is found in subdivision a-1 of section 8-502.

(h) The council repudiates the interpretation of the New York city human rights law in Makinen v. City of New York, 30 N.Y.3d 81 (2017). Conduct based in whole or in part on mistakenly perceived alcoholism was always intended to be understood as conduct based on perceived disability, and the limitation set forth in paragraph 2 of the definition of disability in section 8-102 does not apply.

§ 4. Section 8-502 of the administrative code of the city of New York is amended by adding new subdivisions a-1 and a-2 following subdivision a, to read as follows:

a-1. A finding of liability for an unlawful discriminatory practice under chapter 1 of this title or an act of discriminatory harassment or violence under chapter 6 of this title, is sufficient by itself to warrant charging a jury or other finder of fact to consider whether to award punitive damages against a covered entity. The fact that a covered entity's act or failure to act was intentional, malicious, or recklessly indifferent to the rights of the plaintiff or plaintiffs is among the aggravating factors that may be considered by a jury or other finder of fact, but the absence of any such factors does not preclude the imposition of punitive damages. When a covered entity is found liable on the basis of its own conduct, punitive damages, if any, shall be assessed on the basis of the covered entity's conduct. When a covered entity is found vicariously liable for the conduct if its employee, agent, or independent contractor, punitive damages, if any, shall be assessed on the bases of (i) the conduct of the person for whose conduct the covered entity is vicariously liable and (ii) the covered entity's own actions and failures to act.

a-2. The city waives immunity and permits the award of punitive damages in respect to all claims brought under subdivision a of this section, including claims brought against the city or its agencies or other instrumentalities.

§ 5. Paragraph (f) of subdivision 13 of section 8-107 of the administrative code of the city of New York is REPEALED.

§ 6. This local law takes effect immediately and is intended to have retroactive applicability; provided, however, that subdivision (f) of section 8-130 of the administrative code of the city of New York, as added by section three of this local law, and subdivision a-2 of section 8-502 of such code, as added by section four of this local law, only apply to claims commenced or continued not less than one year after the effective date of this local law.

Referred to the Committee on Civil and Human Rights.

Int. No. 274

By Council Member Krishnan.

A Local Law to amend the administrative code of the city of New York, in relation to prohibiting the city of New York from contracting with entities engaged in immigration enforcement

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 6-122 to read as follows:

§ 6-122 Contracts with entities engaged in immigration enforcement prohibited. a. The city shall not provide any good to, or perform any service for, an entity engaged in immigration enforcement, as defined in subdivision a of section 10-178, in return for any monetary or in-kind payment.

b. This section applies to all contracts in effect on or after the effective date of this section.

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

Referred to the Committee on Immigration.

Int. No. 275

By Council Members Krishnan, Louis and Brewer.

A Local Law to amend the administrative code of the city of New York, in relation to the length of the season and operating hours for city beaches and pools

Be it enacted by the Council as follows:

Section 1. Section 18-154 of the administrative code of the city of New York, as added by local law number 181 for the year 2017, is amended to read as follows:

§ 18-154 Bathing season *and operating hours* for beaches and pools. a. The commissioner shall ensure that (i) the bathing season of each year for beaches and pools under the jurisdiction of the department *begins on the second saturday of May and* ends on the [Sunday following Labor Day] *second sunday of October* and (ii) during such season, each such bathing beach and *outdoor* pool remains open to the public each day, at a minimum, from the hours of [10:00] *8:00* a.m. to [6:00] *8:00* p.m. *For pools located indoors, the commissioner shall ensure that such pools remain open to the public each day, at a minimum from the hours of 7:00 a.m. to 9:00 p.m.*

b. Notwithstanding subdivision a of this section, the commissioner may limit the bathing season for extreme weather conditions, staffing level requirements for beaches or particular facilities, and the safety of the public.

§ 2. This local law takes effect immediately.

Referred to the Committee on Parks and Recreation.

Int. No. 276

By Council Members Krishnan, Hanif, Lee, Banks, Restler and Marte.

A Local Law to amend the administrative code of the city of New York, in relation to the wrongful deactivation of high-volume for-hire vehicle drivers

Be it enacted by the Council as follows:

Section 1. Chapter 12 of title 20 of the administrative code of the city of New York is amended by adding a new subchapter 8 to read as follows:

SUBCHAPTER 8
WRONGFUL DEACTIVATION OF HIGH VOLUME FOR-HIRE VEHICLE DRIVERS

§ 20-1281 Definitions. As used in this subchapter, the following terms have the following meanings:

Deactivation. The term "deactivation" means any (i) indefinite or permanent discharge, termination, or layoff of a high-volume for-hire vehicle driver or (ii) revocation or restriction of access to the driver platform or authorization to accept trips on the driver platform that is either continuously in effect for 72 hours or consists of multiple periods that total at least 72 hours within a 180-day period.

Driver platform. The term "driver platform" means the driver-facing application dispatch system software or any online-enabled application, service, website, or system used by a high-volume for-hire vehicle driver that enables the prearrangement of passenger trips for compensation.

Driving performance data. The term "driving performance data" means any data regarding a high-volume for hire vehicle driver's operation of the for-hire vehicle, including, but not limited to, data recording a high-volume for-hire vehicle driver's rates of acceleration, deceleration, braking, speed, road movements, or any other electronic monitoring of driving performance.

High-volume for-hire vehicle driver. The term "high-volume for-hire vehicle driver" means a driver who performs driving services for a high-volume for-hire vehicle service.

High-volume for-hire vehicle service. The term "high-volume for-hire vehicle service" has the same meaning as set forth in subdivision gg of section 19-502.

Just cause. The term "just cause" means a high-volume for-hire vehicle driver's failure to satisfactorily perform job duties or misconduct that is demonstrably and materially harmful to the high-volume for-hire vehicle service's legitimate business interests.

Prior deactivation. The term "prior deactivation" means a deactivation that occurred during the 6 years prior to the effective date of the local law that added this subchapter.

Probation period. The term "probation period" means a defined period of time, not to exceed 30 days, from the first date that a high-volume for-hire vehicle driver performs driving services for a high-volume for-hire vehicle service, within which high volume for-hire vehicle services and high-volume for-hire vehicle drivers are not subject to the prohibition on wrongful deactivation set forth in sections 20-1282 and 20-1283.

Progressive discipline. The term "progressive discipline" means a disciplinary system that provides for a graduated range of reasonable responses to a high-volume for-hire vehicle driver's failure to satisfactorily perform such high-volume for-hire vehicle driver's job duties, with the disciplinary measures ranging from mild to severe, depending on the frequency and degree of the failure.

§ 20-1282 Prohibition on wrongful deactivation. a. A high-volume for-hire vehicle service shall not deactivate a high-volume for-hire vehicle driver who has completed such service's probation period except for just cause or a bona fide economic reason.

b. In determining whether a high-volume for-hire vehicle driver has been deactivated for just cause, the fact-finder shall consider, in addition to any other relevant factors, whether:

1. The high-volume for-hire vehicle driver knew or should have known of the high-volume for-hire vehicle service's policy, rule, or practice that is the basis for progressive discipline or deactivation and knew or should have known of the potential consequences for violation of the policy, rule, or practice;

2. The high-volume for-hire vehicle service's policy, rule, or practice that is the basis for progressive discipline or deactivation is reasonably related to safe and efficient high-volume for-hire vehicle service operations;

3. The high-volume for-hire vehicle service provided relevant and adequate training to the high-volume for-hire vehicle driver;

4. The high-volume for-hire vehicle service's rule or practice, including the utilization of progressive discipline, was reasonable and applied consistently;

5. The high-volume for-hire vehicle service undertook a fair and objective investigation into the job performance or misconduct;

6. The deactivation is proportionate and accounts for mitigating circumstances and the high-volume for-hire vehicle driver's past work history; and

7. The high-volume for-hire vehicle driver violated the policy, rule or practice or committed the misconduct that is the basis for progressive discipline or deactivation.

c. Except where deactivation is for an egregious failure by the high-volume for-hire vehicle driver to perform their duties, or for egregious misconduct, a deactivation shall not be considered based on just cause unless:

1. The high-volume for-hire vehicle service has utilized progressive discipline; provided, however, that the high-volume for-hire vehicle service may not rely on discipline issued more than 1 year before the purported just cause termination; and

2. The high-volume for-hire vehicle service had a written policy on progressive discipline that was provided to the high-volume for-hire vehicle driver.

d. A high-volume for-hire vehicle service shall provide the high-volume for-hire vehicle driver with 14 days' advance notice of the impending deactivation, except that (i) where a deactivation is for bona fide economic reasons, the high-volume for-hire vehicle service must provide 120 days' advance notice, and (ii) advance notice is not required where a deactivation is for egregious misconduct or for an egregious failure to perform duties. Where advance notice is required, the notice shall include a written statement of the reasons for and the effective date of deactivation and provide notice, in a form and manner designated by the department, of the high-volume for-hire vehicle driver's right to challenge such deactivation. The notice shall also include a written statement describing eligible high-volume for-hire vehicle drivers' rights to access unemployment insurance.

e. Within 5 days of deactivating a high-volume for-hire vehicle driver, the high-volume for-hire vehicle service shall provide a written explanation to the high-volume for-hire vehicle driver of the precise reasons for the deactivation. The notice shall also include a written statement describing eligible high-volume for-hire vehicle drivers' rights to access unemployment insurance in New York state. If advance notice is required pursuant to subdivision d of this section, the high-volume for-hire vehicle service shall provide the notice required pursuant to this subdivision in addition to such notice.

f. This section shall not apply to any deactivation that occurred prior to the effective date of the local law that added this section.

§ 20-1283 Wrongful prior deactivations. a. Within one year after the effective date of the local law that added this section, a high-volume for-hire vehicle driver who was subject to a prior deactivation may petition the high-volume for-hire vehicle service for reinstatement and restoration of driver platform access. Within 30 days after receipt of such petition, the high-volume for-hire vehicle service shall reinstate or restore the driver platform access of the petitioner, unless the prior deactivation occurred during the probation period or was due to just cause or a bona fide economic reason.

b. In determining whether a prior deactivation was for just cause, the fact-finder shall consider, in addition to any other relevant factors, whether:

1. The high-volume for-hire vehicle driver knew or should have known of the high-volume for-hire vehicle service's policy, rule or practice that was the basis for deactivation and knew or should have known of the potential consequences for violation of the policy, rule or practice;

2. The high-volume for-hire vehicle service's policy, rule, or practice that was the basis for deactivation was reasonably related to the safe and efficient company operations;

3. The high-volume for-hire vehicle service's rule or practice was reasonable and applied consistently;

4. The deactivation was proportionate and accounted for mitigating circumstances and the high-volume for-hire vehicle driver's past work history; and

5. The high-volume for-hire vehicle driver violated the policy, rule, or practice or committed the misconduct that was the basis for deactivation.

c. If a high-volume for-hire vehicle service does not reinstate or restore driver platform access within 30 days after receipt of a petition pursuant to subdivision a of this section, the high-volume for-hire vehicle service shall provide a written explanation to the high-volume for-hire vehicle driver of the precise reasons for the prior deactivation.

§ 20-1284 Bona fide economic reasons. a. A deactivation, including a prior deactivation, shall not be considered based on a bona fide economic reason unless supported by a high-volume for-hire vehicle service's business records showing that the deactivations of high-volume for-hire vehicle drivers are in response to a proportionate reduction in volume of sales or profit within the fiscal quarter prior to the deactivation.

b. Where deactivations are based on a bona fide economic reason, the deactivations must be made in order of economic impact and seniority. The department shall promulgate rules establishing a method by which economic impact and seniority shall be considered in determinations of the order of deactivations. This subdivision shall apply only to deactivations that occur on or after the effective date of the local law that added this section.

§ 20-1285 Burden of proof; evidence. a. The high-volume for-hire vehicle service shall bear the burden of proving just cause by a preponderance of the evidence in any proceeding alleging a violation of this subchapter, subject to the rules of evidence as set forth in the civil practice law and rules or, where applicable, the common law.

b. In determining whether a high-volume for-hire vehicle service had just cause for deactivation, the fact-finder may not consider any reasons proffered by the high-volume for-hire vehicle service but not included in the written explanation provided to the high-volume for-hire vehicle driver required by subdivision e of section 20-1282 or subdivision c of section 20-1283.

§ 20-1286 Provision of data. a. Upon the issuance of the notice required pursuant to subdivision e of section 20-1282, the high-volume for-hire vehicle service shall provide the deactivated high-volume for-hire vehicle driver with any information and data relevant to the high-volume for-hire driver's deactivation. Such information shall include, but need not be limited to:

1. Driving performance data specific to the high-volume for-hire vehicle driver;

2. Anonymized and aggregated driving performance data of the high-volume for-hire vehicle service's high-volume for-hire vehicle driver workforce in the city;

3. All customer comments, ratings, and complaints received regarding the high-volume for-hire vehicle driver; and

4. Anonymized and aggregated reports regarding discipline imposed across the high-volume for-hire vehicle service's high-volume for-hire vehicle driver workforce in the city.

b. Upon the issuance of the notice required pursuant to subdivision c of section 20-1283, the high-volume for-hire vehicle service shall provide the deactivated high-volume for-hire vehicle driver with any information and data relevant to the high-volume for-hire driver's deactivation, such as the information required under subdivision a of this section, to the extent that such information is available to the high-volume for-hire vehicle service.

§ 20-1287 Informal resolution and arbitration. a. Department investigations. The department shall not proceed with its investigation of a complaint filed pursuant to section 20-1207 alleging a violation of section 20-1282 or 20-1283 unless (i) the high-volume for-hire vehicle driver or such high-volume for-hire vehicle driver's representative and the high-volume for-hire vehicle service fail to reach an informal resolution pursuant to subdivision b of this section and do not agree to arbitration pursuant to subdivision c of this section or (ii) an arbitration proceeding relating to the complaint has been withdrawn or dismissed without prejudice.

b. Informal resolution process. After receiving a complaint pursuant to section 20-1207 alleging a violation of section 20-1282 or 20-1283, the department shall notify the high-volume for-hire vehicle driver or such high-volume for-hire vehicle driver's representative and the high-volume for-hire vehicle service that they may resolve the complaint informally. The parties shall have 15 days after receipt of such notice to informally resolve the complaint, unless they mutually agree to a longer timeframe. If the parties resolve the complaint pursuant to this subdivision, they shall memorialize that resolution in a written agreement, on a form provided by the department, and such written agreement shall be subject to approval by the department. A failure on the part of the high-volume for-hire vehicle service to engage in the informal resolution process shall be a violation subject to a civil penalty under section 20-1209, but such violation shall not be subject to enforcement pursuant to sections 20-1207, 20-1208, 20-1210, 20-1211 and 20-1212.

c. Deactivation appeals arbitration process. If the parties fail to resolve the complaint pursuant to subdivision b of this section, the department shall notify the parties of the option to proceed to arbitration pursuant to this subdivision. If the parties elect to proceed to arbitration pursuant to this subdivision, the parties shall file a notice of intent to arbitrate with the department within 30 days after notification by the department. If the parties do not file such a notice, the department shall proceed with its investigation of the complaint pursuant to section 20-1207.

1. The parties to an arbitration proceeding shall jointly select the arbitrator from a panel of arbitrators. The number of arbitrators on the panel shall be determined by the department. The arbitrators on the panel shall be chosen by a committee of 8 participants established by the department and comprised of:

(a) Four high-volume for-hire vehicle driver-side representatives, including high-volume for-hire vehicle drivers or advocates; and

(b) Four high-volume for-hire vehicle service-side representatives, including high-volume for-hire vehicle services or advocates.

2. If an insufficient number of high-volume for-hire vehicle driver-side and high-volume for-hire vehicle service-side representatives agree to participate in the committee pursuant to paragraph 1 of this subdivision, the department shall consult with those who have agreed to participate and select individuals to fill the requisite number of openings on the committee.

3. If the committee established pursuant to paragraph 1 of this subdivision is unable to select a sufficient number of arbitrators for the panel as determined by the department, the department shall select the remaining arbitrators.

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

5. The department shall provide interpretation services to any party requiring such services for the arbitration hearing.

6. The high-volume for-hire vehicle service shall pay all the costs, fees, and expenses of an arbitration proceeding conducted pursuant to this subdivision. The arbitration hearing shall be held at a location designated by the department or a location agreed to by the parties and the arbitrator. Except as otherwise provided in this chapter, such arbitration shall be subject to the labor arbitration rules established by the American Arbitration Association and the rules promulgated by the department to implement this subchapter. In case of a conflict between the rules of the American Arbitration Association and the rules of the department, the rules of the department shall govern. Any rules promulgated by the department implementing this section shall be consistent with the requirement that in any arbitration conducted pursuant to this section, the arbitrator shall have appropriate qualifications and maintain personal objectivity, and each party shall have the right to present its case, which shall include the right to be in attendance during any presentation made by the other party and the opportunity to rebut or refute such presentation.

7. If a high-volume for-hire vehicle driver or such high-volume for-hire vehicle driver's representative agrees to an arbitration proceeding pursuant to subdivision c of this section, arbitration shall be the exclusive remedy for the wrongful deactivation dispute and neither the high-volume for-hire vehicle driver nor such high-volume for-hire vehicle driver's representative shall have a right to bring or continue a private cause of action or administrative complaint under this subchapter, unless such arbitration proceeding has been withdrawn or dismissed without prejudice.

8. Each party shall have the right to apply to a court of competent jurisdiction for the confirmation, modification, or vacatur of an award pursuant to article 75 of the civil practice law and rules, as such article applies, pursuant to applicable case law, to review of arbitration proceedings in accordance with standards of due process.

§ 20-1288 Exceptions. This subchapter shall not:

1. Apply to any high-volume for-hire vehicle driver during a probation period;

2. Limit or otherwise affect the applicability of any right or benefit conferred upon or afforded to a high-volume for-hire vehicle driver by the provisions of any other law, regulation, rule, requirement, policy, or standard including but not limited to any federal, state, or local law providing for protections against retaliation or discrimination; or

3. Limit or otherwise affect the authority of the taxi and limousine commission to issue, revoke, or suspend the licenses of high-volume for-hire vehicle drivers or prevent a high-volume for-hire vehicle service from deactivating a high-volume for-hire vehicle driver whose license has been revoked or from deactivating a high-volume for-hire vehicle driver whose license has been suspended for the duration of the suspension.

§ 2. Paragraph 1 of subdivision b of section 20-1207 of the administrative code of the city of New York, as amended by local law number 80 for the year 2020, is amended to read as follows:

1. Any person, including any organization, alleging a violation of this chapter may file a complaint with the department within two years of the date the person knew or should have known of the alleged violation, *except that (i) a complaint alleging a violation of section 20-1282 or section 20-1283 may be filed only by the deactivated high-volume for-hire vehicle driver or by a representative of such high-volume for-hire vehicle driver, provided that the high-volume for-hire vehicle driver has agreed to such representation and (ii) a complaint alleging a violation of section 20-1283 may be filed within one year after the effective date of the local law that added subchapter 8 of this chapter*.

2. Upon receiving such a complaint, the department shall investigate it, *except that for a complaint alleging a violation of section 20-1282 or 20-1283, the department shall follow the procedures set forth in section 20-1287*.

§ 3. Paragraph 5 of subdivision b of section 20-1207 of the administrative code of the city of New York, as amended by local law number 80 for the year 2020, is amended to read as follows:

5. The department shall keep the identity of any complainant confidential unless disclosure is necessary to resolve the investigation or is otherwise required by law, *except that for complaints alleging violations of section 20-1282 or 20-1283, the department shall provide notice of the complaint and the identity of the complainant to the high-volume for-hire vehicle service as soon as practicable*. The department shall, to the extent practicable, notify such complainant that the department will be disclosing the complainant's identity before such disclosure.

§ 4. Subdivision c of section 20-1208 of the administrative code of the city of New York, as added by local law number 107 for the year 2017 and redesignated by local law number 2 for the year 2021, is redesignated subdivision d and amended to read as follows and a new subdivision c is added to read as follows:

c. For each violation of section 20-1282 or 20-1283, the department shall order reinstatement or restoration of the driver platform access of the high-volume for-hire vehicle driver, unless waived by the high-volume for-hire vehicle driver. For each violation of 20-1282, the department may, in addition, grant the following relief: $500, an order directing compliance with section 20-1282, rescission of any discipline issued, payment of back pay for any loss of pay or benefits resulting from the wrongful deactivation, and any other equitable relief as may be appropriate.

d. The relief authorized by this section shall be imposed on a per employee *or high-volume for-hire vehicle driver* and per instance basis for each violation.

§ 5. Section 20-1209 of the administrative code of the city of New York, as added by local law 107 for the year 2017, is amended to read as follows:

a. For each violation of this chapter, *except for any violation of section 20-1283*, an employer *or high-volume for-hire vehicle service* is liable for a penalty of $500 for the first violation and, for subsequent violations that occur within two years of any previous violation of this chapter, up to $750 for the second violation and up to $1,000 for each succeeding violation.

b. The penalties imposed pursuant to this section shall be imposed on a per employee *or high-volume for-hire vehicle driver* and per instance basis for each violation.

§ 6. Subdivision a of section 20-1211 of the administrative code of the city of New York, as amended by local law number 2 for the year 2021, is amended to read as follows:

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

1. Section 20-1204;
2. Section 20-1221;
3. Subdivisions a and b of section 20-1222;
4. Section 20-1231;
5. Subdivisions a, b, d, f and g of section 20-1241;
6. Section 20-1251;
7. Subdivisions a and b of section 20-1252; [and]
8. Section 20-1272;
9. Section 20-1282; and
10. Section 20-1283.

§ 7. Subdivisions c and d of section 20-1211 of the administrative code of the city of New York, as amended by local law number 2 for the year 2021, are amended to read as follows:

c. For each violation of section 20-1272, *20-1282 or 20-1283*, the court shall order reinstatement or restoration of hours of the fast food employee *or reinstatement or restoration of the driver platform access of the high-volume for-hire vehicle driver*, unless waived by the fast food employee *or high-volume for-hire vehicle driver*, and shall order the fast food employer *or high-volume for-hire vehicle service* to pay the reasonable attorneys' fees and costs of the fast food employee *or high-volume for-hire vehicle driver*. [The] *For each violation of section 20-1272 or 20-1282, the* court may, in addition, grant the following relief: $500 [for each violation], an order directing compliance with section 20-1272 *or 20-1282*, rescission of any discipline issued, payment of back pay for any loss of pay or benefits resulting from the wrongful discharge *or deactivation*, punitive damages, and any other equitable relief as may be appropriate.

d. Statute of limitations. A civil action under this section shall be commenced within two years of the date the person knew or should have known of the alleged violation, *except that for a violation of section 20-1283, a civil action shall be commenced within one year after the effective date of the local law that added subchapter 8 of this chapter*.

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

Referred to the Committee on Transportation and Infrastructure.

Int. No. 277

By Council Members Krishnan, Hanif, Lee, Banks, Abreu and Won.

A Local Law to amend the administrative code of the city of New York, in relation to taxicab driver pay for electronically dispatched taxicab trips

Be it enacted by the Council as follows:

Section 1. Section 19-502 of the administrative code of the city of New York is amended by adding new subsections ii through kk to read as follows:

ii. "E-hail" means any hail made by a passenger through an e-hail application.

jj. "E-hail application" means any software program licensed by the commission residing on a smartphone or other electronic device and integrated with the hardware and software required by the commission to be installed in a taxicab or street hail livery which performs one or more of the following functions:

1. Allows a passenger to identify the location(s) of available taxicabs and street hail liveries in a given area and allows a taxicab or street hail livery driver to identify the location of a passenger who is currently ready to travel;

2. Allows a passenger to hail a taxicab or street hail livery via the electronic device;

3. Allows a taxicab or street hail livery driver to receive a hail request from such a passenger if the e-hail application provides for connecting a passenger to a taxicab or street hail livery driver; or

4. Allows for passengers to pay for fares through the e-hail application.

kk. "E-hail application provider" means the vendor of an e-hail application.

§ 2. Chapter 5 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-557 to read as follows:

§ 19-557 Taxicab driver payments on e-hail trips. For all taxicab trips provided by an e-hail application, the e-hail application provider must pay the driver performing the trip no less than an amount equal to the metered rate of fare, as set by the commission, for an equivalent trip of a passenger accepted by street hail.

§ 3. This local law takes effects 90 days after it becomes law.

Referred to the Committee on Transportation and Infrastructure.

Int. No. 278

By Council Members Louis, Narcisse and Salaam.

A Local Law to amend the administrative code of the city of New York, in relation to establishing a missing person alert system

Be it enacted by the Council as follows:

Section 1. Chapter 8 of title 10 of the administrative code of the city of New York, as added by local law number 50 for the year 2010, is amended to read as follows:

CHAPTER 8
[SILVER] *MISSING PERSON* ALERT SYSTEM

§ 10-801 Definitions. *For purposes of this chapter, the following terms have the following meanings:*

[a. "Administering agency" shall mean any city agency, office, department, division, bureau or institution of government, the expenses of which are paid in whole or in part from the city treasury, as the mayor shall designate.]

Administering agency. The term "administering agency" means the agency designated by the mayor to carry out the provisions of this chapter.

Alert. The term "alert" means the rapid communication to the public by an agency of identifying information concerning a person who is not a child and is reported missing to a law enforcement agency under circumstances indicating that the person is in imminent danger of serious bodily harm or death. The term "alert" includes the term "silver alert."

Child. The term "child" means a person who is less than 18 years of age.

Silver alert. The term "silver alert" means [b. "Silver alert" shall mean] the *rapid* communication to the public by [a city] an agency of identifying information concerning a vulnerable senior who is reported missing to a law enforcement agency under circumstances indicating that the person is in imminent danger of serious bodily harm or death.

[c. "Vulnerable senior" shall mean] *Vulnerable senior. The term "vulnerable senior" means* a person who is [sixty-five] *65* years of age or older with dementia, as a result of Alzheimer's disease or a similar condition.

§ 10-802 [Silver] *Missing person* alert system. [The administering agency shall establish a silver alert system, pursuant to the provisions of this chapter of the code, that will provide rapid notification to the public when a vulnerable senior is reported missing under circumstances indicating that the person is in imminent danger of serious bodily harm or death.] *The mayor shall designate an administering agency to establish a missing person alert system that will provide alerts to the public pursuant to this chapter.*

§ 10-803 Procedures. a. The administering agency shall develop a protocol for [notification to organizations such as media organizations, senior service providers, medical facilities and community organizations when a silver alert is issued] *disseminating alerts to the public, including, but not limited to, by notifying media organizations, senior service providers, medical facilities, and community organizations*.

b. The administering agency shall [, as appropriate,] consult with other [city] agencies [including, but not limited to, the police department, the fire department, the office of emergency management, the human resources administration, the department for the aging, the department of health and mental hygiene and the department of transportation,] *as necessary* to collect and disseminate information regarding the person for whom [the silver] *an* alert [was] *may be* issued.

c. The administering agency shall issue [a silver] *an* alert within [twenty-four] *24* hours of the determination that [a vulnerable senior] *a person who is not a child* has been reported missing under circumstances indicating that the person is in imminent danger of serious bodily harm or death. The [silver] alert may be issued by any appropriate means, including, but not limited to, [email notifications] *email*, text messages, telephone calls, and television or radio broadcasts. The [silver] alert may be issued at repeated intervals within the discretion of the administering agency until such missing person is found or until the administering agency determines that the issuance of [a silver] *an* alert is no longer appropriate. *The alert shall indicate when it is a silver alert.*

d. The information about the person for whom the alert is issued, if available and capable of transmission, shall include, but not be limited to: (1) the person's name; (2) the person's age; (3) a physical description of the person; (4) the last known location where the person was seen, which shall not include the exact address of the person's home; (5) a recent photograph of the person; and (6) a description of any motor vehicle the person may have been driving, provided that the administering agency may refrain from disclosing any such information if disclosure is inappropriate under the circumstances.

e. The administering agency may use its discretion to issue a silver alert for a person under the age of 65 who is reported missing under circumstances indicating that the person is in imminent danger of serious bodily harm or death where such missing person has dementia, as a result of Alzheimer's disease or a similar condition.

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

Referred to the Committee on Public Safety.

Int. No. 279

By Council Members Louis, Williams, Hudson, Brooks-Powers, Ossé, Rivera, Cabán, Avilés, Won, Krishnan, Restler, Riley, Narcisse and Salaam.

A Local Law in relation to creating a task force to consider the impact of slavery and past injustices for African Americans in New York city and reparations for such injustices

Be it enacted by the Council as follows:

Section 1. a. Definitions. For purposes of this local law, the term "task force" means the New York city racial justice and reparations task force established by this local law.

b. Task force established. a. The mayor shall establish a temporary task force to study the impact of slavery and past injustices for African Americans in New York city and to consider solutions for such injustices, including, but not limited to, reparations.

c. Membership. The task force shall consist of 9 members, as follows:

1. The commissioner of the mayor's office for equity, or the commissioner's designee;

2. The chairperson of the city commission on human rights, or the chairperson's designee;

3. Five members to be appointed by the mayor; and 2 members to be appointed by the speaker of the council. Appointed members shall include diverse New Yorkers passionate about racial equity and social justice, as well as representatives of institutions, organizations, corporations, or associations that are organized or operated primarily for historical, cultural, educational, religious, or charitable purposes and which are connected to African American heritage, history, or culture. The mayor, after consultation with the speaker of the council, shall designate a chairperson of the task force.

d. Terms of membership. All members shall be appointed within 90 days after the effective date of this local law. Each member of the task force shall serve without compensation at the pleasure of 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.

e. Meetings. The task force shall meet at least quarterly and shall hold at least 2 public meetings prior to submission of the report required pursuant to subdivision g of this section to solicit public comment on the impact of slavery and past injustices for African Americans in New York city and reparations for such injustices.

f. Role of agencies. The mayor may designate one or more agencies to provide staffing and other administrative support to the task force.

g. Report. The task force 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 commencement of the task force. In formulating its recommendations, the task force shall consider, but not be limited to, the following:

1. Historic harms, disparities, and inequities experienced by African Americans in New York city, including but not limited to those due to slavery;

2. Any relevant research and data related to historical injustices for African Americans in New York city, and which include, but need not be limited to, those related to: mental, physical, and reproductive health outcomes, social determinants of health, housing, economic development, education, and criminal justice;

3. How reparations should be defined; and

4. And other information deemed relevant.

h. Termination. The task force shall dissolve upon submission of the report required pursuant to subdivision g of this section.

§ 2. This local law takes effect immediately and is deemed repealed upon submission of the report required pursuant to subdivision g of this local law.

Referred to the Committee on Civil and Human Rights.

Res. No. 126

Resolution calling on the Governor to declare anti-Black racism a public health issue.

By Council Members Louis, Narcisse and Salaam.

Whereas, According to the Center for Disease Control and Prevention (CDC), racism can adversely affect both the mental and physical health of individuals; and

Whereas, Both structural and interpersonal racism can play roles in causing health inequity; and

Whereas, The CDC defines social determinants of health (SDOH) as nonmedical factors that influence health outcomes, such as political systems, social norms, housing, education, wealth, and employment; and

Whereas, As part of its Healthy People 2030 initiative, the United States Department of Health and Human Services has identified SDOH as one of three priority areas; and

Whereas, The American Medical Association (AMA) published a study in 2021 comparing all-cause mortality rates and inequities between Black and white populations across the 30 most populous cities in the United States; and

Whereas, The AMA's study found that the all-cause mortality rate among Black populations was 24 percent higher than among white populations nationally, resulting in 74,402 excess deaths of Black individuals annually; and

Whereas, The New York State Office of Health Equity and Human Rights defines health disparities as measureable differences in health status, access to care, and quality of care as determined by race, ethnicity, sexual orientation, gender identity, preferred language other than English, gender expression, disability status, aging population, immigration status, and socioeconomic status; and

Whereas, With regard to access to care and quality of care, there has long been a history of medical mistrust among Black individuals; and

Whereas, Historical mistreatment of Black people in medicine and science has included the forced sterilization of Black women, experimentation on slaves, and even the withholding medical treatment for Black men during the Tuskegee syphilis study, in order for doctors to be able to track the course of the disease; and

Whereas, A study published in the National Library of Medicine (NLM) found that Black patients are regularly undertreated for pain in comparison to white patients; and

Whereas, Another study published in the NLM found that about half of all medical students and residents held one or more incorrect beliefs about biological differences between Black and white patients; and

Whereas, The New York State Department of Health (NYSDOH) has been making efforts to mitigate and prevent health disparities for many years; and

Whereas, As a part of these efforts, NYSDOH has been publishing community-based health equity reports since 2007; and

Whereas, The New York City Department of Health and Mental Hygiene (DOHMH), has been publishing an ongoing series on health disparities within the City; and

Whereas, In its initial report titled *Disparities in Life Expectancy and Death in New York City*, DOHMH found that while people living in poor neighborhoods have higher death rates than those living in wealthier neighborhoods, Black New Yorkers have the highest death rates in every neighborhood irrespective of the neighborhood's economic makeup; and

Whereas, The report found that the difference in death rates between Black and white residents has remained relatively unchanged since 2003 and, furthermore, Black, Hispanic, and Asian New Yorkers are more likely to die prematurely than white New Yorkers, regardless of overall neighborhood income; and

Whereas, In 2021, the New York City Board of Health passed a resolution recognizing the impact of racism on health during the COVID-19 pandemic and beyond; and

Whereas, The declaration of anti-Black racism as a public health issue at the state level could aid in efforts to promote health equity for Black New Yorkers, both at the state and local level, by increasing awareness and legitimizing anti-Black racism as a major cause of health inequity; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the Governor to declare anti-Black racism a public health issue.

Referred to the Committee on Health.

Int. No. 280

By Council Member Marte.

A Local Law to amend the administrative code of the city of New York, in relation to sheltered bicycle parking stations in city parks

Be it enacted by the Council as follows:

Section 1. Section 18-122 of the administrative code of the city of New York is amended by adding new subdivisions a-1 and c to read as follows:

a-1. Definitions. For purposes of this section, "sheltered bicycle parking station" means an enclosed, weather-protected compartment that can store bicycles and, pursuant to the commissioner's discretion under paragraph 2 of subdivision c of this section, other personal mobility devices.

c. Sheltered bicycle parking stations. 1. Within 3 years after the effective date of the local law that added this subdivision, the commissioner shall install sheltered bicycle parking stations in certain parks under the jurisdiction of the commissioner, subject to the following requirements:

(a) For a park with an area of at least 2.5 but not more than 10 acres, the commissioner shall install at least 1 sheltered bicycle parking station;

(b) For a park with an area of at least 10 but not more than 25 acres, the commissioner shall install at least 2 sheltered bicycle parking stations;

(c) For a park with an area of at least 25 but not more than 50 acres, the commissioner shall install at least 3 sheltered bicycle parking stations;

(d) For a park with an area of at least 50 but not more than 250 acres, the commissioner shall install at least 4 sheltered bicycle parking stations; and

(e) For a park with an area of 250 acres or more, the commissioner shall install at least 5 sheltered bicycle parking stations.

2. The commissioner shall determine the location of installation of each sheltered bicycle parking station pursuant to paragraph 1 of this subdivision and whether the storage of personal mobility devices other than bicycles is permitted at each such sheltered bicycle parking station.

3. Where in the commissioner's judgment it is not practical to install sheltered bicycle parking stations in any park otherwise covered by this subdivision, the commissioner shall explain the commissioner's determination on the department's website.

§ 2. This local law takes effect immediately.

Referred to the Committee on Parks and Recreation.

Int. No. 281

By Council Members Menin and Brewer.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of sanitation to install and fill dog waste bag dispensers on public litter baskets

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 Dog waste bag dispenser program. a. Definitions. For the purposes of this section, the following terms have the following meanings:

Designated citywide languages. The term "designated citywide languages" has the same meaning as defined in subdivision a of section 23-1101.

Dog waste bag dispenser. The term "dog waste bag dispenser" means any container manufactured for the purpose of containing and dispensing dog waste bags.

Public litter basket. The term "public litter basket" means a basket, container, or receptacle placed in a public place by the department or its authorized agent for the public disposal of litter.

b. The commissioner shall install and fill dog waste bag dispensers on, or adjacent to, all public litter baskets. Each dog waste bag container shall be checked and refilled with dog waste bags as needed, but no less than once every week.

c. The commissioner, in collaboration with the department of health and mental hygiene, shall implement a public awareness campaign designed to educate the public on the negative public health consequences associated with dog waste, the legal responsibility of a person who owns or controls a dog for picking up dog waste, and the associated penalties for violations. The campaign shall include virtual and in-person outreach in the designated citywide languages. The campaign shall continue for no less than 1 year or for such longer duration as the commissioner determines will further the goals of the campaign.

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

Referred to the Committee on Sanitation and Solid Waste Management.

Int. No. 282

By Council Members Menin and Won.

A Local Law to amend the administrative code of the city of New York, in relation to accessibility in small businesses

Be it enacted by the Council as follows:

Section 1. Chapter 10 of title 22 of the administrative code of the city of New York is amended by adding new section 22-1007 to read as follows:

§ 22-1007 Accessibility fund for small businesses. a. Definitions. For the purposes of this section, the following terms have the following meanings:

Chain business. The term "chain business" means an establishment that is part of a group of four or more establishments that share a common owner or principal who owns at least 30 percent of each establishment where such establishments (i) engage in the same business or (ii) operate pursuant to franchise agreements with the same franchisor as defined in section 681 of the general business law.

Commissioner. Notwithstanding section 22-1001 of this chapter, the term "commissioner" means the commissioner of the department of small business services, the commissioner of the mayor's office for people with disabilities or its successor agency, or any other designee of the mayor.

Small business. The term "small business" means a for-profit or not-for-profit entity, excluding government entities, that is not a chain business and that employs no more than 100 employees. The number of employees of such small business shall consist of an average of all persons that performed work for the small business for compensation on a full-time, part-time or temporary basis for all payroll periods occurring in the 90 days prior to the date on which such property owner or tenant applies for the fund set forth in subdivision b of this section, as demonstrated by the payroll documentation of such entity, in accordance with rules promulgated by the commissioner.

Storefront. The term "storefront" means a premises owned or operated by a small business that is open to the public and is a public accommodation as defined in section 12181 of title 42 of the United States code.

b. The commissioner shall, subject to appropriation, operate a program that provides loans, grants, in-kind services or in-kind materials, or some combination, to small business tenants and property owners for the purpose of making physical features of their storefront accessible to people with disabilities. Any funding provided to a small business shall not exceed 250,000 dollars in total value per storefront. No loan provided through such program shall include an annual interest rate higher than three percent.

c. 1. The commissioner shall set a timeline for the review of applications for the program operated pursuant to subdivision b, the approval or rejection of such applications, and the disbursement of the approved loan or grant amount, if applicable, which shall not exceed 90 days in total for each such application.

2. Any loan, grant, services or materials provided by the program operated pursuant to subdivision b shall be made available to the person or entity responsible for bearing the cost of the construction project that would make such storefront accessible, whether the property owner or tenant of such storefront, provided however that both the property owner and the tenant must consent to the receipt of such loan, grant, services or materials unless a prior contractual agreement between the parties requires otherwise.

3. As a condition of the receipt of a loan, grant, services or materials pursuant to subdivision b, the commissioner may require the storefront's property owner to agree to decrease the rent charged to their tenant for the use of such storefront by half the value of such loan, grant, services or materials received, distributed across the remainder of the rental term in a manner agreed upon by such property owner and tenant.

d. The commissioner shall promulgate rules to implement the requirements of this section.

§ 2. This local law takes effect 180 days after it becomes law, except that the commissioner, as defined by subdivision a of section 22-1007 of this local law, shall take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

Referred to the Committee on Small Business.

Int. No. 283

By Council Member Menin.

A Local Law in relation to establishing a small business security measures pilot program, and providing for the repeal of such provisions upon the expiration thereof

Be it enacted by the Council as follows:

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

Security measures. The term "security measures" means digital video surveillance cameras, plexiglass windows, and other precautionary measures against retail theft as deemed appropriate by the commissioner of small business services.

Small business. The term "small business" means a retail establishment that has annual gross revenues of less than $5,000,000 and employs less than 25 employees. For purposes of determining whether an entity qualifies as a small business, the revenues of any parent entity, any subsidiary entities, and any entities owned or controlled by a common parent entity shall be aggregated.

b. Small business security measures pilot program. Subject to appropriation, the commissioner of small business services, in consultation with the police commissioner, shall establish a pilot program to install security

measures at small businesses. Such program shall involve such installation in zip codes of New York city with high rates of crimes associated with retail theft as determined by the police commissioner.

c. Digital video surveillance cameras. 1. Digital video surveillance cameras that are installed pursuant to subdivision b of this section shall be installed at all entrances and exits of a small business that are used by patrons.

2. Digital video surveillance cameras that are installed pursuant to subdivision b of this section and paragraph 1 of this subdivision shall be subject to the following provisions:

(a) Such cameras shall be of sufficient number, type, placement, and location to view and record all activity in front of and within 15 feet of either side of each entrance or exit of a small business that is used by patrons;

(b) Such cameras shall be sufficiently light-sensitive and provide sufficient image resolution, supported by additional lighting if necessary, to produce easily discernible images recorded at all times;

(c) Such cameras shall record at a minimum speed of 15 frames per second;

(d) The images produced by such cameras shall be capable of being viewed through use of appropriate technology, including but not limited to a mobile phone, computer screen, or closed circuit television monitor;

(e) Such cameras or the system affiliated with such cameras shall be capable of transferring the recorded images to a portable form of media, including but not limited to compact disc, digital video disc, universal serial bus, secure digital card, or portable hard drive;

(f) Such cameras shall not have an audio capability;

(g) Such cameras shall be maintained in good working condition;

(h) Such cameras shall be in operation and recording continuously during all hours of operation and for 6 hours after a small business equipped with such cameras closes; and

(i) The recordings made by such cameras shall be indexed by dates and times and preserved for a minimum of 30 days so that they may be made available to the police department and other government agencies acting in furtherance of a criminal investigation or a civil or administrative law enforcement purpose.

d. Enrollment. 1. The commissioner of small business services shall develop an application for enrollment in the pilot program established pursuant to subdivision b of this section. Such application shall require small businesses wishing to enroll in such program to submit the following information to the department of small business services:

(a) The name of the small business;

(b) The address of the small business;

(c) The small business' preferred method of communication;

(d) The desired security measure or security measures to be installed;

(e) The hours of operation of the small business; and

(f) Any other information deemed relevant by the commissioner of small business services.

2. The commissioner of small business services shall determine the duration of the enrollment period for such program.

3. Within 30 days after the cessation of such enrollment period, the department of small business services shall notify each small business that submitted an application pursuant to this subdivision whether the department of small business services will install security measures at such small business and which types of security measures will be installed. If the department of small business services has rejected any small business' enrollment application submitted pursuant to this subdivision, such department shall notify such small business and provide an explanation for the rejection.

e. Implementation. The pilot program established pursuant to subdivision b of this section shall commence no later than 180 days after the effective date of this local law. The duration of such program shall be 1 year.

f. Outreach campaign. The commissioner of small business services, in consultation with the police department, shall develop and conduct an outreach campaign to inform small businesses located in zip codes of New York city with high rates of crimes associated with retail theft as determined by the police commissioner about the pilot program established pursuant to subdivision b of this section. Such outreach campaign shall include, but need not be limited to, the use of the department's website, flyers in print, and radio.

g. Report. No later than 1 year after the cessation of the pilot program established pursuant to subdivision b of this section, the commissioner of small business services, in consultation with the police commissioner, shall submit to the mayor and the speaker of the council a report regarding such program. Such report shall include, but need not be limited to, the following information:

1. The cost of such program;

2. The total number of small businesses that participated in such program;

3. The total number of security measures installed through such program, disaggregated by type of security measure;

4. An analysis of the impact of such program on crime rates in zip codes of New York city with high rates of crimes associated with retail theft as determined by the police commissioner; and

5. Any challenges experienced by the department of small business services during the implementation of such program.

h. The commissioner of small business services shall promulgate rules necessary for the implementation of this local law.

§ 2. This local law takes effect 120 days after it becomes law and expires and is deemed repealed 3 years after it becomes law.

Referred to the Committee on Small Business.

Int. No. 284

By Council Members Menin and Won.

A Local Law to amend the administrative code of the city of New York, in relation to the creation of a separate 311 category for COVID-19 testing site complaints

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 COVID-19 testing site complaints. a. Definitions. For the purposes of this section, the following terms have the following meanings:

COVID-19. The term "COVID-19" means the disease caused by the severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2).

Department. The term "department" means the department of information technology and telecommunications.

b. The department shall implement and maintain on its 311 citizen center website and mobile device platforms the capability for the public to file a complaint under the category of "COVID-19 testing site complaint." Such website and platform shall accept any complaint related to sites that perform COVID-19 diagnostic testing, including inaccurate representation of the wait time for COVID-19 diagnostic test results, and refer each such complaint to the appropriate agency to take action as necessary to address the complaint.

c. The department shall maintain and update daily a public website that reports, for each COVID-19 testing site, identified by the operator and location of the testing site:

1. The number of complaints received;

2. The nature of each complaint received;

3. The agency to which each complaint was referred; and

4. The disposition of each complaint.

d. The agency to which the complaint was referred shall investigate each complaint referred to it within 48 hours of the receipt of such complaint.

§ 2. This local law takes effect 30 days after it becomes law.

Referred to the Committee on Technology.

Int. No. 285

By Council Members Menin, Hanif and Hudson.

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. 286

By Council Members Menin and Marte.

A Local Law to amend the administrative code of the city of New York, in relation to licensing micro-fulfillment centers

Be it enacted by the Council as follows:

Section 1. Chapter 2 of title 20 of the administrative code of the city of New York is amended by adding a new subchapter 38 to read as follows:

SUBCHAPTER 38
MICRO-FULFILLMENT CENTERS

§ 20-565 Definitions.
§ 20-565.1 Micro-fulfillment service license; application; fee.
§ 20-565.2 Issuance of license.
§ 20-565.3 Denial, renewal, suspension and revocation of license.
§ 20-565.4 Display of license.
§ 20-565.5 Facilities and inspections.
§ 20-565.6 Rulemaking.

§ 20-565 Definitions. As used in this subchapter, the following terms have the following meanings:

Micro-fulfillment service. The term "micro-fulfillment service" means a business that derives a majority of its income from online order fulfillment via the storage of retail sales items that are ordered for rapid delivery.

Micro-fulfillment center. The term "micro-fulfillment center" means any physical retail establishment operated by a micro-fulfillment service for a permitted use in either use group 6, as described in section 32-15 of the zoning resolution, or use group 7, as described in section 32-16 of the zoning resolution.

§ 20-565.1 Micro-fulfillment service license; application; fee. a. License required. It is unlawful for any person to own, control or operate a micro-fulfillment service without having received a license for such business in the manner provided in this subchapter. All licenses issued pursuant to this subchapter shall be valid for no more than two years and expire on a date the commissioner prescribes by rule.

b. License application. An application for a license required by this subchapter or for a renewal thereof shall be made to the commissioner in such form or manner as the commissioner shall prescribe by rule, provided that such application shall include, but need not be limited to:

1. The name and address of the applicant;

2. A list of all websites, mobile applications, and other micro-fulfillment service platforms, with relevant uniform resource locators, that the applicant uses or plans to use to conduct the business of a micro-fulfillment service;

3. An e-mail address that the applicant monitors where the department can send license application materials, official notifications, and other correspondence;

4. A list of all micro-fulfillment centers that the applicant will operate, the size of each such center, and the general type or types of products stored or handled in each such center;

5. The number of employees and independent contractors engaged by the applicant at each micro-fulfillment center at the time of the application;

6. An affidavit stating that all micro-fulfillment centers that the applicant will operate conform to applicable zoning regulations; and

7. If the applicant does not reside in the city, the name and address of a registered agent within the city upon whom process or other notifications may be served.

c. Fee. There shall be a biennial fee of $200 for a license to operate a micro-fulfillment service.

§ 20-565.2 Issuance of license. A license to operate a micro-fulfillment service shall be granted in accordance with the provisions of this subchapter, chapter 1 of this title, and applicable rules of the commissioner.

§ 20-565.3 Denial, renewal, suspension and revocation of license. In addition to any powers of the commissioner and not in limitation thereof, the commissioner may deny or refuse to renew any license required under this subchapter and may suspend or revoke any such license, after due notice and opportunity to be heard, if the applicant or licensee, or, where applicable, any of its officers, principals, directors, members, managers, employees, or stockholders owning more than 10 percent of the outstanding stock, membership interest, or other ownership interest of the organization, is found to have:

1. Committed two or more violations of any provision of this subchapter or any rules promulgated thereunder in the preceding two years;

2. Made a material false statement or concealed a material fact in connection with the filing of any application pursuant to this subchapter; or

3. Committed two or more violations of chapter 5 of this title or any rules promulgated thereunder in the preceding two years.

§ 20-565.4 Display of license. Each licensee shall conspicuously display a true copy of the license issued pursuant to this subchapter in close proximity to the main entrance door of each of the licensee's micro-fulfillment centers in such a manner that the license is visible from outside the building where such center is located.

§ 20-565.5 Facilities and inspections. a. The commissioner may inspect a micro-fulfillment center for violations of this subchapter and rules promulgated pursuant to this subchapter.

b. The commissioner may determine whether a micro-fulfillment center operated pursuant to a license issued under this subchapter is suitable for the proper storage and handling of food or other products.

§ 20-565.6 Rulemaking. The commissioner shall promulgate such rules as the commissioner deems necessary to effectuate the provisions of this subchapter.

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

Referred to the Committee on Consumer and Worker Protection.

Int. No. 287

By Council Members Menin, Powers, Ung, Bottcher, Riley, Feliz, Ayala, Gennaro and Hudson.

A Local Law to amend the administrative code of the city of New York, in relation to the creation of a public awareness campaign on the dangers of purchasing cannabis or cannabis products from unlicensed cannabis retailers

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 17 of the administrative code of the city of New York is amended by adding a new section 17-199.20 to read as follows:

§ 17-199.20 Public awareness campaign on synthetic drugs. a. Definitions. For the purposes of this section the following terms have the following meanings:

Cannabis. The term "cannabis" has the same meaning as set forth in section 3 of the cannabis law.

Cannabis product. The term "cannabis product" has the same meaning as set forth in section 3 of the cannabis law.

Designated citywide languages. The term "designated citywide languages" has the same meaning as set forth in subdivision a of section 23-1101.

Synthetic drug. The term "synthetic drug" means any substance described in subdivision a of section 10-203.

Unlicensed cannabis retailer. The term "unlicensed cannabis retailer" means a person selling or offering to sell cannabis or cannabis products without a license to sell such products pursuant to article 4 of the cannabis law.

b. The department, in collaboration with the department of consumer and worker protection and any other relevant agency, shall create and implement a public awareness campaign designed to educate minors and young adults on the dangers of purchasing purported cannabis or cannabis products from unlicensed cannabis retailers. The campaign should include information on the risks of consuming synthetic drugs and the risk of purchasing products adulterated with synthetic drugs from unlicensed cannabis retailers. The campaign should include virtual and in-person outreach in the designated citywide languages.

c. Such campaign shall continue for no less than one year or for such longer duration as the commissioner determines will further the goals of the campaign and promote safety.

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

Referred to the Committee on Consumer and Worker Protection.

Int. No. 288

By Council Members Menin, Farías, Gutiérrez, Won, Abreu, the Public Advocate (Mr. Williams) and Brewer (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 consumer and worker protection to implement an outreach and education program regarding phone scams involving voice cloning

Be it enacted by the Council as follows:

Section 1. Subchapter 1 of chapter 5 of title 20 of the administrative code of the city of New York is amended by adding a new section 20-706.6 to read as follows:

§ 20-706.6 Outreach and education program on phone scams involving artificial intelligence technology. a. Definitions. As used in this section, the term "voice-cloning phone scam" means a scheme whereby scammers use voice-cloning technology, including artificial intelligence, to replicate an individual's voice on a phone call

with a targeted victim, in an attempt to fraudulently obtain money or personal information from the targeted victim.

b. Outreach and education. No later than 120 days after the effective date of the local law that added this section, the department, in consultation with the department of information technology and telecommunications, shall establish and implement an outreach and education program to publicize the danger and threat of voice-cloning phone scams. The education and outreach required by this section shall include, but need not be limited to, the creation of educational materials that shall be made available on the department's website and updated as needed. Such educational materials shall be provided in English and the designated citywide languages, as defined in section 23-1101. The educational materials shall include information on and ways to protect against voice-cloning phone scams, including, but not limited to, the following:

1. How scammers use artificial intelligence technology to replicate an individual's voice using a voice sample;

2. How scammers obtain an individual's personal information, including a voice sample;

3. How to identify a voice-cloning phone scam;

4. Actions an individual should take if they believe they are the subject of a voice-cloning phone scam, including while the scam is occurring and after the scam has occurred;

5. How to report fraudulent activity; and

6. Tips and strategies to protect an individual's personal information and prevent scammers from obtaining personal information, including a voice sample.

§ 2. This local law takes effect immediately.

Referred to the Committee on Consumer and Worker Protection.

Int. No. 289

By Council Members Menin and Farías.

A Local Law to amend the New York city charter, in relation to an office of interagency tourism affairs

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 interagency tourism affairs. a. Definitions. For purposes of this section, the term "director" means the director of the office of interagency tourism affairs.

b. The mayor shall establish an office of interagency tourism affairs. Such office may, but need not, be established in the executive office of the mayor and may be established as a separate office or 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 or head of such department.

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

1. Establish a system to receive public comments and questions with respect to tourism, including, but not limited to, establishing and publicizing the availability of a telephone number to receive such comments and questions;

2. Relay comments and questions to the respective agencies with which such matters would normally be filed;

3. Establish a system to communicate with agencies and stakeholders who are affected by events in the tourism industry;

4. Where appropriate, coordinate communication between agencies and aid in the resolution of interagency matters, including matters relating to transportation, quality of life and other safety-related matters, and workforce development to support the industry.

d. Report. Beginning January 1, 2020, and on the first day of each calendar quarter thereafter, the office of interagency tourism affairs shall submit to the mayor and the speaker of the council a report related to the responsibilities of the office, including but not limited to:

1. The number of comments and questions received by the office and a description of such comments and questions;

2. The average time taken to respond to such communications;

3. A description of any response efforts taken; and

4. A five-year plan for the growth and sustainability of the tourism industry in the city of New York.

§ 2. This local law takes effect 120 days after it becomes law, provided that the administering agency may 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 Economic Development.

Int. No. 290

By Council Members Menin, Restler and Joseph.

A Local Law to amend the administrative code of the city of New York, in relation to reporting on payments to early childhood care and education providers

Be it enacted by the Council as follows:

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

CHAPTER 29
EARLY CHILDHOOD CARE AND EDUCATION REIMBURSEMENTS

§ 21-1000 Early childhood care and education reimbursements. a. Definitions. For the purposes of this section, the following terms have the following meanings:

Full payment. The term "full payment" means a payment received by an early childhood care and education provider that reflects the amount requested by invoice from such provider.

Partial payment. The term "partial payment" means a payment received by an early childhood care and education provider that only captures a portion of the amount requested by invoice from such provider.

b. The department shall submit to the mayor and the speaker of the council, and post on the department's website, on a monthly basis a report regarding reimbursements to early childhood care and education providers which the department has contracted with to provide these services. The report shall include:

1. The total number and value of invoices from contracted early childhood care and education providers;

2. The total number and value of such invoices for which the provider has received full payment from the department;

3. The total number and value of such invoices for which the provider has received partial payment from the department;

4. The total number and value of such invoices for which the provider has not yet received any portion of payment;

5. The average amount of days it takes to process such invoices;

6. The percentage of such invoices that have been processed for full payment; and

7. The percentage of such invoices that have been processed for partial payment.

§ 2. This law takes effect immediately.

Referred to the Committee on Education.

Int. No. 291

By Council Members Menin, Aviles, Louis, Nurse, Restler, Hanif, Hudson, Joseph, Ung, Marte, De La Rosa, Holden, Farías, Williams, Cabán, Powers, Narcisse, Bottcher, Schulman, Ayala, Won, Krishnan, Abreu, Feliz, Ossé, Gutiérrez, Dinowitz, Sanchez, Hanks, Riley, Rivera, Brewer and Paladino (in conjunction with the Manhattan Borough President).

A Local Law to amend the administrative code of the city of New York, in relation to increasing civil penalties for idling infractions by trucks and buses

Be it enacted by the Council as follows:

Section 1. Section 24-104 of the administrative code of the city of New York, as amended by local law number 119 for the year 2016, is amended by adding new definitions of "bus" and "truck" in alphabetical order to read as follows:

Bus. The term "bus" has the same meaning as set forth in section 4-01 of title 34 of the rules of the city of New York.

Truck. The term "truck" has the same meaning as set forth in section 4-01 of title 34 of the rules of the city of New York.

§ 2. Subdivision a of section 24-163 of the administrative code of the city of New York, as amended by local law number 58 for the year 2018, is amended to read as follows:

(a) No person shall cause or permit the engine of a motor vehicle, <u>including a bus or truck,</u> other than a legally authorized emergency motor vehicle, to idle for longer than three minutes, except as provided in subdivision (f) of this section, while parking as defined in section one hundred twenty-nine of the vehicle and traffic law, standing as defined in section one hundred forty-five of the vehicle and traffic law, or stopping as defined in section one hundred forty-seven of the vehicle and traffic law, unless the engine is used to operate a loading, unloading or processing device. When the ambient temperature is in excess of forty degrees Fahrenheit, no person shall cause or permit the engine of a bus as defined in section one hundred four of the vehicle and traffic law to idle while parking, standing, or stopping (as defined above) at any terminal point, whether or not enclosed, along an established route.

(1) A person operating a bus or truck in violation of this subdivision shall receive a civil penalty of not less than $1,000 nor more than $2,000 for the first violation.

(2) A person operating a bus or truck in violation of this subdivision shall receive a civil penalty of not less than $2,000 nor more than $4,000 for the second violation.

(3) A person operating a bus or truck in violation of this subdivision shall receive a civil penalty of not less than $3,000 nor more than $6,000 for the third and subsequent violations.

§ 3. The line beginning 24-163 in the table of civil penalties following subparagraph (i) of paragraph (3) of subdivision (a) of section 24-178 of the administrative code of the city of New York, as amended by local law 154 for the year 2021, is amended and three new rows, 24-163(a)(1), 24-163(a)(2), and 24-163(a)(3), are added to read as follows:

[24-163] *24-163(a)*	$350	$2,000
24-163(a)(1)	*$1,000*	*$2,000*
24-163(a)(2)	*$2,000*	*$4,000*
24-163(a)(3)	*$3,000*	*$6,000*

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

Referred to the Committee on Environmental Protection, Resiliency and Waterfronts.

Int. No. 292

By Council Members Menin, Ung and Brewer.

A Local Law to amend the New York city charter and the administrative code of the city of New York, in relation to the rules of construction for unspecified ranges of civil penalties

Be it enacted by the Council as follows:

Section 1. Chapter 52 of the New York city charter is amended by adding a new section 1155 to read as follows:

§ 1155. Default civil penalty within unspecified range. a. Definitions. For purposes of this section, the term "unspecified range of penalties" means any provision setting forth a range of civil penalties that meets all of the following criteria:

1. The minimum penalty is greater than zero;

2. The maximum penalty is either specified or unspecified; and

3. The provision does not set forth any aggravating, mitigating, or other factors to guide discretion regarding which penalty amount within the range to impose in a particular situation.

b. For any unspecified range of penalties set forth in this charter, the default civil penalty for a first violation shall be the lowest amount in the range. No agency or officer may impose a civil penalty greater than the default civil penalty for a violation unless the agency establishes by rule the aggravating factors that would justify the imposition of a greater penalty.

§ 2. Chapter 1 of title 1 of the administrative code of the city of New York is amended by adding a new section 1-115 to read as follows:

§ 1-115 Default civil penalty within unspecified range. a. Definitions. For purposes of this section, the term "unspecified range of penalties" means any provision setting forth a range of civil penalties that meets all of the following criteria:

1. The minimum penalty is greater than zero;

2. The maximum penalty is either specified or unspecified; and

3. The provision does not set forth any aggravating, mitigating, or other factors to guide discretion regarding which penalty amount within the range to impose in a particular situation.

b. For any unspecified range of penalties set forth in the code, the default civil penalty for a first violation shall be the lowest amount in the range. No agency or officer may impose a civil penalty greater than the default civil penalty for a violation unless the agency establishes by rule the aggravating factors that would justify the imposition of a greater penalty.

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

Referred to the Committee on Governmental Operations, State & Federal Legislation.

Int. No. 293

By Council Members Menin, Avilés, Lee, Gutiérrez, Farías, Salaam, Abreu, Schulman, the Public Advocate (Mr. Williams) and Brewer (by request of the Manhattan Borough President).

A Local Law to amend the New York city charter, in relation to prohibiting the dissemination of materially deceptive audio or visual media in local elections

Be it enacted by the Council as follows:

Section 1. Chapter 46 of the New York city charter is amended by adding a new section 1057-h to read as follows:

§ 1057-h Dissemination of materially deceptive audio or visual media to influence covered elections.

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

Candidate. The term "candidate" means a candidate for nomination or office in a covered election.

Covered election. The term "covered election" means any primary, special, or general election for nomination for election, or election, to the office of mayor, public advocate, comptroller, borough president, or member of the city council.

Disseminate. The term "disseminate" means to cause dissemination by radio, television, cable, or satellite broadcast, by posting on social media or any other website, or by mass mailing, text message, or telephone call.

Materially deceptive audio or visual media. The term "materially deceptive audio or visual media" means any video, image, or sound recording that meets the following criteria:

1. the video, image, or sound recording was intentionally manipulated to depict speech or conduct by a candidate, some or all of which did not occur in reality, and

2. the video, image, or sound recording is so realistic that a reasonable person would believe that such speech or conduct did occur in reality.

Mass mailing, text message, or telephone call. The term "mass mailing, text message, or telephone call" means a mailing of more than 500 pieces of mail matter, the sending of more than 500 text messages, or the making of more than 500 telephone calls, of an identical or substantially similar nature within any 30-day period.

b. Prohibited conduct. Any person who, with intent to influence the results of a covered election or injure the reputation of a candidate, disseminates materially deceptive audio or visual media within 60 days of a covered election is guilty of a misdemeanor punishable by imprisonment of not more than one year or by a fine of not more than $2,500, or both.

c. Injunctive relief. A candidate who is, or is likely to become, injured by a violation of subdivision b of this section may seek injunctive relief prohibiting such conduct. This subdivision shall not be construed to limit or preclude any other cause of action available to any person injured or aggrieved by the violation of this section.

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

Referred to the Committee on Governmental Operations, State & Federal Legislation.

Int. No. 294

By Council Members Menin, Schulman, the Public Advocate (Mr. Williams) and Won (by request of the Manhattan Borough President).

A Local Law to amend the administrative code of the city of New York, in relation to reporting of data related to COVID-19

Be it enacted by the Council as follows:

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

§ 17-199.19 Reporting on COVID-19. a. Definitions. For the purposes of this section, the term "COVID-19" means the disease caused by the severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2).

b. The department shall maintain a website where it reports and updates daily the following information for each zip code:

1. The number of tests for COVID-19 performed;

2. The number of COVID-19 tests that were positive;

3. The percentage of COVID-19 tests that were positive;

4. The number of COVID-19 vaccines administered; and

5. The number of deaths due to COVID-19.

c. The information reported pursuant to subdivision b shall be posted on the website no later than seven days following the date the department receives such data.

§ 2. This local law takes effect immediately.

Referred to the Committee on Health.

Int. No. 295

By Council Members Menin and Schulman.

A Local Law to amend the New York city charter, in relation to clarifying the health code where approvals from multiple agencies are required

Be it enacted by the Council as follows:

Section 1. Section 558 of the New York city charter is amended by adding a new subdivision (i) to read as follows:

(*i) Where the health code requires licenses, approvals, or permits from an agency other than the department, the board of health shall ensure, including through coordination with other agencies if necessary, that the relevant health code provisions specify each license, approval, or permit needed and any order in which they must be obtained. Nothing in this subdivision shall be construed to confer, remove, or transfer any authority with regard to the issuance of licenses, approvals, or permits belonging to the board of health, the department, or any other agency that existed prior to the effective date of this subdivision.*

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

Referred to the Committee on Health.

Int. No. 296

By Council Members Menin, the Public Advocate (Mr. Williams), Hudson, Abreu, Cabán, Farías, Restler, Schulman and Brewer.

A Local Law to amend the administrative code of the city of New York, in relation to menstrual products in city bathroom facilities

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 17 of the administrative code of the city of New York is amended by adding a new section 17-199.23 to read as follows:

§ 17-199.23 Menstrual products in city bathroom facilities. a. Definitions. As used in this section, the following terms have the following meanings:

City bathroom facility. The term "city bathroom facility" means any bathroom or shower that is leased, managed, or operated by the city, excluding any bathroom or shower that is in a school building as defined in section 21-968.

Menstrual products. The term "menstrual products" means menstrual cups, tampons, and sanitary napkins for use in connection with the menstrual cycle.

b. Provision of menstrual products. No later than 180 days after the effective date of the local law that added this section, the department, in coordination with the department of citywide administrative services, shall make menstrual products available at no cost in every city bathroom facility.

c. Report. No later than 1 year after the effective date of the local law that added this section, and annually thereafter, the department, in coordination with the department of citywide administrative services, shall submit

a report to the mayor and the speaker of the council on the provision of menstrual products in city bathroom facilities as required by subdivision b of this section. The report shall include, but need not be limited to, the following:

1. The total number of city bathroom facilities;

2. The total number of city bathroom facilities where menstrual products are not available; and

3. If there are any city bathroom facilities where menstrual products are not available, the reasons why the products are not available.

§ 2. This local law takes effect immediately.

Referred to the Committee on Health.

Int. No. 297

By Council Members Menin and Nurse.

A Local Law to amend the administrative code of the city of New York, in relation to requiring rulemaking to register community gardens on privately-owned lots

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 Urban gardening program. a. Definitions. For purposes of this section, the following terms have the following meanings:

Greenthumb garden. The term "greenthumb garden" means a community garden that is registered with greenthumb.

Greenthumb. The term "greenthumb" means the division within the department responsible for the city's urban gardening program, including the implementation of chapter 6 of title 56 of the rules of the city of New York.

b. Rules. The commissioner shall make rules to register greenthumb gardens located on privately-owned real property. Such rules shall:

1. Include provisions for processing registration applications;

2. Set forth the terms and conditions of registration, and

3. Ensure that no garden is registered without the written consent of the owner of the real property where such garden will be located.

c. The department shall administer the city's urban gardening program in accordance with all applicable federal, state and local laws, rules and regulations.

§ 2. This local law takes effect immediately.

Referred to the Committee on Parks and Recreation.

Int. No. 298

By Council Members Menin, Won, Williams and Restler.

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. 299

By Council Members Menin, Abreu and Restler.

A Local Law to amend the administrative code of the city of New York, in relation to reducing civil penalties where food service establishments donate left over food

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

Eligible violation. The term "eligible violation" means (i) a violation which is set forth in rule by the department as eligible for the food donation program and (ii) a violation issued for a failure to comply with any provision of the code or the rules of the city of New York, which is enforced by the department and requires source separation, the recycling of designated materials or the posting of signage.

Food service establishment. The term "food service establishment" means a premises or part of a premises where food is provided directly to the consumer whether such food is provided free of charge or sold, and whether consumption occurs on or off of the premises or is provided from a pushcart, stand or vehicle and shall include, but not be limited to, full-service restaurants, fast food restaurants, cafes, delicatessens, coffee shops, grocery stores, vending trucks or carts and cafeterias.

Not-for-profit corporation. The term "not-for-profit corporation" means a not-for-profit corporation as defined in subparagraph 5 or subparagraph 7 of subdivision a of section 102 of the New York state not-for-profit corporation law.

Qualifying excess food. The term "qualifying excess food" means food that (i) such food service establishment does not intend to make, or intends to stop making available to its customers and (ii) meets all quality and labeling standards imposed by federal, state and local laws and rules.

b. Notwithstanding any other provision of law, the commissioner shall establish a food donation program. Such program shall allow an owner of a food service establishment who is issued an eligible violation to have the civil penalties for such violation waived where such owner (i) had not received the same or a substantially similar violation within the six month period prior to the issuance of such eligible violation, (ii) enters into an agreement, approved by the department, with a not-for-profit corporation to donate such establishment's qualifying excess food for a period to be determined by the department and (iii) provides to the department, at the end of such period, a statement from such not-for-profit corporation certifying that such establishment has donated its qualifying excess food over such period.

c. An owner who enters into such a regulatory agreement pursuant to subdivision b of this section and is found not to be in compliance with such agreement shall have the original civil penalty reinstated and doubled.

§ 2. Title 20 of the administrative code of the city of New York is amended by adding a new chapter 16 to read as follows:

CHAPTER 16
INCENTIVIZING FOOD DONATIONS

§ 20-1601 Incentivizing food donations.

§ 20-1601 Incentivizing food donations. a. As used in this chapter, the following terms have the following meanings:

Eligible violation. The term "eligible violation" means (i) a violation which is set forth in rule by the department as eligible for the food donation program and (ii) a violation which is issued for a failure to comply with any provision of the code or the rules of the city of New York which is enforced by the department and requires the display of prices, the accuracy of scanners or the posting of signage.

Food service establishment. The term "food service establishment" means a premises or part of a premises where food is provided directly to the consumer whether such food is provided free of charge or sold, and whether consumption occurs on or off of the premises or is provided from a pushcart, stand or vehicle and shall include, but not be limited to, full-service restaurants, fast food restaurants, cafes, delicatessens, coffee shops, grocery stores, vending trucks or carts and cafeterias.

Not-for-profit corporation. The term "not-for-profit corporation" means a not-for-profit corporation as defined in subparagraph 5 or subparagraph 7 of subdivision a of section 102 of the New York state not-for-profit corporation law.

Qualifying excess food. The term "qualifying excess food" means food that (i) such food service establishment does not intend to make, or intends to stop making available to its customers and (ii) meets all quality and labeling standards imposed by federal, state and local laws and rules.

b. Notwithstanding any other provision of law, the commissioner shall establish a food donation program. Such program shall allow an owner of a food service establishment who is issued an eligible violation to have the civil penalties for such violation waived where such owner (i) has not received the same or a substantially similar violation within the six month period prior to the issuance of such eligible violation, (ii) enters into an agreement, approved by the department, with a not-for-profit corporation to donate such establishment's qualifying excess food for a period to be determined by the department and (iii) provides to the department, at the end of such period, a statement from such not-for-profit corporation certifying that such establishment has donated its qualifying excess food over such period.

c. An owner who enters into such a regulatory agreement pursuant to subdivision b of this section and is found not to be in compliance with such agreement shall have the original civil penalty reinstated and doubled.

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

Referred to the Committee on Small Business.

Int. No. 300

By Council Members Menin, Gutiérrez, Stevens, Schulman, Marte, Feliz, Hanks, Salamanca Jr., Lee, Ossé, Ung, Dinowitz, The Public Advocate (Mr. Williams), Louis, Riley, Restler, Hudson, Brewer, Sanchez, Won, Cabán, Hanif, Ayala, Mealy and Nurse.

A Local Law to amend the New York city charter, in relation to establishing an office of small business digitalization and technical amendments in relation thereto

Be it enacted by the Council as follows:

Section 1. Section 20-m of chapter 1 of the New York city charter, as added by local law number 164 for the year 2021, is renumbered section 20-o.

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

§ 20-p. Office of small business digitalization. a. Definitions. For purposes of this section, the following terms have the following meanings:

Designated citywide languages. The term "designated citywide languages" means (i) the top six limited English proficiency languages spoken by the population of New York city as determined by the department of city planning and the office of the language services coordinator, based on United States census data; and (ii) the top four limited English proficiency languages spoken by the population served or likely to be served by the agencies of the city of New York as determined by the office of the language services coordinator, based on language access data collected by the department of education, excluding the languages designated based on United States census data.

Digitalization. The term "digitalization" means the process of moving towards a digital business, including, but not limited to, developing a digital presence and using digital technologies to update a business model and obtain new opportunities and revenue.

Director. The term "director" means the director of the office of small business digitalization.

Office. The term "office" means the office of small business digitalization.

b. Office established. The mayor shall establish an office of small business digitalization to coordinate and facilitate the digitalization of small businesses in the city. Such office may be established within the executive office of the mayor or as a separate office or within any other agency or office the head of which is appointed by the mayor. Such office shall be headed by a director, who shall be appointed by the mayor or by the head of such other agency or office.

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

1. Promote the digitalization of small businesses, including, but not limited to, developing and implementing culturally appropriate programs and policies regarding digitalization;

2. Provide culturally responsive technical assistance and mentoring to small business owners regarding digitalization on topics, including, but not limited to, creating websites, developing effective online practices and understanding digital privacy issues;

3. Develop and implement a culturally appropriate small business digitalization plan, which shall do the following:

(a) Outline a path to digitalization for small businesses;

(b) Assess the challenges small businesses face and the assistance small businesses need to digitalize; and

(c) Develop and monitor a set of metrics to assess the digitalization of small businesses;

4. Conduct outreach regarding the digitalization of small businesses in the designated citywide languages to limited English proficiency small business owners;

5. Assess programs and policies regarding the digitalization of small businesses adopted in the city and in other jurisdictions;

6. Advise the mayor on the digitalization of small businesses, including, but not limited to, the office's efforts and progress on the small business digitalization plan as required by paragraph 3 of this subdivision; and

7. Consult with relevant agencies and stakeholders in carrying out the powers and duties set forth in this subdivision.

d. Reports. No later than one year after the effective date of this section, and annually thereafter, the director shall submit a report regarding the office as established by subdivision b of this section to the mayor and the speaker of the council and post such report on the office's website. Such reports shall summarize the activities of the office and assess the digitalization of small businesses. The annual report shall include, but not be limited to, the following information for the previous year:

1. A summary of the office's efforts to promote the digitalization of small businesses;

2. A description of the technical assistance and mentoring the office provided to small business owners regarding digitalization;

3. An update on the small business digitalization plan as required by paragraph 3 of subdivision c of this section; and

4. A summary of any new programs or policies implemented by the office to help small businesses digitalize.

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

Referred to the Committee on Small Business.

Int. No. 301

By Council Members Menin, Restler, Brooks-Powers, Rivera, Won, Narcisse and Hanks.

A Local Law to amend the administrative code of the city of New York, in relation to the installation of solar-powered crosswalks

Be it enacted by the Council as follows:

Section 1. Subchapter 3 of chapter 1 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-188.3 to read as follows:

§ 19-188.3 Solar-powered crosswalks. a. Definitions. For the purpose of this section, the following terms have the following meanings:

Crosswalk. The term "crosswalk" means that part of a roadway, whether marked or unmarked, which is included within the extension of the sidewalk lines between opposite sides of the roadway at an intersection.

Traffic control device. The term "traffic control device" means a sign, signal, marking or device not inconsistent with the vehicle and traffic law that is placed or erected by authority of a public body or official having jurisdiction for the purpose of regulating, warning or guiding traffic.

b. The department shall install at least 100 illuminated, solar-powered traffic control devices at crosswalks annually for the first 5 years following the effective date of the local law that added this section, for a total of at least 500 illuminated, solar-powered traffic control devices.

c. The department shall conduct a study regarding the efficacy of using illuminated, solar-powered traffic control devices at crosswalks. Such study shall examine, at minimum, the utility of solar-powered traffic control devices, including a comparison of their effectiveness in deterring violations of vehicle and traffic laws, rules and regulations with the effectiveness of traffic control signs at crosswalks that are not illuminated in deterring the same, identify any logistical challenges in siting such devices, and make recommendations regarding their expanded use. The department shall post on its website and submit to the speaker of the council a report of such study that contains its findings and recommendations no later than 2 years after the effective date of the local law that added this section.

§ 2. This local law takes effect immediately.

Referred to the Committee on Transportation and Infrastructure.

Res. No. 127

Resolution calling on the New York State Legislature to pass, and the Governor to sign, legislation authorizing the Department of Financial Services to license and regulate companies that offer Buy Now, Pay Later loans.

By Council Members Menin and Brewer.

Whereas, Buy Now, Pay Later (BNPL) loans are a form of credit that allows a consumer to split the cost of retail transactions into smaller installments and take immediate possession of the product or service after making the first payment; and

Whereas, According to a 2022 report by the Consumer Financial Protection Bureau (CFPB), the BNPL industry is rapidly growing and five BNPL lenders originated 180 million loans totaling over $24 billion in 2021, a near tenfold increase from 2019; and

Whereas, Most BNPL loans range from $50 to $1,000 and are subject to late fees if a borrower misses a payment, often around $7 per missed payment on an average loan size of $135, according to the CFPB; and

Whereas, The CFPB found that BNPL products can pose risks to consumers due to a lack of clear disclosures of loan terms, opaque processes for filing and resolving disputes, requirements to use autopay for loan payments resulting in overdrafts and negative effects on credit reports and scores; and

Whereas, The CFPB's analysis found that the BNPL industry encourages consumer overextension and can negatively affect consumers' abilities to meet their loan obligations; and

Whereas, The CFPB also found that BNPL lenders often collect and deploy consumer data to increase the likelihood of incremental sales and maximize the value they can extract from borrowers; and

Whereas, On January 2, 2024, Governor Kathy Hochul announced a plan to propose legislation that would require providers of BNPL financing in New York State to obtain a license and authorize the New York Department of Financial Services (DFS) to regulate companies that offer BNPL financing; and

Whereas, Governor Hochul's Proposed 2024-2025 Transportation, Economic Development and Environmental Conservation Bill S.8308/A.8808 includes the "Buy Now Pay Later Act" which would amend the Banking Law to grant DFS licensing and regulatory authority over BNPL loans and their providers and establish requirements around term disclosure, advertising, dispute resolution, credit reporting, late fee limits, and consumer data privacy; 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 authorizing the Department of Financial Services to license and regulate companies that offer Buy Now, Pay Later loans.

Referred to the Committee on Consumer and Worker Protection.

Res. No. 128

Resolution calling on the New York State Legislature to pass, and the Governor to sign, S.364 related to high-volume third-party sellers in online marketplaces.

By Council Member Menin.

Whereas, New York Police Department data indicates that complaints of retail theft in New York City have increased by 77 percent from 2018 to 2022; and

Whereas, According to the Mayor's Office, the most egregious retail theft is carried out by organized groups of individuals who commit raids on retail establishments for the purpose of selling the stolen products through online marketplaces that allow third-parties to market goods to consumers through their platforms; and

Whereas, Consumers who use purchase goods from online marketplaces are often unaware of where the products are coming from; and

Whereas, A lack of due diligence on the part of the online marketplace websites makes organized retail theft a viable source of income for offenders; and

Whereas, Basic transparency and verification requirements for third-party sellers who make a high number of transactions is necessary to guard against counterfeit, fraudulent, or stolen goods being sold to unsuspecting consumers; and

Whereas, S.364, introduced by State Senator Kevin Thomas and pending in the New York State Senate, would require online marketplaces to collect and verify information for third-party sellers who make a high volume of sales on the platform and require such sellers to provide information to consumers; 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.364 related to high-volume third-party sellers in online marketplaces.

Referred to the Committee on Consumer and Worker Protection.

Res. No. 129

Resolution recognizing April 6 annually as Tartan Day in the City of New York.

By Council Member Menin.

Whereas, The United States (U.S.) Senate passed S. Res. 155 in March, 1998, which designated April 6 annually as National Tartan Day to celebrate the many noteworthy achievements and contributions made by Scottish Americans to the U.S. since the nation's founding; and

Whereas, S. Res. 155 was followed by H. Res. 41, a companion bill passed by the U.S. House of Representatives in March, 2005; and

Whereas, Presidential Proclamation 8233 in April, 2008, in support of national Tartan Day, cited the "enduring contributions to our Nation" by Scottish Americans' "hard work, faith, and values" as well as the "long shared ties of family and friendship" between Scotland and the U.S.; and

Whereas, April 6 was chosen because of its important significance as the date in 1320 when the Declaration of Arbroath, the Scottish Declaration of Independence, was signed by Scottish nobility at Arbroath Abbey and because the U.S. Declaration of Independence "was modeled on that inspirational document," according to the Senate resolution; and

Whereas, Colonists in the original 13 colonies echoed the Scots' belief in liberty, as memorably stated in the Declaration of Arbroath, that "for so long as a hundred of us are left alive, we will yield in no least way to English dominion" and that "[w]e fight not for glory nor for wealth nor honours; but only and alone we fight for freedom, which no good man surrenders but with his life" (translated by Agnes Mure Mackenzie); and

Whereas, An April 6 holiday recognizes the remarkable legacy of the almost half of the signers of the U.S. Declaration of Independence and 9 of the governors of the first 13 states, who claimed Scottish ancestry; and

Whereas, It also recognizes the legacy of the early Scottish settlers, starting in the 1680s and increasing in the 1720s, who came to the U.S. for religious freedom (like the Presbyterian Scots) or a new beginning and fought with their fellow colonists against the British in George Washington's Continental Army; and

Whereas, An April 6 holiday honors the accomplishments of many Scottish Americans since then, across many fields in the arts and sciences, including figures as different as environmentalist John Muir; writers Edgar Allen Poe, Washington Irving, and William Faulkner; inventor Alexander Graham Bell; businessman and philanthropist Andrew Carnegie; New York City (NYC) architect Charles McKim; musicians Elvis Presley and Johnny Cash; astronauts Alan Shepard, John Glenn, Buzz Aldrin, and Neil Armstrong; New York businessman Samuel Wilson, popularly known as Uncle Sam since the War of 1812; New York Giants baseball great Bobby Thomson; and 34 U.S. presidents; and

Whereas, Americans today enjoy many aspects of Scottish culture, including golf, bagpipe music, shortbread, Scotch whisky, and tartan kilts and fabric; and

Whereas, According to The New York Times, about 40,000 NYC residents in 2010 claimed Scottish roots; and

Whereas, While Tartan Day is now celebrated throughout the U.S. and Canada, the largest U.S. commemorative event is the NYC Tartan Day Parade, first held officially in 1999; and

Whereas, The NYC Tartan Day Parade, free for all participants and the culmination of a week of Scottish-themed festivities, boasts 3,000 bagpipers from all over the world, Highland dancers, and Scottish clan organizations; and

Whereas, The designation of a holiday here in NYC would honor the vital role that Scottish Americans have played and continue to play in the City as well as their positive impacts on the City's culture and economy; now, therefore, be it

Resolved, That the Council of the City of New York recognizes April 6 annually as Tartan Day in the City of New York.

Referred to the Committee on Cultural Affairs, Libraries and International Intergroup Relations.

Res. No. 130

Resolution recognizing November 26 as Holodomor Memorial Day in the City of New York to honor the courage and resilience of the Ukrainian people.

By Council Member Menin.

Whereas, United States (U.S.) President Joseph R. Biden, Jr. issued a statement on November 23, 2022, to commemorate the 90th anniversary of the 1932-1933 Holodomor—or "death by hunger"—in which millions of innocent Ukrainians died at the hands of Joseph Stalin; and

Whereas, H. Res. 1109, sponsored by U.S. Representative Don Bacon and introduced on May 12, 2022, expressed "the sense of the House of Representatives that the Ukrainian famine of 1932-1933, known as the Holodomor, is recognized as a genocide and should serve as a reminder of repressive Soviet policies against the people of Ukraine"; and

Whereas, The Soviet Union viciously crushed any resistance by the Ukrainian people in 1932-1933 in their fight to be free in their own land, speak their own language, and celebrate their own culture; and

Whereas, The Soviet Union forced the Ukrainian people to turn over their land and property to collective farms and then confiscated their grain harvests, thus starving Ukrainian families on a massive scale; and

Whereas, The Soviet Union closed the borders of Ukraine so that its people could not flee in search of food or freedom and so that humanitarian aid could not be provided by other countries; and

Whereas, According to the Ukrainian Institute of Demographic and Social Studies and the University of North Carolina at Chapel Hill, approximately 3.9 million Ukrainians died during the Holodomor, and many were buried in mass unmarked graves to conceal from the world the truth of what the Soviet regime had perpetrated; and

Whereas, After the dissolution of the Soviet Union, documents were found that exposed the atrocities of the Holodomor and confirmed that the Soviet actions against Ukraine were purposefully planned; and

Whereas, Public Law 109-340, signed by President George W. Bush on October 12, 2006, allowed the establishment of "a memorial on Federal land in the District of Columbia to honor the victims" of the Holodomor; and

Whereas, Ukrainian communities in the U.S. and worldwide continue their work in spreading awareness of the causes and consequences of the Soviet repression that resulted in the Holodomor; and

Whereas, More than 150,000 Ukrainians live in New York City (NYC)—more than in any other city in the U.S.; and

Whereas, Ukrainian communities in NYC celebrate Ukrainian history and culture and are home to Ukrainian banks, restaurants, schools, houses of worship, and cultural centers; and

Whereas, The Ukrainian culture brought by immigrants over many decades has enriched the multicultural fabric of NYC and continues to do so; and

Whereas, Newly arrived Ukrainians fleeing Russian President Vladimir Putin's 2022 invasion of their homeland have brought the concerns of the Ukrainian people once again to the forefront for many New Yorkers; and

Whereas, Establishing November 26 as a day of remembrance allows New Yorkers time to reflect on the meaning and lasting effects of the Holodomor on the Ukrainian people as well as to express our support for NYC's recently arrived Ukrainian immigrants; and

Whereas, President Biden said in his statement on remembering the Holodomor that "[w]e commemorate all the lives lost in this senseless tragedy, and we pay tribute to the resilience of the Ukrainian people who endured devastation and tyranny to ultimately create a free and democratic society"; now, therefore, be it

Resolved, That the Council of the City of New York recognizes November 26 as Holodomor Memorial Day in the City of New York to honor the courage and resilience of the Ukrainian people.

Referred to the Committee on Cultural Affairs, Libraries and International Intergroup Relations.

Res. No. 131

Resolution calling on the New York State legislature to pass, and the Governor to sign, A.6872A/S.5921A, the New York Deforestation-Free Procurement Act.

By Council Member Menin.

Whereas, Tropical forests encompass over six percent of the Earth's surface and harbor approximately 50 percent of all species on Earth; and

Whereas, Boreal forests, those located in northern regions, represent nearly 30 percent of the global forests and help regulate the Earth's climate through energy and water exchange and serve as a large reservoir of biogenic carbon; and

Whereas, An Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES) report released in 2019 indicates that the Earth's natural landscapes are being transformed drastically by human alteration, so much so that nearly one million plant and animal species are now at risk of extinction, posing a massive threat to ecosystems that the world depends on; and

Whereas, The IPBES report further indicates that the average abundance of native species in most major land-based habitats has decreased by approximately 20 percent since 1900, three-quarters of the land-based environments have been significantly altered by human actions, and land degradation has reduced the productivity of 23 percent of the global land surface; and

Whereas, According to the United Nations Food and Agriculture Organization, approximately 18 million acres of forest are destroyed each year, further threatening ecosystems globally; and

Whereas, One of the largest contributors to tropical deforestation is associated with land clearing for the industrial-scale production of agricultural commodities, while a leading cause of boreal forest degradation is industrial logging to produce single-use tissue products, newsprint and lumber; and

Whereas, Deforestation, if continued at the current pace, will ensure that the Earth's tropical rainforests will be dramatically degraded or destroyed over the next 100 years; now, therefore, be it

Whereas, A.6872A, sponsored by New York State Assemblymember Kenneth P. Zebrowski, currently pending in the New York State Assembly, and companion bill S.5921A, sponsored by New York State Senator Liz Krueger, currently pending in the New York State Senate, known as the Deforestation-Free Procurement Act, seeks to require that companies who contract with the state do not contribute to tropical or boreal intact forest degradation or deforestation directly or through their supply chains; and

Whereas, A.6872A/S.5921A would tighten an existing ban on the use of tropical hardwoods for government construction projects by expanding the list of covered tree species and by removing certain exemptions, and requiring state contractors who sell forest-risk commodities to certify that their products do not contribute to deforestation; and

Whereas, The Deforestation-Free Procurement Act would ensure that New York State government procurement does not contribute to tropical or boreal deforestation; and

Resolved, That the Council of the City of New York calls on the New York State legislature to pass, and the Governor to sign, A.6872A/S.5921A, the New York Deforestation-Free Procurement Act.

Referred to the Committee on Environmental Protection, Resiliency and Waterfronts.

Res. No. 132

Resolution calling on the New York State Legislature and Governor to amend the New York State Public Authorities Law by granting residents of Roosevelt Island the power to vote for members of the board of the Roosevelt Island Operating Corporation.

By Council Member Menin.

Whereas, Roosevelt Island is located along New York City's East River, within the borough of Manhattan, and spans nearly 2 miles in length; and

Whereas, Roosevelt Island is home to approximately 12,000 residents as well as the campus for Cornell Tech; and

Whereas, In an effort to help manage the island's residential community and businesses, in 1984, New York State established the Roosevelt Island Operating Corporation ("RIOC") as a public benefit corporation; and

Whereas, The RIOC is charged with planning, designing, developing, operating and maintaining Roosevelt Island; and

Whereas, The RIOC is also responsible for managing Roosevelt Island's roads, parks, buildings and public transportation; and

Whereas, Additionally, the RIOC operates the island's Public Safety Department, ensuring that residents and visitors are provided a secure environment; and

Whereas, The RIOC is an instrumental component in the daily operation and safety of Roosevelt Island; and

Whereas, Title 35 of the New York State Public Authorities Law establishes the RIOC, its powers and the organization of its board of directors; and

Whereas, The RIOC board of directors is comprised of nine members who are appointed by the governor with advice and consent of the New York State Senate; and

Whereas, The RIOC is the governing body of the daily operations of Roosevelt Island and the board of directors should be elected by the island's residents; and

Whereas, Roosevelt Island should have the autonomy to elect its representatives and be free from gubernatorial appointment; now, therefore, be it

Resolved, That the Council of the City of New York calls on the New York State Legislature and Governor to amend the New York State Public Authorities Law by granting residents of Roosevelt Island the power to vote for member of the board of the Roosevelt Island Operating Corporation.

Referred to the Committee on Governmental Operations, State & Federal Legislation.

Res. No. 133

Resolution calling on the New York State Legislature to pass, and the Governor to sign, legislation to increase Medicaid reimbursement to cover eight pre- and post-natal visits, as well as delivery support by doulas.

By Council Members Menin and Yeger.

Whereas, The World Health Organization defines maternal death as the death of a woman while pregnant or within 42 days of termination of pregnancy, irrespective of the duration and the site of the pregnancy, from any cause related to or aggravated by the pregnancy or its management, but not from accidental or incidental causes; and

Whereas, According to the National Center for Health Statistics at the Centers for Disease Control and Prevention (CDC), there were 1,205 maternal deaths in the United States (U.S.) in 2021, an increase from 861 maternal deaths in 2020 and 754 maternal deaths in 2019; and

Whereas, Per the CDC, the U.S. maternal mortality rate for 2021 was 32.9 deaths per 100,000 live births, a rise from 23.8 deaths per 100,000 live births in 2020 and 20.1 deaths per 100,000 live births in 2019; and

Whereas, The CDC's data also reveal that in 2021, the U.S. maternal mortality rate for non-Hispanic Black women was 69.9 deaths per 100,000 live births, which was 2.6 times the rate for non-Hispanic White women of 26.6 deaths per 100,000 live births and more than twice the overall national maternal mortality rate of 32.9 deaths per 100,000 live births during the same year; and

Whereas, According to an April 2022 report by the New York State Department of Health, there were 41 pregnancy-related deaths in New York State in 2018, denoting a maternal mortality rate of 18.2 deaths per 100,000 live births; and

Whereas, Per the same report by the New York State Department of Health, as of 2018, in New York State, Black, non-Hispanic women were five times more likely to die of pregnancy-related causes than White, non-Hispanic women; and

Whereas, Moreover, the New York State Department of Health also highlighted that in 46 percent of all pregnancy-related deaths in New York State in 2018, discrimination was identified as a probable or a definite circumstance surrounding the maternal death; and

Whereas, Furthermore, per the New York State Department of Health's 2022 report, as of 2018, in New York State, women who had a Cesarean delivery were 1.7 times more likely to die of pregnancy-related causes than women who delivered vaginally; and

Whereas, According to a January 2023 report by the New York City Department of Health and Mental Hygiene (NYC DOHMH), there were 57 pregnancy-related deaths in New York City in 2019, signifying a maternal mortality rate of 26.4 deaths per 100,000 live births; and

Whereas, Per the NYC DOHMH, between 2001 and 2019, the New York City pregnancy-related mortality rate for Black mothers was, on average, 9.2 times higher than for White mothers, due to structural racism and discrimination in combination with inequities in healthcare access and quality; and

Whereas, In a May 2022 report, the Kaiser Family Foundation, a non-profit health policy research organization, noted that one approach to addressing negative pregnancy outcomes and racial disparities in maternal morbidity and mortality is to provide access through Medicaid coverage to services by doulas; and

Whereas, A doula is a trained non-clinician who assists a pregnant person before, during, and/or after childbirth through physical and/or emotional support, labor coaching, advocacy in healthcare settings, and postpartum care; and

Whereas, Per the Kaiser Family Foundation, pregnant persons who receive doula support tend to have shorter labors, lower Cesarean section rates, fewer birth complications, are more likely to initiate breastfeeding, and their infants are less likely to be born with a low birth weight; and

Whereas, In testimony during a March 2023 hearing of the New York State Senate on Medicaid reimbursement and integration of doula services, the New York Coalition for Doula Access (NYCDA) stressed that implementing an equitable Medicaid reimbursement rate for doula services would exponentially increase access to doulas, help retain doulas in the profession, and improve health outcomes for families, as well as position New York State as a leader in addressing the maternal health crisis and as a safer and more equitable place to give birth; and

Whereas, As an equitable reimbursement, NYCDA recommended the reimbursement rate of $1,930, which would cover up to eight pre- and post-natal visits at $85 per visit, and labor and delivery support at the rate of $1,250, as well as additional uncompensated doula care and expenses, including resource referrals, phone and text communications, transportation, and administrative costs incurred by the doula; 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 to increase Medicaid reimbursement to cover eight pre- and post-natal visits, as well as delivery support by doulas.

Referred to the Committee on Health.

Res. No. 134

Resolution calling on the New York State Legislature to pass, and the Governor to sign, A.7493, establishing a coordinator for asylum seeker services.

By Council Members Menin, Hanif and Hudson.

Whereas, New York City has welcomed over 130,000 migrants and asylum seekers over the last year; and

Whereas, Although roughly 65,000 remain in the care of the city, many have left the shelter system and continue to live in New York City; and

Whereas, Coordination of services for migrants and asylum seekers can be complex, including ensuring they have access to health care, education, and other benefits; and

Whereas, In New York City, this coordination has included multiple agencies; and

Whereas, However, asylum seeker coordination with state agencies and entities has been limited; and

Whereas, Without effective coordination, asylum seekers could be missing out on services and benefits that would improve their lives and increase their independence and self-sufficiency; and

Whereas, A.7493, introduced by Assembly Member Jenifer Rajkumar and pending in the New York State Assembly, seeks to amend the executive law, in relation to establishing a coordinator for asylum seeker services; and

Whereas, A.7493 would establish a coordinator responsible for responding to the needs of asylum seekers across the state, including intake, resettlement throughout New York, support services, health care, housing, education, language services, transportation, and accessing federal programs and services; and

Whereas, The coordinator would also be responsible for advocacy for asylum related issues; and

Whereas, A. 7493 stipulates that the coordinator would oversee the integration of services and benefits with the applicable state, federal, and local agencies, including the Office of Temporary and Disability Assistance and the Office of Children and Family Services; and

Whereas, A.7493 would apply to migrants who have applied for asylum; and

Whereas, A.7493 would ensure that the state is involved in the leadership and coordination in managing this asylum seeker influx, easing the strain that has been put on the city to manage this influx; and

Whereas, An asylum seeker coordinator would be beneficial to ensure that asylum seekers have access to services and benefits at multiple levels of government; now, therefore, be it

Resolved, That the Council of the City of New York calls on the New York State Legislature to pass, and the Governor to sign, A.7493, establishing a coordinator for asylum seeker services.

Referred to the Committee on Immigration.

Res. No. 135

Resolution calling on the United States Congress to pass, and the President to sign, H.R. 4756-118th Congress, known as the Community News and Small Business Support Act.

By Council Member Menin.

Whereas, Small businesses and local newspapers continue to suffer from the adverse economic effects caused by the pandemic; and

Whereas, In a 2022 survey of small businesses, the Small Business Majority found that roughly one in three businesses indicated that without additional financial support or a change in business conditions they would struggle to survive beyond three months; and

Whereas, Over the past 25 years, the small business sector has contributed two for every three jobs created in the U.S. workforce; and

Whereas, Threats to the sustainability of small businesses negatively affects not only the economy of New York City, but of the nation; and

Whereas, The pandemic also resulted in local newspapers shutting down; and

Whereas, However, local newspapers have been significantly struggling over the past 20 years, with annual newspaper advertising revenue dropping almost 81 percent between 2000 and 2020; and

Whereas, Research on the collapse of the local news industry has linked the decline in local news coverage with reductions in voter turnout; and

Whereas, Indicating that robust local news coverage is beneficial for citizen engagement; and

Whereas, Local newspapers garner significant revenue from advertisements placed in their papers; and

Whereas, Small businesses can reach a wider consumer base and grow their business by advertising in their local papers; and

Whereas, These two sectors overlap in the pursuit of revenue through the use of advertisements; and

Whereas, H.R. 4756, also known as the Community News and Small Business Support Act, introduced by U.S. House Representative Claudia Tenney (R-NY) and pending in the U.S. House of Representatives, seeks to amend the Internal Revenue Code, in relation to providing tax incentives that support local media; and

Whereas, H.R. 4756 would offer payroll tax credits to local and community news publishers that serve the needs of a regional or local community and employ at least one local news journalist who resides in the same community; and

Whereas, H.R. 4756 would also offer tax credits for small businesses that place advertisements in local news outlets; and

Whereas, H.R. 4756 would begin to address the collapse of the local news landscape and mitigate the significant repercussions that can occur without local news coverage and ease some financial strain on small businesses; and

Whereas, The Community News and Small Business Support Act would benefit local newspapers and local journalists, and provide much needed support for small businesses in New York City and across the United States; now, therefore, be it

Resolved, That the Council of the City of New York calls on the United States Congress to pass and the President to sign, H.R. 4756-118th Congress, known as the Community News and Small Business Support Act.

Referred to the Committee on Small Business.

Res. No. 136

Resolution calling on the United States Congress to Pass, and the President to sign, H.R. 8152, the "American Data Privacy and Protection Act," which would limit the personally identifiable data that companies can collect, and give consumers expanded control over their own data.

By Council Members Menin, Gutiérrez, Hudson, Joseph, Brewer, Sanchez and Brannan.

Whereas, In the wake of the Supreme Court's decision in *Dobbs v. Jackson Women's Health Organization* reproductive rights are under attack in the United States; and

Whereas, Many states are seeking to criminalize women seeking abortions; and

Whereas, New York State and City law protects access to reproductive care for all of its residents; and

Whereas, The internet is an essential tool for individuals seeking reproductive healthcare, whether it is using a search engine to find a practitioner or using an online system to make an appointment with a healthcare provider; and

Whereas, An investigation by *The Wall Street Journal* found, and the New York State Attorney General later confirmed, that certain websites including Facebook are collecting personal reproductive health data without the user's knowledge or approval, and

Whereas, Some of the websites that collect personal healthcare data include password protected hospital appointment portals; and

Whereas, This personal reproductive health information may be shared with third parties without the user's consent or approval; and

Whereas, This personal health data is being made available to anti-abortion groups; and

Whereas, Anti-abortion groups are using this personal reproductive health data to deliver targeted information aimed at deterring individuals from obtaining abortion; and

Whereas, Anti-abortion groups have frequently spread false and misleading information about abortion, contraception and other reproductive health topics to deter women from obtaining abortions; and

Whereas, Personal reproductive health information should remain personal between a patient and her doctor; and

Whereas, H.R. 8152 would prevent the collection of personal health data except under certain specific circumstances; and

Whereas, H.R. 8152 would require users to give their affirmative consent for their data to be shared with a third party and allow them to withdraw the consent once given; now, therefore, be it

Resolved, That the Council of the City of New York calls on the United State Congress to pass, and the President to sign, H.R. 8152, the "American Data Privacy and Protection Act," which would limit the personally identifiable data that companies can collect, and give consumers expanded control over their own data.

Referred to the Committee on Consumer and Worker Protection.

Res. No. 137

Resolution calling on Congress to pass, and the President to sign, legislation prohibiting substantially similar consumer goods and services from being priced differently based solely on the gender of individuals for whose use or benefit the products and services are intended.

By Council Members Menin, Cabán, Farías, Louis and Hanif.

Whereas, The term "pink tax" was popularized following the Gender Tax Repeal Act of 1995, which prohibits inflationary price discrimination on goods and services based on gender in California state; and

Whereas, A 2015 study of gender pricing produced by the New York City Department of Consumer Affairs (DCA) revealed, on average, that similar products and services geared towards women were priced significantly higher than those marketed to men; and

Whereas, After analyzing the prices of approximately 800 products across 35 categories, the 2015 DCA study found women pay significantly more money for goods and services over the course of their lifetimes from "cradle to cane" than their male counterparts; and

Whereas, The 2015 DCA study noted significantly more money was spent on baby clothes for girls, costing 13 percent more than for boys; toys marketed to girls cost 11 percent more than for boys—even for the exact same toy in another color; on average, women's clothing cost 15 percent more than men's clothing; women's shampoo products cost 48 percent more than similar products marketed to men; and women pay 56 percent more for personal care products than men do—even when the ingredients of the products are similar; and

Whereas, The 2015 DCA study concluded by citing older adult care products, such as canes, braces, and personal care products, and found products for women were at least seven percent more expensive than similar products for men; and

Whereas, On September 30, 2020, New York State General Business Law § 391-U went into effect, prohibiting businesses within the State from charging customers different prices for similar goods and services because of their gender; and

Whereas, The 117th Congress (2021-2022) introduced H.R. 3853, the Pink Tax Repeal Act, a bill to prohibit the pricing of consumer products and services that are substantially similar if such products or services are priced differently based on the gender of the individuals for whose use the products are intended or marketed, or for whom the services are performed or offered, but has not yet been reintroduced in the 118th Congress; and

Whereas, According to the 2020 United States Census Bureau, 52 percent of New Yorkers—over four million individuals—identify as women, and while protected against pink taxes in New York City by New York State law, gender-based pricing still regularly occurs in other parts of the country and has the potential to impact women New Yorkers out of state; and

Whereas, Gender-based pricing is compounded by the fact that, according to the Harvard Business Review, in 2022, individuals who identify as women earned 17 percent less than their male counterparts; now, therefore, be it

Resolved, That the Council of the City of New York calls on Congress to pass, and the President to sign, legislation prohibiting substantially similar consumer goods and services from being priced differently based solely on the gender of individuals for whose use or benefit the products and services are intended.

Referred to the Committee on Consumer and Worker Protection.

Res. No. 138

Resolution recognizing November 30 as Yerba Mate Day in the City of New York.

By Council Members Menin, Krishnan, Moya, Hanif and Sanchez.

Whereas, Yerba mate, commonly referred to as mate, is a caffeinated tea-like beverage that is made from the dried leaves and twigs of the *Ilex paraguariensis* plant, which is native to Argentina, Paraguay, Uruguay, and Brazil, where yerba mate has been grown and mate has been consumed for centuries; and

Whereas, Although native to these South American countries, the consumption of mate has now spread to other South American countries as well as to Central America, the Middle East, Europe, and North America; and

Whereas, Traditionally, mate is drunk from a vessel (which can be made from a gourd or from metal, glass, wood, or clay) through a filtered straw in a communal setting, where one person is in charge of infusing the leaves with water while overseeing the passing of the vessel around a circle of people so that each person can drink from it in turn; and

Whereas, Traditionally, sharing the vessel of mate is a symbol of friendship and affection among those in the group of friends or family; and

Whereas, Traditionally, drinking mate is an important form of social interaction and represents the joy people have when spending time together and the value they place on communicating with each other about important topics; and

Whereas, Drinking mate is such a common part of life in some Spanish-speaking countries that there a Spanish verb for it—*matear*, meaning to drink mate; and

Whereas, According to the customs of various countries, mate can be served with milk, fruit juice, sugar, or other herbs and may be served hot or cold; and

Whereas, Mate drinkers typically drink it every day and even several times a day—often individually while at home or at work, but also in social settings; and

Whereas, Mate is a healthy drink, which can contribute to increased energy and focus and which is full of antioxidants, vitamins, and minerals; and

Whereas, November 30 was declared National Mate Day (el Día Nacional del Mate) in Argentina in commemoration of the birth of Andrés Guacurarí y Artigas, a military leader of Guaraní origin, who became the only indigenous governor in Argentine history in the early 1800s and who encouraged the production and commercialization of yerba mate in what today is the province of Misiones; and

Whereas, The early spreaders of the custom of drinking mate included the conquerors of the Guaraní people; later, the Jesuit missionaries who spread the custom through their missions; and, much later, Syrian immigrants who had fled to Argentina during World War I and then brought back yerba mate when they returned to their Syrian homes after many years; and

Whereas, According to estimated 2019 figures from the U.S. Census Bureau, as reported by the Weissman Center for International Business at Baruch College in *NYCdata*, New York City (NYC) is home to almost 400,000 individuals born in South America; and

Whereas, NYC's South American communities, which are made up of both individuals born in South American and their family members born in the United States, could enjoy celebrating the traditional customs surrounding drinking mate by bringing families and neighbors together; and

Whereas, The designation of a holiday in NYC honors the vital role that South American communities play in the city and their positive impacts on the city's culture and economy; now, therefore, be it

Resolved, That the Council of the City of New York recognizes November 30 as Yerba Mate Day in the City of New York.

Referred to the Committee on Cultural Affairs, Libraries and International Intergroup Relations.

Res. No. 139

Resolution to declare June 3 in New York City as World Bicycle Day.

By Council Members Menin, Won, Restler, Bottcher, Cabán, Louis, Hanif.

Whereas, According to the World Economic Forum, an estimated two billion bicycles are being used around the world, and that number could increase to five billion by 2050; and

Whereas, In New York City (NYC), according to the NYC Department of Transportation (DOT), in 2021, there were an estimated: 55,000 daily bike commuters to work; 110,000 daily bike commute trips to work; 550,000 total daily cycling trips; and 200.8 million total annual cycling trips; and

Whereas, According to the same DOT data, there has been an increasing trend in annual growth of commuters who travel by bicycle in NYC, noting a 104% increase in daily cycling between 2011 and 2021, and a 20% increase in daily cycling between 2016 and 2021; and

Whereas, In an effort to acknowledge the uniqueness of the bicycle and its ability for people across all countries and cultures to engage in a simple, affordable, and clean means of transportation, which improves environmental stewardship and health, in 2018, the United Nations (UN) established June 3 as World Bicycle Day; and

Whereas, According to the UN, World Bicycle Day is a means to encourage all people to utilize bicycles, while "fostering sustainable development, strengthening education, including physical education, for children and young people, promoting health, preventing disease, promoting tolerance, mutual understanding and respect, and facilitating social inclusion and a culture of peace;" and

Whereas, In addition, the UN has welcomed ways in which to organize bicycle rides at national and local levels to expand the mental, physical and cultural benefits of cycling in society; and

Whereas, As cycling is an important aspect of New Yorkers' daily lives, declaring June 3 as World Bicycle Day in NYC would continue to expand on the importance of the bicycle to all people; now, therefore, be it

Resolved, That the Council of the City of New York declares June 3 in New York City as World Bicycle Day.

Referred to the Committee on Cultural Affairs, Libraries and International Intergroup Relations.

Res. No. 140

Resolution calling on the New York State Legislature to pass, and the Governor to sign, A.2146/S.4502 to establish an educational program related to the prevention of antisemitism, Islamophobia bias, and discrimination based on religion, race, sexual orientation, or gender identity or expression.

By Council Members Menin, Powers and Brewer.

Whereas, According to a 2022 Institute for Social Policy and Understanding (ISPU) national survey, about 62 percent of American Muslims and 50 percent of American Jews reported facing religious discrimination in the previous year; and

Whereas, According to the ISPU national survey, about 48 percent of Muslim families and 13 percent of Jewish families reported having a school-age child face religious-based bullying in the previous year, with about 20 percent of Muslim families reporting almost daily bullying; and

Whereas, A 2014 study by the Sikh Coalition, an advocacy group, reported that about 54 percent of all American Sikh school-age children have been bullied at school; and

Whereas, The Coalition of Hindus of North America noted the rising number of hate crimes against Hindus worldwide; and

Whereas, Federal Bureau of Investigation (FBI) 2020 data documented a 500 percent increase in hate crimes against Indian Americans; and

Whereas, According to the Anti-Defamation League (ADL), one of the oldest and largest international Jewish nongovernmental organizations, antisemitic incidents reached an all-time high in the United States (U.S.) in 2021, with a total of 2,717 reported incidents of assault, harassment and vandalism; and

Whereas, According to the FBI's 2020 Uniform Crime Reporting Program, about 44 percent of the 463 hate crimes reported in New York State (NYS) were religious-based bias incidents, with about 89 percent of those being anti-Jewish incidents, and these numbers might reflect an underreporting of incidents; and

Whereas, According to the ADL, NYS leads the U.S. in antisemitic incidents, with the number of reported criminal and noncriminal incidents targeting Jews seeing an increase of 24 percent, from 336 in 2020 to 416 in 2021; and

Whereas, According to New York Police Department (NYPD) data, anti-Jewish crimes in New York City (NYC) increased 62 percent, from 121 in 2020 to 196 in 2021; and

Whereas, *The 2021 National School Climate Survey*, conducted by the Gay, Lesbian and Straight Education Network (GLSEN), found that about 68 percent of lesbian, gay, bisexual, transgender, or queer (LGBTQ+) students between the ages of 13 and 21 felt unsafe at school because of their sexual orientation, gender identity, and/or gender expression and about 79 percent avoided school functions or extracurricular activities because they felt unsafe or uncomfortable; and

Whereas, The GLSEN survey found that about 85 to 95 percent of LGBTQ+ students heard homophobic remarks or negative remarks in school about gender expression or transgender individuals and that about 76 percent experienced in-person verbal harassment and 31 percent physical harassment; and

Whereas, The GLSEN survey also found that the majority of LGBTQ+ students who were harassed or actually assaulted in school did not report the incident to school staff, but that the majority of those who did report the incident noted that school staff did little or nothing in response; and

Whereas, The GLSEN survey further found that almost 60 percent of LGBTQ+ students experienced discriminatory policies or practices at school, including being prevented from using their chosen name or pronouns, using their preferred restroom or locker room, wearing their preferred style of clothes, or playing on sports teams consistent with their gender; and

Whereas, A.2146, introduced on January 23, 2023, by State Assembly Member Steve Stern, would amend the NYS education law to require the New York State Education Department (NYSED) to establish an educational program to help prevent antisemitism, Islamophobia bias, and discrimination based on religion, race, sexual orientation, or gender identity or expression; and

Whereas, Companion bill S.4502, introduced on February 9, 2023, by State Senator John Liu, would also provide for the development of that educational program, which would involve students, parents, and school faculty in teaching acceptance and inclusion and which would encourage "fight[ing] back against those who practice hate"; and

Whereas, According to the memorandum in support of A.2146/S.4502, "Hate has no place here" in NYS; and

Whereas, According to the memorandum in support of A.2146/S.4502, "With a disturbing increase in the number of [antisemitic] attacks and assaults occurring in New York we must work on multiple fronts to combat the scourge of hate, intolerance, [antisemitism,] and Islamophobia"; and

Whereas, A.2146/S.4502 would require the NYSED to contract with an outside organization, with expertise in these types of discrimination, to create the prevention and education program called for, which would then be overseen by the NYSED; and

Whereas, A.2146/S.4502 would require that the prevention and education program consist of "age-appropriate model curriculum including lesson plans [and] best practice instructional resources for students, parents, and school personnel" as well as "indicators and warning signs" of discriminatory thinking and behavior; and

Whereas, A.2146/S.4502 would require that the prevention and education program include up-to-date information on how to report complaints about incidents of discrimination; and

Whereas, A.2146/S.4502 would require that the model curriculum be available for voluntary use in social studies classes; and

Whereas, A.2146/S.4502 would require that materials be updated periodically; and

Whereas, A.2146/S.4502 would require that the materials be available on the NYSED's website in Spanish, Creole, Mandarin, Korean, Bengali, and other languages spoken by a substantial portion of the population in NYS; and

Whereas, According to the Public Religion Research Institute, NYC has the largest number of Jewish and Muslim residents of any municipality in the U.S., making the creation of the prevention and education program called for by A.2146/S.4502 particularly appropriate for use in NYC Department of Education (DOE) public schools; and

Whereas, A.2146/S.4502 would go into effect on the next July 1 after passage of the bills; now, therefore, be it

Resolved, That the Council of the City of New York calls on the New York State Legislature to pass, and the Governor to sign, A.2146/S.4502 to establish an educational program related to the prevention of antisemitism, Islamophobia bias, and discrimination based on religion, race, sexual orientation, or gender identity or expression.

Referred to the Committee on Cultural Affairs, Libraries and International Intergroup Relations.

Res. No. 141

Resolution calling on the New York State Legislature to pass, and the Governor to sign, S.1532/A.4576, to require school districts to establish policies and procedures regarding the treatment of transgender or gender non-conforming students.

By Council Members Menin, Cabán, Hudson, Schulman, Joseph, Sanchez, Bottcher, the Public Advocate (Mr. Williams) and Brewer.

Whereas, New York State's Dignity for All Students Act (DASA), which took effect on July 1, 2012, provides that students may not be discriminated against based on their "actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex by school employees or students on school property or at a school function"; and

Whereas, DASA defines "gender" as "a person's actual or perceived sex and includes a person's gender identity or expression"; and

Whereas, *The 2021 National School Climate Survey*, conducted by the Gay, Lesbian and Straight Education Network (GLSEN), found that about 68 percent of lesbian, gay, bisexual, transgender, or queer (LGBTQ+) students between the ages of 13 and 21 felt unsafe at school because of their sexual orientation, gender identity,

and/or gender expression and about 79 percent avoided school functions or extracurricular activities because they felt unsafe or uncomfortable; and

Whereas, The GLSEN survey found that about 85 to 95 percent of LGBTQ+ students heard homophobic remarks or negative remarks in school about gender expression or transgender individuals and that about 76 percent experienced in-person verbal harassment and 31 percent physical harassment; and

Whereas, The GLSEN survey also found that the majority of LGBTQ+ students who were harassed or actually assaulted in school did not report the incident to school staff, but that the majority of those who did report the incident noted that school staff did little or nothing in response; and

Whereas, The GLSEN survey further found that almost 60 percent of LGBTQ+ students experienced discriminatory policies or practices at school, including being prevented from using their chosen name or pronouns, using their preferred restroom or locker room, wearing their preferred style of clothes, or playing on sports teams consistent with their gender; and

Whereas, The GLSEN survey also noted that LGBTQ+ students who have been harassed, assaulted, or discriminated against in school were more likely than their peers to be absent from school, to have poorer grades, to have lower self-esteem, or to have been disciplined at school; and

Whereas, S.1532, introduced on January 12, 2023, by State Senator Brad Hoylman-Sigal, representing the 47th State Senate District in Manhattan, would amend the State education law to require every school district to establish policies and procedures regarding the treatment of transgender or gender non-conforming students in order to ensure that school districts implement DASA's anti-discrimination requirements as they pertain to transgender or gender non-conforming students; and

Whereas, Companion bill A.4756, introduced on February 17, 2023, by State Assembly Member Tony Simone, representing the 75th State Assembly District in Manhattan, would provide for the same establishment of policies and procedures that ensure that schools do not treat transgender or gender non-conforming students "differently from the way they treat other students of the same gender identity or gender expression"; and

Whereas, Specifically, S.1532/A.4756 would call for policies and procedures that ensure that school employees use pronouns and names consistent with a student's own gender identity or expression, regardless of the sex or gender designated on a student's education records or other documents; and

Whereas, S.1532/A.4756 would call for policies and procedures that permit students to participate in sex-segregated activities, such as sports teams, clubs, and classes, and to use sex-segregated facilities, such as restrooms and locker rooms, according to a student's own gender identity or expression; and

Whereas, S.1532/A.4756 would call for policies and procedures that safeguard students' privacy regarding transgender or gender non-conforming status, including information such as a student's birth name or sex assigned at birth; and

Whereas, S.1532/A.4756 would call for policies and procedures that permit students to request that a school revise education records to reflect a student's own gender identity or expression; and

Whereas, S.1532/A.4756 would prohibit schools from requiring that students must first obtain a medical diagnosis, treatment, or identification documents that reflect a student's own gender identity or expression before being treated according to that gender identity or expression; and

Whereas, If passed, S.1532/A.4756 would take effect immediately; 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.1532/A.4576, to require school districts to establish policies and procedures regarding the treatment of transgender or gender non-conforming students.

Referred to the Committee on Education.

Res. No. 142

Resolution calling on the New York State Legislature to pass, and the Governor to sign, A.8347 to incorporate a 9/11 curriculum in all New York schools.

By Council Members Menin, Joseph and Ariola.

Whereas, September 11, 2001, is the date of the worst terrorist attack against the United States (U.S.) in our nation's history, according to the U.S. Department of State; and

Whereas, On that date, commonly known as "9/11," nearly 3,000 people were killed and more than 6,000 others injured; and

Whereas, According to the final report of the National Commission on Terrorist Attacks Upon the United States, known as the "9/11 Commission," 19 terrorists from al-Qaeda, an Islamist terrorist organization, hijacked four commercial airplanes, deliberately crashing two of the planes into the Twin Towers of the World Trade Center in New York City (NYC), which ultimately collapsed killing 2,753 people; and

Whereas, In an attack on the nation's capital, the hijackers aimed the next two flights toward targets in or near Washington, D.C., with the third plane crashing into the Pentagon, headquarters of the U.S. Department of Defense in Arlington County, Virginia, killing 184 people, according to the 9/11 Commission report; and

Whereas, Passengers on the fourth hijacked plane fought back, after learning about the other attacks, and the plane crashed into an empty field in western Pennsylvania, killing 40 people; and

Whereas, In the immediate aftermath of the 9/11 attacks, the U.S. responded by launching a military mission in Afghanistan to destroy the terrorist group al-Qaeda, beginning less than a month after 9/11, and lasting nearly 20 years until the 2021 withdrawal from Afghanistan; and

Whereas, Additionally, in the months following the attacks, the U.S. Congress passed, and the U.S. President signed, the Patriot Act, to improve national security while impacting civil liberties, as well as the Homeland Security Act, creating the Department of Homeland Security—now the third largest Cabinet department; and

Whereas, Further, according to the Brookings Institution, in the ensuing years 9/11 has transformed Americans' attitudes about safety, privacy, and the nation's role in global affairs, as well as having impacts around the world; and

Whereas, The lasting impact of the 9/11 attacks are particularly evident in NYC, where the health effects, particularly respiratory and mental health issues, continue to affect survivors, first responders, and residents to this day; and

Whereas, Further, the events of 9/11 led to a significant rise in Islamophobia and xenophobia, resulting in an increase in discrimination and hate crimes; and

Whereas, Due to the historical significance of the events of 9/11 and the societal shifts that followed, it is critical that students learn about 9/11 to better understand today's world; and

Whereas, A.8347, sponsored by New York State Assembly Member Catalina Cruz, would amend the education law to require September 11 awareness curriculum or instruction for school districts, regarding the September 11, 2001 attacks on the U.S.; and

Whereas, A.8347 would require that the curriculum be age appropriate and include certain core information and themes, including: the events of the day and the global impact of the attacks; the response by first responders and other agencies on 9/11 and during the ensuing rescue and recovery operation; examples of heroism, resilience, and service that emerged during and after 9/11 from people all over the world; and the global response to terrorism following 9/11; and

Whereas, In addition, A.8347 would require that the curriculum provide information on the enduring repercussions of 9/11 including discussion of the balance between civil liberties and national security, as well as understanding how 9/11 and its aftermath contributed to the following in the U.S. and abroad: Islamophobia and xenophobia in politics, domestic and foreign policy and legislation, media, and general public attitudes, and an increase in hate crimes and discrimination; and

Whereas, Moreover, educating students about the events of 9/11 and its ongoing repercussions would provide students with a better understanding of the world and could help combat discrimination and promote tolerance, making them better citizens; now, therefore, be it

Resolved, That the Council of the City of New York calls upon on the New York State Legislature to pass, and the Governor to sign, A.8347 to incorporate a 9/11 curriculum in all New York schools.

Referred to the Committee on Education.

Res. No. 143

Resolution to commemorate the 50th anniversary of the federal Endangered Species Act on December 28, 2023.

By Council Members Menin, Gennaro and Schulman.

Whereas, The Endangered Species Act of 1973 ("ESA") aims to preserve fish, wildlife, and plant species with small and declining populations by affording them special protections; and

Whereas, Species that receive ESA protections are registered on the endangered species list, which is maintained by the U.S. Fish and Wildlife Service and the National Marine Fisheries Service ("Services"); and

Whereas, Proposed additions to the endangered species list may be identified by the Services or by the public through a petition process; and

Whereas, The Services must conduct a rigorous review of proposed additions to the endangered species list based solely on the best scientific and commercial data available, and solicitation of public comment; and

Whereas, If the Services determine that a proposed species should be listed, the species receives a designation of threatened or endangered according to the species' need for protection; and

Whereas, Protections afforded to threatened and endangered species include a prohibition on the harassing, harming, pursuing, hunting, shooting, wounding, killing, trapping, capturing, or collecting of any listed species; and

Whereas, The ESA also prohibits federal agencies from funding, approving, or conducting any activity that is likely to threaten the population or habitat of a listed species; and

Whereas, The Services must develop a recovery plan for each listed species, unless such a plan would not promote the conservation of the species; and

Whereas, The ESA authorizes the contribution of millions of dollars annually to state and U.S. territory programs that implement these recovery plans; and

Whereas, As of June, 2023, the endangered species list included 2,381 foreign and domestic species of plant and animal; and

Whereas, Ninety-nine percent of species on the endangered species list remain extant and 46 species have recovered in population size and were removed from the list by the Services; and

Whereas, Recovered species include plants and animals of national importance, such as the bald eagle, which was nearly extinct in the lower 48 states before the enactment of the ESA, and now has a population of over 300,000; and

Whereas, Many species of insects, reptiles, mammals, and birds that are native to or migrate through New York City are on the endangered species list; and

Whereas, These include the American burying beetle, a large carrion beetle endemic to North America whose habitat once included Brooklyn, the Bronx, and Staten Island; and

Whereas, The ESA also protects the bog turtle, the smallest turtle native to New York State, which once thrived in the calcareous wetlands of Staten Island until it experienced a 50 percent decline in population in the Northeast before it was placed on the endangered species list in 1997; and

Whereas, Multiple species of whale that migrate near New York City waters are on the endangered species list, including the North Atlantic right whale, which requires sustained ESA protections to recover its estimated 2019 North Atlantic population of just 368 whales; and

Whereas, Several species of shorebird that frequent New York City receive protection from the ESA, such as the threatened red knot, which stops to forage in the mudflats of Jamaica Bay on its annual migration of over 9,800 miles from the southern tip of South America to the Canadian Arctic; and

Whereas, The endangered species list also includes the piping plover, another threatened migratory shorebird, which breeds on the banks of the New York City barrier islands and was nearly extirpated from the region in 1983 when its Long Island population fell to just 88 breeding pairs; and

Whereas, Continued ESA protections for these and other species of plants and animals are critical to the conservation of New York City's natural habitat and biodiversity; and

Whereas, The ESA complements local efforts to protect listed species through efforts such as the Rockaway Beach Endangered Species Nesting Area program, which allows rare shorebirds to lay and incubate eggs without human disturbance; and

Whereas, The ESA also aligns with New York City's goal of restoring wetlands in the Bronx and Staten Island to facilitate the return of endangered species to their natural habitats in these boroughs; now, therefore, be it

Resolved, That the Council of the City of New York commemorates the 50th anniversary of the federal Endangered Species Act on December 28, 2023.

Referred to the Committee on Environmental Protection, Resiliency and Waterfronts.

Res. No. 144

Resolution calling upon the New York State Environment Facilities Corporation to remove restrictive barriers and uncap funds New York City can receive for water infrastructure upgrades.

By Council Members Menin, Gennaro, Ariola and Brannan.

Whereas, President Biden and the United States Congress passed the Bipartisan Infrastructure Law (BIL), which provides $50 billion for water and wastewater projects; and

Whereas, In New York State (NYS), most of the funds provided by the BIL are controlled by NYS's Environmental Facilities Corporation (EFC); and

Whereas, The EFC's established guidelines were carefully crafted to prevent New York City (NYC) from equitably receiving needed capital; and

Whereas, The EFC instituted hardship rules to allow for all municipalities across the state to benefit, but with the notion, that only municipalities under 300,000 can receive the vast majority of BIL funding, in the form of grants from the EFC, pursuant to these hardship rules; and

Whereas, NYS and the EFC have attempted to ensure equity across the state by having the funds distributed across all municipalities in New York regardless of population; and

Whereas, NYC is the only municipality in NYS with over 300,000 people; and

Whereas, By not taking population into effect when developing these rules, the EFC only created inequality by depriving New York City, the most populous municipality in the State of New York, of its fair share of funds; and

Whereas, The BIL did not impose these guidelines, and this is solely a decision by the EFC; and

Whereas, NYC, as a result of these unjust funding guidelines, only received two percent of NYS's water infrastructure grant funds in 2022, and NYC can only receive six percent of NYS's water and wastewater project funds from the BIL funds for 2023 according to U.S. Representatives Nicole Malliotakis, Grace Meng, and Nydia Velázquez; and

Whereas, The State of New York also passed the Clean Water Infrastructure Act, which limited funding from the law at $5 million per municipality, thus, NYC can only receive up to 10 percent of these state funds under the law; and

Whereas, These inequitable policies promulgated by the State of New York disproportionally impact minority and low-income communities; and

Whereas, The majority of NYC is of non-white background, and NYC holds the largest minority population in NYS; and

Whereas, NYC has 59 percent of the state's disadvantaged communities, which are at heightened risk of negatively being impacted by climate change compared to other municipalities according to the New York State Energy Research and Development Authority; and

Whereas, A proper equitable distribution of water infrastructure funds would go toward disadvantaged communities, instead; and

Whereas, Millions of NYC residents are at risk of climate change, and critical water infrastructure upgrades are needed to improve the life of the over 8 million who live in NYC; and

Whereas, NYS should end its discriminatory environmental and water infrastructure policies punishing NYC and its residents; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Environmental Facilities Corporation to remove restrictive barriers and uncap funds New York City can receive for water infrastructure upgrades.

Referred to the Committee on Environmental Protection, Resiliency and Waterfronts.

Res. No. 145

Resolution calling on the New York State Legislature to pass, and the Governor to sign, legislation that would expand the federal *No Surprises Act* by including ambulance transportation costs.

By Council Members Menin, Schulman and Riley.

Whereas, In New York City, the Fire Department ("FDNY") responds to fires, public safety and medical emergencies, natural disasters and terrorist acts; and

Whereas, The FDNY's Emergency Medical Services ("EMS") is the largest provider of emergency medical services in New York City and across the nation, responding to more than 1.5 million medical emergencies during Fiscal Year2022, which included 564,412 life-threatening medical emergencies; and

Whereas, The two main types of ambulances that operate in New York City are Advanced Life Support ambulances ("ALS"), which are staffed by two paramedics, and Basic Life Support ambulances ("BLS"), which are staffed by two emergency medical technicians; and

Whereas, ALS incidents include such calls as cardiac arrest, choking, difficulty breathing, unconsciousness, and other serious life threatening medical emergencies and BLS incidents include a wide variety of non-life threatening conditions: and

Whereas, According to FDNY, when an individual experiences a medical emergency and requires an EMS ambulance, the current billing rate is $900 for a BLS ambulance and $1,525 for an ALS ambulance; and

Whereas, According to the FDNY, these rates are expected to increase in 2023 to $1,385 for a BLS ambulance and $1,680 for an ALS ambulance; and

Whereas, In 2020, the 116th Congress passed the *No Surprises Act*, which was signed into law on December 27, 2020 by then President Trump and subsequently went into effect on January 1, 2022; and

Whereas, The *No Surprises Act* established federal protections against surprise medical bills that may arise when insured individuals inadvertently receive care from out-of-network hospitals, doctors, and/or other providers who they did not select; and

Whereas, The *No Surprises Act* prohibits doctors, hospitals, and other covered providers from billing patients more than the in-network cost sharing amount for surprise medical bills; and Whereas, However, the *No Surprises Act* does not include ground ambulance services; and

Whereas, Ambulance services can be extremely costly, especially for those individuals that live paycheck to paycheck and cannot afford additional medical costs; and

Whereas, The City and State should offer expansive medical protections for all New Yorkers that include ambulance costs; now, therefore, be it

Resolved, That the Council of the City of New York calls calling on the New York State Legislature to pass, and the Governor to sign, legislation that would expand the federal *No Surprises Act* by including ambulance transportation costs.

Referred to the Committee on Fire and Emergency Management.

Res. No. 146

Resolution calling on the New York State Governor to sign A.7661/S.6655A, an act to amend the social services law, providing that public welfare officials shall not be required to limit authorized child care services strictly based on the work, training, or educational schedule of the parents

By Council Members Menin, Cabán, Louis, Riley, Restler, Hudson, Sanchez, and Ayala.

Whereas, Equitable access to affordable, high quality child care and early learning can be life changing for the youngest New Yorkers, equipping them with a strong foundation for life; and

Whereas, Studies of at-risk children found that, by the age of 40, children who had received high quality early child care experienced fewer arrests, less drug abuse, higher earnings, more home ownership and greater educational achievement than a group of similarly situated children who did not receive high quality early care, according to the Center for American Progress; and

Whereas, In addition to the positive long-term impacts that high-quality child care have on children, early child care programs provide important benefits to working parents; and

Whereas, With access to affordable, quality child care options, families can pursue employment and educational opportunities that contribute to family stability and financial security, according to the Alliance for Quality Education; and

Whereas, While access to child care has long been an issue for New York's working families, the COVID-19 pandemic and the economic crisis it caused have illustrated how essential child care is and shined a light on the devastating impact the lack of child care has on families and our economy; and

Whereas, Current New York law only allows social service districts to provide child care to those receiving public assistance when a parent is unable to provide care and supervision during a substantial part of the day, and limits care to the hours the parent is at work, in an educational or vocational activity, or seeking employment or housing; and

Whereas, Federal Child Care and Development Fund regulations (45 CFR 98.21(g)), state that the hours of child care are not required to be limited based strictly on the work, training, or educational schedule of the parent or the number of hours the parent spends in work, training or educational activities; and

Whereas, A.7661/S.6655A, sponsored by Senator Jabari Brisport and Assembly Member Andrew Hevesi, would amend the social services law to give counties the option to decouple child care subsidies from the exact hours a caregiver is working or engaged in an approved training, educational or other activity; and

Whereas, This legislation, which has passed in both the New York State Assembly and Senate, would help low-income families receiving public assistance who are working part time, have rotating schedules, have seen their work hours involuntarily reduced due to the economic impacts of the pandemic or who are participating in educational and vocational activities benefit from child care; and

Whereas, According to New York State of Politics, in NYC alone it is estimated that 12,000 families could benefit from this law; and

Whereas, Supporting parents and other caregiver's ability to participate in the workforce, coursework, job training or workforce development while taking care of their children should be a fundamental right; now, therefore, be it

Resolved that the Council of the City of New York calls on the New York State Governor to sign A.7661/S.6655A, an act to amend the social services law, providing that public welfare officials shall not be required to limit authorized child care services strictly based on the work, training, or educational schedule of the parents.

Referred to the Committee on General Welfare.

Res. No. 147

Resolution calling on the New York State Legislature to pass, and the Governor to sign, A.5007/S.2381, in relation to enabling constitutionally-qualified electors to register to vote and to cast a ballot on the same day at a polling location.

By Council Members Menin and Ung.

Whereas, Voting is a critical component of civic participation, and all eligible New Yorkers deserve an opportunity to exercise that right; and

Whereas, Voter turnout in New York City continues to lag behind its peer cities, with a Portland State University study ranking New York City's voter turnout rate 22nd among the 30 largest cities in the United States; and

Whereas, A 2001 study published in Social Science Quarterly found that allowing voters to register and vote on election day could increase voter turnout by 7 percent; and

Whereas, According to the National Conference of State Legislatures, 20 states and Washington, D.C. allow voters to register and vote on the same day during early voting or on election day; and

Whereas, An analysis by the New York Civil Liberties Union found that over 70,000 New Yorkers would have been eligible to vote if election day registration was in place for the 2016 presidential primary election; and

Whereas, A.5007, introduced by Assembly Member Kenny Burgos and pending in the New York State Assembly, and companion bill S.2381, introduced by State Senator Zellnor Myrie and pending in the New York State Senate, seek to amend the New York State Election Law to allow individuals qualified to register to vote, to complete a conditional registration and cast an affidavit ballot at an early voting poll site, or at an election day poll site; and

Whereas, A.5007/S.2381 would provide thousands of New Yorkers who would otherwise be ineligible to vote an opportunity to register and vote on the same day; now, therefore, be it

Resolved, That the Council of the City of New York calls on the New York State Legislature to pass, and the Governor to sign, A.5007/S.2381, in relation to enabling constitutionally-qualified electors to register to vote and to cast a ballot on the same day at a polling location.

Referred to the Committee on Governmental Operations, State & Federal Legislation.

Res. No. 148

Resolution calling on the Federal Election Commission to prohibit political candidates from using deceptive artificial intelligence in campaign communications.

By Council Members Menin, Ung and Brewer.

Whereas, Fake pictures and videos are not new to political advertising; and

Whereas, Political campaigns increasingly rely on digital media to reach voters; and

Whereas, Advances in artificial intelligence allow campaigns to create ads and other types of campaign communications with fake images that are indistinguishable from real videos or photographs; and

Whereas, Recent advances in artificial intelligence make it easier and cheaper for campaigns to generate false pictures and videos; and

Whereas, Political campaigns have already started using artificial intelligence to create "deep fake" videos showing candidates saying or doing things that they never said or did; and

Whereas, Deceptive images or videos created by artificial intelligence can be used to spread misinformation; and

Whereas, Facebook, Instagram, and Google have recently adopted rules that require political ads to disclose when they use artificial intelligence; and

Whereas, The regulation of political advertisement should not be left up to private companies that directly profit from the same political advertising they are being asked to regulate; and

Whereas, There are currently no laws that specifically prohibit or limit the use of artificial intelligence in political ads; and

Whereas, Federal law prohibits candidates for federal offices from fraudulently misrepresenting themselves as speaking for another candidate or political party on a matter which is damaging to that candidate or party; and

Whereas, According to Public Citizen the Federal Elections Commission has the authority to regulate artificial intelligence in political campaigns under its authority to regulate fraudulent misrepresentations; now, therefore, be it

Resolved, That the Council of the City of New York calls on the Federal Election Commission to prohibit political candidates from using deceptive artificial intelligence in campaign communications.

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Referred to the Committee on Governmental Operations, State & Federal Legislation.

Res. No. 149

Resolution calling on the federal government to invest at least $100 million in gun violence research through the United States Centers for Disease Control and Prevention.

By Council Members Menin. Hanks, Schulman, the Public Advocate (Mr. Williams), Mealy, Restler, Joseph, Hudson, Farías, Hanif and Abreu.

Whereas, The Centers for Disease Control and Prevention (CDC) was founded in 1942 as agency for malaria control in war areas; and

Whereas, The CDC protects the nation's health by preventing and controlling disease, injury, and disability; and

Whereas, The National Center for Injury Prevention and Control (NCIPC) of the CDC was created in 1992 after a series of government reports identified injury as one of the most important public health problems facing the nation; and

Whereas, In 1996 the federal government omnibus spending bill was passed and included a rider provision, named the Dickey Amendment after Congress Member Jay Dickey, which at the behest of the National Rifle Association (NRA) mandated that none of the funds made available for injury prevention and control at CDC be used to advocate or promote gun control; and

Whereas, As a result of the Dickey Amendment, virtually no funding for government research of gun control was appropriated to CDC for more than two decades; and

Whereas, According to The Science of Gun Policy: A Critical Synthesis of Research Evidence on the effects of Gun Policies in the United States and The Dickey Amendment on Federal Funding for Research on Gun Violence: A Legal Dissection, CDC funding of gun violence research declined by 96 percent and academic publications addressing gun violence declined 64 percent between 1998 and 2012; and

Whereas, According to CDC mortality statistics from 2004-2014, gun violence killed approximately as many individuals as sepsis, however, funding for gun violence research was about 0.7 percent of that for sepsis; and

Whereas, According to Journal of the American Medical Association, gun violence research was the least researched cause of death and the second least funded cause of death after falls; and

Whereas, According to the New England Journal of Medicine, years of research and the application of effective policies, car related deaths went from the leading cause of death for children to being replaced by guns as recent as 2020; and

Whereas, According to CDC Wonder Online Database from 2018-2020, Black children in the United States are three times more likely to die from gun violence than the overall U.S. population, while according to reports,

homicide rates from firearms from 2019 predominantly Black countries such as Senegal, Ghana, and Nigeria have significantly lower overall gun homicides than the U.S.; and

Whereas, Reports indicate in 2018 Congress clarified the law to allow for gun violence research and subsequently the Fiscal Year 2020 budget earmarked $25 million in funding for CDC and the National Health Institute (NIH) for such research; and

Whereas, According to CDC Fast Facts, 2020, there were 45,222 firearm related deaths in the United States, approximately 124 deaths a day; and

Whereas, 40,000 non gun related death causes received between 25 to 50 million dollars in funding; and

Whereas, Funding for gun violence research should be in the hundreds of millions based on dollars spent per death and considering 20 years of little to no funding; and

Whereas, Funding the CDC's research into gun violence will allow them to provide data to inform action, conduct research and apply scientific principles to identify effective solutions, and promote collaboration across multiple sectors to address the problem of firearm violence and keep people safe and healthy; now, therefore, be it

Resolved, That the Council of the City of New York calls on the federal government to invest at least $100 million in gun violence research through the United States Centers for Disease Control and Prevention.

Referred to the Committee on Health.

Res. No. 150

Resolution calling on the New York State Legislature to pass and the Governor to sign, S.7199/A.8169, the Hospital Equity and Affordability Legislation (HEAL Act), that aims to improve market access and increase transparency of health insurance contracts by banning certain anti-competitive provisions.

By Council Members Menin, Abreu, Schulman and De La Rosa.

Whereas, The COVID-19 pandemic has devastated New York City and its health system; and

Whereas, The City will emerge from the pandemic facing long-term consequences and lessons learned; and

Whereas, Widespread access to high-quality, affordable health care is more important than ever; and

Whereas, New York has some of the country's best hospitals, but also some of the highest prices for care; and

Whereas, From 2013 to 2017, the cost of services at New York metropolitan area hospitals rose 22%, and as of 2017 they were 19% above the national median cost; and

Whereas, The future of our city and state depends on our ability to rein in the hospital costs so every New Yorker can access the care they need; and

Whereas, We must do more to ensure a more equitable city, especially for those who were disproportionately impacted, both physically and financially, during the COVID-19 crisis; and

Whereas, New Yorkers from vulnerable immigrant communities and communities of color are also disproportionately impacted by the rapidly escalating cost of health care across New York and the nation; and

Whereas, Demanding fair pricing from large hospital systems is about much more than fixing a longstanding barrier to health care, it is a step closer to creating a truly equitable and affordable state; and

Whereas, S.7199, introduced by Senator Andrew Gounardes, and A.8169, introduced by Assembly Member Catalina Cruz, would prohibit certain provisions in insurance and Health Maintenance Organization (HMO) contracts that require the insurer to include within the scope of the contract all covered groups of the insurer for access to the insurer's network of participating providers and other similar anticompetitive provisions; and

Whereas, The Hospital Equity and Affordability Legislation (HEAL) is aimed at preventing anti-competitive hospital contracting practices and out-of-control pricing structures that hurt patients and act as a barrier to affordable care; and

Whereas, HEAL seeks to prohibit practices such as striking backroom deals with insurers to keep prices secret and preventing innovative programming that benefits patients; and

Whereas, Stakeholders and unions, including the 32BJ Health Fund, which provides benefits to nearly 100,000 32BJ members and their families, have fully supported HEAL; and

Whereas, Protecting access to high-quality health care is a question of basic human rights that will guarantee that hard-working New Yorker will no longer pay for opaque and bloated healthcare costs; and

Whereas, We have to strive and move closer to greater health equity in the City of New York; and 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.7199/A.8169, the Hospital Equity and Affordability Legislation (HEAL Act), that aims to improve market access and increase transparency of health insurance contracts by banning certain anti-competitive provisions.

Referred to the Committee on Hospitals.

Res. No. 151

Resolution calling upon the New York State Legislature to pass, and the Governor to sign, S.4097 requiring a New York State health benefit plan hospital pricing report.

By Council Members Menin, Narcisse and Schulman.

Whereas, The New York State Health Insurance Programs (NYSHIP) is one of the largest public employer health insurance programs in the country, insuring over 1.2 million active government employees, retirees and their families; and

Whereas, Variations in hospital pricing have an impact on NYSHIP premiums, ultimately impacting both public employees and the state's fiscal health; and

Whereas, The Centers for Medicare and Medicaid Services issued a rule requiring hospitals to provide clear, accessible pricing information online about the items and services they provide as of January 1, 2021; and

Whereas, According to a June 2022 article published in JAMA, hospitals have been slow to comply with the federal transparency rules and fewer than 6 percent of hospitals had disclosed prices as required between July and September 2021; and

Whereas, An analysis published by the Robert Wood Johnson Foundation found that even when hospitals comply with the Centers for Medicare and Medicaid Services rules regarding price transparency, the data are "consistently inconsistent" in terms of how elements are defined and displayed, making it difficult for third parties to make connections across hospitals and payers; and

Whereas, 32BJ Health Fund reports that it paid private hospital systems in New York City more than 300 percent of Medicare rates on average and that New York City hospital prices paid by the Fund increased by 21 percent from 2016 to 2019, compared to an 8 percent increase in Connecticut, a 12 percent increase in Pennsylvania, and a 4 percent decrease in New Jersey during that same time period; and

Whereas, Enhanced service quality, improved health outcomes, community benefit, or increased charity care could not explain the variation in prices paid by 32BJ Health Fund; and

Whereas, Understanding the underlying costs of hospital services is an important aspect of ensuring that NYSHIP continues to be fiscally strong and taxpayer dollars are spent prudently; and

Whereas, The civil service commission can collect NYSHIP health care claims data relating to the price and utilization of hospital benefits by active employees, retired employees, and their dependents; and

Whereas, The state should take advantage of its access to data on expenditures made for hospital services to provide transparency and visibility into hospital pricing; and

Whereas, S.4097A, introduced by State Senator Andrew Gounardes and pending in the New York State Senate, would require the Department of Civil Service to conduct an annual hospital pricing report, including a comparative analysis of prices for inpatient, outpatient, and emergency hospital services, as well as a

comprehensive analysis of the prior five years of hospital prices and expenditures, to establish trends in hospital prices and total expenditures; 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.4097 requiring a New York State health benefit plan hospital pricing report.

Referred to the Committee on Hospitals.

Res. No. 152

Resolution calling on the federal government to create a national database compiling hospital audited financial statements.

By Council Members Menin and Schulman.

Whereas, According to a 2020 analysis by the National Nurses United, national healthcare expenditures in the United States (U.S.) rose every year between 1999 and 2018, from roughly $1.3 trillion in 1999 to about $3.7 trillion in 2018; and

Whereas, Per the 2020 National Nurses United analysis, national healthcare expenditures as a percentage of U.S. National Gross Domestic Product (GDP) also increased between 1999 and 2018, from 13.27 percent of GDP in 1999 to 17.73 percent of GDP in 2018; and

Whereas, National Nurses United data indicate that as of 2018, hospital services accounted for 33 percent of overall national healthcare expenditures in the U.S., for a total of approximately $1.2 trillion; and

Whereas, National Nurses United data also reveal that national hospital-services expenditures increased every year between 1999 and 2018, from nearly $394 billion in 1999 to roughly $1.2 trillion in 2018; and

Whereas, National Nurses United data further show that hospital profits in the U.S. also grew between 1999 and 2018, from over $16 billion in 1999 to more than $83 billion in 2018; and

Whereas, Data from the U.S. Bureau of Labor Statistics disclose that between 1999 and 2018, prices for both inpatient and outpatient hospital services tripled; and

Whereas, Per the 2020 National Nurses United analysis, average Charge-to-Cost Ratio (CCR) among U.S. hospitals rose between 1999 and 2018, from about 200 percent in 1999 to over 417 percent in 2018, which means that for every $100 in costs to provide care, hospitals charge on average more than $400 to expand their profit margins; and

Whereas, In a study published in 2019 in the Journal of General Internal Medicine, 56 percent of adults in the U.S., or over 137 million Americans, reported medical financial hardship, such as medical debt, which resulted for them in psychological distress, assets depletion, and delaying or forgoing needed medical care; and

Whereas, Policymakers need credible, timely, comparable, and comprehensive financial information about healthcare systems to inform a range of health policy issues, including the desirability of caps on rates for hospital services, priorities for the distribution of federal and state financial aid during public emergencies, insurer premium rate setting, early surveillance of potential or impending hospital bankruptcies, and non-profit tax policy; and

Whereas, Presently, health policy is impeded because the only national source of hospital financial information is the Medicare Cost Report, which is widely acknowledged to have inaccurate, incomparable, unaudited financial accounting data, and because most analyses focus on income statement-related metrics, such as the size of revenues and profit margins, instead of a more comprehensive picture of financial position, which encompasses liquidity, solvency, capital adequacy, and non-operational investment revenues; and

Whereas, For example, in 2019, New York-Presbyterian hospital system in New York City had $301 million in operating income from the provision of care to patients, but its total net income was $906 million; and

Whereas, As another example, in 2019, Northwell Health hospital system in New York City had $188 million in operating income, but its total net income was $672 million; and

Whereas, Another issue with current hospital financial data is the focus on a facility, rather than on a health system to which it belongs as a whole, which can significantly distort the actual financial position of a given hospital; and

Whereas, A report published in 2021 in the Journal of Health Care Finance and 2021 data by the American Hospital Association show that 92 percent of all U.S. hospital beds are in health systems, and 68 percent of community hospitals nationwide are system-affiliated; and

Whereas, As of 2023, there were 96 hospital systems in New York State, with large entities like Kaleida Health, Northwell Health, Episcopal Health Services, Montefiore Health System, and Albany Medical Center accounting for 79 percent of combined non-profit hospital systems' revenues; and

Whereas, As of 2023, there were 86 hospital systems in the greater New York City metropolitan area, with large organizations like Atlantic Health System, RWJBH Corporate Services, Northwell Health, Episcopal Health Services, and Montefiore Health System accounting for over 90 percent of combined non-profit hospital systems' revenues; and

Whereas, According to the Commonwealth Fund, a health policy organization, during the COVID-19 pandemic, financial distributions to hospitals authorized by the Coronavirus Aid, Relief, and Economic Security Act (CARES) should have been need-based, but neither Congress nor the Centers for Medicare and Medicaid Services had the necessary data to accurately assess the financial need of intended recipients of financial distributions; and

Whereas, The inability to assess need for CARES distributions resulted in a mismatch, whereby large grants were awarded to many health systems with substantial and readily available surplus funds, while cash-strapped health systems serving low-income populations received smaller grants; and

Whereas, For example, Northwell Health hospital system in New York City with a net income of $672 million in 2019 and liquidity of 95 cash-on-hand days received $1 billion in CARES funding; and

Whereas, As another example, New York-Presbyterian hospital system in New York City with a net income of $906 million in 2019 and liquidity of 314 cash-on-hand days received $567 million in CARES funding; and

Whereas, In contrast, NYC Health & Hospitals system in New York City with a net loss of $5.4 billion in 2019 and liquidity of 37 cash-on-hand days received $745 million in CARES funding; and

Whereas, Audited financial statements are required of most health systems by creditors and federal and state governments and are the gold standard of financial data due to the depth of meaningful disclosure, certification by outside auditors, descriptions of financial performance of all entities constituting the health system, and a more timely publication within three to six months of the close of a system's fiscal year; and

Whereas, A national database compiling and publishing hospital systems' audited financial statements would be an important tool to inform policymakers about a range of health policy issues, as illustrated by CARES distributions; now, therefore, be it

Resolved, That the Council of the City of New York calls on the federal government to create a national database compiling hospital audited financial statements.

Referred to the Committee on Hospitals.

Res. No. 153

Resolution calling upon the New York State Legislature to pass, and the Governor to sign, S.1305/A.1321, which establishes a legal framework that may facilitate the timely removal of sidewalk sheds.

By Council Members Menin, Sanchez, Powers, Abreu, and Marte.

Whereas, The Department of Buildings (DOB) requires that a property owner install a sidewalk shed when constructing a building taller than 40 feet tall, when demolishing a building taller than 25 feet, and whenever a building façade threatens the safety of pedestrians; and

Whereas, As of March, 2023, there were more than 9,000 sidewalk sheds in the city of New York, which collectively cover more than two million linear feet, and more than 230 of these sheds had been installed for over five years; and

Whereas, Sidewalk sheds should be installed for no longer than the period of time required to repair an unsafe building façade, as sidewalk sheds may accumulate garbage, congest sidewalks, become an eyesore, and threaten public safety if not adequately maintained; and

Whereas, Local Law 10 of 1980 and Local Law 11 of 1997, which established the Façade Inspection and Safety Program, require that a qualified professional inspect the façade of a building with more than six stories and file a technical façade report to the DOB at least once every five years; and

Whereas, If the building's façade is found to be unsafe, then the building owner must install a sidewalk shed and either repair the building façade within a specified period of time or apply for an extension of time from the DOB; and

Whereas, Property owners who do not repair an unsafe building façade condition in the allotted amount of time may receive a civil fine of $1,000 per month, plus an additional fine per linear foot of sidewalk shed that increases in amount with each year that the sidewalk shed remains installed, as specified in the Rules of the City of New York Section 103-04(d)(3); and

Whereas, In practice, sidewalk sheds often remain installed past the time allotted by the DOB when, for example, the cost to repair the façade exceeds the cost of the penalty, the property owner cannot afford to repair the façade, or the property owner cannot repair the building façade without entry to an adjoining property whose owner who refuses to grant such entry; and

Whereas, When a property owner cannot make necessary repairs, such as repairs to a building façade, without entry to an adjoining property, and the adjoining owner refuses to grant such entry, then the property owner may petition a court to obtain a license to enter the adjoining property, as specified in New York State Real Property Actions and Proceedings Law (RPAPL) Section 881; and

Whereas, The legal proceedings necessary to obtain a license to enter an adjoining property may take months or longer, depending on a court's schedule, which may extend the duration of time for which a building façade remains in an unsafe condition and requires the continuance of a sidewalk shed; and

Whereas, S.1305, introduced by State Senator Leroy Comrie, and companion bill A.1321, introduced by Assembly Member Jenifer Rajkumar, would amend RPAPL §881 to require that the property owner both compensate the adjoining owner for the use of the adjoining property and include the adjoining property on any relevant insurance policy, and additionally, would amend RPAPL §881 to specify that a court shall grant a license to enter an adjoining property for the purposes of building façade repair; and

Whereas, These amendments would create a predictable framework that may shorten the duration of legal proceedings over access to adjoining properties while protecting the rights of adjoining owners, which would decrease the amount of time for which pedestrians must be protected from unsafe building façade conditions with a sidewalk shed; 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.1305/A.1321, which establishes a legal framework that may facilitate the timely removal of sidewalk sheds.

Referred to the Committee on Housing and Buildings.

Res. No. 154

Resolution calling on the Governor to release unspent State funds to benefit small businesses.

By Council Members Menin and Abreu.

Whereas, The COVID-19 pandemic devastated small businesses in New York City (NYC) and New York State (NYS); and

Whereas, Over 26,000 businesses closed permanently in NYC during the pandemic, and around 90 percent of these closures were businesses with fewer than 10 employees; and

Whereas, In April 2022, the restaurant industry in NYC still had over 23,000 fewer jobs than it had in March 2020; and

Whereas, Governor Hochul has allocated NYS resources to aid NYC's struggling small businesses; and

Whereas, According to State Comptroller Thomas P. DiNapoli, NYS has allocated $865 million in grants to help small businesses; and

Whereas, According to the State Comptroller, the State has so far disbursed $658 million in grants; and

Whereas, NYS has therefore over $200 million in grants that have not yet been disbursed to small businesses; and

Whereas, As small businesses in NYC are recovering from the pandemic, NYS should expedite the release of the remaining $200 million as quickly as possible; now, therefore, be it

Resolved, That the Council of the City of New York calls on the Governor to release unspent State funds to benefit small businesses.

Referred to the Committee on Small Business.

Res. No. 155

Resolution recognizing the first Saturday after Thanksgiving as Small Business Saturday in New York City.

By Council Members Menin, Stevens and Riley.

Whereas, In 2010, American Express created Small Business Saturday, the Saturday between Black Friday and Cyber Monday, to remind consumers to shop locally during the holiday season; and

Whereas, In 2011, the federal Small Business Administration (SBA) started to officially cosponsor Small Business Saturday; and

Whereas, According to American Express, over the past 12 years consumers reported spending an estimated $163 billion at small businesses during Small Business Saturday; and

Whereas, Before the pandemic, there were over 200,000 small businesses in New York City (NYC); and

Whereas, Around 26,300 businesses closed permanently in NYC during the pandemic, and 89 percent of the businesses that closed had 10 or fewer employees; and

Whereas, Small businesses derive a substantial portion of their annual revenue during the holiday season; and

Whereas, On November 27, 2021, Governor Hochul and Mayor Adams urged New Yorkers to shop local during Small Business Saturday; and

Whereas, Recognition of Small Business Saturday by city and state officials will encourage New Yorkers to support local small businesses and boost the small business economy's recovery from the pandemic; now, therefore, be it

Resolved, That the Council of the City of New York recognizes the first Saturday after Thanksgiving as Small Business Saturday in New York City.

Referred to the Committee on Small Business.

Res. No. 156

Resolution calling on the New York State Legislature to pass, and the Governor to sign, S.5525/A.10690, requiring broadband providers to offer low-cost high-speed broadband to low-income New Yorkers.

By Council Members Menin and Gutiérrez.

Whereas, Broadband, sometimes referred to as high-speed internet, is no longer a luxury that families can live without; and

Whereas, An internet connection is necessary for completing many basic tasks such as scheduling appointments and searching for jobs; and

Whereas, As COVID has shown us, the internet is necessary for many children to do their schoolwork; and

Whereas, The internet is necessary to access many government services such as unemployment compensation; and

Whereas, Broadband provides access to telehealth services, which can deliver health services to those who would otherwise lack access to medical services; and

Whereas, A high-speed internet connection can improve people's health by allowing them to better manage their symptoms and conditions from home, and without having to visit a doctor; and

Whereas, Having an internet connection allows people living alone to keep in contact with friends and family; and

Whereas, Increased access to broadband has been shown to increase civic engagement and increases the likelihood of voting; and

Whereas, A broadband connection is necessary to access the internet without extensive delays and disruptions; and

Whereas, In 2021, the average price for broadband in New York was $47 a month or $563 a year; and

Whereas, Low-income families cannot always afford the cost of broadband internet; and

Whereas, Families with household incomes under $20,000 are the least likely to have broadband access; and

Whereas, Families should not have to choose between paying for food or rent and paying for internet service; now, therefore, be it

Resolved, That the Council of the City of New York calls on the New York State Legislature to pass, and the Governor to Sign, S.5525/A.10690, requiring broadband providers to offer low-cost high-speed broadband to low-income New Yorkers.

Referred to the Committee on Technology.

Res. No. 157

Resolution recognizing June 6 annually as D-Day Remembrance Day in the City of New York in honor of the courage and sacrifice of the Allied soldiers on the Normandy beaches in France.

By Council Members Menin and Holden.

Whereas, In the early hours of June 6, 1944, Operation Overlord began when American and British paratroopers were dropped from more than 1,200 aircraft into Normandy behind German lines on a day that would from that time forward be known as D-Day; and

Whereas, The largest naval attack ever mounted began at 5:30 a.m. when American and British battleships, cruisers, and destroyers shelled German defensive positions at the Normandy beaches for 40 minutes; and

Whereas, Sunrise saw landing vessels depositing more than 150,000 American, British, Canadian, and Free French soldiers onto five beaches along 50 miles of the Normandy coast, which was heavily defended by German soldiers and artillery; and

Whereas, American troops secured Utah Beach with paratroopers dropped behind enemy lines inland and soldiers landing on the beach about a mile off course under the command of Brigadier General Theodore Roosevelt, Jr.; and

Whereas, American troops secured Omaha Beach in the bloodiest battle of D-Day when only two of 29 amphibious tanks launched at sea actually reached the shore and thousands of soldiers met with fatal German gunfire from fortified positions above the beach; and

Whereas, Omaha Beach became a much revered and celebrated Allied victory, thanks to Army Rangers, who managed to scale the bluffs at Pointe du Hoc to disable the heavy artillery that rained bullets down on American soldiers fighting their way up the bluffs from the beach; and

Whereas, British air strikes and warships weakened German forces and allowed the British to take control of Gold Beach, the middle of the five beaches, before British soldiers pushed on to take back the village of Arromanches; and

Whereas, After Juno Beach was the site of devastatingly heavy Canadian casualties for the first hour of the battle, Canadian soldiers fought their way off the beach and then successfully progressed inland farther than either the American or British troops that day; and

Whereas, After British and Canadian airborne troops landed behind enemy lines on the eastern front just after midnight to take control of key bridges, British troops landed on Sword Beach at 7:25 a.m. and met strong German resistance in the villages, but managed to hold the beach by day's end; and

Whereas, Many Allied forces entered France after D-Day, including American soldiers' Operation Cobra, which concluded the Normandy campaign inland, and Operation Dragoon, which saw Americans land on France's Mediterranean coast in August; and

Whereas, On August 25, French and American forces finally liberated Paris, following more than four years of Nazi occupation; and

Whereas, Speaking at Pointe du Hoc atop the "unforgiving cliffs" on the 50th anniversary of D-Day, President William J. Clinton said that "we stand on sacred soil" where "a miracle of liberation began" when "democracy's forces landed to end the enslavement of Europe"; and

Whereas, President Clinton called the soldiers who landed on the beaches "the tip of [a] spear the free world had spent years sharpening, a spear they began on this morning in 1944 to plunge into the heart of the Nazi empire"; and

Whereas, President Clinton recounted how the Army Rangers' "mission was to scale these cliffs and destroy the howitzers at the top that threatened every Allied solider and ship within miles," how they "fired grappling hooks onto the cliff tops," how they "waded to shore" and "began to climb up on ropes slick with sea and sand, up, as the Germans shot down and tried to cut [the] lines, up sometimes holding to the cliffs with nothing but the knives [they] had and [their] own bare hands"; and

Whereas, President Clinton concluded that "the mission of freedom goes on," "the battle continues," and the " 'longest day' is not yet over"; and

Whereas, Speaking in Normandy on the 65th anniversary of D-Day, President Barack Obama noted that the odds of D-Day's success had not been good, given the many ways that Adolf Hitler had ordered the Atlantic Wall fortified against an invasion, with heavy artillery on the cliffs, flooded lowlands, mines on the shore and in the water, and more; and

Whereas, President Obama continued that, in spite of those odds, victory was won and that, D-Day was a moment that led to all the Allied achievements which followed, or as President Lyndon B. Johnson once said, "history and fate [met] at a single time in a single place to shape a turning point in man's unending search for freedom"; and

Whereas, President Obama concluded that "as we faced down the hardships and struggles of our time and arrive at that hour for which we were born, we cannot help but draw strength from those moments in history when the best among us were somehow able to swallow their fears and secure a beachhead on an unforgiving shore"; and

Whereas, In Proclamation 9319, President Obama declared June 6, 2014, as D-Day National Remembrance Day, and noted that "D-Day dealt a significant blow to an ideology fueled by hate" and that it "allowed America

and our allies to secure a foothold in France, open a path to Berlin, and liberate a continent from the grip of tyranny"; and

Whereas, President Obama in his proclamation called "upon all Americans to observe this day with programs, ceremonies, and activities that honor those who fought and died so men and women they had never met might know what it is to be free"; and

Whereas, The rows and rows of graves marked by white crosses and Stars of David of 9,386 Americans, most of whom died on the Normandy beaches and in the ensuing campaign, are forever honored at the Normandy American Cemetery and Memorial in Colleville-sur-Mer, on the site of the temporary cemetery established by the U.S. First Army on June 8, 1944; and

Whereas, June 6, 2024, marks the 80th anniversary of D-Day and all that it came to mean to free nations in Europe; now, therefore, be it

Resolved, That the Council of the City of New York recognizes June 6 annually as D-Day Remembrance Day in the City of New York in honor of the courage and sacrifice of the Allied soldiers on the Normandy beaches in France.

Referred to the Committee on Veterans.

Res. No. 158

Resolution calling on the New York State Legislature to pass, and the Governor to sign, S.4924/A.1303, to remove the minimum wage and hours requirements for applicants of child care assistance.

By Council Members Menin, Cabán, Stevens, Gutiérrez, Riley and Yeger.

Whereas, Children enrolled in quality child care programs exhibit reduced aggressive behavior, have lower risk of criminal justice system involvement, lower blood pressure, higher IQ, healthier behaviors, lower rates of grade repetition, reduced need for expensive remedial and special education, higher high school graduation rates, higher college attendance rates, higher labor force participation rates, strengthened families, and higher lifetime earnings, and the lifetime earnings of their parents also increase; and

Whereas, Expanding access to quality, affordable child care not only benefits individual families, it also makes good sense for the economy as a whole, because research demonstrates that each dollar invested in child care generates a 13 percent return; and

Whereas, Children from low-income families and minority population groups are less likely to be enrolled in quality, structured child care programs; and

Whereas, In the United States, as of 2018, there were 23,691,475 children aged 5 years and younger, with 63 percent residing in households in which all parents work, and with 19 percent living in families below the poverty line; and

Whereas, Compared to other developed nations, the United States lags behind in public spending for child care, presently devoting less than 0.5 percent of its Gross Domestic Product (GDP) to child care; and

Whereas, Nationally, as of July 2020, owing to the COVID-19 pandemic, many states lost more than 25 percent of their child care capacity, making quality child care more expensive due to lower provider-to-child ratios and higher personal protective equipment (PPE) and cleaning supplies costs, which providers likely pass along to parents, who are already struggling to keep pace with inflation-induced escalating cost-of-living expenses; and

Whereas, Nationally, during the pandemic, among parents of children under the age of 5 years, 47 percent were concerned about their ability to afford child care upon return to work, and almost 20 percent reported working less hours in order to provide child care; and

Whereas, Even prior to the pandemic, it was estimated that inadequate access to quality, affordable child care costs the United States $57 billion in annual losses, including $37 billion due to reduced productivity at work and more time looking for work, $13 billion from reduced revenues and extra recruitment costs for

businesses, and $7 billion due to working parents being in lower income tax brackets and paying less sales tax; and

Whereas, In New York State, the New York State Child Care Assistance Program, commonly known as the Subsidy Program, is administered by local social services districts and overseen by the New York State Office of Children and Family Services; and

Whereas, For the 2021-2022 New York State Fiscal Year, $832 million were allocated to local districts for the New York State Child Care Assistance Program; and

Whereas, In New York State, in Fiscal Year 2021, about 103,000 children from 60,000 families received child care subsidies, with roughly 66,000 children from 39,000 families receiving child care subsidies each month; and

Whereas, Of these 103,000 children, approximately 62 percent were in New York City, nearly 35 percent were in families receiving Temporary Assistance, and 65 percent, while not Temporary Assistance recipients, were categorized as low-income cases; and

Whereas, In New York City, after March 2020, over 50 percent of families with children experienced a loss of employment income due to cuts to wages or work hours, furlough, or a job loss; and

Whereas, As a result, between April 2020 and July 2021, 43 percent of New York City households with children experienced difficulties meeting their usual weekly expenses, 15 percent of such families sometimes or often did not have enough to eat, 31 percent of renter households with children were behind on their rental payments, and of those families with rental arrears, about 40 percent believed that eviction from their apartment was somewhat or very likely; and

Whereas, Between April 2020 and July 2021, 41 percent of New York City women with children reported being unemployed, and as many as 35 percent of such women indicated caring for children as the cause of their unemployment; and

Whereas, New York State law requires applicants for child care subsidies to work a minimum number of hours each week and to be paid no less than the minimum wage; and

Whereas, New York State law's minimum wage requirement operates to exclude applicants for child care subsidies who are employed in certain occupations, such as home health aides, whose total hours worked often exceed compensated hours; workers in the gig economy; and workers who are misclassified and earning less than the minimum wage, among others; and

Whereas, With the intent of remedying the exclusion of some categories of workers from child care assistance, State Senator Jessica Ramos introduced S.4924 in the New York State Senate, and Assembly Member Sarah Clark introduced companion bill A.1303 in the New York State Assembly, which would eliminate minimum wage or hours requirements for applicants of child care assistance; 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.4924/A.1303, to remove the minimum wage and hours requirements for applicants of child care assistance.

Referred to the Committee on Women and Gender Equity.

Res. No. 159

Resolution calling on the New York State Legislature to pass, and the Governor to sign, A.200/S.3380 to provide a business tax credit for employer provided day care.

By Council Members Menin, Krishnan, Yeger and Brewer.

Whereas, One third of the workers in the United States live in a household with a child under 14; and

Whereas, The Bureau of Labor Statistics found that only 11% of employees are provided child care by their employers; and

Whereas, In a 2021 report from *Harvard Business Review*, almost 20% of working parents surveyed were forced to leave work or reduce their hours because they lacked child care options; and

Whereas, In a 2021 study from the Bipartisan Policy Center, more than half of working parents surveyed shared that their work was negatively affected by child care responsibilities; and

Whereas, Lack of child care results in significant employment disparities along racial and gender lines, with disproportionately high shares of single mothers and women of color reducing or eliminating their employment to care for children; and

Whereas, 2022 data from the Labor Department reveals that single mothers continue to return to work slower than other households due to a lack of child care options; and

Whereas, A 2021 study from Citizens' Committee for Children revealed that 41% of women between the ages of 25 and 54 with children in the New York Metropolitan area were not working compared to only 24% of similarly aged men with children; and

Whereas, Almost 93% of families with young children in New York City cannot afford child care centers; and

Whereas, Limited or no access to employer provided child care costs employers 13 billion dollars yearly in lost productivity; and

Whereas, Increasing the number of women in the workplace would increase the United States' gross domestic product; and

Whereas, Organizations that provide child care to employees have seen above average retention rates post-childbirth; and

Whereas, A.200, introduced by Assembly Member William B. Magnarelli and pending in the New York State Assembly, and companion bill S.3380 introduced by Senator Timothy M. Kennedy and pending in the New York State Senate, seeks to amend the Tax Law, in relation to providing credits against the tax imposed upon employers providing certain day care services to the children of its employees; and

Whereas, A.200/S.3380 would provide employers with a tax credit in an amount not to exceed 20% of expenses incurred in providing day care services to the children and wards of its employees and in training persons employed by the taxpayer or third party provider rendering such services; and

Whereas, A.200/S.3380 stipulates that to receive the tax credit, programs or facilities providing day care services must be licensed accordingly; and

Whereas, A.200/S.3380 incentivizes New York employers to provide child care options for their employees; and

Whereas, Investing in child care means investing in working families and the economy; now, therefore, be it

Resolved, That the Council of the City of New York calls on the New York State Legislature to pass, and the Governor to sign, A.200/S.3380 to provide a business tax credit for employer provided day care.

Referred to the Committee on Women and Gender Equity.

Res. No. 160

Resolution calling upon the State Legislature to pass, and the Governor to sign, S.5150, to allow de facto parents to apply to the Supreme Court for a writ of habeas corpus.

By Council Members Menin and Hudson.

Whereas, Over the past fifty years, the traditional composition of the family has been transformed; and

Whereas, In 1960, for example, approximately 73 percent of children were living in a two parent home with parents who were in their first marriage; and

Whereas, By 2015, less than half of families in the United States represented this model; and

Whereas, It is now common for children to live with either a single parent, a blended family consisting of step-parents and siblings, or parents of the same sex; and

Whereas, These changes to the structure of the family have significant repercussions for established custody laws that often still assume outdated notions of the nuclear family arrangement; and

Whereas, This can be seen within New York state custody laws and in particular, the overturning of the precedent set in the 1991 case of *Alison D. v. Virginia M*; and

Whereas, Since that determination, the State's family laws limited custody and visitation rights to a parent with either a biological or adoptive relationship to the child; and

Whereas, However, after the New York Court of Appeals ruling in the case of *Brooke S.B. v. Elizabeth A.C.C* in August 2016, the definition has been broadened; and

Whereas, The *Brooke S.B. v. Elizabeth A.C.C* case involved a same-sex, unmarried couple, who had been living in a de facto relationship for a number of years; and

Whereas, Although the couple were engaged, they were unable to marry at the time because same-sex marriage was not yet legal in New York state; and

Whereas, Rather than wait for marriage legalization, the couple decided to start their family and one of the women carried the child; and

Whereas, The couple then split a few years later and before same-sex marriage was legal; and

Whereas, While the non-biological parent and ex-partner continued to co-parent for at least a year, at one point, the biological mother cut off contact between the child and the ex-partner; and

Whereas, The ex-partner filed for custody and visitation rights but the Court originally ruled that the petitioner had no parental rights given the limitations set by *Alison D. v. Virginia M*; and

Whereas, On appeal, however, the Court overruled *Alison D. v. Virginia M*, arguing that when there is clear evidence that partners agree to conceive and raise a child together, the ex-partner does have rights to visitation and custody; and

Whereas, The Court further noted that "*Alison D.'s* foundational premise of heterosexual parenting and nonrecognition of same-sex couples is unsustainable, particularly in light of the enactment of same-sex marriage in New York state"; and

Whereas, While this case has helped broaden the definition of who is able to pursue visitation and custody, it still has limitations; and

Whereas, Key to the *Brooke S.B. v. Elizabeth A.C.C* ruling was the fact that both parties had consciously planned in advance to conceive and raise a child together; and

Whereas, This means that partners who enter a child's life after their birth, may be prevented from pursuing visitation and custody if they do not formally adopt the child; and

Whereas, In many U.S. states, the parental rights of a de facto parent – a non-adoptive, non-biological adult raising the child – are protected by law; and

Whereas, While the rights and definitions across states differ, New York state is one of the few that does not recognize and protect this relationship; and

Whereas, S.5150, which was introduced in the New York State Senate by Senator Kevin Parker in February 2023, aims to rectify this gap; and

Whereas, If enacted, S.5150 would recognize a person acting as a de facto parent and grant them the ability to pursue visitation and custody; and

Whereas, Given the ongoing changes to the family unit, it is likely that children will develop deep bonds with their caregivers who are not necessarily their biological or adoptive parents; and

Whereas, It is therefore important that family and domestic law keep pace with these changes and protect these important bonds; now, therefore, be it

Resolved, That the Council of the city of New York calls upon the State Legislature to pass, and the Governor to sign, S.5150, to allow de facto parents to apply to the Supreme Court for a writ of habeas corpus.

Referred to the Committee on Women and Gender Equity.

Int. No. 302

By Council Member Moya.

A Local Law to amend the administrative code of the city of New York, in relation to maximum fines for illegal postings.

Be it enacted by the Council as follows:

Section 1. Section 10-121 of chapter 1 of title 10 of the administrative code of the city of New York is amended to read as follows:

§ Section 10-121. Violation. a. Any person convicted of a violation of any of the provisions of section 10-119 [or 10-120] of the code shall be punished by a fine of not less than seventy-five dollars nor more than one hundred fifty dollars, for the first offense and not less than one hundred fifty dollars nor more than [two hundred fifty] *$1,000* dollars for the second and each subsequent offense within a twelve month period, plus the cost of the removal of the unauthorized signs, imprisonment for not more than ten days, or both; provided, however, that subdivision b of section 10-119 of the code shall not apply with respect to criminal prosecutions brought pursuant to this subdivision.

b. In the instance where the notice of violation, appearance ticket or summons is issued for breach of the provisions of section 10-119 [or 10-120] of the code and sets forth thereon civil penalties only, such process shall be returnable to the environmental control board, which shall have the power to impose the civil penalties of not less than [seventy five dollars]*$75* nor more than [one hundred fifty dollars]*$150* for the first offense and not less than [one hundred fifty dollars]*$150* nor more than [two hundred fifty] *$1,000* for the second and each subsequent offense within a twelve month period. Anyone found to have violated the provisions of [S]section 10-119 [or 10-120], in addition to any penalty imposed, shall be responsible for the cost of the removal of the unauthorized signs. Anyone found to have violated section 10-119 of this chapter by affixing any handbill, poster, notice, sign or advertisement to a tree by means of nailing or piercing the tree by any method shall have an additional penalty imposed equal to the amount of the original penalty.

c. Any person convicted of a violating section 10-120 of the code shall be punished by a fine of not less than $75 nor more than one hundred fifty dollars, for the first offense and not less than $150 nor more than $250 for the second and each subsequent offense within a 12 month period, plus the cost of the removal of the unauthorized signs, imprisonment for not more than ten days, or both.

d. In the instance where the notice of violation, appearance ticket or summons is issued for breach of section 10-120 of the code and sets forth thereon civil penalties only, such process shall be returnable to the environmental control board, which shall have the power to impose the civil penalties of not less than $75 nor more than $150 dollars for the first offense and not less than $150 nor more than $250 for the second and each subsequent offense within a 12 month period. Anyone found to have violated the provisions of section 10-120, in addition to any penalty imposed, shall be responsible for the cost of the removal of the unauthorized signs.

[c]*e*. In the event that a violator fails to answer such notice of violation, appearance ticket or summons within the time provided therefor by the rules and regulations of the environmental control board, he or she shall become liable for additional penalties. The additional penalties shall not exceed fifty dollars for each violation.

[d]*f*. Any person found in violation of any of the provisions of section 10-119 or 10-120 of the code shall be liable for a civil penalty as provided for in subdivision b of this section.

[e]*g*. Liability and responsibility for any civil penalty imposed pursuant to this section for any violation of section 10-119 or 10-120 of the code shall be joint and severable on the part of any corporation found to be liable and responsible and its officers, principals, and stockholders owning more than ten percent of its outstanding voting stock.

[g]*h*. For the purposes of imposing a criminal fine or civil penalty pursuant to this section, every handbill, poster, notice, sign or advertisement pasted, posted, painted, printed or nailed in violation of section 10-119 of the code or torn down, defaced or destroyed in violation of section 10-120 of the code, shall be deemed to be the subject of a separate violation for which a separate criminal fine or civil penalty shall be imposed.

§ 2. This local law takes effect immediately.

Referred to the Committee on Consumer and Worker Protection.

Int. No. 303

By Council Members Moya and Menin.

A Local Law to amend the administrative code of the city of New York, in relation to prohibiting food vending under bridges, overpasses and elevated train structures and requiring the posting of signs near subway entrances and exits indicating that vending is prohibited within 10 feet

Be it enacted by the Council as follows:

Section 1. Subdivision e of section 17-315 of the administrative code of the city of New York, as amended by local law number 19 for the year 2013, is amended to read as follows:

e. No food vendor shall vend within any bus stop, within the portion of the sidewalk abutting any no standing zone adjacent to a hospital as defined in subdivision one of section 2801 of the New York state public health law, *under any bridge, overpass or elevated train structure, or* within ten feet of any driveway, any subway entrance or exit, or any crosswalk at any intersection.

§ 2. Section 17-315 of the administrative code of the city of New York is amended by adding a new subdivision n to read as follows:

n. The department, or any such other agency designated by the mayor, shall place signs near each subway entrance and exit indicating that vending is prohibited within 10 feet of such entrance or exit.

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

Referred to the Committee on Consumer and Worker Protection.

Int. No. 304

By Council Members Moya and Restler.

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. 305

By Council Member Moya.

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. 306

By Council Members Moya, Hanif and Hudson.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of education to report the number of individualized education programs that are translated

Be it enacted by the Council as follows:

Section 1. Paragraph 15 of subdivision b of section 21-955 of the administrative code of the city of New York, as renumbered by local law number 16 for the year 2020, is amended and a new paragraph 16 is added to read as follows:

15. the number and percentage of students with IEPs who are recommended for participation in the general education curriculum for:

(i) 80% or more of the day;

(ii) 40-79% of the day; and

(iii) less than 40% of the day[.];

16. the number and percentage of students with IEPs who requested translation services and the number and percentage of students with IEPs who received such requested translation services by the end of the academic period, disaggregated by district, race/ethnicity, gender, English Language Learner status, recommended language of instruction, requested language of translation, and grade level.

§ 2. This local law takes effect immediately.

Referred to the Committee on Education.

Int. No. 307

By Council Member Moya.

A Local Law to amend the administrative code of the city of New York, in relation to limiting nighttime illumination for certain buildings

Withdrawn (originally to be referred to the Committee on Environmental Protection, Resiliency and Waterfronts).

Int. No. 308

By Council Member Moya.

A Local Law to amend the administrative code of the city of New York, in relation to media in electronic emergency notifications

Be it enacted by the Council as follows:

Section 1. Section 30-115 of the administrative code of the city of New York is amended by adding a new subdivision c to read as follows:

c. Any emergency notification system operated and controlled by the city for the purposes of aggregating information obtained from other offices or agencies to inform the public about emergencies or disruptive events through e-mail, text, phone, social media platform, or internet-based feed shall include in each notification relevant media including, but not limited to, any image, map, video, or hyperlink related to such notification, provided that this requirement shall not delay or prohibit the immediate issuance of notifications without such media.

§ 2. This local law takes effect 30 days after it becomes law.

Referred to the Committee on Fire and Emergency Management.

Int. No. 309

By Council Member Moya.

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, State & Federal Legislation.

Int. No. 310

By Council Member Moya.

A Local Law to amend the administrative code of the city of New York, in relation to penalties for improper collection or disposal of waste by mobile food vendors

Be it enacted by the Council as follows:

Section 1. Chapter 15 of title 17 of the administrative code of the city of New York is amended by adding a new section 17-1519 to read as follows:

§ 17-1519 Mobile food vending unit waste collection and disposal. a. A mobile food vending unit permittee or licensee shall comply with the requirements set forth in section 89.25 of the health code regarding waste collection and disposal, or any successor provision.

b. A mobile food vending unit permittee or licensee that violates this section shall be subject to a civil penalty of, for violations committed in any 2 year period:

1. $200 for the first and second violation;

2. $250 for the third violation; and

3. $500 for the fourth or any subsequent violation.

§ 2. This local law takes effect immediately.

Referred to the Committee on Health.

Int. No. 311

By Council Member Moya.

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. 312

By Council Member Moya.

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. 313

By Council Member Moya.

A Local Law to amend the administrative code of the city of New York, in relation to requiring asbestos surveys and abatement after certain catastrophic events

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 28-106.5 to read as follows:

§ 28-106.5 Asbestos survey and abatement after certain catastrophic events. Where the structure of a building has been thoroughly damaged or disturbed due to a catastrophic event, such as a collapse, explosion or impact which has a severe material and detrimental effect on the structural integrity of a building, the owner of such building shall conduct a survey to determine if asbestos-containing materials were impacted or disturbed by such event. Upon a determination by a certified asbestos investigator that such asbestos-containing materials were impacted or disturbed, such building shall require asbestos abatement to the extent determined by such investigator and as required by the rules of the department of environmental protection. The department of environmental protection shall promulgate rules in furtherance of the provisions of this section.

§ 2. This local law takes effect 120 days after it becomes law, except that the department of environmental protection shall take such measures as are necessary for the implementation of this local law, including promulgation of rules, prior to such date.

Referred to the Committee on Housing and Buildings.

Int. No. 314

By Council Member Moya.

A Local Law to amend the administrative code of the city of New York, in relation to requiring certain insurance filings with the department of buildings

Be it enacted by the Council as follows:

Section 1. Article 104 of chapter 1 of title 28 of the administrative code of the city of New York is amended by adding a new section 28-104.1.2 to read as follows:

§ 28-104.1.2 Construction contractor insurance submission to the department. Upon submission of an application for approval of construction documents, the department shall collect the following insurance information:

1. The name of the insurance provider;
2. The address of the insurance provider;
3. The insurance policy number; and
4. A description of the coverage provided.

§ 28-104.1.2.1 Construction contractor insurance database. The department shall also establish and maintain an online, interactive, electronic submission system available on its website in order to collect and maintain insurance information in accordance with section 28-104.1.2. Such database shall be made publicly available and conspicuously posted on the website of the department.

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

Referred to the Committee on Housing and Buildings.

Int. No. 315

By Council Member Moya.

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. 316

By Council Member Moya.

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. 317

By Council Members Moya, Restler and Won.

A Local Law to amend the administrative code of the city of New York, in relation to requiring third-party food delivery services to agree to reimburse third-party food delivery workers for certain costs related to vehicle crashes that happen during deliveries

Be it enacted by the Council as follows:

Section 1. Paragraph 2 of subdivision a of section 20-933 of the administrative code of the city of New York, as added by local law number 140 for the year 2016, is amended to read as follows:

2. Any action alleging a violation of section 20-928 *or 20-937* shall be brought within two years after the acts alleged to have violated this chapter occurred.

§ 2. Subdivision b of section 20-933 of the administrative code of the city of New York, as added by local law number 140 for the year 2016, is amended by adding a new paragraph 5 to read as follows:

5. Violations of section 20-937. In addition to any other damages awarded pursuant to this chapter or other law, a plaintiff who prevails on a claim alleging a violation of section 20-937 is entitled to an award of statutory damages of $1,000.

§ 3. Chapter 10 of title 20 of the administrative code of the city of New York is amended by adding a new section 20-937 to read as follows:

§ 20-937 Delivery workers. a. Definitions. For purposes of this section, the following terms have the following meanings:

Delivery services contract. The term "delivery services contract" means a contract or other agreement between a third-party food delivery service and a third-party food delivery worker for delivery services.

Food service establishment. The term "food service establishment" means a place where food is provided for individual portion service directly to the consumer, whether such food is provided free of charge or sold, and whether consumption occurs on or off the premises or is provided from a pushcart, stand or vehicle.

Third-party food delivery service. The term "third-party food delivery service" means any website, mobile application or other internet service that offers or arranges for the sale of food and beverages prepared by, and the same-day delivery or same-day pickup of food and beverages from, no fewer than 20 food service establishments located in the city that are owned and operated by different persons.

Third-party food delivery worker. The term "third-party food delivery worker" means a person contracted by a third-party food delivery service to make deliveries.

Vehicle. The term "vehicle" means a device by which a person or property is or may be transported or drawn upon a street.

Vehicle crash. The term "vehicle crash" means the unintentional collision of a vehicle with a person or property.

b. Delivery services contracts. A delivery services contract entered into on or after the effective date of the local law that added this section shall provide that the third-party food delivery service shall pay, or reimburse the third-party food delivery worker, for all out-of-pocket costs of medical services and property repair or replacement incurred by the third-party food delivery worker in connection with a vehicle crash that occurs during the course of delivery services. A third-party food delivery service is not required by this section to agree to cover out-of-pocket costs reimbursed by another person. For purposes of this section, the course of delivery

services includes travel to a food service establishment to pick up an order and travel to a customer to deliver an order.

c. The requirements of this section do not apply to a contract or other agreement between an employer and an employee.

d. This section shall not be construed to apply to or affect the labor law in a manner that supersedes a state law.

e. In addition to any other penalty authorized by this chapter or other law, a third-party food delivery service shall be subject to a civil penalty of $500 for each delivery services contract such service enters into that does not meet the requirements of this section.

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

Referred to the Committee on Small Business.

Int. No. 318

By Council Members Moya and Yeger.

A Local Law to amend the administrative code of the city of New York, in relation to limiting the amount of sidewalk area that private property owners are responsible for maintaining

Be it enacted by the Council as follows:

Section 1. Subdivision a of section 19-152 of title 19 of the administrative code of the city of New York, as amended by local law number 64 for the year 1995, is amended to read as follows:

a. The owner of any real property, at his or her own cost and expense, shall (1) install, construct, repave, reconstruct and repair the sidewalk flags in front of or abutting such property *up to 30 feet from the property line*, including but not limited to the intersection quadrant for corner property *if such intersection quadrant is within 30 feet from such property line*, and (2) fence any vacant lot or lots, fill any sunken lot or lots and/or cut down any raised lots comprising part or all of such property whenever the commissioner of the department shall so order or direct. The commissioner shall so order or direct the owner to reinstall, construct, reconstruct, repave or repair a defective sidewalk flag in front of or abutting such property *up to 30 feet from the property line*, including but not limited to the intersection quadrant for corner property *if such intersection quadrant is within 30 feet from such property line*, or fence any vacant lot or lots, fill any sunken lot or lots and/or cut down any raised lots comprising part or all of such property after an inspection of such real property by a departmental inspector. The commissioner shall not direct the owner to reinstall, reconstruct, repave or repair a sidewalk flag which was damaged by the city, its agents or any contractor employed by the city during the course of a city capital construction project. The commissioner shall direct the owner to install, reinstall, construct, reconstruct, repave or repair only those sidewalk flags which contain a substantial defect. For the purposes of this subdivision, a substantial defect shall include any of the following:

1. where one or more sidewalk flags is missing or where the sidewalk was never built;

2. one or more sidewalk flag(s) are cracked to such an extent that one or more pieces of the flag(s) may be loosened or readily removed;

3. an undermined sidewalk flag below which there is a visible void or a loose sidewalk flag [tht] <u>that</u> rocks or seesaws;

4. a trip hazard, where the vertical grade differential between adjacent sidewalk flags is greater than or equal to one half inch or where a sidewalk flag contains one or more surface defects of one inch or greater in all horizontal directions and is one half inch or more in depth;

5. improper slope, which shall mean (i) a flag that does not drain toward the curb and retains water, (ii) flag(s) that must be replaced to provide for adequate drainage or (iii) a cross slope exceeding established standards;

6. hardware defects which shall mean (i) hardware or other appurtenances not flush within 1/2" of the sidewalk surface or (ii) cellar doors that deflect greater than one inch when walked on, are not skid resistant or are otherwise in a dangerous or unsafe condition;

7. a defect involving structural integrity, which shall mean a flag that has a common joint, which is not an expansion joint, with a defective flag and has a crack that meets such common joint and one other joint;

8. non-compliance with DOT specifications for sidewalk construction; and

9. patchwork which shall mean (i) less than full-depth repairs to all or part of the surface area of broken, cracked or chipped flag(s) or (ii) flag(s) which are partially or wholly constructed with asphalt or other unapproved non-concrete material; except that, patchwork resulting from the installation of canopy poles, meters, light poles, signs and bus stop shelters shall not be subject to the provisions of this subdivision unless the patchwork constitutes a substantial defect as set forth in paragraphs (1) through (8) of this subdivision.

§ 2. Subdivision a-1 of section 19-152 of title 19 of the administrative code of the city of New York, as added by local law number 64 for the year 1995, is amended to read as follows:

a-1. An owner of real property shall bear the cost for repairing, repaving, installing, reinstalling, constructing or reconstructing any sidewalk flag in front of or abutting his or her property *up to 30 feet from the property* line, including but not limited to the intersection quadrant for corner property *if such intersection quadrant is within 30 feet from such property line*, deemed to have a substantial defect which is discovered in the course of a city capital construction project or pursuant to the department's prior notification program, wherein the department receives notification of a defective sidewalk flag(s) by any member of the general public or by an employee of the department. However, with respect to substantial defects identified pursuant to the prior notification program, the sidewalk must be deemed to be a hazard prior to the issuance of a violation for any substantial defect contained in subdivision a of this section for any sidewalk flag on such sidewalk. For purposes of this subdivision, a hazard shall exist on any sidewalk where there is any of the following:

1. one or more sidewalk flags is missing or the sidewalk was never built;

2. one or more sidewalk flag(s) is cracked to such an extent that one or more pieces of the flag(s) may be loosened or readily removed;

3. an undermined sidewalk flag below which there is a visible void;

4. a loose sidewalk flag that rocks or seesaws;

5. a vertical grade differential between adjacent sidewalk flags greater than or equal to one half inch or a sidewalk flag which contains one or more surface defects of one inch or greater in all horizontal directions and is one half inch or more in depth; or

6. cellar doors that deflect greater than one inch when walked on, are not skid resistant or are otherwise in a dangerous or unsafe condition.

§ 3. Section 7-210 of title 7 of the administrative code of the city of New York, as added by local law number 49 for the year 2003, is amended to read as follows:

§ 7-210 Liability of real property owner for failure to maintain sidewalk in a reasonably safe condition. a. It shall be the duty of the owner of real property abutting any sidewalk, including, but not limited to, the intersection quadrant for corner property, to maintain such sidewalk *up to 30 feet from the property line* in a reasonably safe condition.

b. Notwithstanding any other provision of law, the owner of real property abutting any sidewalk, including, but not limited to, the intersection quadrant for corner property, shall be liable for any injury to property or personal injury, including death, proximately caused by the failure of such owner to maintain such sidewalk *up to 30 feet from the property line* in a reasonably safe condition. Failure to maintain such sidewalk in a reasonably safe condition shall include, but not be limited to, the negligent failure to install, construct, reconstruct, repave, repair or replace defective sidewalk flags and the negligent failure to remove snow, ice, dirt or other material from the sidewalk. This subdivision shall not apply to one-, two- or three- family residential real property that is (i) in whole or in part, owner occupied, and (ii) used exclusively for residential purposes.

c. Notwithstanding any other provision of law, the city shall not be liable for any injury to property or personal injury, including death, proximately caused by the failure to maintain sidewalks (other than sidewalks abutting one-, two- or three- family residential real property that is (i) in whole or in part, owner occupied, and (ii) used exclusively for residential purposes) *abutting an owner's real property up to 30 feet from the property line* in a reasonably safe condition. This subdivision shall not be construed to apply to the liability of the city as a property owner pursuant to subdivision b of this section.

d. Nothing in this section shall in any way affect the provisions of this chapter or of any other law or rule governing the manner in which an action or proceeding against the city is commenced, including any provisions requiring prior notice to the city of defective conditions.

§ 4. Section 7-211 of title 7 of the administrative code of the city of New York, as added by local law number 54 for the year 2003, is amended to read as follows:

§ 7-211 Personal injury and property damage liability insurance. An owner of real property, other than a public corporation as defined in section sixty-six of the general construction law or a state or federal agency or instrumentality, to which subdivision b of section 7-210 of this code applies, shall be required to have a policy of personal injury and property damage liability insurance for such property for liability for any injury to property or personal injury, including death, proximately caused by the failure of such owner to maintain the sidewalk abutting such property *up to 30 feet from the property line* in a reasonably safe condition. The city shall not be liable for any injury to property or personal injury, including death, as a result of the failure of an owner to comply with this section.

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

Referred to the Committee on Transportation and Infrastructure.

Int. No. 319

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. 320

By Council Members Moya and Restler.

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.

Int. No. 321

By Council Member Moya.

A Local Law to amend the administrative code of the city of New York, in relation to ferry service to Willets Point

Be it enacted by the Council as follows:

Section 1. Chapter 3 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-308 to read as follows:

§ 19-308 Ferry Service to Queens. The commissioner shall ensure that regular ferry service is provided connecting Willets Point, in the borough of Queens to, at minimum, Midtown and the Financial District in the borough of Manhattan. Such service shall be open to the public. The schedule of such service shall be determined by the commissioner. The commissioner may establish fees for such service. The schedule and fees, if any, for such service shall be made available on the city's website.

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

Referred to the Committee on Transportation and Infrastructure.

Int. No. 322

By Council Members Moya and Yeger.

A Local Law to amend the administrative code of the city of New York, in relation to providing notice and an opportunity for comment before implementing a major traffic change

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 19-101.7 to read as follows:

§ 19-101.7 Notice for major traffic changes. a. Definitions. For the purposes of this section, the following terms have the following meanings:

Affected. The term "affected" means having the proposed major traffic change, in whole or in part, in the district of the applicable community board, council member, or business improvement district.

Major traffic change. The term "major traffic change" means any discretionary action taken by the department or any other agency that eliminates one or more lanes for the use of vehicular traffic or parking, for at least four hours per day for at least one week, along three or more consecutive blocks, or 500 consecutive feet of street, whichever is less. Any rule proposed or adopted pursuant to chapter 45 of the charter is not a major traffic change.

b. Notice requirement. Before implementing a major traffic change, the implementing agency shall provide a description of such project to the affected council member, community board and business improvement district by electronic mail. Such description shall include, at a minimum, the proposal's geographic limits, description and justification and a map showing the streets affected by such proposal.

c. Response. Any affected council member, community board, or business improvement district may submit recommendations or comments to the agency within 10 days of receiving notice pursuant to subdivision b.

d. Implementing changes. 1. The applicable agency shall consider recommendations or comments, if any, made pursuant to subdivision c prior to implementing such proposed major traffic change. If no recommendations or comments are received pursuant to subdivision c, the agency has no further obligations under this section with respect to such major traffic change.

2. Within 10 days of consideration pursuant to paragraph 1 of this subdivision, if any, the agency shall notify the affected council member, community board and business improvement district by electronic mail if it chooses to proceed with the original or amended proposal, along with a description of any amendments.

e. Exception. The provisions of this section do not apply to major traffic changes requiring immediate implementation to preserve public safety.

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

Referred to the Committee on Transportation and Infrastructure.

Int. No. 323

By Council Member Moya.

A Local Law to amend the administrative code of the city of New York, in relation to establishing maximum rates for the leasing, rental, lease-to-own and conditional purchase of for-hire vehicles

Be it enacted by the Council as follows:

Section 1. Section 19-553 of the administrative code of the city of New York, as added by local law number 43 for the year 2019, is amended to read as follows:

§ 19-553 Leasing, rental and conditional purchase of for-hire vehicles. a. The commission shall promulgate consumer protection and disclosure rules regarding leasing, rental, lease-to-own, and conditional purchase arrangements to obtain a for-hire vehicle for use with a license issued by the commission. Such rules may differ

for different types of financial arrangements and different lengths of time of such arrangements. In promulgating such rules, the commission shall at a minimum consider the following:

1. A requirement that financial arrangements be in writing and signed by the lessor and lessee, with a copy provided to the lessee upon execution and upon lessee request;

2. Requiring that all terms must be written in clear and unambiguous language;

3. A requirement that the terms of the arrangement include:

(a) The beginning and end date of the arrangement;

(b) All costs and fees that may be charged under the arrangement, with costs for additional services such as insurance and licensing clearly indicated; and

(c) An explanation of the conditions that will result in the imposition of any cost or fee;

4. A requirement that if the arrangement includes charges for licensing the vehicle with the commission, the arrangement must provide an itemized explanation of the costs associated with such licensing, to include the amount of any fee imposed by the commission; and

5. Requiring that arrangements provide notice of appropriate mechanisms for reporting complaints regarding overcharges.

b. The commission shall establish maximum rates for the leasing, rental, lease-to-own and conditional purchase of vehicles that are licensed as for-hire vehicles.

[b.] *c.* The commission may deny an application for a license for a vehicle subject to a leasing, rental, lease-to-own or conditional purchase arrangement if such leasing, rental, lease-to-own or conditional purchase arrangement does not comply with the rules of the commission.

[c.] *d.* Requirements imposed by the rules promulgated pursuant to this section shall apply only to leasing, rental, lease-to-own and conditional purchase arrangements executed 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 commission shall take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

Referred to the Committee on Transportation and Infrastructure.

Int. No. 324

By Council Members Moya and Williams.

A Local Law to amend the administrative code of the city of New York, in relation to increasing oversight of certified asbestos investigators

Be it enacted by the Council as follows:

Section 1. Subdivision e of section 24-136 of the administrative code of the city of New York, as amended by local law number 55 for the year 1991, is amended to read as follows:

(e) (1) The commissioner shall promulgate rules establishing criteria for certifying individuals as eligible to receive an asbestos handling certificate. The commissioner may restrict the asbestos handling certificate as to certain supervisory and nonsupervisory functions and responsibilities.

(2) The commissioner shall promulgate rules establishing criteria for certifying individuals as asbestos investigators. *Such criteria shall include a background check of each new applicant and all certificate holders who seek to renew their license. Applicants must also demonstrate that they have experience in investigating buildings for asbestos.*

(3) Any certificate issued under this subdivision shall be valid for a period of two years unless sooner suspended or revoked and may be renewed for a period of two years upon submission of proof satisfactory to the commissioner that the individual continues to meet the criteria established pursuant to this subdivision.

(4) The commissioner may suspend or revoke any certificate issued under this subdivision where the holder has violated this section or any rules promulgated thereunder. Determinations made by the environmental control

board as to notices of violation issued by the department shall be considered proof of violation for purposes of this section. The certificate holder shall be notified of the suspension or revocation by certified mail sent to the holder's address on file with the department, and shall be given an opportunity to be heard within fifteen calendar days. The hearing shall be conducted in accordance with the rules of the department. The holder's certificate shall be suspended from the date of the notice until the hearing is held and the commissioner makes a final determination. *The commissioner shall audit no less than 25 percent of certificate holders for compliance with this section and the rules promulgated hereunder on an annual basis.*

(5) The commissioner shall charge a fee not to exceed two hundred dollars to process the application to issue or renew an asbestos handling certificate and a fee not to exceed five hundred dollars to process the application of an individual as an asbestos investigator.

(6) The commissioner may suspend the processing of applications for certification of individuals as asbestos handlers or investigators when the commissioner determines that regulations promulgated pursuant to article thirty of the labor law for the certification of such individuals are essentially equivalent to rules promulgated by the commissioner, and that such certifications are in fact being issued.

(7) No certificate issued under this subdivision shall be renewed if the holder has failed to pay in full any civil penalty imposed by the board for violations of this section or any rules promulgated thereunder.

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

Referred to the Committee on Environmental Protection, Resiliency and Waterfronts.

Int. No. 325

By Council Members Moya and Gutiérrez.

A Local Law to amend the administrative code of the city of New York, in relation to specifying the sources and uses of federal funding required to be included in the database to track expenditure of COVID-19 funds

Be it enacted by the Council as follows:

Section 1. Subdivision a of section 6-144 of the administrative code of the city of New York, is amended to read as follows:

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

COVID-19. The term "COVID-19" means the 2019 novel coronavirus or 2019-nCoV.

COVID-19 expenditure. The term "COVID-19 expenditure" means any expense or capital expenditure by a city agency for services, goods or materials, programs or construction paid for, in whole or in part, with any COVID-19 funds, provided that such term shall only include personnel expenditures that are tracked as such for reimbursement.

COVID-19 funds. The term "COVID-19 funds" means any federal, state or local funds allocated to or expended by any city agency to provide assistance for responding to COVID-19, including, but not limited to, preventing the spread among the population, containing or treating COVID-19 or mitigating the direct or indirect *medical, physical or economic* effects of COVID-19. *In the case of federal COVID-19 funds, these shall include, but not be limited to, funds appropriated by the Coronavirus Aid, Relief, and Economic Security Act, also known as the CARES Act, the Coronavirus Response and Relief Supplemental Appropriations Act, 2021, also known as CRRSA, The American Rescue Plan Act of 2021, also known as ARPA, or any subsequent federal legislation that allocates funds in response to COVID-19.*

Recipient. The term "recipient" means any person or entity, including any individual, sole proprietorship, public authority, partnership, association, joint venture, limited liability company, corporation or any other form of doing business, awarded COVID-19 funds.

§2. Paragraph 1 of subdivision b of section 6-144 of the administrative code of the city of New York, is amended to read as follows:

b. 1. The mayor shall establish and maintain a public online searchable and interactive database on the website of the city that shall include summaries of the administration of COVID-19 funds as set forth in this section. The data included in such database shall be available in a format that permits automated processing and is downloadable, and shall be available without any registration requirement, license requirement or restrictions on their use, provided that the city may require a third party providing to the public any data from such database, or any application utilizing such data, to explicitly identify the source and version of the data, and a description of any modifications made to such data. The database shall include but not be limited to the following information, which shall, to the extent practicable, be disaggregated by federal, state and local COVID-19 funds, and, for federal funds, by the source of such funds, *including, where identifiable, the specific act of congress appropriating such funds*:

(a) For each COVID-19 expense expenditure, where applicable, the administering agency, the unit of appropriation, the budget code, the amount submitted for reimbursement, the amount reimbursed and the source of reimbursement;

(b) For each COVID-19 capital expenditure, where applicable, the administering agency, the budget line, the project identification number, the project description, the amount submitted for reimbursement, the amount reimbursed and the source of reimbursement;

(c) For each executed city procurement contract funded in whole or in part by COVID-19 funds, the awarding agency, the unit of appropriation, the budget code, the name and address of the contractor and, if known, subcontractors, the contract identification number, the purpose of the contract, the original contract value in dollars and any applicable contract modification value in dollars, the contract award method, the contract type, the contract start and end date and any revised contract end date, the original contract registration date and the registration date of any applicable contract modification, the status of any contractor and, if known, subcontractor, as a minority and women-owned business enterprise, the contract status, to the extent practicable the amount spent to date on the contract and, if known, subcontracts, and information on the value of the contract and, if known, subcontracts, eligible for reimbursement from a COVID-19 funds award; and

(d) For each grant or loan issuance associated with COVID-19 funds, the awarding agency, the recipient name, the recipient's zip code, the grant or loan name, the purpose of the grant or loan, the grant or loan award amount, whether the grant or loan was subject to a selective award process and the nature of that process, the award status and information on the value of the grant or loan eligible for reimbursement from a COVID-19 funds award.

§ 3. This local law takes effect immediately, provided, however, that this local law expires and is deemed repealed 5 years after local law number 76 for the year 2020 became law.

Referred to the Committee on Finance.

Int. No. 326

By Council Members Moya, Mealy and Williams.

A Local Law to amend the administrative code of the city of New York and the New York city building code, in relation to requiring that certain contact information be posted at work sites

Be it enacted by the Council as follows:

Section 1. Article 105 of chapter 1 of title 28 of the administrative code of the city of New York is amended by adding a new section 28-105.8.3 to read as follows:

§ 28-105.8.3 Contact information on permit. Every permit issued by the commissioner shall list a telephone number for the permit holder.

§ 2. Section 3301.9.1.1 of the New York city building code, as added by local law number 47 for the year 2013, is amended to read as follows:

3301.9.1.1 Project information panel content. Project information panels shall contain the following information:

1. A rendering, elevation drawing, or zoning diagram of the building exterior that does not contain logos or commercially recognizable symbols;

2. A title line stating "Work in Progress:" and specifying the intended type(s) of zoning use(s) (e.g. Residential, Commercial, Manufacturing, Retail, Office, Hospital, School);

3. Anticipated project completion date;

4. The corporate name, address, and telephone number of the owner of the property, and the name of an individual to contact at the place of business of the owner;

5. Website address or phone number to contact for project information;

6. The corporate name and telephone number of the general contractor, or for a demolition site, the demolition contractor, and the name of an individual to contact at the place of business of the general contractor or demolition contractor;

7. The statement, in both English and Spanish, "TO ANONYMOUSLY REPORT UNSAFE CONDITIONS AT THIS WORK SITE, CALL 311."; and

8. A copy of the primary project permit, with accompanying text "To see other permits issued on this property, visit: www.nyc.gov/buildings." The permit shall be laminated or encased in a plastic covering to protect it from the elements or shall be printed directly onto the project information panel.

Exception: A rendering, elevation drawing, or zoning diagram of the building exterior is not required for demolition projects.

§ 3. Section 3301.9.2.1.1 of the New York city building code, as added by local law number 47 for the year 2013, is amended to read as follows:

3301.9.2.1.1 Sidewalk Shed parapet panel content for sites not included in a best construction site management program. Sidewalk shed parapet panels not included in a best construction site management program shall contain the following information and be arranged in accordance with Figure 3301.9.2.1(1):

1. The street, address of the site;

2. Name (which may incorporate a logo) of the contractor responsible for the site or where there is no contractor, the name (which may incorporate a logo) of the owner of the site, the name of an individual to contact at the place of business of the contractor or owner, and a phone number for such individual; and

3. The statement "For more information, visit www.nyc.gov/buildings."

§ 4. Section 3301.9.3.1 of the New York city building code, as added by local law number 47 for the year 2013, is amended to read as follows:

3301.9.3.1 Sign content and posting. One or more signs needed to accommodate the following information shall be posted on the fence on each perimeter fronting a public thoroughfare at a height of no more than 12 feet (3658 mm) above the ground, with such distance measured from the ground to the top of the sign:

1. The name, address, and telephone number of the owner of the property;

2. The name, address, and telephone number of the general contractor, or for a demolition site, the demolition contractor, and the name of an individual to contact at the place of business of the general contractor or demolition contractor; and

3. The statement, in both English and Spanish, "TO ANONYMOUSLY REPORT UNSAFE CONDITIONS AT THIS WORK SITE THAT ENDANGER WORKERS, CALL 311."

§ 5. Section 3301.9.4 of the New York city building code, as added by local law number 47 for the year 2013, is amended to read as follows:

3301.9.4 Existing sidewalk shed signs and signs at construction or demolition sites for one, two- or three-family dwellings. Where a sidewalk shed is installed, and a sidewalk shed parapet panel is not required in accordance with Section 3301.9.2, a sign readily visible from the street shall be posted on the parapet that runs along the long axis of the sidewalk shed. Such sidewalk shed sign shall be in place throughout the duration that the sidewalk shed remains at the site. Such sidewalk shed sign shall include:

1. The corporate name, address, and telephone number of the sidewalk shed permit holder, and the name of an individual to contact at the place of business of the sidewalk shed permit holder;

2. The sidewalk shed permit number; and

3. The expiration date of the sidewalk shed permit.

§ 6. The commissioner of buildings shall create updated versions of the following figures in the New York city building code to reflect the amendments made by this local law, and shall post such revised figures on the website of the department of buildings for the convenience of legal publishers and the public:

a. Figure 3301.9.1.4(1), displaying a fence project information panel text detail;
b. Figure 3301.9.1.4(2), displaying a fence project information panel layout;
c. Figure 3301.9.1.4(3) displaying a fence project information panel layout for small lots;
d. Figure 3301.9.2.1(1), displaying the sidewalk shed parapet panel layout; and
e. Figure 3301.9.2.1(2), displaying the sidewalk shed parapet panel layout for accepted site management programs.

§ 7. This local law takes effect 90 days after it becomes law, except that section six of this local law takes effect immediately.

Referred to the Committee on Housing and Buildings.

Int. No. 327

By Council Members Moya and Mealy.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the police department's property clerk to look for a claimant's identification in seized property upon request

Be it enacted by the Council as follows:

Section 1. Section 14-140 of the administrative code of the city of New York is amended by adding a new subdivision l to read as follows:

l. Identification. Where a claimant attempts to claim property that is in the custody of the property clerk but fails to present valid identification as required by rules of the department, the property clerk shall search the property to be claimed for the owner's identification, provided that the claimant first:

1. Presents a voucher for such property issued by the department at the time of seizure; and

2. Asserts that the requisite means of identification is among the property to be claimed and requests that the property clerk search such property for the owner's identification.

§ 2. This local law takes effect immediately.

Referred to the Committee on Public Safety.

Int. No. 328

By Council Members Moya, Mealy and Williams.

A Local Law in relation to resources for cleanup and enforcement of dumping

Be it enacted by the Council as follows:

Section 1. Dumping enforcement program study. a. Definitions. For purposes of this local law the following terms have the following meanings:

Department. The term "department" means the department of sanitation.

Dumping. The term "dumping" has the same meaning as in section 16-119 of the administrative code of the city of New York.

Litter. The term "litter" has the same meaning as in section 16-118 of the administrative code of the city of New York.

b. No later than April 1, 2023, the department shall post on its website and submit to the mayor and speaker of the council a report that details the resources the department needs for a dumping enforcement program and the resources the department uses to pick-up litter and prevent dumping. The report shall include, at minimum:

1. The number of employees the department has dedicated for a dumping enforcement program and the number of employees the department needs dedicated for a dumping enforcement program, if such numbers are different, and the proportion of such persons' time dedicated to such program;

2. The type of equipment the department has and additional equipment the department would need for a dumping enforcement program;

3. What resources the department needs to install and maintain surveillance cameras in locations where dumping is most prevalent, as determined by the department;

4. Locations where surveillance cameras are currently installed; and

5. A description of the coordination with the department of transportation or other agencies or offices that would be necessary to install surveillance cameras on utility poles or locations not within the department's jurisdiction.

c. The report required pursuant to subdivision b of this section shall also include a description of how much funding the department's budget allocated for a dumping enforcement program and the amount of funding actually spent to address dumping during the previous fiscal year. Such report shall include the total amount of

discretionary funding provided by members of the city council, disaggregated by council district, and analyze the total amount of funding each council district would need to address dumping. Such report shall detail whether the total amount of funding by the department and the total amount of discretionary funding by members of the city council is sufficient to address dumping, and if such funding is not sufficient, what additional resources would be necessary to address such dumping.

§ 2. This local law takes effect immediately, and expires and is deemed repealed upon final submission of the report as required by section one of this local law.

Referred to the Committee on Sanitation and Solid Waste Management.

Int. No. 329

By Council Members Moya, Williams and Farías.

A Local Law to amend the administrative code of the city of New York, in relation to increasing fines for the depositing of residential or commercial refuse into public litter baskets.

Be it enacted by the Council as follows:

Section 1. Subdivision f of section 16-120 of the administrative code of the city of New York is amended to read as follows:

f. Any person violating the provisions of this section, except subdivision e, shall be liable for a civil penalty of not less than twenty-five nor more than one hundred dollars for the first violation, not less than one hundred dollars nor more than two hundred dollars for a second violation within any twelve-month period, and not less than two hundred dollars nor more than three hundred dollars for a third or subsequent violation with any twelve-month period. Any person violating the provisions of subdivision e of this section shall be liable for a civil penalty of [not less than one hundred dollars nor more than three hundred] *two hundred* dollars for the first violation, [not less than two hundred fifty dollars nor more than three hundred fifty] *five hundred* dollars for a second violation within any twelve-month period, and [not less than three hundred fifty dollars nor more than four hundred] *six hundred* dollars for a third or subsequent violation within any twelve month period. *A third or subsequent violation shall be a class a misdemeanor.*

§ 2. This local law shall take effect ninety days after its enactment.

Referred to the Committee on Sanitation and Solid Waste Management.

Int. No. 330

By Council Members Moya and Louis (by request of the Queens Borough President).

A Local Law to amend the administrative code of the city of New York, in relation to the equitable distribution of emergency funding by borough

Be it enacted by the Council as follows:

Section 1. Chapter 10 of title 22 of the administrative code of the city of New York is amended by adding a new section 22-1007 to read as follows:

§ 22-1007 Equitable disbursement of emergency funding. a. Definitions. For the purposes of this section, the term "emergency funding" means a loan or grant program funded at 250,000 dollars or more in total that is created or administered by an agency in response to an emergency declared by the mayor or governor, over

which an agency has control of eligibility standards, which partially or fully funds the operating expenses of businesses.

b. Before disbursement of emergency funding, the department shall post on its website an estimate of the number of businesses in the city, broken down by borough, that would be eligible for such emergency funding. Such estimate shall not be limited by the total amount of emergency funding being made available. Such posted information shall be accompanied by a description of the methodology used to make such estimate.

c. The administering agency shall disburse emergency funding to businesses in each borough in proportion to the number of businesses eligible in such borough, as estimated in accordance with subdivision b of this section. The agency shall be deemed to be in compliance with the requirements of this subdivision if, when all such emergency funding is disbursed: 1. the percentage of emergency funding awards disbursed to businesses per borough is within five percentage points of the number of businesses eligible per borough posted in accordance with subdivision b of this section; or 2. the agency can demonstrate, in a report posted on its website and submitted to the speaker of the council within 30 days of all the emergency funding being disbursed, that a good faith effort was made to meet such standard. The department shall post data on the percentage of emergency funding awards disbursed to businesses per borough on the same webpage as the information posted in accordance with subdivision b of this section.

§ 2. This local law takes effect 30 days after becoming law.

Referred to the Committee on Small Business.

Res. No. 161

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 Member Moya.

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.

Res. No. 162

Resolution recognizing August 10 as Ecuadorian Heritage Day in New York City.

By Council Member Moya.

Whereas, The first notable wave of Ecuadorian immigrants arriving in New York City occurred after the fall of the Panama hat trade in the 1950s and 1960s; and

Whereas, The Panama hat has its origins in Ecuador starting in the 1600s, but demand for the hat declined and many Ecuadorians who lost their jobs migrated to the United States (U.S.); and

Whereas, Since then, the migration of Ecuadorians has ebbed and flowed with the health of Ecuador's economy, dropping in the 1970s during an economic boom and increasing in the 1980s and 1990s due to the fall in oil prices and historic flooding; and

Whereas, According to the Pew Research Center, the U.S. Ecuadorian population was 707,428 in 2015 and 40 percent live in New York State; and

Whereas, The U.S. Census Bureau American Community Survey for 2017 estimates that the Ecuadorian population in New York City is 241,000 and

Whereas, Ecuadorians celebrate independence from Spain on August 10; and

Whereas, In 1808, King Ferdinand VII of Spain was deposed of his throne by Napoleon Bonaparte after he invaded Spain; and

Whereas, Napoleon's brother, Joseph, was then given the King's title, sparking a rebellion in Ecuador against French control; and

Whereas, On August 10, 1809, the rebels took power over Quito, the Ecuadorian capital, and displaced the representatives of Joseph Bonaparte; and

Whereas, The rebels were defeated within weeks as they lacked broad support at the time; and

Whereas, Though full independence was years away, this was the first step and is celebrated today as "El Dia del Primer Grito de Independencia de Quito" (The day of the first declaration of independence of Quito); and

Whereas, Ecuadorian Independence is celebrated in Queens every August with an Ecuadorian Independence Day parade in Jackson Heights and the Ecuadorian Arts Fair in Flushing Meadows Corona Park; and

Whereas, It is time for New York City to recognize the important role of the fourth largest Latinx population in the City in the development of the City; now, therefore, be it

Resolved, That the Council of the City of New York recognizes August 10 as Ecuadorian Heritage Day in New York City.

Referred to the Committee on Cultural Affairs, Libraries and International Intergroup Relations.

Res. No. 163

Resolution calling on the New York State Legislature to pass, and the Governor to sign legislation requiring the New York City Department of Education to establish a pilot program for the purpose of providing frozen take-home meals to certain children located in the City of New York.

By Council Members Moya and Sanchez.

Whereas, Hunger is an uncomfortable or painful physical sensation caused by insufficient consumption of dietary energy on a regular basis to lead a normal active and healthy life, according to the Food and Agriculture Organization (FAO) of the United Nations; and

Whereas, Per FAO, a person is food insecure when they lack regular access to safe and nutritious food for normal growth, development and an active and healthy life, due to unavailability of food or lack of resources to obtain food; and

Whereas, The World Health Organization has reported that the number of people affected by hunger globally rose to as many as 828 million in 2021, an increase of about 150 million since the outbreak of the COVID-19 pandemic; and

Whereas, According to the United States (U.S.) Department of Agriculture (USDA) more than 38 million people, including 12 million children in the U.S. are food insecure; and

Whereas, Food assistance programs, such as the National School Lunch Program (NSLP), the Women, Infants and Children ("WIC") program, and the Supplemental Nutrition Assistance Program ("SNAP"), address barriers to accessing healthy food and help reduce food insecurity, according to the U.S. Department of Health and Human Services; and

Whereas, According to Feeding America, a national nonprofit that is a nationwide network of more than 200 food banks that feed more than 46 million people, hunger can affect people from all walks of life, but some groups like children, seniors, Black, Indigenous, and other people of color face hunger at much higher rates; and

Whereas, For children, food insecurity is particularly devastating as not having enough healthy food can have serious implications for a child's physical and mental health, academic achievement and future economic prosperity, according to the national campaign No Kid Hungry; and

Whereas, Disproportionate hunger among Black, Latino and Indigenous communities is a result of systemic racial injustice; and

Whereas, Per Feeding America, to achieve a hunger-free America, the root causes of hunger and structural and systemic inequities should be addressed; and

Whereas, A report from City Harvest revealed that 1 in 4 New York City ("NYC" or "City") children do not know where their next meal will come, and many of these children depend on school meals and do not have access to regular nutritious meals; and

Whereas, The NYC Department of Education (DOE) offers free breakfast and lunch to students throughout the day, as well as afterschool meals to every child who participates in an afterschool program; and

Whereas, With more than a million students, DOE feeds more people every day than almost any other public institution in the country, according to Civil Eats, an independent, nonprofit digital news and commentary site about the American food system; and

Whereas, During the pandemic, DOE served more than 100 million meals to students and families, according to Food Management, which provides noncommercial onsite foodservice industry news and business and culinary insights to the K-12 food service; and

Whereas, According to a World Wildlife Fund report, U.S. school food waste totals 530,000 tons per year and costs as much as $9.7 million a day to manage; and

Whereas, In New York State, food makes up about 18 percent of all waste and each year, about 3.9 million tons of wasted food ends up in landfills, while 12.8 percent of New Yorkers are food insecure, according to NYC Food Policy Center at Hunter College; and

Whereas, According to the Natural Resources Defense Council, in NYC specifically, 54 percent of the discarded food was generated in residential settings, 20 percent was generated by restaurants and the remaining percentages were generated by schools, health care settings, markets, event facilities and others; and

Whereas, Reducing food waste in schools is an important issue to consider in ensuring that all students get the food they need, while working to send less food to the landfill, according to the National Farm to School Network; and

Whereas, The Backpack Program at the Woodland Elementary School in Indiana has a program that ensures that children in need will not go hungry by taking the unused leftover cafeteria meals and turning them into individualized frozen meals for children to take home; and

Whereas, This program also cuts down on food waste and can inspire other school districts to adopt similar programs, according to The Learning Channel; and

Whereas, State legislation could require DOE to establish a pilot program for the purpose of providing frozen take-home meals to certain children located in NYC; and

Whereas, Participating schools could administer the pilot program to include, but not be limited to, making frozen take-home meals from unused and unopened leftover food and distributing them to children who have been accepted into such pilot programs; and

Whereas, The pandemic has increased food insecurity among low-income families with children and communities of color, who already face hunger at much higher rates than before the pandemic; and

Whereas, For many DOE school students, school is not just a place to learn, it is also the place where they can count on daily meals and programs that ensure they will not go hungry when they are not in school; 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 requiring the New York City Department of Education to establish a pilot program for the purpose of providing frozen take-home meals to certain children located in the City of New York.

Referred to the Committee on Education.

Res. No. 164

Resolution calling upon the New York State Legislature to pass, and the Governor to sign, A.2913, which would require New York Police Department officers to live within the five boroughs of New York City.

By Council Member Moya and the Public Advocate (Mr. Williams).

Whereas, A.2913, sponsored by Assembly Member Catalina Cruz, was introduced in the New York State Assembly to establish a residency requirement for police officers in cities with a population of one million or more residents, which includes New York City; and

Whereas, A companion version of this bill has yet to be introduced in the New York State Senate; and

Whereas, A.2913, if passed, would require newly hired New York Police Department (NYPD) officers to live within one of the five boroughs of New York City within a year of appointment; and

Whereas, According to the NYPD Patrol Guide, NYPD officers are currently allowed to live in the five boroughs or the counties of Nassau, Suffolk, Rockland, Westchester, Putnam, or Orange; and

Whereas, Data from the NYPD indicates that as of 2022, 48 percent of NYPD officers live in New York City, down from 49 percent in 2020, and 58 percent in 2016; and

Whereas, A city residency requirement for NYPD officers has the potential to improve community-police relations, with officers having more of a stake in the city they patrol, and would increase the likelihood New York City taxpayer dollars, which pay for officers' salaries, remain in the communities served by the NYPD; 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.2913, which would require New York Police Department officers to live within the five boroughs of New York City.

Referred to the Committee on Public Safety.

Int. No. 331

By Council Member Narcisse.

A Local Law to amend the New York city charter, in relation to reporting on cases transferred from the civilian complaint review board due to a lack of jurisdiction

Be it enacted by the Council as follows:

Section 1. Paragraph 6 of subdivision (c) of section 440 of the New York city charter, as amended by local law number 47 for the year 2021, is amended to read as follows:

6. The board shall issue to the mayor and the city council a semi-annual report which shall describe its activities and summarize its actions. Such report shall include[, for]*:*

(i) For each investigation initiated pursuant to section 441[, such]*:*

(1) Such investigation's date of initiation[,]*;*

(2) The investigation's current status and any date of completion or termination[, a]*;*

(*3) A* description of any investigative findings and recommendations set forth in a written statement of final determination [and a]*; and*

(4) A description of any written reports from the police commissioner in response to a written statement of final determination[.]*; and*

(ii) For each instance in which an incident referred to the board is deemed outside the board's jurisdiction, the following information:

(1) Type of allegation;

(2) Borough of occurrence;

(3) Precinct of occurrence;

(4) Reason the incident is outside the board's jurisdiction;

(5) Whether the complainant was referred to another agency; and

(6) The agency to which the complainant was referred, if any.

§ 2. Subdivision (d) of section 440 of the New York city charter is amended by adding new paragraphs 4 and 5 to read as follows:

4. The police department shall issue to the city council an annual report which must contain the following information regarding incidents referred to the police department from the board. The report must include, but need not be limited to the following:

(i) Type of allegation;

(ii) The unit within the police department to which the case was referred;

(iii) The dispositions of the referrals; and

(iv) The amount of time between the police department receiving the complaint and a final disposition.

5. The police department shall contact the complainant via mail and email to inform the complainant that the police department will be handling their case, provide the reason as to why the case was transferred, and provide a reference number and contact information for follow up inquires.

§ 3. This local law takes effect immediately.

Referred to the Committee on Civil and Human Rights.

Int. No. 332

By Council Members Narcisse, Restler, Won and Schulman.

A Local Law to amend the administrative code of the city of New York, in relation to establishing a website to request free COVID-19 rapid antigen tests and personal protective equipment

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 17 of the administrative code of the city of New York is amended by adding a new section 17-199.20 to read as follows:

§ 17-199.20 COVID-19 supplies available by mail. a. The department shall create a website that allows users to request COVID-19 rapid antigen tests and personal protective equipment, including masks and gloves.

b. Subject to limitations on quantity established by the department, the department shall mail the requested rapid antigen tests and personal protective equipment to addresses in the city free of charge.

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

Referred to the Committee on Health.

Int. No. 333

By Council Member Narcisse.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of health and mental hygiene to develop educational materials regarding marijuana, for distribution to youth services programs and students

Be it enacted by the Council as follows:

Section 1. Subdivision b of section 17-199.9 of the administrative code of the city of New York, as added by local law number 125 for the year 2018, is amended to read as follows:

b. The department shall develop age appropriate educational materials regarding drugs and opiates awareness and prevention. *Such materials shall include, but shall not be limited to, information relating to the health risks of using marijuana, including, but not limited to*:

1. Respiratory problems including coughing, bronchitis, and other lung infections;

2. Cognitive problems including lack of memory, difficulty maintaining attention, and sleepiness;
3. Overdosing; and
4. Risk of fentanyl-laced marijuana.
§ 2. This local law takes effect immediately.

Referred to the Committee on Health.

Int. No. 334

By Council Members Narcisse, Restler, Brewer, Gennaro and Hudson.

A Local Law in relation to requiring the department of health and mental hygiene to prepare and submit a plan to improve nurse staffing levels at hospitals

Be it enacted by the Council as follows:

Section 1. No later than January 1, 2024, the department of health and mental hygiene, in consultation with the New York city health and hospitals corporation and nurses employed by city hospitals, shall prepare and submit to the mayor and the speaker of the council, and post on its website, a plan to improve nurse staffing levels at hospitals. Such plan shall include, but need not be limited to, recommendations for interagency protocols designed to:

a. Reduce the nurse-to-patient ratio, including strategies for recruitment and retention of nursing staff;

b. Develop a safe nurse-to-patient ratio to serve as a standard; and

c. Increase and strengthen the nursing workforce, including by identifying and promoting opportunities for professional development.

§ 2. This local law takes effect immediately.

Referred to the Committee on Hospitals.

Int. No. 335

By Council Members Narcisse and Restler.

A Local Law in relation to the establishment of a task force to study city mental health resources and mental health bed capacity in hospitals and jails and issue a report and make recommendations for remedying any deficiencies

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.

Task force. The term "task force" means the mental health resources and bed capacity task force established by this local law.

§ 2. Task force established. There is hereby established a task force to be known as the mental health resources and bed capacity task force.

§ 3. Duties. The task force shall study the state of mental health resources in the city and the state of mental health bed capacity in hospitals and jails in the city and shall make recommendations for legislation and policy to remedy any deficiencies in mental health resources or mental health bed capacity. Those recommendations shall take into account potential effects on the health and welfare of persons in the city, the projected costs of implementing any recommended programs, anticipated effects on stakeholders, and any other considerations the task force deems relevant.

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

1. The commissioner of health and mental hygiene or such commissioner's designee, who shall serve as chair;

2. The commissioner of buildings or such commissioner's designee;

3. The commissioner of social services or such commissioner's designee;

4. Two members appointed by the mayor; and

5. Two members appointed by the speaker of the council.

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 90 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. 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 three.

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 270 days 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 legislation and policy relating to remedying any deficiencies in mental health resources in the city or mental health bed capacity in hospitals and jails in the city. The report shall include a summary of the study's findings and any other information the task force considered in formulating its recommendations.

b. The commissioner of health and mental hygiene shall publish the task force's report electronically on the website of the department of health and mental hygiene no later than 10 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 Mental Health, Disabilities and Addiction.

Int. No. 336

By Council Members Narcisse and Restler.

A Local Law to amend the administrative code of the city of New York, in relation to resources for victims of motor vehicle collisions

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 14 of the administrative code of the city of New York is amended by adding a new section 14-193 to read as follows:

§ 14-193 Collision victim resources. a. Definitions. For the purposes of this section, the following terms have the following meanings:

Collision. The term "collision" means an incident when (i) one or more motor vehicles comes in physical contact with another motor vehicle or a person; or (ii) one or more motor vehicles is operated in a manner that causes a physical injury, as defined by section 10 of the penal law, without making physical contact.

Collision victim resources. The term "collision victim resources" means the guide for collision victims created by the department of transportation pursuant to section 19-182.4.

Family representative. The term "family representative" means the duly authorized executor of a serious collision victim's estate or any attorney retained by such victim or their next of kin.

Next of kin. The term "next of kin" means the closest living relative of the victim of a serious collision that has died or is rendered unconscious as a result of the injuries sustained in such serious collision. For the purposes of this section, the next of kin order of precedence is as follows: (i) spouse; (ii) issue; (iii) parent(s); (iv) other legal guardian(s); and (v) sibling(s).

Serious collision. The term "serious collision" means a collision where the collision results in a serious physical injury as defined by section 10 of the penal law.

Victim. The term "victim" means any person who, as a result of a collision, suffers a physical injury as defined by section 10 of the penal law.

b. Online access to serious collision information. 1. No later than June 30, 2023, the department shall create and maintain a secure website where victims of a serious collision, their family representative, their next of kin, their attorneys or agents may access information regarding the serious collision that resulted in serious physical injury to the victim. Such website must make the following information available:

(a) The date of the serious collision;

(b) The location of the serious collision;

(c) The status of the investigation;

(d) Whether any summonses have been issued in connection to the serious collision;

(e) Whether any arrests have been made in connection to the serious collision; and

(f) Whether any witnesses have been identified.

2. The department shall make information regarding a serious collision available on the website created pursuant to this section within 72 hours after the occurrence of such serious collision and shall update the information within 72 hours after new or updated information becomes available to the department.

3. Notwithstanding paragraphs 1 and 2, the department may withhold the disclosure of any information that would interfere with the investigation or prosecution of a crime connected to the serious collision or is exempt from disclosure pursuant to section 87 of the public officers law.

c. Collision victim resources. 1. The department shall provide a copy of the collision victim resources to each party to the collision at the scene of such collision.

2. The department shall post the collision victim resources in every police precinct house, in a publicly visible location.

3. The department shall conspicuously post the collision victim resources on the department's website.

§ 2. Subchapter 3 of chapter 1 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-182.4 to read as follows:

§ 19-182.4 Collision victim resources. a. Definitions. The definitions set forth in subdivision a of section 14-193 apply to the terms used in this section.

b. The department shall create a guide for collision victims known as the collision victim resources. The collision victim resources must include the following information:

1. All parties to a collision are entitled to an official police report, known as an MV-104AN, completed by an officer responding to the collision;

2. All victims can request that a responding police officer complete an MV-104AN at the scene of the collision and provide such victim with the report number;

3. All victims of a collision are entitled to obtain the insurance information of all motor vehicles involved in such collision, and this information is included in the MV-104AN;

4. How to obtain a copy of an MV-104AN;

5. Who may qualify for no-fault insurance benefits and what those benefits may cover;

6. How to apply for no-fault insurance benefits and any associated deadlines an applicant should be aware of; and

7. Other avenues of recourse a victim may pursue.

c. The department shall post the collision victim resources on its website.

§ 3. This local law take effect 120 days after it becomes law.

Referred to the Committee on Public Safety.

Int. No. 337

By Council Members Narcisse and Restler.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the NYPD to report on use of force incidents that include an officer displaying or unholstering a weapon

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 number 85 for the year 2016, is amended to read as follows:

§ 14-158. a. Definitions. As used in this section, the following terms have the following meanings:

Excessive force. The term "excessive force" means force that has been found by the department to be, considering the totality of the circumstances in which it is used, greater than that which a reasonable officer, in the same situation, would use under the circumstances that existed and were known to the officer at the time such force was used.

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]:

1. Displays or unholsters a weapon; or

2. 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 offhand 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, 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.

§ 2. This local law takes effect 30 days after it becomes law.

Referred to the Committee on Public Safety.

Int. No. 338

By Council Member Narcisse (in conjunction with the Brooklyn Borough President).

A Local Law in relation to a pilot program requiring the department of small business services to implement and report on small business incubators located within public housing facilities

Be it enacted by the Council as follows:

Section 1. Public housing small business incubator pilot program. a. Definitions. As used in this section, the following terms have the following meanings:

Adult. The term "adult" means any person who is 18 years of age or older;

Commissioner. The term "commissioner" means the commissioner of small business services;

Department. The term "department" means the department of small business services;

Housing authority. The term "housing authority" means the New York city housing authority;

Pilot program. The term "pilot program" means the public housing small business incubator pilot program established by this local law;

Relevant agency. The term "relevant agency" means the New York city economic development corporation, the department of youth and community development, any successor of an agency specified in this definition, and any other office or agency that the commissioner deems relevant;

Small business incubator. The term "small business incubator" means any comprehensive set of programs, training, or assistance meant to promote and support formal entrepreneurship.

b. Public housing small business incubator pilot program. 1. No later than December 31, 2023 the department, in coordination with any other relevant agency, shall develop and implement a three-year pilot program which establishes at least one small business incubator located within a public housing facility in each borough.

2. The department, in partnership with the relevant agencies, shall conduct studies and engage directly with residents of public housing to determine the types of trainings and services offered at each incubator with a special focus on the following factors:

(a) the types of informal businesses already established by residents of such public housing facility or, at a minimum, the types of informal businesses commonly established by residents of public housing, in general;

(b) whether there are existing small business incubators available to support the needs of residents who own informal businesses, where availability is determined by an incubator's:

(i) distance from the relevant public housing facility;

(ii) whether the existing programs, trainings, and service offerings align with resident interest and demand;

(iii) programmatic capacity and average length of time spent on waitlists, if any; and

(iv) diverse scheduling options, including evening and weekend offerings; and

(c) public housing resident interest in areas of business not commonly served by existing small business incubators, including, but not limited to, creative industries such as graphic design, fashion, music, and media.

3. At least half of the trainings and services provided through the pilot program must:

(a) occur during evening hours and/or over the weekend; and

(b) be offered in English,

(c) be offered in languages other than English.

4. At a minimum, each participating incubator must:

(a) engage in outreach efforts targeting a diverse range of public housing residents, through efforts including, but not limited to, hosting information sessions, advertising in common areas like a building lobby or laundry area, visiting tenants' association meetings, as well as through social media, email communications, and radio advertising;

(b) inform program participants of the federal Family Self Sufficiency Program and assist eligible participants with enrollment;

(c) seek to establish and grow a mentorship network of residents who have, at any point, engaged with a small business incubator, with a special focus on building connections between participants of programs offered by incubators located within a public housing facility.

(d) seek to establish and grow connections between program participants and local nonprofit small businesses assistance organizations;

(e) explore opportunities for participants to expand their business beyond their homes, including by encouraging increased participation in fairs and markets, as well as identifying and securing commercial space made available for participant use; and

(f) identify, advocate for, and/or create opportunities to expand participants' access to capital through credit funds, microloans, or other means intended to support low-income small business entrepreneurs.

c. Annual Report. No later than one year after the commencement of the pilot program, and annually thereafter, the department shall submit to the speaker of the council and the mayor a report regarding the status of the public housing small business incubator pilot program. Such report shall include, but is not limited to, the matters listed below, disaggregated by public housing facility:

1. demographic information, where applicable, for program participants, including, but not limited to age, gender, country of origin, primary or preferred language, English proficiency, highest level of education completed, and employment history, disaggregated by public housing facility;

2. demographic information, where applicable, for public housing residents who participated in programming offered by city-run small business incubators that are not part of the pilot program, including, but not limited to age, gender, country of origin, primary or preferred language, English proficiency, highest level of education completed, and employment history, disaggregated by the participant's public housing facility;

2. information regarding the type of business each program participant sought to establish or grow and an analysis of whether small business incubators established outside of the pilot program offered the necessary programs, trainings, and services to support such business initiatives;

3. information regarding the challenges that residents of public housing face when starting a small business;

4. information regarding the challenges that residents of public housing face when attempting to seek services from small business incubators which exist outside of the pilot program, including, but not limited to challenges associated with the incubator's location, program and training schedules, and relevance of programmatic offerings;

5. information regarding the pilot programming's capacity to meet public housing residents' demand for the pilot program's services in a timely manner, including information about the average amount of time spent on waitlists, if any, and recommendations on how to reduce or eliminate such wait times, disaggregated by training program or service;

6. information regarding the types of small businesses that program participants intended to create or grow, disaggregated by the training program or service, including, but not limited to:

(a) how many participants were starting new businesses and how many sought to grow existing businesses;

(b) whether participants had previously received training or services relating to the creation or expansion of small businesses and whether such services where offered by city agencies, nonprofit organizations, or private entities, and a description of such services; and

(c) whether participants who wished to establish or grow a small business were able to do so after participating in the incubator pilot program, as well as whether such participants remain engaged with the incubator and its offerings after meeting initial goals;

7. information regarding whether incubators were able to offer program participants with direct financial assistance and, if not, whether they were able to connect program participants with entities that did ultimately provide financial assistance;

8. information regarding the pilot program incubator's partnerships with existing businesses, minority and women owned businesses, and city agencies, and whether such partnerships were beneficial in terms of providing training, mentorship, employment, and/or contracting or partnership opportunities for program participants;

9. information regarding which trainings and services were most popular among program participants and why;

10. recommendations about additional or alternate training opportunities and services that could strengthen or expand the pilot program's offerings and further support residents of public housing seeking to start or grow a small business; and

11. an analysis of the pilot program's overall strengths and limitations, including recommendations about how to increase program participation and completion rates, increase partnerships with both public and private entities, and how best to expand the pilot program's offerings to public housing facilities citywide.

§ 2. This local law takes effect immediately.

Referred to the Committee on Small Business.

Int. No. 339

By Council Members Narcisse and Yeger.

A Local Law to amend the administrative code of the city of New York, in relation to prohibiting the issuance of multiple bus lane violation tickets for the same infraction within a one hour period

Be it enacted by the Council as follows:

Section 1. Title nineteen of the administrative code of the city of New York is amended by adding new section 19-175.8 to read as follows:

§ 19-175.8 Bus lanes violations. a. For the purposes of this section, the following terms shall have the following meanings:

1. "Bus lane restrictions" means restrictions on the use of designated traffic lanes by vehicles other than buses imposed on routes within a bus rapid transit demonstration program by local law and signs erected by the department of transportation of a city that establishes such a demonstration program pursuant to section 1111-c of the vehicle and traffic law.

2. "Designated bus lane" means a lane dedicated for the exclusive use of buses with the exceptions allowed under 4-08(a)(3) and 4-12(m) of title 34 of the rules of the city of New York.

b. Notwithstanding any other law, rule or regulation, when bus lane restrictions are in effect on a street, a vehicle in a designated bus lane shall be issued no more than one summons or notice of violation within a one hour period.

§ 2. This local law takes effect 120 days after its enactment.

Referred to the Committee on Transportation and Infrastructure.

Int. No. 340

By Council Members Narcisse, Yeger and Won.

A Local Law to amend the administrative code of the city of New York, in relation to the automatic waiver of certain additional penalties for a parking violation if a vehicle owner responds to a notice of violation between forty-five and ninety days of its issuance

Be it enacted by the Council as follows:

Section 1. Section 19-211 of the administrative code of the city of New York, as added by local law number 33 for the year 1993, is amended by adding a new subdivision c to read as follows:

c. If an owner makes a plea or appears between forty-five and ninety days after the issuance of a notice of violation for a parking violation, any additional penalty for failure to respond to a notice of violation for a parking violation within forty-five days and any additional penalty for failure to respond to a notice of violation for a parking violation within seventy-five days, as described in subdivision a, shall be waived.

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

Referred to the Committee on Transportation and Infrastructure.

Int. No. 341

By Council Members Narcisse, Brooks-Powers, Joseph and Riley.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the New York city department of education to report the number of students reported to the office of school health as having a diagnosis of sickle cell disease or trait

Be it enacted by the Council as follows:

Section 1. Subdivision b of section 21-965 of the administrative code of the city of New York, as amended by local law number 156 for the year 2021, is amended to read as follows:

b. Not later than [April 30, 2022] *October 31, 2024*, and no later than [April 30th] *October 31* annually thereafter, the department shall submit to the *speaker of the* council a report regarding information on health services provided to students for the preceding school year. Such report shall include, but not be limited to:

1. The number of school buildings where full time nurses are employed by the office of school health and the number of school buildings where part time nurses are employed by such office; the ratio of students to nurses in such school buildings; and the average number of student health encounters per nurse in such school buildings;

2. The total number of student health encounters;

3. The total number of NYC FITNESSGRAMS performed, and the percentage of students assessed who had a body mass index: (i) below the 5th percentile; (ii) in the 5th to 84th percentile; (iii) in the 85th to 94th percentile; and (iv) equal to or above the 95th percentile, to the extent such information is collected by the department;

4. The total number of medication orders reviewed by the office of school health and recorded in the automated student health record database;

5. The total number of students reported to the office of school health as having a diagnosis of allergies, asthma, diabetes type 1*,* [or] diabetes type 2*, sickle cell disease, or sickle cell trait*; and

6. The total number of school based health centers disaggregated by the type of provider including, but not limited to, hospital and federally qualified health centers; and the total number of students enrolled in the school or schools served by each school based health center.

§ 2. This local law takes effect immediately.

Referred to the Committee on Education.

Int. No. 342

By Council Members Narcisse, Brooks-Powers, Lee and Nurse (by request of the Brooklyn Borough President).

A Local Law to amend the administrative code of the city of New York, in relation to outreach and education regarding the proper disposal of household cooking oil and grease

Be it enacted by the Council as follows:

Section 1. Chapter 5 of title 24 of the administrative code of the city of New York is amended by adding a new section 24-533 to read as follows:

§ 24-533 Disposal of cooking oil and grease. The commissioner of environmental protection, in collaboration with the commissioner of sanitation, shall engage in outreach and education regarding the proper disposal of household cooking oil and grease. Such outreach and education shall include the dissemination to the general public of written materials regarding the proper disposal of household cooking oil and grease and posting such written materials on the department of environmental protection's website.

§ 2. This local law takes effect immediately.

Referred to the Committee on Environmental Protection, Resiliency and Waterfronts.

Int. No. 343

By Council Members Narcisse, Hanif and Schulman.

A Local Law to amend the New York city charter, in relation to establishing an office of organ transplant equity within the department of health and mental hygiene

Be it enacted by the Council as follows:

Section 1. Chapter 22 of the New York city charter is amended by adding a new section 570 to read as follows:

§ 570. Office of organ transplant equity. a. Definitions. For purposes of this section, the following terms have the following meanings:

National transplant waitlist. The term "national transplant waitlist" means the list established pursuant to clause (i) of subparagraph (A) of paragraph (2) of subsection (b) of section 274 of title 42 of the United States code and refers to the pool of individuals who are registered as candidates for an organ transplant.

Office. The term "office" means the office of organ transplant equity.

Organ. The term "organ" has the same meaning as set forth in section 4360 of the public health law.

Transplant center. The term "transplant center" means a unit within a hospital that performs organ transplants and organ transplant-related activities, including but not limited to qualifying individuals for organ transplants, registering individuals on the national transplant waitlist, performing organ transplant surgery, and providing care for individuals before and after they receive organ transplants.

b. Establishment of office. There shall be in the department an office of organ transplant equity, the head of which shall be a director of organ transplant equity who shall be appointed by the head of the department.

c. Powers and duties. The office shall, at a minimum, have the power and duty to:

1. Offer organ transplant care coordination services to individuals seeking an organ transplant, including but not limited to the following services:

(a) Informing such individuals about the process for obtaining an organ transplant;

(b) Assisting such individuals with obtaining health insurance, including but not limited to by providing referrals for such individuals to legal service providers with expertise in health insurance eligibility, with a focus on providing such referrals for such individuals who are non-citizens;

(c) Assisting such individuals with navigating transplant centers' intake and evaluation processes for placement on the national transplant waiting list, with a focus on providing such assistance to individuals who face barriers to placement on the national transplant waitlist because of their immigration status, spoken language, health insurance status, or ability to pay; and

(d) Acting as a liaison between individuals seeking an organ transplant and community-based organizations, legal service organizations, transplant centers, dialysis providers, other healthcare providers who make organ transplant referrals, health insurance companies, organizations offering financial assistance for organ transplant costs, and any other organizations related to organ transplant care or access;

2. Ensure that the organ transplant care coordination services required pursuant to paragraph 1 of this subdivision are available in each borough;

3. Make best efforts to cultivate partnerships with transplant centers, with the goal of offering the organ transplant care coordination services required pursuant to paragraph 1 of this subdivision in collaboration with each transplant center in the city;

4. Provide information on the department's website about how individuals seeking organ transplants can access the organ transplant care coordination services required pursuant to paragraph 1 of this subdivision and how transplant centers, dialysis providers, and other healthcare providers who make transplant referrals can support the office's provision of such services;

5. Develop informational materials and trainings for, and offer such materials and trainings to, transplant centers, dialysis providers, and other healthcare providers who make transplant referrals, which materials and trainings shall, at a minimum, include:

(a) Discussion of implicit biases affecting organ transplant care and access;

(b) Descriptions of health insurance options for non-citizens; and

(c) Presentation of strategies to improve the equitable distribution of organs;

6. Develop informational materials in the designated citywide languages as defined in section 23-1101 for, and disseminate such materials to, individuals seeking an organ transplant, which materials shall, at a minimum, include:

(a) Information on an individual's legal rights related to the process for obtaining an organ transplant and otherwise receiving organ transplant care;

(b) Resources for assistance in obtaining health insurance and other financing for organ transplant care;

(c) An explanation of health insurance options for non-citizens as such options relate to receiving organ transplant care;

(d) An explanation of, and resources to navigate, the process for obtaining an organ transplant, including a method to contact the office; and

(e) Information about common barriers and biases affecting organ transplant care and access; and

7. Hosting outreach events, especially in communities determined by the commissioner to have limited access to organ transplants, to educate event participants about navigating the process for obtaining an organ transplant.

d. Contracts or agreements with third parties. The department may enter into contracts or agreements with third parties to implement the provisions of this section, including for administration of the organ transplant care coordination services required pursuant to paragraph 1 of subdivision c of this section.

e. Reporting. No later than 180 days after the effective date of the local law that added this section and annually thereafter, the director of organ transplant equity shall submit to the mayor and the speaker of the council, and post on the department's website, a report on the office's activities pursuant to subdivision c of this section and outcomes for the prior year. Such director shall prepare the report in a manner that does not jeopardize the confidentiality of the individuals using the office's services and resources, and the report shall include, at a minimum, the following information:

1. A description of the organ transplant care coordination services provided pursuant to the requirements of paragraph 1 of subdivision c of this section;

2. The number of individuals receiving such services, disaggregated by race, income group, spoken language, zip code of residence, and health insurance status;

3. The number of individuals providing such services through employment by, or in partnership with, the office;

4. The locations where such services are provided;

5. A list of transplant centers, dialysis providers, other healthcare providers, and any other organizations partnering with the office, and a description of the scope of each partnership;

6. A description of the organ transplant care and access outcomes for individuals who receive such services, including but not limited to the number of individuals who obtain health insurance, are referred to a transplant center, complete a transplant center's intake and evaluation processes, are placed on the national transplant waitlist, and receive an organ transplant, with an analysis of how such outcomes vary across race, income group, spoken language, zip code of residence, and health insurance status;

7. In the event that the office, after making significant efforts, is unable to ensure that such services are available in every borough pursuant to paragraph 2 of subdivision c of this section, a list of the boroughs in which the office failed to ensure the availability of such services and the reasons for such failure;

8. A description of the materials developed pursuant to paragraphs 5 and 6 of subdivision c of this section, along with a list of locations where such materials have been disseminated;

9. An analysis of the barriers to organ transplant care and access faced by individuals using the organ transplant care coordination services required pursuant to paragraph 1 of subdivision c of this section, and recommendations to overcome such barriers in the city; and

10. A table in which each separate row references each training and each outreach event conducted pursuant to paragraphs 5 and 7 of subdivision c of this section, using a unique identification code for each such training or event, and each such row shall include the following information set forth in separate columns:

(a) The subject of each such training or event;

(b) The date of each such training or event;

(c) The borough in which each such training or event was conducted;

(d) The zip code assigned to the location where each such training or event was conducted;

(e) The number of attendees at each such training or event, excluding department staff and any other individuals conducting each such training or event; and

(f) The targeted audience for each such training or event.

§ 2. This local law takes effect 120 days after becoming law.

Referred to the Committee on Health.

Int. No. 344

By Council Members Narcisse, Avilés, Restler and Won.

A Local Law to amend the administrative code of the city of New York, in relation to establishing protocols for responding to students experiencing mental health crises

Be it enacted by the Council as follows:

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

§ 17-199.19 Student mental health crises protocols. a. The department, in consultation with the department of education, the administration for children's services and any other relevant agency, shall develop protocols for responding to students experiencing mental health crises. Such protocols shall establish guidelines for:

1. Immediate response to incidents;

2. Procedures for return of a student to school after a mental health crisis;

3. Training requirements for school staff and plans for provision of training; and

4. Protecting the safety and well-being of the student body.

b. The protocols required by subdivision a of this section shall be posted on the department's website no later than six months following the effective date of the local law that added this section. Any changes to such protocols shall be posted on the department's website no later than 30 days after such protocols are updated.

§ 2. This local law takes effect immediately.

Referred to the Committee on Public Safety.

Int. No. 345

By Council Members Narcisse and Louis.

A Local Law to amend the administrative code of the city of New York, in relation to establishing a mandatory mental health emergency response training for all uniformed members of the police department whose responsibilities include routinely interacting with arrested individuals and victims of crime

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 14-194 to read as follows:

§ 14-194 Mental health emergency response training. The commissioner, in collaboration with the commissioner of health and mental hygiene, shall create and implement a mandatory training for all uniformed members of the department whose responsibilities include routinely interacting with arrested individuals and victims of crime on recognizing and responding to mental health emergencies. Such members of the department

shall complete such training within 1 year of the effective date of the local law that added this section and once every 2 years thereafter. The training shall provide information on:

1. The ways that symptoms of different mental illnesses can cause a mental health emergency;

2. How to effectively communicate with a person experiencing a mental health emergency;

3. How to deescalate a situation in which a person is experiencing a mental health emergency; and

4. Alternatives to involuntary removal, including offering to bring the person experiencing a mental health emergency to a hospital or other facility where medical care is provided or to a crisis respite center or clubhouse where non-coercive community based care is provided, and providing information about resources, including addresses and phone numbers, to enable the person experiencing the mental health emergency to access care independently.

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

Referred to the Committee on Public Safety.

Int. No. 346

By Council Members Narcisse, Cabán and Won.

A Local Law to amend the administrative code of the city of New York, in relation to pedestrian crossing guidelines and right of way

Be it enacted by the Council as follows:

Section 1. Section 19-195 of the administrative code of the city of New York, as added by local law number 115 for the year 2016, is amended to read as follows:

§ 19-195 Pedestrian *crossings and* control signals. *a.* Whenever pedestrian control signals are in operation, exhibiting symbols of a walking person, upraised hand, or upraised hand with a pedestrian countdown display, or any other internationally recognized representation concerning the movement of pedestrians, such signals shall indicate as follows:

1. Steady walking person. Pedestrians facing such signal may proceed across the roadway in the direction of such signal, and other traffic shall yield the right of way to such pedestrians.

2. Flashing upraised hand or flashing upraised hand with pedestrian countdown display. Pedestrians facing such signal are advised that there may be insufficient time to cross the roadway. Pedestrians already in the roadway [shall] *are advised to* proceed to the nearest sidewalk or safety island in the direction of such signal. Other traffic shall yield the right of way to pedestrians proceeding across the roadway within the crosswalk towards such signal for as long as such signal remains flashing.

3. Steady upraised hand. [No pedestrians shall start to cross the roadway in the direction of such signal] *Pedestrians facing such a signal are advised that vehicle traffic has the right of way and pedestrians entering the roadway while this signal is displayed will be at risk of injury due to vehicle traffic*; provided, however that any pedestrians who have partially completed their crossing on a steady walking person signal or any flashing upraised hand signal [shall] *are advised to* proceed to the nearest sidewalk or safety island in the direction of such signal while such steady upraised hand signal is showing.

b. Pedestrians may cross any roadway at any point, including points outside of a marked or unmarked crosswalk. Pedestrians are advised to yield the right of way to all vehicles upon the roadway.

c. This section supersedes section 1152 of the vehicle and traffic law and any other provision of the vehicle and traffic law that prohibits any activity of pedestrians that is described in this section. No penalties shall be imposed pursuant to any such provision.

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

Referred to the Committee on Transportation and Infrastructure.

Res. No. 165

Resolution calling upon New York State Legislature to establish full insurance coverage for fertility treatments.

By Council Member Narcisse.

Whereas, Fertility, broadly speaking, is the ability to produce offspring through reproduction or the reproductive process; and

Whereas, Infertility is a medical condition recognized by the World Health Organization and the American Society for Reproductive Medicine, that affects about 9% of American men and 10% of American women; and

Whereas, According to the Centers for Disease Control and Prevention, 1 in 8 couples have difficulty getting pregnant or sustaining a pregnancy; and

Whereas, Infertility affects a broad spectrum of prospective parents, no matter what race, religion, sexual orientation, or economic status; and

Whereas, Same-sex couples, uncoupled adults, and asexual adults, among others, uniquely experience fertility and infertility challenges; and

Whereas, According to the Center for Reproductive Rights, fertility implicates and affects multiple human rights, including the rights to plan the timing and spacing of children, benefit from scientific progress, health, sexual and reproductive health, and non-discrimination; and

Whereas, According to Columbia University Medical Center, infertility cuts across socioeconomic, racial, ethnic and religious lines, and cost is the number one barrier to seeking family building assistance, as 46% of affected people lack insurance coverage for treatment of infertility; and

Whereas, According to the Center for Reproductive Rights, issues of infertility can create devastating social stigma rooted in harmful stereotypes, particularly for same-sex couples and individuals seeking fertility care and treatments; and

Whereas, The price for fertility treatment ranges between $10,000 to $20,000 per attempt at conception through In Vitro fertilization (IVF), according to American Society for Reproductive Medicine, keeping the possibility of a child out of reach for many; and

Whereas, As of January, 2020, New York Insurance Law §§ 3221(k)(6)(C) and 4303(s)(3) requires large group insurance policies and contracts that provide medical, major medical, or similar comprehensive-type coverage in New York to cover three cycles of IVF used in the treatment of infertility; and

Whereas, The existing state law provides up to three IVF cycles to people who are insured through an employer with over 100 employees who provides qualifying coverage; and

Whereas, The existing state law also provides medically necessary fertility preservation treatments for people facing infertility caused by medical intervention or conditions; and

Whereas, The existing state law prohibits the delivery of insurance coverage from discriminating based on age, sex, sexual orientation, marital status, or gender identity; and

Whereas, There are still limitations and mandates that exclude many New Yorkers from these services such as (1) People on Medicaid; (2) People who receive their health insurance from the Exchange in New York; (3) Employees of small companies of fewer than 100 employees; (4) Employees of companies that self-insure with over 1,000 employees; (5) and People with health insurance provided by the Federal government; and

Whereas, Although the State's requirement for some IVF coverage is relatively progressive, many plan participants who need such services to build families are excluded from coverage due to the requirement for an infertility diagnosis; and

Whereas, The State's requirement for an infertility diagnosis operates to exclude IVF coverage for couples and individuals who do not have an infertility diagnosis, particularly, same-sex couples, uncoupled adults, asexual adults, and others; and

Whereas, Many of other treatments and services related to family building, particularly those services most often utilized for family planning by same-sex couples, uncoupled adults, and asexual adults, including gamete and embryo freezing surrogacy, and adoption; and

Whereas, According to Kaiser Family Foundation, the high cost and limited coverage of fertility services make this care inaccessible to many low income people, communities of color, LTBQ+ populations, and other marginalized groups who may need it, but are unable to afford it; and

Whereas, Broadening the definition and understanding of infertility and guaranteeing fair distribution of fertility treatments is imperative so that everyone has an equal opportunity to plan their families, regardless of gender, race, or sexual orientation; and

Whereas, It is time for New York State to guarantee insurance coverage for all fertility treatments to achieve greater equity, and fulfill a fundamental human right to basic reproductive essential health care; now, therefore be it

Resolved, That the Council of the City of New York calls upon New York State Legislature to establish full insurance coverage for fertility treatments.

Referred to the Committee on Health.

Res. No. 166

Resolution calling upon the New York State Legislature to pass, and the Governor to sign, legislation that would ease nursing home staffing and capacity constraints by increasing Medicaid reimbursement rates by at least 20 percent.

By Council Member Narcisse.

Whereas, According to the Kaiser Family Foundation, New York State has the second highest number of nursing home residents in the country, with 92,784 residents in certified nursing facilities as of 2022; and

Whereas, According to the New York State Department of Health, nearly 30 percent (169 of 612) of all nursing homes in New York State are located within New York City; and

Whereas, According to the Kaiser Family Foundation, approximately 70 percent of nursing home residents in New York use Medicaid to pay for their care; and

Whereas, According to the Alliance for Senior Care, New York State's Medicaid reimbursement rates for nursing homes have increased by just 1 percent since 2008 while operating costs have increased by 42 percent during the same period; and

Whereas, According to United Healthcare Workers, the current Medicaid rates for nursing homes only cover 76 percent of the cost of providing care; and

Whereas, Residents in New York's nursing homes have not been receiving a sufficient level of services for years and the failures of the nursing home industry in New York gained widespread attention during the COVID-19 pandemic; and

Whereas, Staff turnover in nursing homes had reached alarming heights long before the pandemic, with average turnover rates totaling 94% in 2017 and 2018, according to a 2021 article in Health Affairs; and

Whereas, A January 2021 report by the New York Attorney General's Office found that already low staffing levels in New York State "decreased further to especially dangerous levels in some homes" during the COVID-19 pandemic; and

Whereas, Nursing home staff and administrators report that staffing shortages influence their ability to provide sufficient and consistent support to residents, including with eating, drinking, hygiene, and emotional support; and

Whereas, In 2021, New York State amended the public health law to require nursing facilities to maintain average staffing hours equal to three-and-a-half hours of care per resident per day; and

Whereas, According to a 2020 report by the New York State Department of Health, nursing homes have to hire 45,000 additional care workers at a cost of about $2 billion, to comply with the safe staffing law's standards; and

Whereas, SEIU 1199 reports that low wages and poor benefits for nursing home staff have led many workers to seek employment elsewhere; and

Whereas, Without additional resources, nursing homes are not able to cover the full cost of care is covered and have the necessary resources to not only meet existing workforce challenges, but also comply with staffing mandates; now, therefore, be it,

Resolved, That the Council of the City of New York calls upon the New York State Legislature to pass, and the Governor to sign, legislation that would ease nursing home staffing and capacity constraints by increasing Medicaid reimbursement rates by at least 20 percent.

Referred to the Committee on Health.

Res. No. 167

Resolution calling on New York State to extend eligibility for the New York Medication Aide Certification to certified nursing assistants.

By Council Member Narcisse.

Whereas, According to the United States (U.S.) Department of Labor's Bureau of Labor Statistics (BLS), 3,130,600 registered nurses were employed in the U.S. in 2021; and

Whereas, Per BLS, employment of registered nurses is projected to increase 6 percent nationally between 2021 and 2031, to an estimated total of 3,326,000 registered nurses; and

Whereas, The U.S. Census Bureau data show that the number of Americans aged 65 years and older expanded from 41 million in 2011 to 71 million in 2019; and

Whereas, BLS forecasts that demand for nurses in the U.S. will grow in tandem with the size of the U.S. population aged 65 years and older, because it is the age of increased need for healthcare services; and

Whereas, BLS estimates that, on average, there will be approximately 203,200 job openings for registered nurses in the U.S. annually between 2021 and 2031; and

Whereas, Per a report by the New York State Department of Health (NYS DOH), as of August 2020, in New York State, there was a need for an estimated additional 34,239 registered nurses and 15,727 licensed practical nurses; and

Whereas, A 2018 study published in the American Journal of Medical Quality projected that by 2030, New York State will have a shortage of 20,017 registered nurses; and

Whereas, As reported by NYS DOH, as of August 2020, in New York City, there was a need for an estimated additional 15,769 registered nurses and 7,747 licensed practical nurses; and

Whereas, Numerous drivers contribute to the nursing shortage, including a strain of treating the aging population with its co-morbidities and chronic conditions, aging nursing workforce, nursing faculty shortage, emotional and physical abuse in healthcare setting, burnout, and family responsibilities such as childcare; and

Whereas, The nursing shortage may contribute to higher patient mortality rates, higher hospital readmission rates, higher rates of infection, and longer hospital stays; and

Whereas, One approach to addressing the aforesaid concerns is to expand the scope of practice for certified nursing assistants, who are usually tasked with duties of monitoring the health status, feeding, bathing, dressing, grooming, toileting, or ambulation of patients in a hospital or a nursing facility; and

Whereas, Currently, NYS DOH, in partnership with Pearson VUE, administers the New York Medication Aide Certification Examination (MACE), but only to certified home health aides who have successfully completed an approved Advanced Home Health Aide Training Program; and

Whereas, Successful completion of MACE qualifies a certified home health aide to perform certain advanced tasks, including dispensing medication and monitoring reaction to it, as an Advanced Home Health Aide under the direct supervision of a registered professional nurse employed by the same hospice, home care agency, or enhanced assisted living residence; and

Whereas, Certified nursing assistants' scope of practice could be expanded to include medication administration and management, if they were eligible for the New York Medication Aide Certification, which would help mitigate the nursing shortage by reducing nurses' workload; now, therefore, be it

Resolved, That the Council of the City of New York calls on New York State to extend eligibility for the New York Medication Aide Certification to certified nursing assistants.

Referred to the Committee on Health.

Res. No. 168

Resolution calling on New York State Legislature to pass, and the Governor to sign, S1839A/A2609 and S1890/A2661, the Sickle Cell Treatment Act.

By Council Member Narcisse.

Whereas, Sickle cell disease (SCD) is a group of inherited conditions characterized by abnormal hemoglobin, which could deform or rapture red blood cells leading to chronic pain, stroke, vulnerability to infections, pulmonary hypertension, vision loss, organ damage, and an accumulation of serious health complications including premature death; and

Whereas, SCD affects millions of people throughout the world and disproportionately affects individuals of African, Mediterranean, Middle Eastern, South Asian, and Central and South American descent; and

Whereas, According to the Centers for Disease Control and Prevention (CDC), SCD affects approximately 100,000 Americans, 10% of whom live in New York State (NYS); and

Whereas, In 2008, the CDC conducted a report on SCD in NYS, and found that SCD occurs among approximately 1 out of every 1,259 births, 1 out of every 260 Black or African-American births, 1 out of every 10,209 white births, and 1 out of every 2,714 Hispanic-American births; and

Whereas, Per the CDC report, approximately 80% of individuals diagnosed with SCD in NYS lived in New York City (NYC) and 76% of newborns with SCD are born in NYC; and

Whereas, Of the 197 babies born with SCD in NYS in 2008, the last time when such data was publicly reported, 80% of these babies were Black or African American, 8% white, 11% Hispanics-Americans, and 3% other or unknown race; and

Whereas, Many suffering from SCD die at an age that is younger than the average lifespan, such as in NYS, where only 14% of individuals diagnosed with SCD lived past the age of 51 years; and

Whereas, Bone marrow or stem cell transplant is the only FDA-approved cure available to individuals suffering from SCD—and it is both an extremely risky and expensive procedure that many cannot afford or qualify for; and

Whereas, Persons with sickle cell trait (SCT) are carriers of the sickle cell gene who have inherited the normal hemoglobin gene from one parent and the sickle cell gene from the other parent; and

Whereas, Approximately 3 million Americans have SCT; and

Whereas, When both parents have SCT, there is a 1 in 4 chance with each pregnancy that the child will be born with SCD; and

Whereas, Most people with SCT do not have any symptoms of SCD, however, in rare cases, people with SCT might experience complications of SCD; and

Whereas, Both SCT and SCD can be detected before birth or at birth through screening tests and can be managed with comprehensive care and preventive measures; and

Whereas, However, in NYS, Hospitals only began testing for SCT and SCD in 2006, which means that an entire generation born before this time could be unaware of whether they are an SCD or SCT carrier; and

Whereas, According to the CDC, 1 in 13 Black or African American babies is born with SCT, highlighting the immediate need for early detection and education; and

Whereas, The CDC states that SCD is a major public health concern with life-threatening complications that can develop rapidly and worsen as patients age; and

Whereas, Given the complexity, seriousness, and cost of SCD, patients and physicians often struggle to care for the symptoms and health complications caused by SCD; and

Whereas, SCD requires specialized, comprehensive and continuous care to achieve the best possible outcomes; and

Whereas, Newborn, prenatal, and preconception screening, genetic counseling, and education of patients, family members, schools, and health care providers are critical preventative measures; and

Whereas, To address these issues, NYS Senator James Sander Jr. and Assemblywoman Alicia L. Hyndman have introduced S1890/A2661, known as the Sickle Cell Treatment Act, and S1839A/A2609; and

Whereas, S1839A/A2609 aims to establish a sickle cell disease detection and education program within the NYS Department of Health to provide information and resources to individuals with SCD, their families, health care providers, and the general public; and

Whereas, The Sickle Cell Treatment Act, if passed, would establish 5 sickle cells centers of excellence and 10 outpatient treatment centers, staffed by specialists dedicated to serving SCD patients; and

Whereas, Together, these two bills would help increase awareness, knowledge, and understanding of SCD and its complications while improving access to quality prevention, care, and treatment, thereby reducing health disparities, complications, and mortality associated with SCD; now, therefore, be it

Resolved, That the Council of the City of New York calls on New York State Legislature to pass, and the Governor to sign, S1839A/A2609 and S1890/A2661, the Sickle Cell Treatment Act.

Referred to the Committee on Health.

Res. No. 169

Resolution calling on New York State to collect and publish data on diabetes-related amputations annually, and encourage hospitals to create a strategy to reduce the growing number of diabetes-related amputations.

By Council Member Narcisse.

Whereas, According to 2022 statistics from the Centers for Disease Control and Prevention (CDC), in the United States roughly 28.7 million people have been diagnosed with diabetes, and an additional 8.5 million people are undiagnosed; and

Whereas, In New York, approximately 1.7 million people have been diagnosed with diabetes, with an additional estimate of 456,000 who are undiagnosed; and

Whereas, Over 117,000 people are diagnosed with diabetes every year in New York; and

Whereas, For individuals with diabetes, the risk of lower extremity amputations are 20 times higher than in individuals without diabetes, with studies showing that most non-traumatic lower limb amputations are caused by diabetes**;** and

Whereas, Amputations are common for individuals with diabetes due to their high risk of developing foot ulcerations because of inadequate blood supply and damage to the nerves in the feet; and

Whereas, Estimates from Health People - Community Preventive Health Institute show that between 2009 and 2021, New York State had 50,000 diabetes-related amputations; and

Whereas, Between 2009 and 2017, New York saw an 84% increase of hospitalization rates for diabetes-related amputations, compared to the nationwide increase of 47%; and

Whereas, The increase has been even more significant in New York City over the same time period, with Bronx, Queens, and Manhattan each increasing by more than 95%; and

Whereas, For diabetic patients, adjusting to life after a lower extremity amputation is not the only post-operation concern; and

Whereas, Almost 55% of individuals who had a lower limb amputation caused by diabetes, needed an amputation on the second leg within 2 to 3 years of their first amputation; and

Whereas, A publication from the *Journal of Foot and Ankle Research* shows that the five year death rate for diabetic patients after a minor amputation is 29% and 57% after a major amputation; and

Whereas, Research shows that regular care and early intervening treatments, through foot screening and designated strategies related to foot care, are effective methods for preventing diabetic-related amputations; and

Whereas, Early care for lower limb issues, targeted patient education, or asking people with diabetes on government insurance to attend one wellness visit a year have all yielded in reductions of lower limb amputations; and

Whereas, Due to the COVID-19 pandemic, regular care and preventive treatment appointments decreased significantly, negatively affecting the health of diabetic patients and in some regions resulted in an increase of lower extremity amputations; and

Whereas, Diabetic patients that require amputations are also subject to overwhelming costs of care, with initial hospital costs between $30,000 and $60,000 dollars and additional follow-up costs after the operation; and

Whereas, Diabetic patients often have to navigate lost employment following an amputation, or pay for mental health and other services often necessary for amputees, which can result in costs of up to $200,000 in the first year after an amputation; and

Whereas, Diabetes also takes a significant toll on the nation's economy, with diabetes care cost estimates rising to $327 billion in 2018, with almost 68% of that cost covered by Medicaid, Medicare, and the military; and

Whereas, In New York State, Medicaid patients with diabetes average about $15,336 beyond the average cost for Medicaid patients without diabetes; and

Whereas, Although New York State collects data on rates of lower extremity amputations in diabetic patients, the information is not posted consistently; and

Whereas, Limited information on the rates makes it difficult to identify whether the numbers are improving or worsening across New York City and to respond accordingly; and

Whereas, According to health professionals and diabetes patient advocates**,** New York State does not have programs or initiatives that advocate care and strategies necessary to reduce lower extremity amputations; and

Whereas, Without targeted strategies and encouragement to hospitals to address this growing number, lower extremity amputations will continue to increase; and

Whereas, To improve the health and wellbeing of the 1.7 million New Yorkers living with diabetes; now, therefore, be it

Resolved, That the Council of the City of New York calls on New York State to collect and publish data on diabetes-related amputations annually, and encourage hospitals to create a strategy to reduce the growing number of diabetes-related amputations.

Referred to the Committee on Hospitals.

Res. No. 170

Resolution calling on the New York State Legislature to pass, and the Governor to sign, legislation to fully fund the Medicaid program to cover 100% of the cost of care at New York State public, not-for-profit, and safety net hospitals by Fiscal Year 2028, including a significant down payment in the Fiscal Year 2025 State budget.

By Council Members Narcisse, Lee, Schulman and Farías.

Whereas, New York City's ("NYC" or "City") public, not-for-profit, and safety net hospitals care for millions of patients across the five boroughs, including Medicaid beneficiaries and the uninsured, serving as an essential safety net for all New Yorkers and giving them a choice of provider and services; and

Whereas, While public, not-for-profit, and safety net hospitals are essential healthcare providers to low-income New Yorkers of color, many struggle due to longstanding structural inequities in how they are reimbursed and supported by New York State ("NYS" or "State"); and

Whereas, Medicaid currently reimburses hospitals 30% less than the cost of delivering care to Medicaid beneficiaries, contributing to a reimbursement gap between the cost of delivering care for Medicaid patients and the payments hospitals receive; and

Whereas, Medicaid reimbursement rates have not kept pace with increases in medical costs, inflation, and market challenges, leaving many public, not-for-profit, and safety net hospitals to operate at a perpetual loss and unable to reinvest in their facilities or communities; and

Whereas, This chronic underfunding of public, not-for-profit, and safety net hospitals has contributed to health disparities in largely Black and Brown communities; and

Whereas, Together, the City's public, not-for-profit, and safety net hospitals have more than $3 billion in outstanding infrastructure investment needs, including deferred facility upgrades such as HVAC, and investments in programs, like primary care; and

Whereas, The COVID-19 pandemic exacerbated the financial challenges faced by the City's public, not-for-profit, and safety net hospitals and exposed the significant inequities that persist across low-income communities of color, which are an extension of decades of historical community disinvestment; and

Whereas, Relatedly, communities of color experienced significantly higher rates of COVID hospitalizations and deaths, higher rates of poverty and being uninsured, and worse health outcomes compared to wealthier NYC neighborhoods; and

Whereas, Without sufficient funding, many hospitals are forced to reduce services or close their doors, and

Whereas, NYS hospitals have among the lowest margins in the United States, with a 2022 median operating margin of -2.5%; and

Whereas, Potential funding sources to close this reimbursement gap include the State's historic high of $43 billion in reserves; and

Whereas, There is an urgent need to structurally reform the outdated Medicaid reimbursement rates, which threaten New Yorkers' access to care, and to achieve health care justice for all by reducing health care disparities and improving health outcomes for low-income, predominantly Black and Brown communities; 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 to fully fund the Medicaid program to cover 100% of the cost of care at New York State public, not for profit, and safety net hospitals by Fiscal Year 2028, including a significant down payment in the Fiscal Year 2025 State budget.

Referred to the Committee on Hospitals.

Int. No. 347

By Council Member Nurse

A Local Law to amend the administrative code of the city of New York, in relation to fees for the installation of solar power energy systems

Be it enacted by the Council as follows:

Section 1. Article 112 of title 28 of the administrative code of the city of New York is amended by adding a new section 28-112.2.1 to read as follows:

§ 28-112.2.1 Fee exemption for solar installations. No fee shall be required in connection with an application for a street crane permit for the installation on a roof of solar thermal and solar electric (photovoltaic) collectors, panels and/or modules and their supporting equipment.

§ 2. This local law takes effect 120 days after it becomes law and shall be applicable to any construction documents pending before the department of buildings on such effective date and the commissioner of buildings shall take such measures as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

Referred to the Committee on Environmental Protection, Resiliency and Waterfronts.

Int. No. 348

By Council Member Nurse.

A Local Law to amend the administrative code of the city of New York, in relation to penalties in tax exempt projects due to source of income discrimination

Be it enacted by the Council as follows:

Section 1. Section 11-241 of the administrative code of the city of New York is amended as follows:

§ 11-241 Discrimination in tax exempt projects. No exemption from taxation, for any project, other than a project hitherto agreed upon or contracted for, shall be [granted]*approved by a City agency* to a housing company, insurance company, redevelopment company or redevelopment corporation *where the New York State Commission on Human Rights, the New York City Commission on Human Rights, or the Commissioner thereof, found that such entity*, [which shall] directly or indirectly, refuse*d*, [withhold]*withheld* from, or [deny]*denied* to any person any of the dwelling or business accommodations in such project or property, or the privileges and services incident to occupancy thereof, on account of the race, color, [or] creed, *or lawful source of income* of any such person. Any exemption from taxation hereafter granted shall terminate sixty days after a finding by the supreme court of the state of New York that such discrimination is being or has been practiced in such project or property; if within sixty days such discrimination shall have been ended, then the exemption shall not terminate. *As used in this section, "lawful source of income" has the same meaning as set forth in section 8-102.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Finance.

Int. No. 349

By Council Members Nurse, Ayala, Won, Rivera, Stevens and Brooks-Powers.

A Local Law to amend the administrative code of the city of New York, in relation to requiring quarterly reports on removals involving individuals experiencing homelessness and the outcomes for those individuals

Be it enacted by the Council as follows:

Section 1. The opening paragraphs of subdivisions b and c of section 21-152 of the administrative code of the city of New York, as added by local law number 34 for the year 2024, are amended to read as follows:

b. No later than 1 month after the effective date of the local law that added this section, and quarterly thereafter, the commissioner, in consultation with the police commissioner, the commissioner of sanitation, and the commissioner of parks and recreation, shall submit to the speaker of the council, the public advocate, and the mayor, and publish on the department's website, in a machine readable format, a report on removals conducted during the prior [month] *quarter*. The report shall include a table in which each row references a

unique occurrence of a removal. Each such row shall include the following information and any additional information the commissioner deems appropriate, set forth in separate columns:

c. No later than 1 month after the effective date of the local law that added this section, and quarterly thereafter, the commissioner shall submit to the speaker of the council, the public advocate, and the mayor, and publish on the department's website, in a machine readable format, a report on the same-day outcomes for individuals experiencing homelessness involved in a removal during the prior [month] *quarter*. Such report shall include a table in which each row references a unique occurrence of a removal. Each such row shall include the following information, as well as any additional information the commissioner deems appropriate, set forth in separate columns:

§ 2. This local law takes effect immediately.

Referred to the Committee on General Welfare.

Int. No. 350

By Council Members Nurse, Restler and Won.

A Local Law in relation to a study on the feasibility of establishing a social housing agency and the repeal of this local law upon the expiration thereof

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.

Social housing. The term "social housing" means any form of housing that is (i) owned collectively by residents or by a government or nonprofit entity, (ii) designed to be affordable and to be insulated from the speculative real estate market, and (iii) managed democratically with input from residents. Such term includes, without limitation, public housing, mutual housing associations, shared equity cooperatives, such as limited equity and zero equity cooperatives, and community land trusts.

Social housing agency. The term "social housing agency" means a city agency that would focus exclusively on the promotion and creation of social housing, including through acquisition of buildings to convert to social housing and the construction of new buildings to be used as social housing.

§ 2. Feasibility study. The department of housing preservation and development, in collaboration with the department of city planning, the department of social services and any other appropriate city agency, shall study and report on the feasibility of establishing a social housing agency. As part of conducting this study, these agencies shall consider case studies relating to social housing from other cities and countries and shall invite experts in social housing to contribute to the study. No later than one year after the effective date of this local law, the department of housing preservation and development shall submit to the mayor and the speaker of the council and shall post conspicuously on the department's website a report on the findings of this study. Such report shall include:

1. A discussion of which agencies perform functions that would be transferred to the social housing agency and how such functions could be transferred;

2. An analysis of the advantages and disadvantages of creating a separate social housing agency in comparison to restructuring existing agencies;

3. A discussion of how a social housing agency could collaborate with federal, state, and local agencies that perform related functions;

4. Recommendations on governance structures for a social housing agency;

5. An estimate of the funding required for a social housing agency and a discussion of possible sources of funding, including federal and state funding;

6. A discussion of strategies a social housing agency could employ to convert existing buildings to social housing, including through the use of existing programs such as the 7A program and the third party transfer program;

7. A discussion of legal and practical barriers to the creation of a social housing agency and the creation of new social housing in the city;

8. A discussion of how market conditions might affect the creation and operation of a social housing agency;

9. A discussion of how the social housing agency could use existing or potential housing rental vouchers or subsidies;

10. A discussion of how potential revenue from housing owned or operated by the social housing agency could be utilized or reinvested; and

11. A discussion of areas of collaboration between labor unions and the social housing agency; and

12. Any other information relevant to assessing the feasibility of a social housing agency.

§ 3. Effective date. This local law takes effect immediately and expires and is deemed repealed upon the submission of the report to the mayor and the speaker of the council as required by section two of this local law. Upon such submission, the mayor shall notify the corporation counsel for the purpose of effectuating section 7-111 of the administrative code of the city of New York. Any failure to provide the notification described in this section shall not affect the effective date of any provision of this local law.

Referred to the Committee on Housing and Buildings.

Int. No. 351

By Council Members Nurse, Restler, Won and Brewer.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of sanitation to develop a plan for ensuring proper disposal of rechargeable batteries used for powered mobility devices

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 Disposal of rechargeable batteries used for motorized bicycles and scooters. a. Definition. The term "powered mobility devices" means motorized bicycles, motorized scooters and other personal mobility devices powered by a lithium-ion or other storage battery. The term does not include motor vehicles or motorcycles or other mobility devices that must be registered with the New York state department of motor vehicles.

b. The department shall develop and implement a plan for promoting the proper disposal of rechargeable batteries used by powered mobility devices. Such plan shall include, but not be limited to:

1. Maintaining at least two collection locations in each borough where the public can properly dispose of such rechargeable batteries. Such locations shall be open to receive items from the public seven days per week.

2. Accepting such rechargeable batteries at any disposal or collection event organized by the department.

3. Coordinating with businesses that sell or service powered mobility devices regarding voluntary participation in in-store collection programs for such rechargeable batteries.

4. Conducting an outreach and education campaign relating to the proper disposal of such rechargeable batteries, including but not limited to, disseminating information on existing recycling and disposal programs for such rechargeable batteries, locations where such rechargeable batteries can be properly disposed of, and the hazards of improper disposal of such rechargeable batteries. Any written materials disseminated by the department pursuant to this section shall be made available in the designated citywide languages as defined in section 23-1101.

§ 2. This local law takes effect immediately.

Referred to the Committee on Sanitation and Solid Waste Management.

Int. No. 352

By Council Members Nurse and Restler.

A Local Law to amend the administrative code of the city of New York, in relation to creating a commercial waste zones working group

Be it enacted by the Council as follows:

Section 1. Section 16-1000 of the administrative code of the city of New York, as added by local law number 199 for the year 2019, is amended by adding a definition of "working group" in alphabetical order to read as follows:

Working group. The term "working group" means the commercial waste zones working group set forth in section 16-1021.

§ 2. Chapter 1 of title 16-B of the administrative code of the city of New York is amended by adding a new section 16-1021 to read as follows:

§ 16-1021 Commercial waste zones working group. a. Working group established. There is hereby established a working group to be known as the commercial waste zones working group.

b. Duties. The working group shall study the implementation of the commercial waste zones and shall make recommendations to the department for policy in furtherance of the objectives as outlined by local law number 199 for the year 2019. The study and recommendations shall take into consideration effects on the health and welfare of persons in the city and the environment, anticipated effects on stakeholders, and any other considerations the working group deems relevant.

c. Membership. 1. The working group shall be composed of no more than 20 members. Those members shall include:

(a) The commissioner or the commissioner's designee, who shall serve as chair;

(b) The chairperson of the business integrity commission or such chairperson's designee;

(c) The chairperson of the council committee on sanitation and solid waste management or such chairperson's designee;

(d) At least 8 designated carters appointed by the commissioner, or such carters' respective representatives;

(e) At least 8 members appointed by the speaker of the council with the following experience: at least 2 members from a labor union that is predominant in the commercial waste industry and that is actively engaged in representing commercial waste industry workers who are employed by a designated carter, at least 2 members with environmental expertise, at least 2 members with an expertise in environmental justice or representation of an environmentally overburdened community, and at least 1 member from a micro-hauling organization.

2. All appointments required by this section shall be made no later than 30 days after the department enters into agreements with awardees as required by section 16-1002 and rules promulgated pursuant to such section.

3. Each member of the working group shall serve at the pleasure of the officer who appointed the member. In the event of a vacancy on the working group, a successor shall be appointed in the same manner as the original appointment. All members of the working group shall serve without compensation.

d. Meetings. 1. The chair shall convene the first meeting of the working group no later than 30 days after the last member has been appointed, except that where not all members of the working group have been appointed within the time specified in subdivision c of this section, the chair shall convene the first meeting of the working group within 10 days of the appointment of a quorum.

2. The working group may invite experts and stakeholders to attend its meetings and to provide testimony and information relevant to its duties.

3. The working group shall meet no less than once each quarter to carry out the duties described in subdivision b of this section.

e. Agency support. Each agency affected by this section shall provide appropriate staff and resources to support the work of such agency related to the working group.

f. Termination. The working group shall meet for 3 years after the department enters into agreements with awardees as required by section 16-1002 and rules promulgated pursuant to such section. After 3 years, the commissioner may terminate the working group after consulting with the working group on the question of termination and after providing the speaker of the council with 60 days' notice.

§ 3. This local law takes effect immediately.

Referred to the Committee on Sanitation and Solid Waste Management.

Int. No. 353

By Council Members Nurse, Gennaro, De La Rosa, Avilés, Sanchez, Menin, Joseph, Restler, Schulman, Won, Brannan and Brewer (in conjunction with the Brooklyn Borough President).

A Local Law to amend the administrative code of the city of New York, in relation to the installation of solar photovoltaic systems on city-owned property

Be it enacted by the Council as follows:

Section 1. Section 4-207.1 of the administrative code of the city of New York, as added by local law number 24 for the year 2016, is amended to read as follows:

§ 4-207.1 Photovoltaic systems for city-owned buildings. a. As used in this section:

City building. The term "city building" shall have the meaning ascribed to such term in section 28-309.2 of the code.

Contracted entity. The term "contracted entity" means a local development corporation or other not-for-profit corporation, a majority of whose members are appointed by the mayor, that contracts with the city to provide or administer economic development benefits on behalf of the city and expending city capital appropriations in connection therewith, except that such term does not include the Brooklyn navy yard development entity as defined in section 22-821.

Cost effective. The term "cost effective" means, with respect to the installation of a photovoltaic system or additional photovoltaic system capacity, [one or more of the following determinations:

1. The] *the* cumulative savings expected to result from such installation, including expected savings in energy costs, will in 25 years or less, equal or exceed the expected costs of such installation, less all federal, state and other non-city governmental assistance available to offset the cost of such installation and including the social cost of carbon value, as described in paragraphs 3 and 4 of subdivision d of section 3-125 of the code; provided, however, that a higher site- or project-specific social cost of carbon value may be developed and used in lieu of the social cost of carbon value described in such paragraphs.

[2. A power purchase agreement relating to such installation, entered into with the city, offers electricity rates for photovoltaic systems that meet or are lower than the average prevailing utility rates.]

Department. The term "department" means the department of citywide administrative services.

Eligible roof. The term "eligible roof" means a city building roof that is less than or equal to ten years old and in good condition, as defined by city asset management standards.

Power purchase agreement. The term "power purchase agreement" means an arrangement in which a third-party developer installs, owns, and operates a photovoltaic system or other energy system on city property, and the city purchases the system's energy output for an agreed upon period.

b. *By December 31, 2025, the department, in coordination with the office of long-term planning and sustainability, shall install, maintain, and operate solar photovoltaic systems on eligible roofs of city buildings sufficient to produce a total of 100 megawatts of electricity.*

c. The department, in coordination with the office of long-term planning and sustainability, shall create a plan by December 31, 2026, to be utilized to install, maintain, and operate solar photovoltaic systems on eligible roofs of city buildings and city-owned property, including but not limited to parking lots, industrial structures, and structures owned by a contracted entity, sufficient to produce a total of 150 megawatts of electricity by December 31, 2030.

d. In meeting the requirements of this section, the department shall not utilize a power purchase agreement.

e. In meeting the requirements of this section, the department shall prioritize the installation of solar photovoltaic systems on public schools, city-owned property and structures owned by a contracted entity located in disadvantaged communities, as defined by section 75-0101 of the environmental conservation law.

f. By December 31, 2016, and by September 1 of every second year thereafter, the department, with the cooperation of all appropriate city agencies, shall submit to the speaker of the council and the mayor, and make publicly available online, a report containing, at a minimum, the following information for each city building, disaggregated by council district:

1. The street address of such building;

2. The age of such building's roof;

3. Whether such building's roof is in good condition, as defined by city asset management standards;

4. For each eligible roof, the following information will be provided:

(a) [the] *The* estimated potential photovoltaic system size that could be installed on such roof, as expressed in installed power capacity (in kilowatts);

(b) [the] *The* estimated potential energy that could be generated by such system annually (in kilowatt-hours); and

(c) [the] *The* estimated amount of greenhouse gas emissions reduced or avoided annually due to the use of such system;

5. Whether a photovoltaic system has been installed at such building and, if such a system has been installed, a description thereof, including:

(a) [the] *The* photovoltaic system size expressed in installed power capacity (in kilowatts), as a percentage of the maximum peak power need identified for such building and, if such building has an eligible roof, as a percentage of the maximum photovoltaic system size that could be cost effectively installed on the roof of such building;

(b) [the] *The* energy generated by such system annually (in kilowatt-hours) and expressed as a percentage of the estimated energy consumption of such building;

(c) [the] *The* date of such installation;

(d) [the] *The* total cost of such system and a description of how the installation of such system was financed, including whether such financing involved a power purchase agreement entered into with the city;

(e) [the] *The* energy cost savings resulting from and revenue generated by such system annually; and

(f) [the] *The* estimated amount of greenhouse gas emissions reduced or avoided due to such system annually[.]*; and*

6. If a photovoltaic system has not been installed at such building, the reasons that such a system was not installed and, where an alternate sustainability project, structural change or other use has been proposed or carried out for the roof of such building, a description of such alternate project, structural change or use including:

(a) [the] *The* projected benefits thereof;

(b) [the] *The* estimated energy cost savings, if applicable; and

(c) [the] *The* estimated amount of greenhouse gas emissions reduced or avoided annually due to such project, structural change or use, if applicable, and associated economic value as determined using the social cost of carbon value, as described in paragraphs 3 and 4 of subdivision d of section 3-125 [of the code].

§ 2. This local law takes effect immediately.

Referred to the Committee on Environmental Protection, Resiliency and Waterfronts.

Int. No. 354

By Council Members Nurse, Gennaro, De La Rosa, Avilés, Sanchez, Menin, Joseph, Restler, Schulman, Won and Brewer.

A Local Law to amend the administrative code of the city of New York, in relation to utilizing city-owned lots for energy storage systems

Be it enacted by the Council as follows:

Section 1. Chapter 2 of title 4 of the administrative code is amended by adding a new section 4-207.5 to read as follows:

§ 4.207.5 Energy storage on city-owned lots. a. Definitions. As used in this section, the following terms have the following meanings:

Energy storage system. *The term "energy storage system" means a set of methods and technologies for storing potential, kinetic, chemical, electromagnetic, thermal, or any other type of energy, including compressed air, flywheels, batteries, superconducting magnetic storage and ice storage, so that such energy may be used at a time other than when it is generated.*

City-owned lot. *The term "city-owned lot" means a parking lot owned by the city or an unused or underutilized parcel of land owned by the city.*

Commissioner. *The term "commissioner" means the commissioner of citywide administrative services.*

Department. *The term "department" means the department of citywide administrative services.*

b. The commissioner, in coordination with the office of long-term planning and sustainability and any other agency authorized by the commissioner, shall identify all city-owned lots suitable for the installation of energy storage systems and develop a plan to achieve the energy storage capacity specified in subdivision d of this section. No later than 1 year after the effective date of the local law that added this section, the commissioner shall post such plan on the department's website and submit it to the speaker of the council. The plan shall include:

1. A list of each city-owned lot that has been identified as suitable for the installation of energy storage systems;

2. The energy storage potential of each such lot; and

3. A timeline for installation of energy storage systems on city-owned lots sufficient to achieve the energy storage capacity specified in subdivision d.

c. No later than 2 years after the effective date of the local law that added this section, and annually thereafter until 2035, the commissioner shall post in the department's website and submit the speaker of the council a report detailing the department's progress towards achieving the energy storage capacity specified in subdivision d of this section.

d. The commissioner, in coordination with the office of long-term planning and sustainability and any other agency authorized by the commissioner, shall install, or cause to be installed, energy storage systems on city-owned lots that in the aggregate have the energy storage capacity of:

1. No less than 300 megawatts by December 31, 2030; and

2. No less than 400 megawatts by December 31, 2035.

e. If the energy storage capacity of energy storage systems on city-owned lots is less than the energy storage capacity specified in subdivision d of this section, the commissioner shall submit to speaker of the council and post on the department's website a report that (i) explains the reasons for the failure to achieve the specified energy storage capacity and (ii) makes recommendations with respect to policies, programs, and actions that may be undertaken to achieve the specified energy storage capacity. If the energy storage capacity of energy storage systems on city-owned lots is less than specified in paragraph 1 of subdivision d of this section, the commissioner shall submit such report no later than June 30, 2031. If the energy storage capacity of energy storage systems on city-owned lots is less than specified in paragraph 2 of subdivision d of this section, the commissioner shall submit such report no later than June 30, 2036.

§ 2. This local law takes effect immediately.

Referred to the Committee on Environmental Protection, Resiliency and Waterfronts.

Int. No. 355

By Council Members Nurse and Restler (by request of the Queens Borough President)

A Local Law to amend the administrative code of the city of New York, in relation to the emergency and resiliency plans of the department of sanitation

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 Emergency and resiliency plans. a. The department shall maintain a separate page on the city's website where all emergency and resiliency plans of the department are made available to the public. Such plans shall include, without limitation:

1. Provision of services during various types of emergencies including blackouts, hurricanes, storm surges, flash flooding and other severe weather events and natural disasters;

2. Provision and prioritization of services prior to anticipated flooding events, including waste collection and cleaning services such as street sweeping, in areas that are identified as prone to flooding in the rainfall-based flooding maps prepared by the department of environmental protection; and

3. Design of critical facilities in accordance with climate resiliency design guidelines and retrofitting existing facilities to increase resiliency.

b. The department shall make all of its emergency and resiliency plans available on a separate page of the city's website within 120 days following the effective date of the local law that added this section and shall make new or updated plans available on such page when they are finalized by the department.

c. Notwithstanding the requirements of this section, the department shall not be required to disclose any portions of any emergency and resiliency plan if disclosure of such information could compromise public safety.

§ 2. This local law takes effect immediately.

Referred to the Committee on Sanitation and Solid Waste Management.

Preconsidered Res. No. 171

Resolution calling on the New York City Department of Sanitation and the Department of Parks and Recreation to continue to engage and collaborate with local communities to encourage and allow community composting to be carried out on parkland.

By Council Members Nurse and Krishnan.

Whereas, Compost is organic material consisting of materials such as leaves, grass, food scraps and non-recyclable paper that can be added to soil to assist in the growth of vegetation, and is often used to beautify parks and gardens, as well as for landfill developments; and

Whereas, The average New York City resident disposes of approximately 15 pounds of waste at home per week, which combined totals more than three million tons of residential waste altogether per year for the entire City, not including waste from commercial establishments; and

Whereas, Approximately 31 percent of what New Yorkers dispose of in the trash is food scraps, yard waste and soiled paper that cannot be recycled; and

Whereas, When these materials are sent to landfills to decompose, they release methane gas, a greenhouse gas that is more potent than carbon dioxide; and

Whereas, Instead of sending these materials to landfills, they can be composted and be used to benefit the environment and the City by enriching soil, retaining moisture and suppressing plant diseases and pests, reduce reliance on chemical fertilizers and reduce methane emissions from landfills; and

Whereas, Historically, the vast majority of composting that occurred in New York City was conducted at the community level, through the City's green markets, at non-profits and at neighborhood composting sites in locations such as community gardens and certain parks; and

Whereas, In prior years, the New York City Department of Sanitation (DSNY) and the Department of Parks and Recreation (DPR) entered into a Memorandum of Understanding that DSNY collect leaves and yard trimmings separately from solid waste so they can be recycled as mulch and compost at parklands under DPR where composting and mulching sites could be established; and

Whereas, The City created the NYC Compost Project in 1993, which provided education on composting, as well as fostered community level composting initiatives throughout the City; and

Whereas, In 2013, DSNY began offering curbside organic waste collection services to residents of Westerleigh, Staten Island in a pilot program to test the feasibility of collecting such waste from people's homes; and

Whereas, This program was deemed a success and later expanded to over 100,000 households across the City; and

Whereas, On May 4, 2020, DSNY announced the suspension of the curbside composting program through June 30, 2021 due to budget cuts, however residents can make their own compost and were encouraged to do so; and

Whereas, The suspension included the closures of food scrap drop-off sites due to social distancing mandates and budget cuts to GrowNYC's zero waste programs and the NYC Compost Project; and

Whereas, On April 22, 2021, then-Mayor de Blasio announced that the City would resume the NYC Compost Project and it would be available to 3.5 million City residents who were previously enrolled in the project and launched opportunities for new residents and building owners to enroll on the project in August 2021, with collection services beginning in October 2021; and

Whereas, However, composting service resumed in only seven community board districts, including four districts in Brooklyn, one in the Bronx and two in Manhattan, instead of resuming citywide; and

Whereas, In fiscal year 2023, Mayor Eric Adams (Mayor Adams) proposed $18.2 million in budget cuts, which includes suspending curbside compost pickup, stating that there are not enough residents participating in the project, which is therefor costing the City too much by sending out trucks to areas where only 10 percent of residents are putting out compost; and

Whereas, However, City residents who support composting expressed that the project is not available in their districts or buildings; and

Whereas, In June 2023, the City Council passed the Zero Waste Act, a legislative package that sets zero waste targets for 2030, codifies a mandatory residential curbside organics collection program, secures community food scrap drop offs, requires Zero Waste annual reporting and creates new community recycling centers throughout the City; and

Whereas, The Zero Waste Act positions the City as a global leader on zero waste, is expected to provide regional environmental benefits by reducing reliance on landfills and incinerators in areas in upstate New York and neighboring states and further demonstrates the City Council's commitment to a safer and cleaner City; and

Whereas, Furthermore, in November 2023, Mayor Adams proposed eliminating the City's composting program and delaying curbside residential organics collection in certain areas by approximately seven months as part of an overall 5 percent budget cut to all City agencies; and

Whereas, According to the environmental organization GrowNYC, the proposed budget cuts could result in over 115 lost jobs in community composting, and according to the City of New York November 2023 Financial Plan, the cuts include the elimination of 262 vacant uniformed positions and 321 vacant civilian positions throughout DSNY; and

Whereas, While Mayor Adams announced on January 11, 2024 that the City will restore some funding for DSNY to maintain thousands of existing litter baskets, many of the proposed cuts to DSNY's budget, including those effecting composting, have not been reversed; and

Whereas, Climate advocates have expressed concerns that closures and budget cuts effecting composting will have negative impacts on the City, including potential for more greenhouse gases affecting the environment, and also puts necessary environmental and social services at a low priority; and

Whereas, Budget cuts, and suspending the curbside composting project, puts the City in jeopardy of losing several community composting facilities and delaying curbside organic services, which will not benefit the City in reducing its greenhouse gases and potentially further delay the City's goal of sending zero waste to landfills by 2030; now, therefore, be it

Resolved, That the Council of the City of New York calls on the New York City Department of Sanitation and the Department of Parks and Recreation to continue to engage and collaborate with local communities to encourage and allow community composting to be carried out on parkland.

Referred to the Committee on Sanitation and Solid Waste Management (preconsidered but laid over by the Committee on Sanitation and Solid Waste Management).

Res. No. 172

Resolution calling on the New York State Legislature to pass, and the Governor to sign, A.5322-A/S.4246-A, also known as the Packaging Reduction and Recycling Infrastructure Act, which would establish an extended producer responsibility system for packaging.

By Council Members Nurse, Abreu, Riley, Bottcher, Williams and Brewer (in conjunction with the Brooklyn Borough President).

Whereas, Packaging material, which includes plastic, steel, aluminum, and glass containers, as well as boxboard, cardboard, and cartons, constitutes approximately 30 percent of the waste stream in the United States; and

Whereas, Local municipal governments, including those in New York State, are required to fund the management of discarded packaging material and to take responsibility for achieving waste diversion goals; and

Whereas, The value of recyclable materials does not cover the cost to collect, sort, process, and market these items, often causing municipal governments to pay millions of dollars annually to administer their recycling programs; and

Whereas, New York City alone spends $166 million per year in direct costs to collect and process recyclables; and

Whereas, New York State's current recycling system places unreasonable burdens on local governments to collect, manage, and market recyclable materials, when it is the producers of consumer goods and packaging that have control over which materials are placed on the market; and

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

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

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

Whereas, EPR programs for packaging materials have been adopted in many European Union member states and Canadian provinces, as well as other parts of the world, with states such as Sweden and Spain achieving recycling rates for packaging materials upwards of 60 percent; and

Whereas, Enacting EPR for packaging could significantly increase recycling rates for residential materials, reduce consumer confusion and contamination in recycling streams, create green sector jobs, provide millions of dollars in savings for local governments and taxpayers, and lower greenhouse gas emissions; and

Whereas, S.4246-A, introduced by State Senator Pete Harckham, and companion bill A.5322-A, introduced by Assembly Member Deborah Glick, would establish an EPR system that requires producers of packaging materials to pay a fee to a third-party Producer Responsibility Organization ("PRO") commensurate with the cost to recycle those materials; and

Whereas, The PRO would then disburse this fee paid to local governments to fund recycling programming; and

Whereas, According to a memo published by the New York City Mayor's Office, this EPR system could provide New York City with annual revenue of $150 million or more; and

Whereas, A.5322-A/S.4246-A would also require that the PRO facilitate coordination between producers of packaging material and waste service providers to increase the efficiency of recycling programs such that a greater proportion of solid waste is diverted to the recycling waste stream; and

Whereas, The bill also establishes standards that require producers to reduce packaging and use more post-consumer recycled content, prohibits the use of certain toxic substances in packaging material, and imposes various other requirements on the PRO and producers; and

Whereas, Shifting the cost of recycling collection and processing from local governments to producers of packaging material will incentivize them to design for reduction and recyclability and reduce the volume of material that is disposed of through unsustainable waste management practices; now, therefore, be it

Resolved, That the Council of the City of New York calls on the New York State Legislature to pass, and the Governor to sign, A.5322-A/S.4246-A, also known as the Packaging Reduction and Recycling Infrastructure Act, which would establish an extended producer responsibility system for packaging.

Referred to the Committee on Sanitation and Solid Waste Management.

Res. No. 173

Resolution calling upon the New York State Legislature to pass, and the Governor to sign S.643-C /A.7339-A, an act to amend the environmental conservation law, in relation to extended producer responsibility for rechargeable batteries.

By Council Members Nurse and Rivera.

Whereas, Electric micromobility or e-mobility devices such as electric-assist bicycles (e-bikes), electric scooters (e-scooters), and other small, lightweight, wheeled electric-powered conveyances, are vital to a successful transition away from fossil fuel powered modes of transportation, and are indispensable to the livelihoods of many of New York City's delivery workers; and

Whereas, E-scooters, e-bikes, and other electric micromobility devices are most often powered by rechargeable lithium ion batteries, which are favored for electric vehicles due to their high energy density and low overall weight compared to other comparable battery chemistries, maximizing energy storage while minimizing added weight; and

Whereas, Lithium ion batteries are also favored for transportation uses due to their ability to hold a charge for extended periods of time, only losing 1.5 to 2 percent of their charge per month when not in use, and because lithium based battery chemistries are less toxic than those that require metals such as cadmium and lead; and

Whereas, Disadvantages associated with rechargeable lithium ion batteries include the possibility of overheating, high flammability, susceptibility to combustion due to over-charging or use of improper or mismatched charging equipment, and potential for combustion from thermal runaway, which occurs when lithium ion cells produce heat faster than the batteries can dissipate; and

Whereas, According to educational material distributed by the FDNY, the use of mismatched chargers to charge batteries can lead to overcharging due to incompatible 100% cutoff mechanisms to prevent overcharging, which can increase the likelihood of dangerous malfunction; and

Whereas, The high cost of certified batteries, up to 1,000 dollars in some cases, has resulted in the widespread use of refurbished and second hand batteries, which while cheaper and more accessible to delivery workers, are also more susceptible to dangerous malfunctions and combustion; and

Whereas, In 2022, at least 220 fires and six deaths were attributed to rechargable batteries from e-bikes and other electric micromobility devices across New York City, with approximately 175 fires, 96 injuries, and 14 fatalities attributed to battery fires between January 1st and September 8th of 2023; and

Whereas, These batteries can also create fire and explosion hazards when improperly disposed of, such as in a 2018 incident where an improperly disposed of lithium ion battery caused a five alarm fire at a recycling facility in Jamaica, Queens, and a 2017 incident where a battery caused an explosion in the back of a New York City garbage truck; and

Whereas, In December 2021, a fire on a barge in the East River required 60 fire fighters to put out and sent four individuals to the hospital for smoke inhalation, and was attributed to an exploding lithium ion battery; and

Whereas, The advocacy group Los Deliveristas Unidos has called attention to a lack of information available to delivery workers regarding proper safe handling, charging, and disposal of e-bike and e-scooter batteries, suggesting that outreach and education efforts be coupled with a trade-in program for used or defective batteries to increase awareness and minimize their improper disposal; and

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

Whereas, New York State's rechargeable battery EPR law currently requires manufacturers of certain rechargeable batteries to finance the collection and recycling of covered rechargeable batteries collected by retailers, as well as financing outreach and education efforts to consumers regarding proper recycling protocol for rechargeable batteries: and

Whereas, Manufacturers are also required to submit a plan to the New York State Department of Environmental Conservation identifying the methods manufacturers will use to safely collect, transport, and recycle rechargeable batteries collected by retailers, prior to selling in New York State; and

Whereas, Retailers of covered rechargeable batteries are required during business hours to accept up to 10 batteries per day from any person regardless of whether the individual is purchasing batteries, accept as many batteries in return as an individual purchases, and post signage informing customers that it is illegal to dispose of rechargeable batteries in the state of New York as solid waste, and that the retailer accepts used rechargeable batteries for return to the manufacturer; and

Whereas, New York State Senate Bill S.643-C, sponsored by State Senator Brian Kavanagh, and Assembly Bill A.7339-A, sponsored by Assembly Member Deborah Glick seeks to expand the existing rechargeable battery recycling law to include e-mobility device batteries among those for which retailers and manufacturers must participate in the EPR program; and

Whereas, S.643-C and A.7339-A would also amend New York State's Environmental Conservation law to allow New York City to engage in enforcement activities related to the State's rechargeable battery legislation; and

Whereas, The widespread and increasing use of rechargeable batteries for e-mobility devices, coupled with low public awareness of how to properly charge and dispose of these batteries has led to significant loss of life, injury, and severe property damage; and

Whereas, Manufacturers and retailers of rechargeable batteries for e-mobility devices must do their part to ensure that members of the public are aware of their responsibility not to dispose of these potentially dangerous products improperly and assist in the collection and routing of these batteries to the proper disposal and recycling streams; 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.643-C /A.7339-A, an act to amend the environmental conservation law, in relation to extended producer responsibility for rechargeable batteries.

Referred to the Committee on Sanitation and Solid Waste Management.

Res. No. 174

Resolution calling upon the New York State Legislature to pass, and the Governor to sign, S.237-B, legislation to amend the Environmental Conservation Law, in relation to returnable bottles.

By Council Members Nurse, Gutiérrez and Krishnan (in conjunction with the Brooklyn Borough President).

Whereas, Originally enacted on June 15, 1982, The New York State Returnable Container Act, also known as The Bottle Bill, requiring refundable deposits to be placed on eligible beverage containers, has proven to be an exceptionally effective tool for reducing litter and increasing recycling rates in New York State; and

Whereas, According to recycling industry estimates, over the course of its existence, The Bottle Bill has helped reduce New York State's roadside container litter by 70%, with 5.5 billion containers recycled statewide in 2020, a redemption rate of approximately 64%; and

Whereas, The law requires retailers who sell covered beverages to accept returns of empty containers and refund the deposits, and requires beverage distributors to reimburse retailers for the cost of collecting and recycling empty containers via a small handling fee per container; and

Whereas, The Bottle Bill originally only covered beer, malt beverages, carbonated soft drinks, mineral water, and wine coolers, when packaged in airtight metal, glass, paper, or plastic containers, under 1 gallon in volume, and sold in New York, but was amended to also include plastic water bottles in 2009; and

Whereas, June 15, 2024 will mark the 42nd anniversary of the enactment of this law, which has not been updated in over a decade, and would represent an opportunity to revisit and improve the legislation; and

Whereas, According to a study published by the World Economic Forum, worldwide use of plastic has grown 20-fold over the past 50 years, and is expected to double again in the next two decades, to the point where it is estimated that the planet's oceans will contain more plastic by weight than fish by 2050; and

Whereas, In 2022, a study analyzing blood samples from 22 anonymous donors found the presence of microplastics in 80% of the individuals tested, with half the samples containing polyethylene terephthalate (PET) plastic, commonly used in beverage containers; and

Whereas, A 2021 study showed that microplastic particles can be found in human placentas, and a growing body of evidence has demonstrated that microplastic particles can latch onto red blood cells, potentially limiting their ability to transport oxygen, and can accumulate in human hearts, brains, and other organs; and

Whereas, A 2022 study demonstrated that microplastic particles can bond with heavy metals, potentially releasing those metals in our bodies when ingested and increasing the risk of the metals bio-accumulating up the food chain, a process by which organisms amass and concentrate toxins from consuming smaller organisms that have also amassed and concentrated those toxins; and

Whereas, Considering the many negative environmental impacts and potentially negative health effects of widespread plastic pollution, The Bottle Bill should be updated to ensure the greatest possible diversion, and beneficial reuse rate, of these items from New York's waste stream; and

Whereas, An expansion of The Bottle Bill would not only increase recycling rates and make New York's environment and communities cleaner, it would also assist municipal recycling programs to address the issue of broken glass containers in their recycling streams, which can contaminate other materials, rendering them unrecyclable for the municipality; and

Whereas, Even when recyclable materials are not contaminated by broken glass, the costs of recycling containers not covered under The Bottle Bill are prohibitively high for many municipalities, with the costs associated with collecting and processing a ton of PET plastic bottles or glass bottles higher than the revenues received per ton for scrap material; and

Whereas, The expansion of The Bottle Bill to include containers for wine, spirits, and hard cider would reduce the volume of these materials that municipalities would have to process, and defray costs for municipal programs by creating a financial incentive for consumers to return these containers, as well as an obligation for retailers to accept these containers, relieving the burden on municipal recycling programs; and

Whereas, An expansion of The Bottle Bill to broaden the scope of containers and increase the deposit amount could also result in increased economic opportunities for New Yorkers, as many low-income New Yorkers, often within immigrant, elderly, or homeless communities, rely upon the practice of "canning" to supplement income; and

Whereas, States with higher deposit fees have been shown to have higher redemption rates, with Michigan's 10 cent deposit fee leading to a redemption rate of 89% in 2019 , and Vermont's 15 cent deposit fee on liquor bottles leading to a redemption rate of 83% for liquor containers in 2020; and

Whereas, Since a portion of unclaimed deposits must be remitted to the state, increasing the deposit would generate more revenues to address issues pertaining to the lack of redemption options in low-income communities, and funds to address other litter and solid waste problems in such communities, and bring deposit fees more in line with inflation, which would make a 5 cent deposit in 1982 deposit worth nearly fifteen cents in 2022; and

Whereas, S.237-B, also known as the "Bigger Better Bottle Bill," introduced in the New York State Senate by Senator Rachel May, would expand New York's over 40-year-old container deposit law to include certain

non-carbonated beverages, wine and liquor and raise the deposit from 5 cents to 10 cents, further incentivizing the removal of recyclable plastic and glass bottles from New York's waste stream; 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.237-B, legislation to amend the Environmental Conservation Law, in relation to returnable bottles.

Referred to the Committee on Sanitation and Solid Waste Management.

Int. No. 356

By Council Members Ossé, Sanchez, Narcisse, Cabán and Salaam.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of social services to create shelters for LGBTQ single adults in every borough

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 21-152 to read as follows:

§ 21-152 Shelters for LGBTQ single adults. a. Definitions. For the purposes of this section, the following terms have the following meanings:

Appropriate services. The term "appropriate services" shall include, but not be limited to, referrals to education and employment programs, counseling, and healthcare, including HIV and transgender care.

LGBTQ. The term "LGBTQ" The term "LGBTQ" means lesbian, gay, bisexual, transgender, questioning, and other non-heterosexual sexual orientations or non-cisgender gender identities.

LGBTQ shelter. The term "LGBTQ shelter" means a facility operated by the department or by a provider under contract or similar agreement with the department to exclusively provide shelter for LGBTQ single adults.

Single adult. The term "single adult" means an adult without an accompanying adult or child.

b. No later than January 1, 2024, the department shall establish at least one LGBTQ shelter in every borough. The department shall ensure that appropriate services are available and provided to all clients who identify as LGBTQ and wish to access such services.

c. The department shall post information regarding the availability of such LGBTQ shelters created pursuant to subdivision b on the department's website, social media accounts and through in person outreach.

d. No later than January 1, 2025, the department shall post on its website and provide the speaker of the council a report containing information regarding the shelters established pursuant to this local law, including, but not limited to the following:

1. The total cost of each LGBTQ shelter;

2. The number of individuals who resided in each shelter created pursuant to subdivision b of this section;

3. The number of referrals made to individuals residing in each LGBTQ shelter to appropriate services offered in such shelters;

4. The number of referrals made to individuals residing in each LGBTQ shelter to appropriate services offered outside of such shelters;

5. A listing of outreach efforts conducted to make individuals residing in each LGBTQ shelter aware of appropriate services available to them; and

6. Any other information the department deems relevant.

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

Referred to the Committee on General Welfare.

Int. No. 357

By Council Members Ossé, Sanchez, Narcisse, Cabán and Salaam.

A Local Law to amend the administrative code of the city of New York, in relation to quarterly reports on shelters for LGBTQ single adults

Be it enacted by the Council as follows:

Section 1. Subdivision a of section 21-333 of the administrative code of the city of New York, as added by a local law for the year 2023 amending the administrative code of the city of New York, relating to requiring the department of homeless services and the department of youth and community development to report data on the LGBTQ homeless population, as proposed in introduction number 976-A, is amended by adding new definitions of "LGBTQ shelter" and "single adult" in alphabetical order to read as follows:

LGBTQ shelter. The term "LGBTQ shelter" means a facility operated by the department or by a provider under contract or similar agreement with the department to exclusively provide shelter for LGBTQ single adults.

Single adult. The term "single adult" means an adult without an accompanying adult or child.

§ 2. Subdivision c of section 21-333 of the administrative code of the city of New York, as added by a local law for the year 2023 amending the administrative code of the city of New York, relating to requiring the department of homeless services and the department of youth and community development to report data on the LGBTQ homeless population, as proposed in introduction number 976-A, is amended to read as follows:

c. The report required by subdivision b of this section shall include, but not be limited to, the following information, as may be obtained voluntarily:

1. The number of LGBTQ homeless persons who received services from the department or who received runaway and homeless youth services from the department of youth and community development during the reporting period, disaggregated by:

(a) Borough;

(b) Age, classified as homeless youth, homeless young adult, adult, and senior; and

(c) The number and percentage of shelter beds reserved for LGBTQ homeless persons, if applicable; the number and percentage of such beds that are available as of the last day of the reporting period; the number of such beds declined by LGBTQ homeless persons during the reporting period; and the reason for each such declined bed, if given[.] *; and*

2. For each LGBTQ shelter, the number of individuals who entered such shelter; the number of individuals who exited such shelter; the number of individuals who exited such shelter into permanent housing; the number of individuals who were denied entry, disaggregated by the reason for denial; the services available including but not limited to referrals to education and employment programs, counseling, and healthcare, including HIV and transgender care; and whether staff are provided with LGBTQ inclusive training.

[2.] *3.* The department, in collaboration with the department of youth and community development, shall make best efforts to obtain information to prepare the report required in this section, but shall not require any person to provide information for such purposes. Such efforts shall include the provision of voluntary questionnaires at shelters, safe havens, drop-in centers, and runaway and homeless youth crisis services programs.

§ 3. This local law takes effect on the same date as a local law amending the administrative code of the city of New York, relating to requiring the department of homeless services and the department of youth and community development to report data on the LGBTQ homeless population, as proposed in introduction number 976-A, takes effect.

Referred to the Committee on General Welfare.

Int. No. 358

By Council Members Ossé, Sanchez, Narcisse, Cabán and Salaam.

A Local Law to amend the New York City charter, in relation to establishing an office to address LGBTQ homelessness

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 to address LGBTQ homelessness. a. Definitions. For purposes of this section, the following terms have the following meanings:

Director. The term "director" means the director appointed pursuant to subdivision b of this section.

Office. The term "office" means the office to address LGBTQ homelessness that is established pursuant to subdivision b of this section.

LGBTQ. The term "LGBTQ" means lesbian, gay, bisexual, transgender, questioning, and other non-heterosexual sexual orientations or non-cisgender gender identities.

Supportive housing. The term "supportive housing" means affordable and permanent housing with support services.

b. Establishment of the office; director. The mayor shall establish an office to address LGBTQ homelessness, the head of which shall be a director appointed by the mayor. Such office may be established in any office of the mayor or be established as a separate office.

c. Powers and duties. The director shall have the following powers and duties:

1. To identify housing issues specific to homeless individuals who identify as LGBTQ, including, but not limited to, the need for safe and gender-affirming supportive housing, and recommend plans to address such issues;

2. To review agency budgets at the request of the mayor, and recommend budget priorities to the mayor to promote programs related to LGBTQ homelessness;

3. To advise and assist the mayor with agency coordination and cooperation to administer such programs;

4. To facilitate communication between agencies that administer such programs and the public;

5. To develop both online and in-person mechanisms to refer homeless individuals who identify as LGBTQ to providers of homeless services, and promote public awareness of resources that could address the housing needs of such individuals;

6. To conduct in-person and online community outreach and education targeted to individuals who identify as LGBTQ including, but not limited to, information about preventive services, legal services, public benefits programs, rental assistance, education and job placement assistance, physical and mental healthcare, short-term financial assistance, and any other information the director deems relevant; and

7. To perform such other duties as the mayor may assign.

d. Annual report. No later than January 31, 2024, and annually thereafter, the director shall submit to the mayor and the speaker of the council a report on the activities carried out by the office during the preceding year.

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

Referred to the Committee on General Welfare.

Int. No. 359

By Council Members Ossé, Sanchez, Narcisse, Cabán, Salaam and Abreu (in conjunction with the Brooklyn Borough President).

A Local Law to amend the administrative code of the city of New York, in relation to including food service establishments, retail establishments, and health clubs in the opioid antagonist program

Be it enacted by the Council as follows:

Section 1. Chapter 21 of title 17 of the administrative code of the city of New York, as added by local law number 92 for the year 2022, is amended to read as follows:

CHAPTER [21] *22*
[NIGHTLIFE] OPIOID ANTAGONIST PROGRAM *FOR BUSINESSES*

[§ 17-2101] *§ 17-2201* Definitions. As used in this chapter, the following terms have the following meanings:

Covered establishment. The term "covered establishment" means a food service establishment, retail establishment, health club, or nightlife establishment operating in the city that has been approved for participation in the opioid antagonist program pursuant to this chapter.

Food service establishment. The term "food service establishment" means a premises or part of a premises where food is provided directly to a person, whether such food is provided free of charge or sold, and whether consumption occurs on or off the premises or is provided from a pushcart, stand or vehicle.

Health club. The term "health club" means a commercial establishment offering instruction, training, or assistance, or the facilities for the preservation, maintenance, encouragement, or development of physical fitness or well-being. Such term 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.

Nightlife establishment. The term "nightlife establishment" means an establishment in the city that is open to the public for entertainment or leisure and serves alcohol or where alcohol is consumed on the premises. Such term includes, but is not limited to, bars, entertainment venues, clubs and restaurants.

Opioid antagonist. The term "opioid antagonist" means naloxone, narcan or any other medication approved by the New York state department of health and the federal food and drug administration that, when administered, negates or neutralizes in whole or in part the pharmacological effects of an opioid in the human body.

Retail establishment. The term "retail establishment" means a place where goods, wares or merchandise are offered to the public for sale.

[§ 17-2102 Nightlife opioid] *§ 17-2202 Opioid* antagonist program. The commissioner shall coordinate with the director of the office of nightlife to establish a program whereby an employee *or owner* of a [nightlife] *covered* establishment may request an opioid antagonist from the department that is intended to be administered to individuals on the premises of such establishment. Such program shall be operated in compliance with existing federal, state and local laws, rules and regulations relating to the distribution of an opioid antagonist.

[§ 17-2103] *§ 17-2203* Terms and conditions. a. An employee *or owner* of a [nightlife] <u>covered</u> establishment may request up to 5 kits of an opioid antagonist at one time.

b. To request an opioid antagonist, such employee *or owner* shall provide the following information to the department:

1. Name, mailing address, zip code and contact information of such employee<u>, owner</u> or establishment;

2. Number and type of opioid antagonist kits requested; and

3. Any other information the department determines is required to provide an opioid antagonist to such employee *or owner*.

c. The department shall not charge a fee for receiving an opioid antagonist.

d. Such employee *or owner* shall comply with all applicable federal, state and local laws, rules and regulations, including the requirements of this chapter.

[§ 17-2104] *§ 17-2204* Training and administration of an opioid antagonist. The department shall offer a [nightlife] *covered* establishment resources and training for employees on opioid overdose prevention and administration of an opioid antagonist. An employee *or owner* of a [nightlife] *covered* establishment who has received such training, who has received training from another opioid overdose prevention program approved pursuant to section 3309 of the public health law, or who is otherwise in compliance with relevant federal, state and local laws, rules, and regulations regarding the administration of opioid antagonists may administer an opioid antagonist to a person such employee reasonably believes is experiencing an opioid overdose.

[§ 17-2105] *§ 17-2205* Disclaimer of liability for [nightlife] *covered* establishments, their owners, and their employees. The administration of an opioid antagonist pursuant to this chapter shall be considered first aid or emergency treatment for the purpose of any statute relating to liability. A [nightlife] covered establishment or an employee *or owner* of such establishment, acting reasonably and in good faith in compliance with this section and section 3309 of the public health law, shall not be subject to criminal, civil or administrative liability solely by reason of such action. Nothing contained in this chapter or in the administration or application [hereof] of the *provisions of this chapter* shall be construed as creating any private right of action against a [nightlife] covered establishment or an employee *or owner* of such establishment for use of or failure to use an opioid antagonist in the event of an overdose.

[§ 17-2106] *§ 17-2206* Construction. Nothing in this chapter prohibits any other program or policy to provide an opioid antagonist to any person allowed to obtain and use an opioid antagonist in accordance with federal, state and local laws, rules and regulations.

[§ 17-2107] *§ 17-2207* Report. a. No later than March 1, 2023, and annually thereafter, the department shall submit a report to the mayor and the speaker of the council on the program established by this chapter.

b. Such report shall include, but need not be limited to, the following information for the previous calendar year:

1. The total number of opioid antagonist trainings offered by the department to an employee *or owner* of a [nightlife] *covered* establishment; and

2. The total number of opioid antagonist kits provided to an employee *or owner* of a [nightlife] covered establishment, disaggregated by zip code.

§ 17-2208 Outreach. The commissioner shall conduct outreach and education about the program established by this chapter to employees and owners of eligible establishments.

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

Referred to the Committee on Mental Health, Disabilities and Addiction.

Int. No. 360

By Council Members Ossé, Abreu, Feliz, Hudson, Krishnan, Nurse, Marte, Hanif, Brooks-Powers, Cabán, Sanchez, Louis, Won, Gennaro, Bottcher, Powers, Gutiérrez, Holden, Salaam, Hanks, Restler, Joseph, Avilés, De La Rosa, Stevens and Farías (in conjunction with the Brooklyn Borough President).

A Local Law to amend the administrative code of the city of New York, in relation to the fees charged in a residential rental real estate transaction

Be it enacted by the Council as follows:

Section 1. Title 26 of the administrative code of the city of New York is amended by adding a new chapter 36 to read as follows:

CHAPTER 36
FEES ASSOCIATED WITH RENTAL REAL ESTATE TRANSACTIONS

§ 26-3601 Definitions. As used in this chapter, the term "rental real estate transaction" means a residential real estate transaction involving the rental of real property.

§ 26-3602 Fees in rental real estate transactions. a. A person collecting fees in connection with a rental real estate transaction, whether such person is a representative or an agent of the owner of the property or of the tenant or prospective tenant in such transaction, shall collect such fees from the party employing such person in such transaction.

b. This section does not apply to the collection of fees by the owner or landlord of a residential rental property.

§ 2. This local law takes effect 60 days after it becomes law, and only applies to residential real estate transactions involving the rental of real property entered into on or after the effective date of this law.

Referred to the Committee on Consumer and Worker Protection.

Int. No. 361

By Council Members Ossé, Avilés, Narcisse, Bottcher, Restler, Sanchez, Won, Cabán, Salaam and Marmorato.

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. 362

By Council Members Ossé, Hudson, Cabán, Schulman, Bottcher, Restler, Sanchez, Narcisse, Salaam and Marte.

A Local Law to amend the administrative code of the city of New York, in relation to a report on the outreach and distribution of pre-exposure prophylaxis throughout the city of New York

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 17 of the administrative code of the city of New York is amended by adding a new section 17-200.1 to read as follows:

§17-200.1 Report on the availability of pre-exposure prophylaxis. a. Definitions. As used in this section, the term "pre-exposure prophylaxis" means a daily dose medication approved by the food and drug administration to reduce the risk of contracting HIV.

b. No later than September 1, 2023, and biannually thereafter, the commissioner, in consultation with relevant providers, including but not limited to hospitals, clinics, and community-based organizations, shall submit to the mayor and the speaker of the council and post conspicuously on the department's website a report regarding the outreach and distribution of pre-exposure prophylaxis. Such report shall include, but need not be limited to, the following anonymized information from each provider for the preceding reporting period:

1. The total number of individuals who received pre-exposure prophylaxis, including the age group, sexual orientation and race or ethnicity of such individuals by percentage;

2. The total number of individuals who received outreach relating to the availability of pre-exposure prophylaxis, including the age group, sexual orientation and race or ethnicity of such individuals by percentage;

3. The total number of staff administrating pre-exposure prophylaxis; and

4. The total number of staff conducting outreach relating to pre-exposure prophylaxis.

c. The report required pursuant to subdivision b of this section shall also include the following information for each community district:

1. The total number of individuals who received pre-exposure prophylaxis, including the age group, sexual orientation, and race or ethnicity of such individuals by percentage;

2. The total number of individuals who received outreach for pre-exposure prophylaxis, including the age group, sexual orientation, and race or ethnicity of such individuals by percentage; and

3. The borough where such community district is located.

d. Confidentiality. The commissioner shall report the information required by subdivisions b and c of this section in a manner that does not jeopardize the confidentiality of persons receiving pre-exposure prophylaxis.

§ 2. This local law takes effect immediately.

Referred to the Committee on Health.

Res. No. 175

Resolution calling upon the New York State Legislature to pass, and the Governor to sign, S.183/A.2418, which would amend the Social Services Law to mandate each local department of social service link persons living with HIV with benefits and services and provide that persons living with HIV who are receiving housing assistance shall not be required to pay more than 30% of household income towards shelter costs.

By Council Members Ossé, Hudson, Sanchez, Cabán, Louis, Hanif, De La Rosa and Salaam

Whereas, When the New York City Human Resources Administration (HRA) created what would become the HIV/AIDS Services Administration (HASA) in 1985, it became one of the first government agencies to respond to the HIV/AIDS epidemic; and

Whereas, Since that time, a series of laws have been passed in New York City to ensure that people living with HIV/AIDS receive access to numerous benefits and services; and

Whereas, Since the mid-1980s, New York City has recognized the connection between stable housing and health by providing rental assistance to help persons living with HIV/AIDS maintain stable housing; and

Whereas, According to the New York City Department of Health and Mental Hygiene (DOHMH), New York City remains the epicenter of the HIV/AIDS epidemic, with more than 125,000 New York City residents living with HIV; and

Whereas, According to DOHMH, despite great progress toward New York City's goals related to ending the HIV/AIDS epidemic, inequities in HIV persist and the highest rates of new diagnoses are among people and ZIP Codes with the highest levels of poverty; and

Whereas, HASA provides a range of services to low income New Yorkers living with HIV/AIDS, including linkage to social services benefits such as food stamps and cash assistance, help applying for supplemental security income (SSI) and social security disability income (SSDI), improved access to medical services and Medicaid, individualized service planning, and rental assistance, among other things; and

Whereas, In 2022, HASA served 41,654 persons and provided housing assistance to over 25,000 clients; and

Whereas, In 2014, the state Department of Health announced a goal of ending the HIV/AIDS epidemic in New York by 2020, halting the disease's spread and eliminating the emergence of new cases; and

Whereas, New York State's 2015 *Ending the Epidemic Blueprint* recommends concrete action to ensure access to adequate, stable housing as an evidence-based HIV health intervention; and

Whereas, In support of this recommendation, New York State established an affordable housing protection for HASA clients that caps their rent at 30% of their income; and

Whereas, People living with HIV upstate and on Long Island are denied the same housing assistance, leaving over 4,000 households living with HIV homeless or unstably housed, according to Housing Works; and

Whereas, There is no statewide equivalent to HASA that ensures low-income individuals living with HIV/AIDS receive access to relevant public benefits and services; and

Whereas, According to the New York State Department of Health, since the start of the COVID-19 pandemic, there have been increases in HIV cases in certain parts of the state, significant reductions in HIV testing and reporting of diagnoses, and decreases in the number of persons accessing pre-exposure prophylaxis; and

Whereas, As a result, the state has pushed back its Ending the Epidemic goals from an original target of 2020 to 2024; and

Whereas, The lack of assistance for people with HIV/AIDS in upstate New York and on Long Island undermines New York State's Ending the Epidemic efforts; and

Whereas, S.183, introduced by State Senator Brad Hoylman and pending in the New York State Senate, and its companion bill A.2418, introduced by Assembly Member Harry Bronson and pending in the New York State Assembly, would provide all low-income New Yorkers with HIV equal access to the housing assistance currently available only to residents of New York City and require each local department of social services assist individuals with HIV to apply for publicly subsidized benefits and services; 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.183/A.2418, which would amend the Social Services Law to Social Services Law to mandate each local department of social service link persons living with HIV with publicly funded benefits and services and provide that persons living with HIV who are receiving housing assistance shall not be required to pay more than 30% of household income towards shelter costs.

Referred to the Committee on General Welfare.

Int. No. 363

By Council Members Powers and Restler.

A Local Law to amend the administrative code of the city of New York, in relation to mold assessments in class A multiple dwellings

Be it enacted by the Council as follows:

Section 1. The section heading and subdivision a of section 24-154 of the administrative code of the city of New York, as added by local law number 61 for the year 2018, are amended to read as follows:

§ 24-154 Mold *assessment*, abatement and remediation work for certain buildings. a. As used in this section, the terms "mold abatement," "mold assessment" and "mold remediation" shall have the meanings ascribed to such terms in section 930 of the labor law; the [term] *terms "class A multiple dwelling,"* "dwelling unit" and

"owner" shall have the [meaning] *meanings* ascribed to such terms in the housing maintenance code; the terms "floor area" and "zoning lot" shall have the meaning ascribed to such terms in the New York city zoning resolution and:

Administering agency. The term "administering agency" means the agency or agencies designated by the mayor pursuant to subdivision f to administer and enforce the provisions of this section.

Covered building. The term "covered building" means a building that (i) contains ten or more dwelling units or (ii) is located on a zoning lot that contains 25,000 or more square feet of non-residential floor area.

Covered person. The term "covered person" means, with respect to a building, a person who is an owner of such building, a managing agent of such building or an employee of such owner or agent.

[Project. The term "project" means mold remediation, mold assessment or mold abatement, of areas greater than ten square feet, but does not include full demolition of vacant buildings.]

Mold growth condition. The term "mold growth condition" means any condition of mold growth on an indoor surface, building structure or ventilation system, including mold that is within wall cavities, that is likely to cause harm to a person or for which mold remediation or mold abatement is advisable.

Non-residential floor area. The term "non-residential floor area" means, for a zoning lot, the amount of commercial floor area, office floor area, retail floor area, storage floor area and factory floor area, according to records of the department of finance and department of city planning.

Project. The term "project" means mold remediation, mold assessment or mold abatement, of areas greater than 10 square feet, but does not include full demolition of vacant buildings.

§ 2. Subdivisions d, e and f of section 24-154 of the administrative code of the city of New York, as added by local law number 61 for the year 2018, are redesignated subdivisions e, f and g respectively, and a new subdivision d is added to read as follows:

d. 1. If a person conducting a mold assessment for a class A multiple dwelling determines on the basis of such assessment that a mold growth condition exists in a dwelling unit within such class A multiple dwelling, then, no later than 24 hours after making such determination and regardless of whether or not such person has received payment for the assessment, such person shall provide the owner of such class A multiple dwelling with a written notice stating that a mold growth condition exists in the relevant dwelling unit.

2. Such written notice shall:

(a) Identify the rooms or areas within such dwelling unit where the mold growth condition exists;

(b) Include a statement in conspicuously sized type notifying the owner that under the laws of the city of New York, such owner must provide a copy of the notice to the occupant of the affected dwelling unit within 24 hours and that failure to do so may subject such owner to monetary penalties;

(c) Be written in English and in each of the designated citywide languages as defined in section 23-1101; and

(d) Comply with any rules promulgated by the administering agency under this subdivision.

3. No later than 24 hours after receiving a written notice described in this subdivision, the owner of the affected class A multiple dwelling shall provide a copy of such notice to the occupant of the affected dwelling unit.

4. The administering agency shall promulgate rules specifying the form of the notice described in this subdivision.

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

Referred to the Committee on Environmental Protection, Resiliency and Waterfronts.

Int. No. 364

By Council Member Powers.

A Local Law to amend the New York city fire code, in relation to outdoor gas fueled heating devices

Be it enacted by the Council as follows:

Section 1. Section 313.5.2.1 of the New York City fire code is amended to read as follows:

313.5.2.1 Portable [natural] gas heaters. Portable space heaters fueled by piped natural, *or liquefied petroleum,* gas may be stored, handled and used for outdoor use when designed, installed, operated and maintained in accordance with this code, including FC 313.6, the rules and the construction codes, including the Building Code.

§ 2. Section 313.6 of the New York City fire code is amended to read as follows:

313.6 Portable [natural] gas heaters. Portable space heaters fueled by piped natural, *or liquefied petroleum,* gas shall be designed, operated and maintained in accordance with FC 313.6.1 through [313.6.5] *313.6.7*.

313.6.1 Clearance to buildings. Heaters shall be located outdoors and at least 5 feet (1524 mm) from any building or structure.

313.6.2 Clearance to combustible materials. Heaters shall not be located beneath, or closer than 5 feet (1524 mm) to combustible decorations and combustible overhangs, awnings, sun control devices or similar combustible attachments to buildings or structures.

313.6.3 Proximity to exits. Heaters shall not be located within 5 feet (1524 mm) of exits or exit discharges.

313.6.4 Tip-over switch. Heaters shall be equipped with a tilt or tip-over switch that automatically shuts off the flow of gas if the appliance is tilted more than 15 degrees (0.26 rad) from the vertical.

313.6.5 Guard against contact. The heating element or combustion chamber of heaters shall be permanently protected so as to prevent accidental contact by persons or material.

313.6.6 Installation and maintenance. *Liquefied petroleum-fueled heaters shall be installed and maintained in accordance with the manufacturer's instructions.*

313.6.7 Gas containers. *Fuel gas containers for portable outdoor gas-fired heaters shall comply with FC 313.6.7.1 through 313.6.7.*

313.6.7.1 Approved containers*. Only approved DOTn or ASME gas containers shall be used.*

313.6.7.2 Container replacement. *Replacement of fuel gas containers in portable outdoor gas-fired heaters shall not be conducted while the public is present.*

313.6.7.3 Container capacity. *The maximum individual capacity of gas containers used in connection with portable outdoor gas-fired heating appliances shall not exceed 20 pounds (9 kg).*

313.6.7.4 Indoor storage prohibited. *Gas containers shall not be stored inside of buildings.*

§ 3. Item 12 of section 3805.3 of the New York city fire code is amended to read as follows:

12. store, handle or use LPG for [space heating or] water heating, except as authorized by the commissioner.

§ 4. This local law takes effect immediately.

Referred to the Committee on Fire and Emergency Management.

Int. No. 365

By Council Members Powers, Restler and Won.

A Local Law to amend the New York city charter, in relation to the designation and usage of public libraries as polling places

Be it enacted by the Council as follows:

Section 1. Chapter 46 of the New York city charter is amended by adding a new section 1057-h to read as follows:

§ 1057-h Usage of public libraries as polling places. a. Where permitted by section 4-104 of the election law, the board of elections in the city of New York, in consultation with the New York Public Library system, Brooklyn Public Library system, and Queens Public Library system, shall designate every public library as a polling place for any general election, including during the early voting period for such general election. Such designation and usage of permissible public libraries as polling places shall be made in addition to the designation and usage of any other site which the board of elections in the city of New York has previously designated as a polling place for any general election and early voting period for such general election. Refusal by the board of elections in the city of New York to designate a public library as a polling place may not be based on the library's proximity to an existing polling place.

b. Report. No later than 60 days following the completion of a general election, the board of elections in the city of New York shall submit a report to the speaker of the council on the use of public libraries as polling places. Such report shall include the following information:

1. A complete list of the public libraries in the New York Public Library system, Brooklyn Public Library system, and Queens Public Library system, and whether each such library was designated as a polling place for the preceding general election or the early voting period for such general election;

2. The criteria used to determine the permissibility of public libraries as polling places for a general election and early voting period for a general election; and

3. The reasoning used in each decision not to designate a public library as a polling place for a general election or early voting period for a general election.

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

Referred to the Committee on Governmental Operations, State & Federal Legislation.

Int. No. 366

By Council Members Powers and Restler.

A Local Law to amend the administrative code of the city of New York, in relation to the creation of an interactive zoning lot map

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 25-120 to read as follows:

§ 25-120 Interactive zoning lot map. a. The department of city planning shall make available to the public an interactive map, maintained on a city website, displaying each zoning lot, as defined in section 12-10 of the New York city zoning resolution, in the city. Such map shall be updated not less frequently than quarterly to reflect any subsequent changes to the metes and bounds of any zoning lot including, but not limited to the subdivision of any zoning lot, the transfer of development rights from one zoning lot to another zoning lot and the aggregation of two or more zoning lots declared to be a tract of land to be treated as one zoning lot pursuant to paragraph (d) of the definition of "zoning lot" in section 12-10 of the New York city zoning resolution.

b. The department of city planning shall be authorized to secure such information from the department of buildings, board of standards and appeals, and the city register as the department of city planning determines to be necessary to comply with subdivision a of this section, and such agencies shall provide any requested information in a timely fashion. The department of city planning shall be authorized to secure such information from other government or private organizations as it determines to be necessary to comply with subdivision a of this section.

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

Referred to the Committee on Governmental Operations, State & Federal Legislation.

Int. No. 367

By Council Members Powers and Brewer.

A Local Law to amend the New York city charter, in relation to assigning a unique identifying number to each zoning lot in the city

Be it enacted by the Council as follows:

Section 1. Subdivision b of section 191 of the New York city charter, as amended by local law number 101 for the year 2017, is amended to read as follows:

b. The director of city planning shall:

1. Advise and assist the mayor, the borough presidents and the council in regard to the physical planning and public improvement aspects of all matters related to the development of the city.

2. Provide staff assistance to the city planning commission in all matters under its jurisdiction.

3. Be the custodian of the city map and record thereon all changes legally authorized.

4. Conduct continuous studies and collect statistical and other data to serve as the basis for planning recommendations.

5. Provide community boards with such staff assistance and other professional and technical assistance as may be necessary to permit such boards to perform their planning duties and responsibilities under this chapter.

6. Assist the mayor in the preparation of strategic plans, including the preparation of the report provided for in section sixteen concerning the social, economic and environmental health of the city, the strategic policy statement provided for in section seventeen and the ten-year capital strategy provided for in section two hundred fifteen.

7. Appoint a deputy executive director for strategic planning.

8. Make a complete transcript of the public meetings and hearings of the commission available for public inspection free of charge within sixty days after any such meeting or hearing. The director shall also provide a copy of any requested pages of such transcript at a reasonable fee to cover the costs of copying and, where relevant, mailing.

9. Indicate on the department's website the name and contact information of an employee who acts as a coordinator with the board of standards and appeals.

10. Provide on the department's website, a record of each application for a variance or special permit to the board of standards and appeals where the department or the city planning commission has submitted testimony and a copy of such testimony in a searchable format.

11. *Assign a unique identifying number to each zoning lot, as defined in section 12-10 of the New York city zoning resolution, in the city, and subsequently amend each such unique identifying zoning lot number to reflect any changes to the metes and bounds of any zoning lot, including, but not limited to the subdivision of any zoning lot, the transfer of development rights from one zoning lot to another zoning lot and the aggregation of two or more zoning lots declared to be a tract of land to be treated as one zoning lot pursuant to paragraph (d) of the definition of "zoning lot" in section 12-10 of the New York city zoning resolution.*

12. Perform such other functions as are assigned to him or her by the mayor or other provisions of law.

§ 2. This local law takes effect immediately.

Referred to the Committee on Governmental Operations, State & Federal Legislation.

Int. No. 368

By Council Member Powers.

A Local Law to amend the administrative code of the city of New York, in relation to permitting dwelling occupants to postpone indoor allergen hazard inspections until after the COVID-19 state of emergency, and providing for the repeal of such provision upon the expiration thereof

Be it enacted by the Council as follows:

Section 1. Subdivision b of section 27-2017.2 of the administrative code of the city of New York, as added by local law number 55 for the year 2018, is amended to read as follows:

b. Investigations shall be undertaken at least once a year and more often if necessary, such as when, in the exercise of reasonable care, an owner knows or should have known of a condition that is reasonably foreseeable to cause an indoor allergen hazard, or an occupant makes a complaint concerning a condition that is likely to cause an indoor allergen hazard or requests an inspection, or the department issues a notice of violation or orders the correction of a violation that is likely to cause an indoor allergen hazard. *An occupant may request postponement of such an investigation during the state of emergency declared by the mayor in response to the 2019 novel coronavirus and for up to one year after such state of emergency is lifted; however, an owner is not relieved of the requirement to cause an investigation to be made absent such a request for postponement by an occupant.*

§ 2. This local law takes effect immediately and expires and is deemed repealed one year after the date on which the state of emergency declared by the mayor's emergency executive order number 98, published March 12, 2020, as extended, has expired.

Referred to the Committee on Housing and Buildings.

Int. No. 369

By Council Members Powers and Brewer.

A Local Law to amend the administrative code of the city of New York, in relation to a pilot program for the use of unmanned aircraft systems in the inspection of the exterior walls of buildings greater than six stories in height

Be it enacted by the Council as follows:

Section 1. Subdivision a of section 10-126 of the administrative code of the city of New York is amended to read as follows:

a. Definitions. [When] *As* used in this section, the following [words or] terms [shall mean or include] have the following meanings:

[1. "]Aircraft.["] *The term "aircraft" means* [A]*a*ny contrivance [, now or hereafter] invented*, used or designed* for avigation or flight in the air, including *an unmanned aerial vehicle or* a captive balloon, except a parachute or other contrivance designed for use[,] *as* and carried primarily as safety equipment.

[2. "Place of landing." Any authorized airport, aircraft landing site, sky port or seaplane base in the port of New York or in the limits of the city.

3. "Limits of the city." The water, waterways and land under the jurisdiction of the city and the air space above the same.

4. "]Avigate.[" To] *The term "avigate" means to* pilot, steer, direct, fly or manage an aircraft in or through the air, whether controlled from the ground or otherwise.

[5. "Congested area." Any land terrain within the limits of the city.

6. "Person." A natural person, co-partnership, firm, company, association, joint stock association, corporation or other like organization.]

Limits of the city. The term "limits of the city" means the water, waterways and land under the jurisdiction of the city and the air space above the same.

Place of landing. The term "place of landing" means any authorized airport, aircraft landing site, sky port or seaplane base in the port of New York or in the limits of the city.

Unmanned aerial vehicle. The term "unmanned aerial vehicle" means an aircraft that is operated without the possibility of direct human intervention from within or on the aircraft.

§ 2. Subdivision c of section 10-126 of the administrative code of the city of New York is amended to read as follows:

c. Take offs and landings. It shall be unlawful for any person avigating an aircraft to take off or land, except in an emergency, at any place within the limits of the city other than places of landing designated by the department of transportation or the port of New York authority, *and except pursuant to section 28-302.7*.

§ 3. Article 302 of title 28 of the administrative code of the city of New York, as added by local law 38 for the year 2007, is amended by adding a new section 28-302.7 to read as follows:

§ 28-302.7 Unmanned aerial systems pilot program. a. Definitions. As used in this section, the following terms have the following meanings:

Unmanned aerial vehicle. The term "unmanned aerial vehicle" means an aircraft that is operated without the possibility of direct human intervention from within or on the aircraft.

Unmanned aircraft system. The term "unmanned aircraft system" means an unmanned aerial vehicle and any associated equipment used for the operation of an unmanned aerial vehicle.

b. No later than December 31, 2023, the department shall establish a pilot program for the use of unmanned aircraft systems, in conjunction with physical examinations and close-up inspections, for critical examinations of a building's exterior walls, as required by section 28-302.2, provided that no unmanned aircraft system shall be operated pursuant to this section in any manner prohibited by or contrary to the laws and regulations of the federal aviation administration. Such pilot program shall continue through at least December 31, 2024, and may continue after such date at the discretion of the commissioner. The department shall promulgate rules for such pilot program to prioritize implementation in community districts with the greatest number of sidewalk sheds. The department shall promulgate rules for the safe operation of unmanned aircraft systems, and for the security of data collected and retained by owners and operators of such unmanned aircraft systems.

c. The department shall continue to study the safety and feasibility of the use of unmanned aircraft systems over the course of the pilot program established by subdivision b, and shall consider, but not be limited to, the following subjects:

1. The impacts of the use of unmanned aircraft systems on the time spent and costs of conducting the inspections required by section 28-302.2, including the impacts, if any, on any repair or maintenance work required as a result of such inspection;

2. What types of exterior wall defects are better identified through the use of unmanned aircraft systems;

3. The efficacy of the use of unmanned aircraft systems in conducting inspections required by section 28-302.2 in relation to the physical examinations and close-up inspections required by that section;

4. Whether the periodic use of unmanned aircraft systems can identify any changes in the condition of a building's exterior walls in comparison to previous inspections of such exterior walls;

5. Which types of buildings would most benefit from the use of unmanned aircraft systems in exterior wall inspections;

6. The feasibility of authorizing the use of unmanned aircraft systems in the course of emergency response work conducted by the department;

7. The feasibility of authorizing the use of unmanned aircraft systems in identifying open roofs in structurally compromised buildings;

8. The feasibility of authorizing the use of unmanned aircraft systems to improve the energy efficiency of buildings; and

9. The impacts of the use of unmanned aircraft systems in conducting inspections required by section 28-302.2 on pedestrian safety.

d. No later than June 30, 2025, the commissioner shall submit a report to the mayor and the speaker of the city council on such pilot program and the results of the study required by subdivision c, which shall include, at a minimum:

1. Recommendations as to whether and how such pilot program may be expanded and made permanent;

2. The cost of conducting inspections required by section 28-302.2 with the use of unmanned aircraft systems compared to the cost of conducting such inspections without their use;

3. Feedback from participants in such pilot program, including building owners, qualified exterior wall inspectors and unmanned aircraft system operators; and

4. Challenges presented by the use of unmanned aircraft systems in the pilot program.

§ 4. This local law takes effect immediately, except that sections two and three of this local law expire and are deemed repealed upon submission of the report required by section three.

Referred to the Committee on Housing and Buildings.

Int. No. 370

By Council Member Powers.

A Local Law to amend the administrative code of the city of New York, in relation to requiring officers and employees of city contractors to report corruption and to cooperate with the department of investigation

Be it enacted by the Council as follows:

Section 1. Paragraph 1 of subdivision a of section 7-805 of the administrative code of the city of New York, as added by local law number 53 for the year 2005, is amended to read as follows:

1. Any officer or employee of the city [of New York] who believes that [he or she] such officer or employee has been the subject of an adverse personnel action, as such term is defined in [paragraph one of] subdivision a of section 12-113 [of the administrative code of the city of New York]; or

§ 2. Subdivision a of section 12-113 of the administrative code of the city of New York, as amended by local law number 33 for the year 2012, and paragraph 11 of such subdivision, as added by local law number 9 for the year 2021, is amended to read as follows:

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

[1. "Adverse personnel action" shall include] *Adverse personnel action. The term "adverse personnel action" includes* dismissal, demotion, suspension, disciplinary action, negative performance evaluation, any action resulting in loss of staff, office space or equipment or other benefit, failure to appoint, failure to promote, or any transfer or assignment or failure to transfer or assign against the wishes of the affected officer or employee.

[2. "Remedial action" means an appropriate action to restore the officer or employee to his or her former status, which may include one or more of the following:

(i) reinstatement of the officer or employee to a position the same as or comparable to the position the officer or employee held or would have held if not for the adverse personnel action, or, as appropriate, to an equivalent position;

(ii) reinstatement of full seniority rights;

(iii) payment of lost compensation; and

(iv) other measures necessary to address the effects of the adverse personnel action.

3. "Commissioner" shall mean the commissioner of investigation.

4. "Child" shall mean] *Child. The term "child" means* any person under the age of [nineteen] *19*, or any person ages [nineteen] *19* through [twenty-one] *21* if such person receives instruction pursuant to an individualized education plan.

Commissioner. The term "commissioner" means the commissioner of investigation.

[5. "Educational welfare" shall mean any aspect of a child's education or educational environment that significantly impacts upon such child's ability to receive appropriate instruction, as mandated by any relevant law, rule, regulation or sound educational practice.

6. "Superior officer" shall mean an agency head, deputy agency head or other person designated by the head of the agency to receive a report pursuant to this section, who is employed in the agency in which the conduct described in such report occurred.

7. "Contract" shall mean] *Contract. The term "contract" means* any written agreement, purchase order or instrument having a value in excess of [one hundred thousand dollars] *$100,000* pursuant to which a contracting agency is committed to expend or does expend funds in return for work, labor, services, supplies, equipment, materials, or any combination of the foregoing, and [shall include] *includes* a subcontract between a covered

contractor and a covered subcontractor. Such term [shall] *does* not include contracts or subcontracts resulting from emergency procurements or that are government-to-government procurements.

[8. "Contracting agency" shall mean] *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.

[9. "Covered contractor" shall mean] *Covered contractor. The term "covered contractor" means* a person or business entity who is a party or a proposed party to a contract with a contracting agency valued in excess of [one hundred thousand dollars] *$100,000*, and *the term* "covered subcontractor" [shall mean] *means* a person or entity who is a party or a proposed party to a contract with a covered contractor valued in excess of [one hundred thousand dollars] *$100,000*.

Educational welfare. The term "educational welfare" means any aspect of a child's education or educational environment that significantly impacts upon such child's ability to receive appropriate instruction, as mandated by any relevant law, rule, regulation or sound educational practice.

[10. "Officers or employees of an agency of the city" shall be deemed to include] *Officers or employees of an agency of the city. The term "officers or employees of an agency of the city" is deemed to include* officers or employees of local development corporations or other not-for-profit corporations that are parties to contracts with contracting agencies and the governing boards of which include city officials acting in their official capacity or appointees of city officials. Such officers and employees [shall not be] *are not* deemed to be officers or employees of a covered contractor or covered subcontractor.

[11. "Special commissioner of investigation" shall mean the position of deputy commissioner of investigation for the city school district of the city of New York, as established by mayoral executive order number 11 for the year 1990, as amended, or any success or to the duties of such officer.]

Remedial action. The term "remedial action" means an appropriate action to restore the officer or employee to the former status of such officer or employee, which may include one or more of the following:

1. Reinstatement of the officer or employee to a position the same as or comparable to the position the officer or employee held or would have held if not for the adverse personnel action or, as appropriate, to an equivalent position;

2. Reinstatement of full seniority rights;

3. Payment of lost compensation; and

4. Other measures necessary to address the effects of the adverse personnel action.

Special commissioner of investigation. The term "special commissioner of investigation" means the position of deputy commissioner of investigation for the city school district of the city of New York, as established by mayoral executive order number 11 for the year 1990, as amended, or any successor to the duties of such officer.

Superior officer. The term "superior officer" means an agency head, deputy agency head or other person designated by the head of the agency to receive a report pursuant to this section, who is employed in the agency in which the conduct described in such report occurred.

§ 3. Paragraphs 2, 3 and 4 of subdivision b of section 12-113 of the administrative code of the city of New York, as amended by local law number 9 for the year 2021, are amended to read as follows:

2. *(a) Every officer and employee of a covered contractor or covered subcontractor shall without undue delay report any information concerning conduct which such officer or employee knows or reasonably believes to involve corruption, criminal activity, conflict of interest, gross mismanagement or abuse of authority by any officer or employee of such contractor or subcontractor, which concerns a contract with a contracting agency, (i) to the commissioner, (ii) to a council member, the public advocate, the comptroller, the special commissioner of investigation, the city chief procurement officer, the agency chief contracting officer, or the agency head or commissioner of the contracting agency.*

(b) Every officer and employee of a covered contractor or covered subcontractor shall cooperate fully with any investigation or inquiry conducted by the commissioner or special commissioner of investigation which concerns a contract with a contracting agency.

(c) No officer or employee of a covered contractor or covered subcontractor shall take an adverse personnel action with respect to another officer or employee of such contractor or subcontractor in retaliation for such officer or employee making a report of information concerning conduct which such officer or employee knows or reasonably believes to involve corruption, criminal activity, conflict of interest, gross mismanagement or

abuse of authority by any officer or employee of such contractor or subcontractor, which concerns a contract with a contacting agency, to the commissioner, a council member, the public advocate, the comptroller, the special commissioner of investigation, the *city* chief procurement officer, the agency chief contracting officer, or the agency head or commissioner of the contracting agency. Such report shall be referred to the commissioner unless such conduct is within the jurisdiction of the special commissioner of investigation, in which case such report shall be referred to the special commissioner.

3. Every contract or subcontract in excess of [one hundred thousand dollars] *$100,000* shall contain a provision detailing the provisions of paragraph [two] *2* of this subdivision and of paragraph [two] *2* of subdivision e of this section. *If a contracting agency determines that there has been a violation of subparagraphs (a) and (b) of paragraph 2 of this subdivision, including, but not limited to, the knowing failure to report information or interference with, or obstruction of, an investigation conducted by the commissioner, such contracting agency shall take such action as it deems appropriate and consistent with the remedies available under the contract or subcontract.*

4. Upon request, the commissioner, council member, public advocate, comptroller, special commissioner of investigation [or], corporation counsel, *city chief procurement officer, agency chief contracting officer or agency head or commissioner of the contracting agency* receiving the report of [alleged adverse personnel action] *information concerning conduct that an officer or employee referenced in this subdivision knows or reasonably believes to involve corruption, criminal activity, conflict of interest, gross mismanagement or abuse of authority* shall make reasonable efforts to protect the anonymity and confidentiality of the officer or employee making such report.

§ 4. Subdivision c of section 12-113 of the administrative code of the city of New York is amended by adding a new paragraph 3 to read as follows:

3. Upon request, the commissioner, special commissioner of investigation or corporation counsel receiving the report of alleged adverse personnel action shall make reasonable efforts to protect the anonymity and confidentiality of the officer or employee making such report.

§ 5. The requirements imposed by subparagraphs (a) and (b) of paragraph 2 of subdivision b of section 12-113 of the administrative code of the city of New York do not apply to any contract between a contracting agency and a covered contractor or any subcontract between a covered contractor and a covered subcontractor that is executed or renewed prior to the effective date of the local law that added this section. For purposes of this section, the terms “contract,” “contracting agency,” “covered contractor” and “covered contractor” have the meanings ascribed to such terms in subdivision a of section 12-113 of such code.

§ 6. This local law takes effect 120 days after it becomes law, except that the commissioner of investigation, special commissioner of investigation for the city school district and the city chief procurement officer may 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. 371

By Council Members Powers and Won.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the publication of the NYPD auxiliary police guide

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 14 of the administrative code of the city of New York is amended by adding a new section 14-193 to read as follows:

§ 14-193 Auxiliary police guide publication required. a. No later than April 1, 2022, the department shall publish on the department’s website the auxiliary police guide.

b. The department shall publish on the department’s website any updates made to the auxiliary police guide monthly to reflect any amendments and shall conspicuously note the amended sections and the effective dates of

such amended sections. Failure to timely publish amendments to the auxiliary police guide shall not affect the validity of the auxiliary police guide or its amendments.

c. Notwithstanding subdivisions a and b of this section, the department shall not be required to publish:

1. Any material that would reveal non-routine investigative techniques or confidential information; or

2. Any material that, if published, could compromise the safety of the public or police officers, or could otherwise compromise law enforcement investigations or operations.

§ 2. This local law takes effect 30 days after it becomes law.

Referred to the Committee on Public Safety.

Int. No. 372

By Council Member Powers.

A Local Law to amend the administrative code of the city of New York, in relation to establishing timelines for the approval of permits and expanding real time tracking of pending permits

Be it enacted by the Council as follows:

Section 1. Chapter 6 of title 23 of the administrative code of the city of New York is amended by adding a new section 23-602 to read as follows:

§ 23-602 Timelines for the approval of permits. a. Public timelines. Each city agency that issues permits or licenses shall establish and maintain, for each such permit or license, publicly available timelines that approximate how long an applicant should expect to wait for a decision on such applicant's permit or license application. Such timelines shall be publicly available no later than December 31, 2023.

b. Real time tracking. Each city agency that issues permits or licenses shall establish tools that allow applicants to track the status of their applications in real time. Such tracking systems shall be operational no later than December 31, 2023.

c. Accountability. On or before December 31, 2023, the mayor shall establish methods of holding agencies accountable if they do not adequately meet the timelines the agencies establish.

§ 2. This local law takes effect immediately.

Referred to the Committee on Technology.

Int. No. 373

By Council Member Powers.

A Local Law in relation to extending scheduled vehicle retirement dates for taxicabs during the COVID-19 state disaster emergency and the repeal thereof

Be it enacted by the Council as follows:

Section 1. a. Definitions. As used in this section, the following terms have the following meanings:

Accessible taxicab. The term "accessible taxicab" means a taxicab that is licensed by the commission and that meets the specifications of the americans with disabilities act as described in section 67-05.2 of title 35 of the rules of the city of New York.

Commission. The term "commission" means the taxi and limousine commission.

COVID-19 state disaster emergency. The term "COVID-19 state disaster emergency" means the state disaster emergency declared by the governor of New York in executive order number 11.6 issued on May 15, 2022 or any executive order renewing or extending such emergency.

Medallion. The term "medallion" means the metal plate issued by the commission for displaying the license number of a licensed taxicab on the outside of the vehicle.

Scheduled vehicle retirement date. The term "scheduled vehicle retirement date" means the date by which a taxicab is scheduled to be retired from service, as determined pursuant to title 35 of the rules of the city of New York or by local law.

Taxicab. The term "taxicab" means a motor vehicle, yellow in color, bearing a medallion indicating that it is licensed by the commission to carry up to five passengers for hire and authorized to accept street hails.

Vehicle retirement extension. The term "vehicle retirement extension" means an extension from the scheduled vehicle retirement date for a taxicab.

b. Any owner of a taxicab that is affiliated with a medallion that is not scheduled to be converted to an accessible taxicab at the next scheduled vehicle retirement date in accordance with section 58-50 of title 35 of the rules of the city of New York, that applies in writing to the commission for a vehicle retirement extension during the COVID-19 state disaster emergency, shall be granted an extension of 12 months from the scheduled vehicle retirement date, provided that such taxicab continues to meet all safety and emission requirements throughout the duration of such extension.

c. Any owner of a taxicab that is affiliated with a medallion that is scheduled to be converted to an accessible taxicab at the next scheduled vehicle retirement date in accordance with section 58-50 of title 35 of the rules of the city of New York, that applies in writing to the commission for a vehicle retirement extension during the COVID-19 state disaster emergency, shall be granted an extension of 6 months from the scheduled vehicle retirement date, provided that such taxicab continues to meet all safety and emission requirements throughout the duration of such extension.

d. The commission shall withdraw any extension granted pursuant to subdivisions b and c whenever such taxicab is determined by the commission to be unsafe for operation.

e. Any owner of a taxicab that received a vehicle retirement extension pursuant to subdivision b may apply for up to an additional 12 month extension if such owner continues to meet the requirements of subdivision b at the time such owner applies for the extension and the owner can demonstrate an economic or other personal hardship that the commission determines would create an undue burden upon the owner if the extension were not granted.

f. The chairperson of the taxi and limousine commission shall post conspicuously on the commission's website, information on the vehicle retirement extensions provided for by this local law.

g. Nothing in this local law is intended to interfere or conflict with any court order, or is intended to supersede section 67-19 of title 35 of the rules of the city of New York.

§ 2. This local law takes effect immediately and expires and is deemed repealed on January 1, 2024.

Referred to the Committee on Transportation and Infrastructure.

Int. No. 374

By Council Members Powers, Menin, Rivera, Marte and Brewer.

A Local Law to amend the administrative code of the city of New York, in relation to prohibiting businesses from setting a minimum purchase requirement greater than $10 for credit card transactions

Be it enacted by the Council as follows:

Section 1. Chapter 5 of title 20 of the administrative code of the city of New York is amended by adding a new subchapter 26 to read as follows:

SUBCHAPTER 26
PROHIBITION OF CREDIT CARD MINIMUM PURCHASES

§ 20-880 Prohibited conduct. It is unlawful for any organization, as such term is defined in section 20-102, to set a minimum dollar value greater than $10 for the acceptance of credit cards for any sale, lease, rental or loan or offer for sale, lease, rental or loan of any good or service to the public occurring in the city.

§ 20-881 Required posting. Any organization that accepts credit cards must conspicuously post on or near any fixed point of sale terminal that credit card minimums greater than $10 are prohibited by city law. Such disclosure will be in a form determined by the department.

§ 20-882 Penalties. a. Any organization violating section 26-880 or any rules promulgated pursuant thereto is liable for a civil penalty of not more than $150 for the first violation, and a civil penalty of not less than $1,500 and not more than $5,000 for each succeeding violation.

b. Any organization violating section 20-881 or any rules promulgated pursuant thereto is liable for a civil penalty of not more than $50 for the first violation, and a civil penalty of not less than $100 and not more than $500 for each succeeding violation.

c. The department shall commence any proceeding to recover any civil penalty authorized pursuant to the provisions of this section by serving a notice of violation returnable to any tribunal established within the office of administrative trials and hearings or within any agency of the city designated to conduct such proceedings.

d. For purposes of this section, all violations committed on any one day by any organization constitute a single violation.

e. The department shall design and post to its website a form that the public may use to report a violation of this subchapter.

§ 20-883 Enforcement. The department and any other agencies designated by the mayor are authorized to enforce the provisions of this subchapter.

§ 20-884 Rules. a. The commissioner shall promulgate such rules and regulations as are necessary for implementing and carrying out the provisions of this subchapter.

b. The department shall educate organizations about their obligations pursuant to this local law and any rules promulgated thereto.

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

Referred to the Committee on Consumer and Worker Protection.

Int. No. 375

By Council Members Powers, Ossé, De La Rosa and Restler.

A Local Law to amend the administrative code of the city of New York, in relation to regulating covenants not to compete for freelance workers

Be it enacted by the Council as follows:

Section 1. Declaration of legislative intent and findings. The council finds and declares that covenants not to compete are increasingly becoming common in contracts between hiring parties and freelance workers. Restrictive covenants not to compete are in some ways antithetical to the freelance work employment model. The practice of requiring freelance workers to enter into covenants not to compete in the fashion modelling industry is especially concerning to the council and often represents unequal bargaining power between freelance fashion models and hiring parties such as model management agencies. The council, therefore, finds it necessary and appropriate to create a requirement that hiring parties wishing to require freelance workers to agree to a covenant not to compete must guarantee a bi-weekly or monthly payment of a reasonable monetary sum that is mutually acceptable to both the hiring party and the freelance worker.

§2. Chapter 5 of title 22 of the administrative code of the city of New York is amended by adding a new section 22-511 to read as follows:

§ 22-511 Covenants not to compete. a. Definitions. For the purposes of this section, the following terms have the following meanings:

Covenant not to compete. The term "covenant not to compete" means an agreement, or a clause contained in an agreement, which is entered into between a hiring party and a freelance worker after the effective date of the local law that added this section, and which restricts such freelance worker from performing work for another party not subject to such agreement for a specified period of time or in a specified geographical area, that is similar to such freelance worker's work for the hiring party.

Freelance worker. The term "freelance worker" means any natural person or any organization composed of no more than one natural person, whether or not incorporated or employing a trade name, which is hired or retained as an independent contractor by a hiring party to provide services in exchange for compensation. This term does not include:

1. Any person who, pursuant to the contract at issue, is a sales representative as defined in section 191-a of the labor law;

2. Any person engaged in the practice of law pursuant to the contract at issue; who is a member in good standing of the bar of the highest court of any state, possession, territory, commonwealth or the District of Columbia; and who is not under any order of any court suspending, enjoining, restraining, disbarring or otherwise restricting such person in the practice of law;

3. Any person who is a licensed medical professional; and

4. Any individual, partnership, corporation or other legal entity admitted to membership in the Financial Industry Regulatory Authority.

Hiring party. The term "hiring party" means any person who contracts with a freelance worker to provide any service, other than (i) the United States government, (ii) the state of New York, including any office, department, agency, authority or other body of the state including the legislature and the judiciary, (iii) the city, including any office, department, agency or other body of the city, (iv) any other local government, municipality or county or (v) any foreign government.

b. Prohibition; freelance workers. 1. No hiring party shall enter into a covenant not to compete with a freelance worker unless such covenant also contains a requirement for the hiring party to provide payment of a reasonable and mutually agreed upon sum to the freelance worker on either a bi-weekly or monthly basis for the duration of time during which the covenant not to compete is in effect.

2. A failure on the part of the hiring party to provide payment of the mutually agreed upon sum to the freelance worker in accordance with the terms of the covenant not to compete, will immediately render such covenant null and void.

c. Right of action. Except as otherwise provided by law, any freelance worker claiming to be aggrieved by a violation of this section may bring an action in any court of competent jurisdiction seeking a declaratory judgment that the covenant not to compete at issue is void. The court, in its discretion, may award the prevailing party reasonable attorney's fees.

d. Damages. A plaintiff who prevails on a claim alleging a violation of paragraph 1 of subdivision b of this section shall be awarded statutory damages of $1,000.

e. Any person who violates paragraph 1 of subdivision b of this section is subject to a civil penalty of $500 per violation. The director of labor standards shall enforce the requirements of this section pursuant to rules promulgated by such director.

f. Civil action for pattern or practice of violations. Where reasonable cause exists to believe that a hiring party is engaged in a pattern or practice of violations of this section, the corporation counsel may commence a civil action on behalf of the city in a court of competent jurisdiction. The trier of fact may impose a civil penalty of not more than $25,000 for a finding that a hiring party has engaged in a pattern or practice of violations of this section. Any civil penalty so recovered shall be paid into the general fund of the city.

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

Referred to the Committee on Consumer and Worker Protection.

Int. No. 376

By Council Members Powers, Rivera, Restler and Won.

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

Be it enacted by the Council as follows:

Section 1. Section 9-138 of the administrative code of the city of New York, as added by local law number 89 for the year 2015, is amended to read as follows:

§ 9-138 [Use of force directive] *Department rules, policies and directives*. The commissioner shall post on the department's website *all departmental rules, policies and directives, including* the directive stating the department's current policies regarding the use of force by departmental staff on [inmates] *incarcerated individuals*, including [but not limited to] the circumstances in which any use of force is justified, the circumstances in which various levels of force or various uses of equipment are justified, and the procedures staff must follow prior to using force. The commissioner may redact [such directive] *sections of any rule, policy or directive* [as] *when* necessary to preserve safety and security in the facilities under the department's control.

§ 2. This local law takes effect immediately.

Referred to the Committee on Criminal Justice.

Int. No. 377

By Council Members Powers, the Public Advocate (Mr. Williams), Yeger, Restler and Brewer.

A Local Law to amend the administrative code of the city of New York, in relation to the maximum fee allowed when transferring money to a person in the custody of the department of correction

Be it enacted by the Council as follows:

Section 1. Title 9 of the administrative code of the city of New York is amended by adding a new section 9-163 to read as follows:

§ 9-163 Institutional fund accounts. The department of correction shall ensure that members of the public depositing funds into institutional fund accounts established pursuant to subdivision 7 of section 500-c of the correction law are not charged a service fee that is more than $5. This fee cap applies to all devices or systems capable of allowing members of the public to deposit funds into an institutional fund account, including wire and online transfers.

§ 2. This local law takes effect immediately.

Referred to the Committee on Criminal Justice.

Int. No. 378

By Council Members Powers, Rivera and Restler.

A Local Law to amend the New York city charter, in relation to the board of correction's access to body-worn camera records

Be it enacted by the Council as follows:

Section 1. Paragraph 2 of subdivision c of section 626 of the New York city charter, is amended to read as follows

2. The inspection of all books, records, documents, and papers of the department *including direct and real-time remote access to the body-worn camera system and the ability to retain physical and electronic copies.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Criminal Justice.

Int. No. 379

By Council Members Powers, Restler, Joseph, Holden, Schulman, Brewer, Farías, Avilés, Bottcher and Abreu.

A Local Law to amend the administrative code of the city of New York, in relation to reducing noise caused by chartered helicopters

Be it enacted by the Council as follows:

Section 1. Subchapter 6 of chapter 2 of title 24 of the administrative code of the city of New York is amended by adding a new section 24-244.1 to read as follows:

§ 24-244.1 Chartered helicopters. a. Definitions. For purposes of this section:

Chartered helicopter. The term "chartered helicopter" means a helicopter that is leased in its entirety for exclusive and temporary use, and not for the purpose of conducting regular sightseeing tours along flight routes approved by the federal aviation administration. The term "chartered helicopter" shall not include military helicopters, media helicopters or helicopters used by the fire department, police department, coast guard or emergency services.

Stage 1 noise level. The term "stage 1 noise level" means stage 1 noise level as such term is defined by subsection (h) of section 36.1 of title 14 of the code of federal regulations.

Stage 2 noise level. The term "stage 2 noise level" means stage 2 noise level as such term is defined by subsection (h) of section 36.1 of title 14 of the code of federal regulations.

b. No person shall use or permit the use of any chartered helicopter that meets stage 1 noise levels or stage 2 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.

§ 2. Table I following paragraph (5) of subdivision (b) of section 24-257 of the administrative code of the city of New York as amended by local law number 153 for the year 2013 is amended by adding a new row immediately following row 24-244(b) to read as follows:

24-244.1	*1,500*	*500*	*3,000*	*1,000*	*4,500*	*1,500*

§ 3. This local law takes effect September 1, 2025.

Referred to the Committee on Economic Development.

Int. No. 380

By Council Members Powers, Joseph, Brannan, Ung, Dinowitz, Salamanca and Brewer.

A Local Law in relation to requiring the department of education to create a plan to administer specialized high schools admission tests on a school day

Be it enacted by the Council as follows:

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

Department. The term "department" means the department of education.

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

b. No later than 180 days after the effective date of this local law, the department shall submit to the speaker of the council, and post conspicuously on the department's website, a report regarding efforts to administer specialized high schools admissions tests on a school day. Such report shall include, but not be limited to, the following information:

1. For each middle school, whether the school administered the specialized high schools admissions test on a school day during the prior school year and the following information disaggregated by race or ethnicity, gender, special education status, and English language status: (i) the total number of students that registered for the specialized high schools admissions test in the prior school year; (ii) the total number of students that took the specialized high schools admissions test in the prior school year; and (iii) the number of students accepted to each specialized high school for the prior school year;

2. A description of the steps the department will take to have the specialized high schools admissions test administered in every middle school during the school day annually, including any steps the department will take to increase the number of students who register to take such test;

3. A description of the plan to recruit underrepresented students to take the specialized high schools admissions test; and

4. A description of any barriers the department has identified to administering the test on a school day during the school year.

§ 2. This local law takes effect immediately and is deemed repealed upon submission of the report required pursuant to section one of this local law.

Referred to the Committee on Education.

Int. No. 381

By Council Members Powers, Bottcher, Restler and Brewer.

A Local Law to amend the administrative code of the city of New York, in relation to the creation of a permanent COVID-19 wastewater testing program and the reporting of testing results, and to repeal section 24-531 of such code, relating to the creation of a pilot program to test sewage for SARS-CoV-2 RNA

Be it enacted by the Council as follows:

Section 1. Section 24-531 of the administrative code of the city of New York is REPEALED and a new section 24-531 is added to read as follows:

§ 24-531 COVID-19 wastewater testing program. a. Definitions. For the purposes of this section, the following terms have the following meanings:

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

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

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

b. Wastewater sampling and testing. The commissioner, in consultation with the commissioner of health and mental hygiene, shall conduct wastewater-based epidemiology sampling and testing to quantify the levels of SARS-CoV-2 RNA in wastewater at each city wastewater treatment plant in accordance with this section. Such sampling shall occur on a frequency of no less than twice per week and shall measure the number of copies of SARS-CoV-2 RNA levels through the PCR using N1 primer testing method or another testing method that reflects industry best practices.

c. Weekly publication of results. The commissioner of health and mental hygiene shall publish the results of testing provided for in subdivision b of this section no less than weekly on the department of health and mental hygiene's website.

d. Annual report. No later than August 31, 2023, and every year thereafter, the commissioner of health and mental hygiene, in consultation with the commissioner of environmental protection, shall submit to the mayor and the speaker of the council a report which shall include but not be limited to the following:

1. Results of all sampling of SARS-CoV-2 conducted pursuant to this section, disaggregated by the site where the sample was collected, the date the sample was collected, and the date the sample was tested, in order to monitor the leading indicators of increases or decreases in SARS-CoV-2 present in each drainage area;

2. Any sequencing testing method other than PCR using N1 primer that the department used to test samples for SARS-CoV-2;

3. The total cost of the COVID-19 wastewater-based epidemiology testing program for the previous fiscal year; and

4. Analysis of the effectiveness of the COVID-19 wastewater-based epidemiology testing program in testing for SARS-CoV-2.

§ 2. This local law takes effect immediately.

Referred to the Committee on Environmental Protection, Resiliency and Waterfronts.

Int. No. 382

By Council Members Powers, Restler, Menin, Holden, Schulman, Brewer, Hudson, Bottcher, Hanks, Riley and Abreu.

A Local Law to amend the administrative code of the city of New York, in relation to requiring an after hours variance for the removal of construction debris

Be it enacted by the Council as follows:

Section 1. Section 24-222 of the administrative code of the city of New York, as added by local law number 113 for the year 2005, is amended to read as follows:

§ 24-222 After hours and weekend limits on construction work. Except as otherwise provided in this subchapter, it shall be unlawful to engage in or to cause or permit any person to engage in construction work other than on weekdays between the hours of 7 a.m. and 6 p.m. A person may however perform construction work in connection with the alteration or repair of an existing [one] *1-* or [two family] *2-family* owner-occupied dwelling classified in occupancy group J-3 or a convent or rectory on Saturdays and Sundays between the hours of 10 a.m. and 4 p.m. provided that such dwelling is located more than 300 feet from a house of worship. *For the purposes of this section, the term construction work includes the removal of construction debris including rubbish, waste, discarded material, or the remains of something broken down, demolished, or destroyed.*

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

Referred to the Committee on Environmental Protection, Resiliency and Waterfronts.

Int. No. 383

By Council Members Powers, Gutiérrez, Brewer, Feliz, Cabán, Louis, Abreu, Hanif, De La Rosa and Restler.

A Local Law to amend the administrative code of the city of New York, in relation to requiring businesses using bicycles for commercial purposes to provide bicycle operators with fireproof or fire-resistant containers for removable storage batteries used to power motor-assisted bicycles

Be it enacted by the Council as follows:

Section 1. Section 10-157 of the administrative code of the city of New York is amended by adding a new subdivision l. to read as follows:

l. A business using a bicycle for commercial purposes, notwithstanding that such bicycle may be provided by any of its bicycle operators, shall provide at its own expense to each bicycle operator operating such bicycle, a fireproof or fire-resistant container suitable for use during the charging of the removable storage battery used to power such motor-assisted bicycle. The requirement contained in this subdivision shall apply only to bicycles that are motor-assisted, which utilize a removable battery, and which are not charged entirely on the premises of such business. The fire department shall promulgate rules for determining whether a container is fireproof or fire resistant pursuant to this subdivision. Such businesses may not require any of its bicycle operators to provide such containers at such operator's expense.

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

Referred to the Committee on Fire and Emergency Management.

Int. No. 384

By Council Members Powers, Marte and Won.

A Local Law to amend the administrative code of the city of New York, in relation to amending the definition of business dealings with the city to include certain uncertified applications to the department of city planning

Be it enacted by the Council as follows:

Section 1. Paragraphs a and b of subdivision 18 of section 3-702 of the administrative code of the city of New York is amended to read as follows:

a. The term "business dealings with the city" shall mean (i) one or more contracts (other than an emergency contract or a contract procured through publicly-advertised competitive sealed bidding) with a single person or entity for the procurement of goods, services or construction that are in effect or that were entered into within the preceding twelve-month period with the city of New York or any agency or entity affiliated with the city of New York and have a total value at or above $100,000, or, with respect to contracts for construction, at or above $500,000, and shall include any contract for the underwriting of the debt of the city of New York or any agency or entity affiliated with the city of New York and the retention of any bond counsel, disclosure counsel or underwriter's counsel in connection therewith; or (ii) any acquisition or disposition of real property (other than a public auction or competitive sealed bid transaction or the acquisition of property pursuant to the department of environmental protection watershed land acquisition program) with the city of New York or any agency or entity affiliated with the city of New York; or (iii) any application for approval sought from the city of New York pursuant to the provisions of section 195 of the charter, any application for approval sought from the city of New York [that has been certified] pursuant to the provisions of section 197-c of the charter, and any application for a zoning text amendment [that has been certified] pursuant to section 201 of the charter; provided, however, that for purposes of this clause, with respect to section 195 an applicant shall include the lessor of an office building or office space, and with respect to section 197-c an applicant shall include a designated developer or sponsor of a project for which a city agency or local development corporation is the applicant and provided,

further, however, that owner-occupants of one, two and three family homes shall not be considered applicants pursuant to this clause; or (iv) one or more concessions (other than a concession awarded through publicly-advertised competitive sealed bid) or one or more franchises with a single person or entity that are in effect or that were entered into within the preceding twelve-month period from the city of New York or any agency or entity affiliated with the city of New York which have a total estimated annual value at or above $100,000; or (v) one or more grants made to a single person or entity that are in effect or that were entered into within the preceding twelve-month period that have a total value at or above $100,000, received from the city of New York or any agency or entity affiliated with the city of New York; or (vi) any economic development agreement entered into or in effect with the city of New York or any agency or entity affiliated with the city of New York; or (vii) any contract for the investment of pension funds, including investments in a private equity firm and contracts with investment related consultants. In addition, for purposes of this chapter a lobbyist as defined in section 3-211 of this title shall be deemed to be engaged in business dealings with the city of New York during all periods covered by a registration statement. For purposes of clauses (i), (iv) and (v) of this subdivision, all contracts, concessions, franchises and grants that are $5,000 or less in value shall be excluded from any calculation as to whether a contract, concession, franchise or grant is a business dealing with the city. For purposes of clauses (ii) and (iii) of this subdivision, the department of city planning, in consultation with the board, may promulgate rules to require the submission by applicants to the city of information necessary to implement the requirements of subdivisions 1-a and 1-b of section 3-703 of this chapter as they relate to clauses (ii) and (iii) of paragraph (a) of this subdivision for purposes of inclusion in the doing business database established pursuant to subdivision 20 of this section. For purposes of this subdivision, "agency or entity affiliated with the city of New York" shall mean the city school district of the city of New York and any public authority, public benefit corporation or not for profit corporation, the majority of whose board members are officials of the city of New York or are appointed by such officials. The department of housing preservation and development shall promulgate rules setting forth which categories of actions, transactions and agreements providing affordable housing shall and shall not constitute business dealings with the city of New York for purposes of this subdivision. The department shall consider the significance of the affordable housing program and the degree of discretion by city officials in determining which actions, transactions and agreements shall and shall not constitute such business dealings. Notwithstanding any provision of this subdivision, a housing assistance payment contract between a landlord and the department of housing preservation and development or the New York city housing authority relating to the provision of rent subsidies pursuant to Section 8 of the United States Housing Act of 1937, 42 USC 1437 et., seq., shall not constitute business dealings with the city of New York for the purposes of this subdivision.

b. Business dealings with the city as defined in this subdivision shall be as follows: for purposes of clause (i) of paragraph (a) of this subdivision, bids or proposals on contracts for the procurement of goods, services, or construction shall only constitute business dealings with the city of New York for the period from the later of the submission of the bid or proposal or the date of the public advertisement for the contract opportunity until twelve months after the date of such submission or advertisement, and contracts for the procurement of goods, services or construction shall only constitute business dealings with the city of New York during the term of such contract (or in the case of purchase contracts for goods, from the date of such purchase) and for twelve months thereafter, provided, however that where such contract award is made from a line item appropriation and/or discretionary funds made by an elected official other than the mayor or the comptroller, such contract shall only constitute business dealings with the city from the date of adoption of the budget in which the appropriation of such contract is included until twelve months after the end of the term of such contract; for purposes of clause (ii) of paragraph a of this subdivision, leases in which the city of New York is the proposed lessee shall only constitute business dealings with the city from the date the application for acquisition is filed pursuant to section 195 or the date of the certification of such application pursuant to section 197-c to a period of one year after the commencement of the lease term or after the commencement of any renewal and, where the city or any city affiliated entity is disposing of any real property interest, shall only constitute business dealings with the city from the date of the submission of a proposal and during the term of any agreement and one year after; for purposes of clause (iii) of paragraph (a) of this subdivision, applications for approval sought from the city of New York pursuant to the provisions of sections 197-c or 201 of the charter, except for applications for leases as described in clause (ii), shall only constitute business dealings with the city from the date of the [certification of such] application to the date that is one hundred twenty days after the date of filing by the council

with the mayor of its action pursuant to subdivision e of section 197-d of the charter or, in the case of a decision of the city planning commission for which the council takes no action pursuant to paragraph (3) of subdivision (b) of section 197-d of the charter, the date which is twenty days following the filing of such decision with the council pursuant to subdivision a of section 197-d of the charter, provided, however, that in the case of a disapproval of a council action by the mayor pursuant to subdivision e of section 197-d of the charter, such date shall be one hundred twenty days after expiration of the ten day period for council override pursuant to such section*, and further provided that in the case of the withdrawal of such application such date shall be the date of such withdrawal*; for purposes of clause (iv) of paragraph (a) of this subdivision, bids or proposals for franchises and concessions shall only constitute business dealings with the city of New York for the period from the submission of the bid or proposal until twelve months after the date of such submission, concessions shall only constitute business dealings with the city of New York during the term of such concession and for twelve months after the end of such term, and franchises shall only constitute business dealings with the city of New York for the period of one year after the commencement of the term of the franchise or after the commencement of any renewal; for purposes of clause (v) of paragraph (a) of this subdivision, grants shall constitute business dealings with the city of New York for one year after the grant is made; for purposes of clause (vi) of paragraph (a) of this subdivision, economic development agreements shall constitute business dealings with the city from the submission of an application for such agreement and during the term of such agreement and for one year after the end of such term; and for purposes of clause (vii) of paragraph (a) of this subdivision, contracts for the investment of pension funds, including the investments in a private equity firm and contracts with investment related consultants shall constitute business dealings with the city from the time of presentation of investment opportunity or the submission of a proposal, whichever is earlier, and during the term of such contract and for twelve months after the end of such term.

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

Referred to the Committee on Governmental Operations, State & Federal Legislation.

Int. No. 385

By Council Members Powers, Brannan, Menin and Brewer.

A Local Law to amend the administrative code of the city of New York, in relation to authorizing city agencies to operate small remotely piloted aircraft

Be it enacted by the Council as follows:

Section 1. Subdivision c of section 10-126 of the administrative code of the city of New York is amended to read as follows:

c. Take offs and landings. It shall be unlawful for any person avigating an aircraft to take off or land, except in an emergency *or pursuant to section 10-126.1*, at any place within the limits of the city other than places of landing designated by the department of transportation or the port of New York authority.

§ 2. Title 10 of the administrative code of the city of New York is amended by adding a new section 10-126.1 to read as follows:

§ 10-126.1 Small remotely piloted aircraft. a. Definitions. For purposes of this section, the following terms have the following meanings:

Remotely piloted device. The term "remotely piloted device" means a device operated without the possibility of direct human intervention from within or on the device.

Small remotely piloted aircraft. The term "small remotely piloted aircraft" means a remotely piloted device that is used or intended to be used for flight in the air, weighing less than 55 pounds on takeoff, including everything that is on board or otherwise attached to the device.

b. Permissible operation; agencies. 1. Pursuant to applicable federal, state and local laws, rules and regulations, an employee or agent of an agency may operate small remotely piloted aircraft to carry out the functions and duties assigned to such agency by law.

2. No person shall operate small remotely piloted aircraft to carry out the functions and duties of an agency before the head of such agency has authorized such operation by rule pursuant to paragraph 3 of this subdivision.

3. Upon a determination by the head of an agency that such agency could benefit from the operation of small remotely piloted aircraft to carry out the functions and duties assigned to such agency by law, such head of agency shall make rules for the operation of small remotely piloted aircraft by such agency. Such rules shall be designed to ensure the safety of persons and property, protection of privacy, and compliance with applicable federal, state and local laws, rules and regulations.

4. This section does not authorize the use of small remotely piloted aircraft in contravention of applicable federal, state and local laws or regulations.

§ 3. This local law takes effect immediately.

Referred to the Committee on Governmental Operations, State & Federal Legislation.

Int. No. 386

By Council Members Powers, Holden and Brewer.

A Local Law to amend the administrative code of the city of New York, in relation to monthly reports on animal shelters that are in contract with the city

Be it enacted by the Council as follows:

Section 1. Section 17-802 of the administrative code of the city of New York, as amended by local law number 7 for the year 2015, subdivision b as amended by local law number 53 for the year 2015, subdivision c-1 as added by local law number 222 for the year 2019, and subdivision k as added by local law number 200 for the year 2019, is amended to read as follows:

§ 17-802 Definitions. [For the purposes of] *As used in* this chapter, the following terms [shall be defined as follows] *have the following meanings*:

Adoptable animal. The term "adoptable animal" means any companion animal.

[a. "Adoption"] *Adoption. The term "adoption"* means the delivery of a dog or cat deemed appropriate and suitable by an animal shelter to an individual at least eighteen years of age who has been approved to own, care and provide for the animal by the animal shelter.

[b. "Animal rescue group"] *Animal rescue group. The term "animal rescue group"* means a duly incorporated not-for-profit organization that accepts homeless, lost, stray, abandoned, seized, surrendered or unwanted animals from an animal shelter or other place and attempts to find homes for, and promote adoption of, such animals by the general public.

[c. "Animal shelter"] *Animal shelter. The term "animal shelter"* means a not-for-profit facility holding a permit in accordance with § 161.09 of the New York city health code where homeless, lost, stray, abandoned, seized, surrendered or unwanted animals are received, harbored, maintained and made available for adoption to the general public, redemption by their owners or other lawful disposition, and which is owned, operated, or maintained by a duly incorporated humane society, animal welfare society, society for the prevention of cruelty to animals, or other organization devoted to the welfare, protection or humane treatment of animals.

[c-1. "Companion animal"] *Companion animal. The term "companion animal"* means any dog or cat, and also means any other domesticated animal normally maintained in or near the household of the owner or person who cares for such other domesticated animal. "Companion animal" does not include a farm animal as defined in section 350 of the agriculture and markets law or a wild animal as defined in section 161.01 of the New York city health code.

[d. "Consumer"] *Consumer. The term "consumer"* means any individual purchasing an animal from a pet shop. A pet shop [shall not be considered] *is not* a consumer.

[e. "Feral cat"] *Feral cat. The term "feral cat"* means an animal of the species felis catus who has no owner, is unsocialized to humans and has a temperament of extreme fear of and resistance to contact with humans.

Foster care. The term "foster care" means a temporary placement for an animal too young to be adopted or in need of specialized care prior to adoption.

[f. "Full-service shelter"] *Full-service shelter. The term "full-service shelter*" means a person required to have a permit issued pursuant to subdivision (b) of section 161.09 of the New York city health code that houses lost, stray or homeless animals and:

[(1)] *1.* accepts dogs and cats twelve hours per day, seven days per week;

[(2)] *2.* has an adoption program available seven days per week; and

[(3)] *3.* provides sterilization services for dogs and cats and any other veterinary services deemed necessary by a licensed veterinarian at such shelter or at a veterinary facility.

Healthy animal. The term "healthy animal" means an animal that does not require medical, behavioral, or foster care to be ready for adoption.

[g. "Person"] *Person. The term "person"* means any individual, corporation, partnership, association, municipality, or other legal entity.

[h. "Pet shop"] *Pet shop. The term "pet shop"* has the same meaning as such term is defined in section 17-371 [of this title].

[i. "Sterilization"] *Sterilization. The term "sterilization"* means rendering a dog or cat that is at least eight weeks of age and that weighs at least two pounds unable to reproduce, by surgically altering such animal's reproductive organs as set forth in the rules of the department or by non-surgical methods or technologies approved by the United States food and drug administration or the United States department of agriculture and acceptable to the department. Such definition [shall include] *includes* the spaying of a female dog or cat or the neutering of a male dog or cat.

[j. "Trap-neuter-return"] *Trap-neuter-return. The term "trap-neuter-return"* means a program to trap, vaccinate for rabies, sterilize and identify feral cats and return them to the locations where they were found.

[k. "Adoptable animal" means any companion animal subject to adoption as defined in subdivision a of this section.]

Treatable-manageable animal. The term "treatable-manageable animal" means an animal that is not likely to become healthy but could have a good quality of life if provided with treatment for the condition comparable with that typically provided by a reasonable owner or guardian, provided the animal does not pose a risk to the health or safety of other animals or people.

Treatable-rehabilitatable animal. The term "treatable-rehabilitatable animal" means an animal that is likely to become healthy if provided with treatment for the condition compatible with that typically provided by a reasonable owner or guardian.

Unhealthy-untreatable animal. The term "unhealthy-untreatable animal" means an animal that either has a behavioral or temperamental characteristic that poses a health or safety risk or otherwise makes the animal unsuitable for placement as a pet, or is suffering from a disease, injury, or congenital condition that adversely affects the animal's health and will not become healthy or treatable even with a level of care typically provided by a reasonable owner or guardian.

§ 2. Section 17-805 of the administrative code of the city of New York, as amended by local law number 59 for the year 2011, is amended to read as follows:

§ 17-805 Reporting requirements. *a.* The department shall provide the mayor and the city council with a report by February [twenty-eight] *28* of each year [which shall set] *setting* forth information regarding the management and operation of all full-service shelters performing services pursuant to a contract with the city of New York, including but not limited to:

[a.] *1.* The following information with respect to the previous calendar year:

[(1)] (*a).* [the]*The* total number of animals accepted by each full-service shelter;

[(2)] (*b).* [the]*The* total number of animals that were sterilized at each full-service shelter;

[(3)] (*c).* [the]*The* total number of animals that were [humanely] euthanized at each full-service shelter;

[(4)] (*d).* [the]*The* total number of healthy animals that were [humanely] euthanized at each full-service shelter;

[(5)] (*e).* [the]*The* total number of animals that were adopted at each full-service shelter;

[(6)] (*f).* [the]*The* total number of animals at each full-service shelter that were returned to their owner; and

[(7)] (*g).* [the]*The* number of animals at each full-service shelter that were provided to other shelters for adoption.

[b.] *2.* The following information for each month of the previous calendar year:

[(1)] (*a).* [the]*The* total number of animals, disaggregated by borough, picked up by field services during regular business hours and delivered to [(A)] *(i)* receiving facilities and [(B)] *(ii)* full-service shelters;

[(2)] (*b).* [the]*The* total number of animals, disaggregated by borough, picked up by field services during off hours and delivered to [(A)] *(i)* receiving facilities and [(B)] *(ii)* full-service shelters;

[(3)] (*c).* [the]*The* total number of animals taken in and transferred to a full-service shelter from each receiving facility; and

[(4)] (*d).* [the]*The* staffing levels at all full-service shelters and receiving facilities.

[c. The department shall report to the mayor and the council each month the total number of healthy animals that were humanely euthanized at each full-service shelter during the previous month.

d. No later than twenty-four months after the effective date of the local law that added this subdivision, the department shall provide to the mayor and the council a report that summarizes and describes trends in the reporting requirements provided annually in accordance with this section.]

b. The department shall issue a public report on a monthly basis, and post such report on its website, setting forth information for the immediately preceding month regarding the management and operation of all full-service shelters performing services pursuant to a contract with the city of New York, including but not limited to:

1. The total number of animals in the full-service shelter on the first day of the month;

2. The total number of animals in the full-service shelter on the last day of the month;

3. The total number of animals the full-service shelter received in the past month and how many received animals were stray, surrendered by their owners, returned by their owners, or seized;

4. The total number of animals in the full-service shelter that have been adopted and how many adopted animals were categorized as healthy, treatable-manageable, treatable-rehabilitatable, and unhealthy-untreatable;

5. The total number of animals in the full-service shelter that have been euthanized and how many euthanized animals were categorized as healthy, treatable-manageable, treatable-rehabilitatable, and unhealthy-untreatable;

6. The total number of animals received in the full-service shelter that have undergone sterilization;

7. The length of time each animal was in the full-service shelter before being euthanized;

8. The total number of animals received by the full-service shelter that were transferred to another shelter for adoption or foster care and how many transferred animals were categorized as healthy, treatable-manageable, treatable-rehabilitatable, and unhealthy-untreatable;

9. The total number of animals in the full-service shelter that were lost; and

10. The total number of animals in the full-service shelter that died for reasons other than euthanasia.

§ 3. Section 17-810 of the administrative code of the city of New York, as amended by local law number 59 for the year 2011, is amended to read as follows:

§ 17-810 Euthanizing animals; time frame for making such determination. In determining when a full-service shelter may euthanize a lost, stray or homeless animal held by it, such shelter shall exclude from the calculation of the number of hours that such shelter is required by law to hold such animal before euthanizing such animal those hours when such shelter is not required to accept dogs and cats pursuant to [paragraph one of subdivision d of] section 17-802 [of this chapter]. Such calculation of the number of hours shall not take into consideration the full-service shelter required to accept dogs and cats twenty-four hours per day pursuant to subdivision a of section 17-803 [of this chapter].

§ 4. Subdivision b of section 17-1601 of the administrative code of the city of New York, as added by local law number 4 for the year 2014, is amended to read as follows:

b. "Animal shelter" shall mean any full service shelter, as defined in [subdivision d of] section 17-802 of this code, or other facility that makes dogs and cats available for adoption whether or not a fee for such adoption is charged.

§ 5. This local law takes effect 30 days after it becomes law.

Referred to the Committee on Health.

Int. No. 387

By Council Members Powers, Narcisse, Joseph, Schulman, Gennaro, Sanchez, Restler, Won and Brewer (in conjunction with the Brooklyn Borough President) (by request of the Manhattan Borough President).

A Local Law to amend the administrative code of the city of New York, in relation to standards and reporting regarding indoor air quality in schools within the city school district

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 23 to read as follows:

CHAPTER 23
AIR QUALITY IN SCHOOLS

§ 17-2301 Indoor air quality in schools; standards. a. The department shall promulgate rules within 18 months of the effective date of the local law that added this chapter setting standards for indoor air quality in schools within the city school district and shall evaluate the need to update these rules yearly thereafter.

b. Such standards shall address the maintenance of acceptable temperature, relative humidity, and air changes per hour in schools within the city school district. Such standards shall also address the identification and control of airborne pollutants in schools within the city school district, including but not limited to carbon dioxide levels, carbon monoxide levels, levels of particulate pollution 2.5, and levels of particulate pollution 10.

§ 2. Chapter 4 of title 21-A of the administrative code of the city of New York is amended by adding a new section 21-954.1 to read as follows:

§ 21-954.1 School indoor air quality reporting. a. Real time school air quality reporting. 1. The chancellor, in collaboration with the commissioner of environmental protection, shall post conspicuously on the department's website a real-time report regarding air quality in schools within the city school district. Such report shall be displayed as a real-time dashboard available to the public.

2. The report shall include, but need not be limited to the following information for every school classroom, cafeteria, auditorium, gym, and other gathering place, as well as any additional information the chancellor or commissioner of health and mental hygiene deems appropriate:

(a) Ambient temperature;

(b) Ambient humidity level;

(c) Air changes per hour;

(d) Carbon dioxide levels;

(e) Carbon monoxide levels;

(f) Levels of particulate pollution 2.5; and

(g) Levels of particulate pollution 10.

3. The testing needed to generate the information included in paragraph 2 of this subdivision for the report shall be performed by the commissioner of environmental protection or by such other parties as such commissioner may designate.

4. The report required by paragraph 1 of this subdivision shall include a data dictionary, which shall be updated annually as needed.

5. No report required by paragraph 1 of this subdivision shall contain personally identifiable information.

6. No information that is otherwise required to be reported pursuant to this subdivision shall be reported in a manner that would violate any applicable provision of federal, state or local law relating to the privacy of student information or that would interfere with law enforcement investigations or otherwise conflict with the interests of law enforcement. If a category contains between 1 and 5 students, or contains an amount that would allow another category that contains between 1 and 5 students to be deduced, the number shall be replaced with a symbol. A category that contains zero shall be reported as zero, unless such reporting would violate any applicable provision of federal, state or local law relating to the privacy of student information.

b. Report on installation and maintenance of air quality monitoring systems. The chancellor shall post conspicuously on the department's website a real-time report regarding the installation and maintenance of air

quality monitoring devices in schools within the city school district. The department of health and mental hygiene shall provide guidance to the chancellor regarding the exact locations where such air quality monitoring devices shall be installed.

c. Annual school air quality reporting. 1. No later than December 31 of each year, the chancellor, in collaboration with the commissioner of environmental protection, shall submit to the speaker of the council and the commissioner of health and mental hygiene and shall post conspicuously on the department's website an annual report regarding air quality in schools within the city school district.

2. The report shall include but need not be limited to the following annual information for every school classroom, cafeteria, auditorium, gym, and other gathering place, as well as any additional annual information the chancellor or commissioner of health and mental hygiene deems appropriate:

(a) Annual trend line of the daily average ambient temperature;

(b) Annual trend line of the daily average ambient humidity levels;

(c) Annual trend line of the daily average air changes per hour;

(d) Annual trend line of the daily average carbon dioxide levels;

(e) Annual trend line of the daily average carbon monoxide levels;

(f) Annual trend line of the daily average levels of particulate pollution 2.5; and

(g) Annual trend line of the daily average levels of particulate pollution 10.

3. The testing needed to generate the information included in paragraph 2 of this subdivision for the report shall be performed by the commissioner of environmental protection or by such other parties as such commissioner may designate.

4. The report required by paragraph 1 of this subdivision shall include a data dictionary, which shall be updated annually as needed.

5. No report required by paragraph 1 of this subdivision shall contain personally identifiable information.

6. No information that is otherwise required to be reported pursuant to this subdivision shall be reported in a manner that would violate any applicable provision of federal, state or local law relating to the privacy of student information or that would interfere with law enforcement investigations or otherwise conflict with the interests of law enforcement. If a category contains between 1 and 5 students, or contains an amount that would allow another category that contains between 1 and 5 students to be deduced, the number shall be replaced with a symbol. A category that contains zero shall be reported as zero, unless such reporting would violate any applicable provision of federal, state or local law relating to the privacy of student information.

d. Indoor air quality outreach and education. The department and the department of health and mental hygiene, in coordination with any other relevant agency, shall conduct outreach and education to increase awareness of indoor air quality, including, but not limited to, producing guides to help the public understand real-time air quality data and recommendations on how to improve air quality in indoor school settings.

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

Referred to the Committee on Health.

Int. No. 388

By Council Members Powers, Sanchez, Schulman, Joseph, Narcisse, Gennaro and Restler (in conjunction with the Brooklyn Borough President) (by request of the Manhattan Borough President).

A Local Law in relation to establishing a pilot program to monitor indoor air quality in certain commercial buildings

Be it enacted by the Council as follows:

Section 1. a. Definitions. For the purposes of this local law, the term "city financial assistance" means any loans, grants, tax credits, tax exemptions, tax abatements, subsidies, mortgages, debt forgiveness, land

conveyances for less than appraised value or other thing of value allocated, conveyed or expended by the city of New York other than as-of-right assistance, tax abatements or benefits.

b. Pilot program. The commissioner of health and mental hygiene shall establish a commercial building indoor air quality monitoring pilot. Such pilot program shall run for 5 years from the date of its establishment.

c. Participation in the pilot program. 1. The commissioner of health and mental hygiene shall invite owners of commercial buildings to participate in the pilot program.

2. If the owner or developer of any commercial building receives any city financial assistance after the effective date of this local law and before the end of the pilot program established pursuant to this local law, the agency administering such city financial assistance shall require the participation of the building in the pilot program as a condition of receiving the city financial assistance.

d. Real time indoor air quality monitoring. 1. The department of health and mental hygiene shall install real time indoor air quality monitors in all spaces regularly open to the public and, with the consent of commercial tenants, in spaces occupied by commercial tenants of the commercial buildings participating in the pilot program.

2. Such monitors shall be capable of measuring, at a minimum:

(a) Ambient temperature;

(b) Ambient humidity level;

(c) Carbon dioxide levels;

(d) Carbon monoxide levels;

(e) Levels of particulate pollution 2.5; and

(f) Levels of volatile organic compounds.

3. When practicable, the department of health and mental hygiene shall also measure air changes per hour in the common spaces of the buildings participating in the pilot program.

4. The real time air quality data gathered shall be posted conspicuously in the common spaces of the buildings participating in the pilot program.

5. The department of health and mental hygiene shall display the data gathered as a real time dashboard available to the public.

e. Air quality recommendations. Over the course of the pilot program, the department of health and mental hygiene, in collaboration with the department of buildings, the department of environmental protection, and any other relevant agency, shall collect and analyze the data gathered by the air quality monitors installed pursuant to subdivision d. Upon the conclusion of the pilot program, such agencies shall issue a joint report summarizing the data gathered over the duration of the program and making recommendations for improving air quality in commercial buildings, as well as recommendations for a permanent air quality regulatory framework for commercial buildings. The commissioner of health and mental hygiene, the commissioner of buildings, and the commissioner of environmental protection may also promulgate rules regarding the improvement of air quality in commercial buildings, including standards requiring remediation for air quality levels deemed harmful for public health.

f. Residential air quality outreach and education. The department of health and mental hygiene, in coordination with any other relevant agency, shall conduct outreach and education to increase awareness of the pilot program and indoor air quality, including, but not limited to, producing guides to help the public understand real-time air quality data and recommendations on how to improve air quality in commercial settings.

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

Referred to the Committee on Health.

Int. No. 389

By Council Members Powers, Sanchez, Schulman, Joseph, Narcisse, Gennaro and Restler (in conjunction with the Brooklyn Borough President) (by request of the Manhattan Borough President).

A Local Law in relation to establishing a pilot program to monitor indoor air quality in certain residential buildings

Be it enacted by the Council as follows:

Section 1. a. Definitions. For the purposes of this local law, the term "city financial assistance" means any loans, grants, tax credits, tax exemptions, tax abatements, subsidies, mortgages, debt forgiveness, land conveyances for less than appraised value or other thing of value allocated, conveyed or expended by the city of New York other than as-of-right assistance, tax abatements or benefits.

b. Pilot program. The commissioner of health and mental hygiene shall establish a residential indoor air quality monitoring pilot program. Such pilot program shall run for 5 years from the date of its establishment.

c. Participation in the pilot program. 1. The commissioner of health and mental hygiene shall invite owners of residential buildings to participate in the pilot program.

2. If the owner or developer of any residential building receives any city financial assistance after the effective date of this local law and before the end of the pilot program established pursuant to this local law, the agency administering such city financial assistance shall require the participation of the building in the pilot program as a condition of receiving the city financial assistance.

d. Real time indoor air quality monitoring. 1. The department of health and mental hygiene shall install real time indoor air quality monitors in the common spaces of the buildings participating in the pilot program, including entrances and lobbies, hallways, laundry rooms, recreation rooms, gyms, conference rooms, mail rooms, or any other space in which residents or visitors congregate.

2. Such monitors shall be capable of measuring, at a minimum:

(a) Ambient temperature;

(b) Ambient humidity level;

(c) Carbon dioxide levels;

(d) Carbon monoxide levels;

(e) Levels of particulate pollution 2.5; and

(f) Levels of volatile organic compounds.

3. When practicable, the department of health and mental hygiene shall also measure air changes per hour in the common spaces of the buildings participating in the pilot program.

4. The real time air quality data gathered shall be posted conspicuously in the common spaces of the buildings participating in the pilot program.

5. The department of health and mental hygiene shall display the data gathered as a real time dashboard available to the public.

e. Air quality recommendations. Over the course of the pilot program, the department of health and mental hygiene, in collaboration with the department of buildings, the department of environmental protection, and any other relevant agency, shall collect and analyze the data gathered by the air quality monitors installed pursuant to subdivision d. Upon the conclusion of the pilot program, such agencies shall issue a joint report summarizing the data gathered over the duration of the program and making recommendations for improving air quality in residential buildings, as well as recommendations for a permanent air quality regulatory framework for residential buildings. The commissioner of health and mental hygiene, the commissioner of buildings, and the commissioner of environmental protection may also promulgate rules regarding the improvement of air quality in residential buildings, including standards requiring remediation for air quality levels deemed harmful for public health.

f. Residential air quality outreach and education. The department of health and mental hygiene, in coordination with any other relevant agency, shall conduct outreach and education to increase awareness of the pilot program and indoor air quality, including, but not limited to, producing guides to help the public understand real-time air quality data and recommendations on how to improve air quality in residential settings.

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

Referred to the Committee on Health.

Int. No. 390

By Council Members Powers, Schulman, Joseph, Narcisse, Gennaro, Sanchez and Restler (in conjunction with the Brooklyn Borough President) (by request of the Manhattan Borough President).

A Local Law to amend the administrative code of the city of New York, in relation to standards and reporting regarding indoor air quality in city buildings

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 23 to read as follows:

CHAPTER 23
INDOOR AIR QUALITY IN CITY BUILDINGS

§ 17-2301 Indoor air quality in city buildings. a. Definitions. For the purposes of this section, the following term has the following meaning:

City building. The term "city building" means any building, other than a school building, that is owned or leased by the city and in which the city controls the operation of the ventilation system and any other systems needed to regulate air quality in the building.

b. Indoor air quality standards. 1. The department shall promulgate rules within 18 months of the effective date of the local law that added this chapter setting standards for indoor air quality in city buildings and shall evaluate the need to update these rules yearly thereafter.

2. Such standards shall address the maintenance of acceptable temperature, relative humidity, and air changes per hour in city buildings. Such standards shall also address the identification and control of airborne pollutants in city buildings, including but not limited to carbon dioxide levels, carbon monoxide levels, levels of particulate pollution 2.5, and levels of volatile organic compounds.

c. Real-time indoor air quality monitoring and reporting 1. The department shall install real time indoor air quality monitors in all city buildings.

2. Such monitors shall be installed in the common spaces of such buildings, including entrances, lobbies, and hallways, as well as in spaces occupied by tenants of such buildings.

3. Such monitors shall be capable of measuring, at a minimum:

(a) Ambient temperature;

(b) Ambient humidity level;

(c) Carbon dioxide levels;

(d) Carbon monoxide levels;

(e) Levels of particulate pollution 2.5; and

(f) Levels of volatile organic compounds.

4. The testing needed to generate the information included in paragraph 3 of this subdivision for the report shall be performed by the commissioner of environmental protection or by such other parties as such commissioner may designate. When practicable, the commissioner of environmental protection shall also measure air changes per hour in all city buildings.

5. The real time air quality data gathered shall be posted conspicuously in the common spaces of such buildings.

6. The commissioner, in collaboration with the commissioner of environmental protection, shall post conspicuously on the department's website a real-time report regarding air quality in city buildings displaying the data gathered pursuant to paragraph 3 of this subdivision as a real-time dashboard available to the public.

7. The real-time report required by paragraph 6 of this subdivision shall include a data dictionary, which shall be updated annually as needed.

8. No report required by paragraph 6 of this subdivision shall contain personally identifiable information.

d. Annual indoor air quality reporting. 1. No later than December 31 of each year, the commissioner in collaboration with the commissioner of environmental protection, shall submit to the speaker of the council and shall post conspicuously on the department's website an annual report regarding indoor air quality in city buildings.

2. The report shall include but need not be limited to the following annual information for all common spaces of city buildings, including entrances, lobbies, and hallways, as well as in spaces occupied by tenants of such buildings, as well as any additional annual information the commissioner deems appropriate:

(a) Annual trend line of the daily average ambient temperature;

(b) Annual trend line of the daily average ambient humidity levels;

(c) Annual trend line of the daily average carbon dioxide levels;

(d) Annual trend line of the daily average carbon monoxide levels;

(e) Annual trend line of the daily average levels of particulate pollution 2.5; and

(f) Annual trend line of the daily average levels of volatile organic compounds.

3. The testing needed to generate the information included in paragraph 2 of this subdivision for the report shall be performed by the commissioner of environmental protection or by such other parties as such commissioner may designate. When practicable, the commissioner of environmental protection shall also measure the annual trend line of daily air changes per hour in city buildings.

4. The report required by paragraph 1 of this subdivision shall include a data dictionary, which shall be updated annually as needed.

5. No report required by paragraph 1 of this subdivision shall contain personally identifiable information.

e. Indoor air quality outreach and education. The department, in coordination with any other relevant agency, shall conduct outreach and education to increase awareness of indoor air quality, including, but not limited to, producing guides to help the public understand real-time air quality data and recommendations on how to improve air quality in indoor settings.

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

Referred to the Committee on Health.

Int. No. 391

By Council Members Powers, Bottcher, Sanchez, Abreu, Restler and Brewer (in conjunction with the Manhattan Borough President).

A Local Law to amend the New York city building code, in relation to sidewalk shed design requirements

Be it enacted by the Council as follows:

Section 1. Section 3307.6.2 of the New York city building code, as amended by local law number 126 for the year 2021, is amended to read as follows:

3307.6.2 Where required. A sidewalk shed shall be installed and maintained to protect all sidewalks, walkways, and pathways within the property line of a site, and all public sidewalks that abut the property, as follows:

1. When such sidewalk, walkway, or pathway is to be located immediately below a scaffold, mast climber, or chute. The sidewalk shed shall be installed prior to the installation of such equipment and shall not be removed until such equipment has been dismantled and/or removed from the area being protected;
2. When a structure higher than 40 feet (12 192 mm) or greater is to be constructed, and the sidewalk, walkway, or pathway is within a perpendicular distance from the new structure that is equal to or less than half the height of the new structure. The sidewalk shed shall be installed when the structure reaches the planned height of the shed. Such shed shall not be removed until the structure is enclosed, all exterior work has been completed and the sash is glazed above the second story, the façade has been cleaned down, and all exterior chutes, scaffolds, mast climbers, and hoisting equipment have been dismantled and removed from the site;
3. When a portion of a façade over 40 feet (12 192 mm) above curb level is to be constructed, altered,

maintained, or repaired, or a vertical or horizontal enlargement is to occur at a height over 40 feet (12 192 mm) above curb level, and the sidewalk, walkway, or pathway is within a perpendicular distance from the structure that is equal to or less than half the height of such façade work or vertical or horizontal enlargement. The sidewalk shed shall be installed prior to the commencement of work at a height greater than 40 feet (12 192 mm) above curb level. Such shed shall not be removed until the building is enclosed, all exterior work has been completed and the sash is glazed above the second story, the façade has been cleaned down, and all exterior chutes, scaffolds, mast climbers, and hoisting equipment have been dismantled and removed from the site; or

4. When a structure higher than 25 feet (7620 mm) is to undergo a full demolition, or when exterior partial demolition, other than that performed in conjunction with the construction, alteration, maintenance, or repair of a façade, is to occur at a height greater than 25 feet (7620 mm) above curb level, and the sidewalk, walkway, or pathway is within a perpendicular distance from the structure that is equal to or less than half the height of the demolition work. The sidewalk shed shall be installed prior to the commencement of demolition work. Such shed shall remain in place until the building has been razed to the height of the shed, or where the building is not being fully demolished, until all demolition work has been completed and all exterior chutes, scaffolds, mast climbers, and hoisting equipment have been dismantled and removed from the site.

Exceptions: Except where specifically required by the commissioner to protect the public from unique hazards at the site, sidewalk sheds are not required for:

1. Sidewalks, walkways, and pathways, or portions thereof, that are closed to the public.
2. Temporary walkways in accordance with Section 3307.2.3 that are provided with lighting and overhead protection equivalent to that afforded by a sidewalk shed.
3. Inspections, including a façade inspection, provided no work occurs during the inspection.
4. Sign hanging occurring by or under the direct and continuing supervision of a licensed sign hanger.
5. Window washing.
6. Work confined to the roof of an existing building, provided that:
   6.1. The edge of the roof is enclosed to a height of 42 inches (1067 mm) with a solid parapet;
   6.2. Such parapet is of sufficient strength to resist accidental impact during construction;
   6.3. The work does not exceed the height of the parapet or is set back from the edge of the roof at a distance that is equal to or greater than half the height of the work; and
   6.4. No work occurs on the parapet itself, and no material is placed or stored on the parapet during the course of the work.
7. Subject to the approval of the commissioner, work of limited scope and duration provided that:
   7.1. During the course of the work the area immediately under the work zone is temporarily closed to the public by means of barriers, cones, or caution tape, and flagpersons are provided to direct pedestrian traffic;
   7.2. At the end of the day the façade of the building is left in a safe condition and fully enclosed; and
   7.3. There is compliance with Section 3307.2.1.
8. Locations where a cantilevered platform has been installed, provided that:
   8.1. The cantilevered platform is approved by the commissioner.
   8.2. The cantilevered platform provides overhead protection equivalent to a sidewalk shed deck.
   8.3. The cantilevered platform is installed below the level of work to be performed, excluding work performed at the first story. <u>However, the cantilevered platform must still provide the minimum clearances specified by Section 3307.6.4.7.</u>
   <u>8.4. The area under the cantilevered platform is provided with lighting in accordance with Section 3307.6.4.8 if the street lighting does not provide adequate lighting to fulfill this requirement.</u>
   <u>8.5. The cantilevered platform meets all other requirements established in rules promulgated by the commissioner.</u>

9. [Areas along an exposure that are located more than 5 feet (1524 mm) beyond those required for compliance with Item 1 of Section 3307.6.2, provided that:] Locations where a supported scaffold, or an equivalent alternative system acceptable to the commissioner, has been installed to cover the entire exposure where work is occurring, provided that:

9.1. [The work is limited to the alteration, maintenance, or repair of a façade, and does not constitute a façade recladding as defined in rules promulgated by the commissioner; and] The supported scaffold, or alternate system, is provided with netting and guardrails in accordance with Section 3314.8, or an equivalent means of enclosing the scaffold or alternate system.

9.2. [The entire exposure where façade work is to occur is covered by either:] A catchall that projects at least 5 feet (1524 mm) in the horizontal is provided. The catchall shall connect to the scaffold or alternate system at a height of 10 feet (3048 mm) to 12 feet (3658 mm) above the level of the ground. The catchall shall be horizontal or may angle up at no more than 45 degrees. The catchall shall provide a level of protection equivalent to a sidewalk shed deck.

[9.2.1. A supported scaffold with netting and guardrails in accordance with Section 3314.8; or

9.2.2. A site specific engineered enclosure system in accordance with Section 3309.17.]

9.3. The area immediately under the scaffold or alternative system, not including the catchall, is closed to the public unless the scaffold or alternative system rests on a sidewalk shed, a cantilevered system that meets the provisions of Exception 8 of this Section, or the level immediately above the area open to the public is decked such that it provides a level of protection equivalent to that of a sidewalk shed deck.

9.4. The scaffold or alternate system is installed such that it does not obstruct or diminish required light, air, or egress.

9.5. The supported scaffold, or alternative system, meets all other requirements established in rules promulgated by the commissioner.

10. A sidewalk shed is not allowed for the construction of a major new building. Protection in accordance with Exceptions 8 or 9 of this Section must instead be provided.

11. A sidewalk shed is not required to protect against unsafe facade conditions where a mesh enclosure system has been installed in accordance with the following:

11.1. The mesh system is installed in vertical panels and is anchored at the top and the base of the building.

11.2. The top connection is anchored to a separate structural system (i.e. an outrigger system), or if the building parapet is in good condition, to the building parapet.

11.3. The bottom of the mesh is anchored to the ground or to a building at a level below the unsafe façade condition. If the mesh is anchored at ground level, a barrier at least 32 inches (813 mm) shall be provided to keep pedestrians away from the mesh. If the mesh is anchored to the building, the mesh and its anchorage must be strong enough to hold the falling object until it can be safely removed.

11.4. Adequate intermediate support for the mesh shall be provided. The mesh can be laterally tied to existing building façade stabilization anchors or to sound portions of the facade for additional lateral support, provided that the engineer has verified that the support is adequate for the expected load. If the netting is used solely to contain debris from falling away from the building, only vertical netting will be required.

11.5. The mesh can be laterally tied to existing building façade stabilization anchors or to sound portions of the facade for additional lateral support, provided that the engineer has verified that the support is adequate for the expected load.

11.6. If the netting is used solely to contain debris from falling away from the building, only vertical netting will be required. If the netting is also to provide a horizontal surface to catch falling debris, the net will also need to meet requirements for horizontal netting.

11.7. The mesh enclosure system shall be installed such that it does not obstruct or diminish required light, air, or egress.

11.8. During the repair of an unsafe façade condition where a mesh enclosure system has

been installed, a sidewalk shed need not be installed where the area under the work complies with the requirements of Exception 7 of this Section. The mesh enclosure system may be temporarily removed in the location of the work to facilitate work, provided it is reinstalled at the end of the shift.

11.9. The mesh enclosure system meets all other requirements established in rules promulgated by the commissioner.

§ 2. Section 3307.6.4.2 of the New York city building code, as amended by local law number 126 for the year 2021, is amended to read as follows:

3307.6.4.2 Design loads. All sidewalk sheds shall be designed [as a heavy duty sidewalk shed to carry a live load of at least 300 pounds per square foot (1464.6 kg/m). However, where the shed is installed to protect from work performed at a height of less than 100 feet (30 480 mm) above the ground, the sidewalk shed may be designed as a light duty sidewalk shed to carry a live load of at least 150 pounds per square foot (732.3 kg/m^2), provided that no item is stored or placed upon the shed.] for a uniform live load of 100 psf (488.2 kg/m^2), and a concentrated live load of 2,500 lbs (1133.9 kg) acting on a 12-inch by 12-inch (305 mm by 305 mm) area for all shed horizontal framing elements. These loads shall be placed at the shed location that causes the worst effect. All sidewalk sheds shall also be designed for any additional superimposed and live loads required during construction or demolition, including scaffold leg reactions and storage weights. Storage loads and areas shall be identified in the sidewalk shed drawings. The minimum uniform live load can be reduced to 20 psf (97.6 kg/m^2) when applied concurrently with scaffold or storage loads, to avoid double counting of loads.

§ 3. Section 3307.6.4.2.1 of the New York city building code, as amended by local law number 126 for the year 2021, is amended to read as follows:

3307.6.4.2.1 Wind and other loads. The effect of wind and other loads on the sidewalk shed, and any item placed or attached on or to the shed, shall be considered in the design in accordance with Chapter 16. This shall include, but need not be limited to lateral and vertical load effects of wind and earthquake loads per Section 1609 and 1613 as modified by Section 1619 as applicable. Adequate anchorage, dunnage, or dead loads shall be provided to prevent uplift.

§ 4. Section 3307.6.4.2.2 of the New York city building code, as amended by local law number 126 for the year 2021, is amended to read as follows:

3307.6.4.2.2 Storage. [Storage on sidewalk sheds shall be as follows:

1. No item shall be stored or placed upon a sidewalk shed designed as a light duty sidewalk shed under Section 3307.6.4.2.
2. No material shall be stored or placed upon a sidewalk shed designed as a heavy duty sidewalk shed under Section 3307.6.4.2**,** unless the shed is designed for such storage, with such areas of storage or placement clearly designated on the drawings.

   Where an item is to be stored or placed upon a heavy duty sidewalk shed, and such storage or placement is not in excess of 150 pounds per square foot (732.3 kg/m^2) on any square foot area of the sidewalk shed, the design live load of 300 pounds per square foot (1464.6 kg/m) need not be increased.

   Where an item is to be stored or placed upon a heavy duty sidewalk shed, and such storage or placement is in excess of 150 pounds per square foot (732.3 kg/m^2) on any square foot area of the sidewalk shed, such shed shall be designed to carry:

   2.1. The live load of 300 pounds per square foot (1464.6 kg/m) required of a heavy duty sidewalk shed; and

   2.2. The load of the item to be placed or stored upon the shed, minus 150 pounds per square foot (732.3kg/m^2).

2.3. Where an item is to be stored or placed upon a heavy duty sidewalk shed, and such storage or placement is in excess of 150 pounds per square foot (732.4 kg/m^2) on any square foot area of the sidewalk shed, such shed shall be designed to carry:
2.3.1. The live load of 300 pounds per square foot (1464.7 kg/m^2) required of a heavy duty sidewalk shed; and
2.3.2. The load of the item to be placed or stored upon the shed, minus 150 pounds per square foot (732.4 kg/m^2).
2.4. The decking of the sidewalk shed does not consist of the light-transmitting plastic material.]

No material shall be stored or placed upon a sidewalk shed unless the shed is designed for such storage or placement, with such areas of storage or placement clearly designated on the drawings and the designer has verified the adequacy of the decking material.

§ 5. Chapter 33 of the New York city building code is amended by adding new section 3307.6.4.2.3 to read as follows:

3307.6.4.2.3 Vehicular impact. Sidewalk sheds shall be designed or protected from vehicular impact in accordance with one of the following:

1. The sidewalk shed shall be designed such that an alternative load path is provided for each vertical member so that the loss of a vertical member will not result in the failure, global or localized, of the shed.

Exceptions: This requirement is not required where:

1. Vertical members are adequately protected by bollards, guardwalls, vehicle arrest systems, or similar permanent elements installed in accordance with the requirements of the Department of Transportation.
2. Vertical members are protected from vehicular traffic by a Class I bike lane or similar.
3. Vertical members that are located within 36 inches (914 mm) from a roadway or parking lane are securely affixed within a planter capable of sustaining a vehicular impact. The planter shall not exceed 4 feet (1219 mm) in width, 6 feet (1829 mm) in length, and 4 feet (1219 mm) in height. The planter shall be capable of resisting a load of 6,000 pounds (26.70 kN), acting simultaneously with other design loads, and applied horizontally in an any direction at 1 foot 6 inches (457 mm) above its base.

§ 6. Section 3307.6.4.7 of the New York city building code, as amended by local law number 126 for the year 2021, is amended to read as follows:

3307.6.4.7 Height. The passageway under the shed shall have a minimum clear ceiling height of [8 feet (2438 mm)] 12 feet (3658 mm), or less as necessary to avoid interference with required light, air, or egress, but no less than 10 feet (3048 mm).

Exception: Lights that extend no more than 8 inches (203 mm) below the level of the deck shall be excluded from the clear ceiling height measurement.

§ 7. Section 3307.6.4.8 of the New York city building code, as amended by local law number 126 for the year 2021, is amended to read as follows:

3307.6.4.8 Lighting. Sidewalk shed lighting shall be in conformance with the following:

1. The underside of sidewalk sheds shall be illuminated at all times either by daylight or electric light. The level of illumination shall be uniformly distributed along the entire length of the

shed with a minimum of [1] 1.5 foot-candle ([11] 17 lux) measured at the level of the walking surface, or 5 foot-candle (55 lux) measured at the level of the walking surface when the walking surface is within 10 feet (3048 mm) of a subway entrance, bus shelter, or similar transit facility, with a minimum luminous efficacy of 45 lumens per watt or greater and be rated to operate at temperatures of 5°F (-15°C) and higher.

2. All lamps shall be enclosed in water-resistant and vandal-resistant fixtures, and all lamps, wiring, and accessory components shall conform to the requirements of the *New York City Electrical Code.*
3. Photosensors may be used to control electric lighting according to the amount of daylight available. All photosensors shall be equipped for fail-safe operation ensuring that if the sensor or control fails, the lamps will provide the lighting levels required by this section.

§ 8. Section 3307.6.4.11 of the New York city building code, as amended by local law number 126 for the year 2021, is amended to read as follows:

3307.6.4.11 Color. Sidewalk sheds [erected on or after July 1, 2013,] shall meet the following color requirements:

1. [Solid parapet panels shall be hunter green] Parapet panels, whether solid or mesh, shall be hunter green, neutral white, black, neutral beige, metallic gray, blue, or the color of the building.
2. [Mesh parapet panels shall be hunter green or metallic gray] Portions of parapet panel framing members visible to the public shall be one of the colors listed in item 1 of this Section. This includes side and back portions of such parapet panel framing members that may be visible through mesh panels.
3. [Portions of parapet panel framing members visible to the public shall be hunter green. This includes side and back portions of such parapet panel framing members that may be visible through mesh panels] Vertical members, cross bracing, and other framing components shall be hunter green, neutral white, black, neutral beige, metallic gray, blue, or the color of the building.

[4. Vertical members, cross bracing, and other metallic components shall be hunter green or metallic gray.

Exception: Sidewalk sheds that are of a model whose prototype won a design competition recognized by the city may be white in color.]

§ 9. This local law takes effect immediately.

Referred to the Committee on Housing and Buildings.

Int. No. 392

By Council Members Powers, Bottcher, Sanchez, Abreu, Restler and Brewer (in conjunction with the Manhattan Borough President).

A Local Law to amend the New York city building code, in relation to requiring permit holders responsible for sidewalk sheds or scaffolding to repair or replace certain damaged city-owned trees

Be it enacted by the Council as follows:

Section 1. Section 3309.11 of the New York city building code, as amended by local law 126 for the year 2021, is amended to read as follows:

§ 3309.11 Protection and replacement of trees. No trees outside the property line within the public right-of-way shall be disturbed or removed without the permission of the commissioner of the department of parks

and recreation. Protection meeting the requirements of the department of parks and recreation shall be provided for all such trees, and written notification shall also be made to the department of parks and recreation at least 48 hours prior to commencement of such work. *Any tree outside the property line within the public right-of-way that is damaged as a result of a sidewalk shed or scaffolding shall be repaired or replaced within six months by the permit holder responsible for the sidewalk shed or scaffolding.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Housing and Buildings.

Int. No. 393

By Council Members Powers, Bottcher, Sanchez, Abreu, Restler and Brewer (in conjunction with the Manhattan Borough President).

A Local Law to amend the administrative code of the city of New York and the New York city building code, in relation to removing construction-related equipment

Be it enacted by the Council as follows:

Section 1. Section 28-201.2.2 of the administrative code of the city of New York, as amended by local law number 141 for the year 2013 and local law number 126 for the year 2021, is amended to add a new item 8 to read as follows:

8. A violation of section 3307.4.3 of the New York city building code, where such violation occurs on a road with four or more traffic lanes.

§ 2. Section 28-201.2.3 of the administrative code of the city of New York, as added by local law number 47 for the year 2012, is amended to add a new item 2 to read as follows:

2. A violation of section 3307.4.3 of the New York city building code, where such violation occurs on a road with three or less traffic lanes.

§ 3. Section 28-302.5 of the administrative code of the city of New York, as amended by local law number 141 for the year 2013 and local law number 126 for the year 2021, is amended to read as follows:

§28-302.5 Repair of exterior walls, unsafe condition. Upon the notification to the department of an unsafe condition, the owner, the owner's agent or the person in charge shall immediately commence such repairs, reinforcements or other measures as may be required to secure public safety and to make the building's exterior walls or appurtenances thereof conform to the provisions of this code.

1. All unsafe conditions shall be corrected within 90 days [of] after filing the critical examination report.
2. The owner shall engage a registered design professional to reinspect the premises and file an amended report within two weeks after the repairs have been completed certifying that the unsafe conditions of the building have been corrected.
3. The commissioner may grant an extension of time of up to 90 days to complete the repairs required to correct an unsafe condition upon receipt and review of an initial extension application submitted by the registered design professional together with such additional documentation as may be prescribed by rule.
4. [The commissioner may grant further extensions of time to complete the repairs required to remove an unsafe condition upon receipt and review of an application for a further extension submitted by the registered design professional together with such further documentation as may be prescribed by rule.] If an unsafe condition has not been corrected within the time period set forth in item 1, including any extension granted under item 3, the commissioner may direct the commissioner of housing preservation and development or the department of citywide administrative services or another authorized agency to

perform or arrange for the performance of such correction in the manner provided for emergency work under section 28-215.1. Such work shall be deemed emergency work for the purposes of section 28-215.1.1.

§ 4. Section 3202.3 of the New York city building code, as amended by local law number 141 for the year 2013 and local law number 126 for the year 2021, is amended to read as follows:

3202.3 Temporary encroachments. Encroachments of temporary nature shall comply with Sections 3202.3.1 through [3202.2.3] 3202.3.4.

§ 5. Section BC 3202 of the New York city building code, as amended by local law number 141 for the year 2013 and local law number 126 for the year 2021, is amended by adding a new section 3202.3.4 to read as follows:

3202.3.4 Contractor sheds and offices. Contractor sheds or offices shall not be placed on a street.

Exception: Where the commissioner determines it would be impracticable to place such contractor shed or office in a location other than on the street, provided that such placement complies with applicable rules of the Department of Transportation.

§ 6. Section 3307.2.2 of the New York city building code, as amended by local law 141 for the year 2013 and local law number 126 for the year 2021, is amended to read as follows:

3307.2.2 Temporary public walkway in the street. Where authorized by the Department of Transportation, a temporary walkway open to the public may be provided in the street in front of the site. Such temporary walkway shall be protected in accordance with the requirements of the Department of Transportation. Department of Transportation authorization is required where a temporary walkway and a temporary or permanent bicycle lane will share the same space. Such walkway shall be removed and pedestrian access to the sidewalk shall be restored if there has been no work at such site for a period of 60 or more consecutive days. There shall be a rebuttable presumption that no work has occurred for a period of 60 or more consecutive days at such site if the department visits such site at least twice within a 60-day period and (i) each such visit occurs between Monday and Friday, during the hours of 8:00 a.m. to 3:00 p.m., excluding public holidays as such term is defined in section 24 of the general construction law and any other day excluded by department rule, and (ii) at each such visit, the department observes no work occurring.

Exceptions:

1. Where work has temporarily ceased due to weather.

2. Where work has temporarily ceased because of expiration of applicable permits from the department and the permit holder has applied for a renewal of such permits.
3. Where removal would pose a risk of physical harm to pedestrians.

§ 7. Section 3307.4.3 of the New York city building code, as amended by local law 141 for the year 2013, is amended to read as follows:

3307.4.3 Vehicular traffic. Whenever any work is being performed over, on, or in close proximity to a highway, street, or similar public way, control and protection of traffic shall be provided by barriers, signals, signs, flagpersons, or other devices, equipment, and personnel in accordance with the requirements of the Department of Transportation. Barriers that are placed in the roadway to prohibit vehicular traffic shall be removed if there has been no work for a period of one or more hours. There shall be a rebuttable presumption that no work has occurred for a period of one or more hours if (i) in response to a complaint, the department visits the site and observes no work occurring or (ii) the department visits the site at least twice in one day, at times which are separated by at least one hour, and observes no work occurring.

§ 8. Section 3307.6.5.2 of the New York city building code, as amended by local law 141 for the year 2013, is amended to read as follows:

3307.6.5.2 Supervision of installation, adjustment, repair, and removal. The installation, adjustment, repair, or removal of a sidewalk shed shall be performed under the supervision of a competent person designated by the permit holder for the sidewalk shed. The permit holder shall cause the removal of a sidewalk shed if there has been no work performed on the site for 60 or more consecutive days. There shall be a rebuttable presumption that no work has occurred for a period of 60 or more consecutive days at such site if the department visits such site at least twice within a 60-day period and (i) each such visit occurs between Monday and Friday, during the hours of 8:00 a.m. to 3:00 p.m., excluding public holidays as such term is defined in section 24 of the general construction law and any other day excluded by department rule, and (ii) at each such visit, the department observes no work occurring.

Exceptions:

1. Where work has temporarily ceased due to weather.

2. Where work has temporarily ceased because of expiration of permits from the department and where the permit holder has applied for a renewal of such permits.

3. Where removal of sidewalk sheds would pose a risk of physical harm to pedestrians.

4. Where work has temporarily ceased due to a stop work order issued by the department.

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

Referred to the Committee on Housing and Buildings.

Int. No. 394

By Council Members Powers, Bottcher, Abreu, Restler and Brewer (in conjunction with the Manhattan Borough President).

A Local Law to amend the administrative code of the city of New York, in relation to altering the timeline of initial façade examinations for new construction and coordinating all façade examinations on each city block

Be it enacted by the Council as follows:

Section 1. Section 28-302.2 of the administrative code of the city of New York, as amended by local law number 126 for the year 2021, is amended to read as follows:

§ 28-302.2 Inspection requirements. A critical examination of a building's exterior walls and appurtenances thereof shall be conducted at periodic intervals as set forth by rule of the commissioner, but such examination shall be conducted at least once during each five-year report filing cycle, as defined by rule of the department. The initial examination for a new building shall be conducted in the [fifth] eighth year following the erection or installation of any exterior wall [and/] or appurtenances as evidenced by the issuance date of a temporary or final certificate of occupancy or as otherwise prescribed by rule.

1. [Such] The examination shall be conducted on behalf of the building owner by or under the direct supervision of a registered design professional with appropriate qualifications as prescribed by the department.

2. [Such] The examination shall include a complete review of the most recently prepared report and an inspection.

3. [Such] The examination shall be conducted in accordance with rules promulgated by the commissioner.

4. To the extent practicable, the commissioner shall coordinate the submission of critical examination reports to ensure that all buildings that share a block submit the critical examination reports simultaneously.

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

Referred to the Committee on Housing and Buildings.

Int. No. 395

By Council Members Powers, Hanif, Rivera, Restler and Avilés.

A Local Law to amend the administrative code of the city of New York, in relation to limiting the circumstances in which a person may be detained by the police department on a civil immigration detainer

Be it enacted by the Council as follows:

Section 1. Subdivision b of section 14-154 of the administrative code of the city of New York, as amended by local law number 228 for the year 2017, is amended to read as follows:

b. Prohibition on honoring a civil immigration detainer.

1. The department may only honor a civil immigration detainer by holding a person beyond the time when such person would otherwise be released from the department's custody, in addition to such reasonable time as is necessary to conduct the search specified in subparagraph (ii) of this paragraph, or by notifying federal immigration authorities of such person's release, if:

i. federal immigration authorities present the department with a judicial warrant for the detention of the person who is the subject of such civil immigration detainer at the time such civil immigration detainer is presented; and

ii. a search, conducted at or about the time when such person would otherwise be released from the department's custody, of state and federal databases, or any similar or successor databases, accessed through the New York state division of criminal justice services e-JusticeNY computer application, or any similar or successor computer application maintained by the city of New York or state of New York, indicates, or the department has been informed by a court or any other governmental entity, that such person: A. has been convicted of a violent or serious crime, or B. is identified as a possible match in the terrorist screening database.

[2. Notwithstanding paragraph one of this subdivision, the department may honor a civil immigration detainer by holding an person for up to forty-eight hours, excluding Saturdays, Sundays and holidays, beyond the time when such person would otherwise be released from the department's custody, in addition to such reasonable time as is necessary to conduct the search specified in this paragraph, if a search, conducted at or about the time when such person would otherwise be released from the department's custody, of state and federal databases, or any similar or successor databases, accessed through the New York state division of criminal justice services e-JusticeNY computer application, or any similar or successor computer application maintained by the city of New York or state of New York, indicates, or the department has been informed by a court or any other governmental agency, that such person: A. has been convicted of a violent or serious crime and has illegally re-entered the country after a previous removal or return, or B. is identified as a possible match in the terrorist screening database; provided, however, that if federal immigration authorities fail to present the department with a judicial warrant for such person within the period described above, such person shall be released and the department shall not notify federal immigration authorities of such person's release.]

[3.] *2.* Nothing in this section shall affect the obligation of the department to maintain the confidentiality of any information obtained pursuant to paragraph[s] one [or two] of this subdivision.

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

Referred to the Committee on Immigration.

Int. No. 396

By Council Members Powers, Hanif, Rivera, Restler, Won and Avilés.

A Local Law to amend the administrative code of the city of New York, in relation to limiting communication between the department of correction and federal immigration authorities

Be it enacted by the Council as follows:

Section 1. Paragraph 1 of subdivision h of section 9-131 of the administrative code of the city of New York, as amended by local law number 228 for the year 2017, is amended to read as follows:

1. Department personnel shall not expend time while on duty or department resources of any kind disclosing information that belongs to the department and is available to them only in their official capacity, in response to federal immigration inquiries or in communicating with federal immigration authorities regarding any person's incarceration status, release dates, court appearance dates, or any other information related to persons in the department's custody, [other than information related to a person's citizenship or immigration status,] unless such response or communication:

(i) [relates to a person convicted of a violent or serious crime or identified as a possible match in the terrorist screening database] *is made pursuant to subdivision b of this section*; *or*

(ii) is unrelated to the enforcement of civil immigration laws[; or

(iii) is otherwise required by law].

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

Referred to the Committee on Immigration.

Int. No. 397

By Council Members Powers, Bottcher, Feliz, Brewer, Schulman, Marte, Yeger, Brannan, Ayala, Dinowitz, Carr and Vernikov.

A Local Law to amend the administrative code of the city of New York, in relation to amending the nuisance abatement law regarding the sale or delivery of cannabis

Be it enacted by the Council as follows:

Section 1. Subdivision (r) of section 7-703 of the administrative code of the city of New York, as added by local law number 8 for the year 2007, is amended to read as follows:

(r) Any building, erection or place, including one- or two-family dwellings, used for the creation, production, storage or sale of a false identification document, as defined in subsection (d) of section one thousand twenty-eight of title eighteen of the United States code, a forged instrument, as defined in subdivision seven of section 170.00 of the penal law, or a forgery device, as that term is used in section 170.40 of the penal law. It shall be presumptive evidence that the building, erection or place, including one- or two-family dwellings, is a public nuisance if there have occurred, within the one-year period preceding the commencement of an action under this chapter, two or more violations constituting separate occurrences on the part of the lessees, owners, operators or occupants of one or any combination of the following provisions: paragraph one, five or eight of subsection (a) of section one thousand twenty-eight of title eighteen of the United States code, section 170.05, 170.10, 170.15

or 170.40 of the penal law or, under circumstances evincing an intent to sell or distribute a forged instrument, section 170.20, 170.25 or 170.30 of the penal law[.]*; and*

§ 2. Section 7-703 of the administrative code of the city of New York is amended by adding a new subdivision (s) to read as follows:

(s) Any building, erection, or place, including one- or two-family dwellings, wherein there exists: a violation of subdivision 1 of section 125 of the cannabis law through the unregistered, unlicensed, or unpermitted distribution for sale, selling at wholesale or retail, or delivering to consumers of any cannabis, cannabis product, medical cannabis, or cannabinoid hemp or hemp extract product, as such terms are defined in section 3 of the cannabis law; or a violation of subdivision 1 of section 85 of the cannabis law involving any person, actually or apparently, under the age of 21 years.

§ 3. Subdivision (a) of section 7-704 of the administrative code of the city of New York, as amended by local law number 41 for the year 2017, is amended to read as follows:

(a) The corporation counsel shall bring and maintain a civil proceeding in the name of the city in the supreme court of the county in which the building, erection or place is located to permanently enjoin the public nuisances, defined in subdivisions (a), (d), (e), (f), (g), (h), (k), (l), (m), (n), [and] (r)*, and (s)* of section 7-703, in the manner provided in subchapter two of this chapter.

§ 4. Section 7-705 of the administrative code of the city of New York, as amended by local law number 41 for the year 2017, is amended to read as follows:

§ 705 Applicability. This subchapter shall be applicable to the public nuisances defined in subdivisions (a), (d), (e), (f), (g), (h), (k), (l), (m), (n) [and] (r)*, and (s)* of section 7-703.

§ 5. Subdivision (a) of section 7-709 of the administrative code of the city of New York, as amended by local law number 32 for the year 2017, is amended to read as follows:

(a) Generally. If, on a motion for a preliminary injunction pursuant to section 7-707 alleging a public nuisance as defined in subdivision (a) or (d) of section 7-703, or a public nuisance as defined in subdivision (e) of section 7-703 in a building, erection or place used for commercial purposes in which there is a significant risk of imminent physical harm to a natural person or persons, *or a public nuisance as defined in subdivision (s) of section 7-703,* the corporation counsel shall show by clear and convincing evidence that such public nuisance is being conducted, maintained or permitted and that the public health, safety or welfare immediately requires a temporary closing order, a temporary order closing such part of the building, erection or place wherein such public nuisance is being conducted, maintained or permitted may be granted without notice, pending order of the court granting or refusing the preliminary injunction and until further order of the court. Upon granting a temporary closing order, the court shall direct the holding of a hearing for the preliminary injunction at the earliest possible time but in no event later than three business days from the granting of such order; a decision on the motion for a preliminary injunction shall be rendered by the court within three business days after the conclusion of the hearing.

§ 6. Subdivision (a) of section 7-710 of the administrative code of the city of New York, as amended by local law number 32 for the year 2017, is amended to read as follows:

(a) Generally. If, on a motion for a preliminary injunction pursuant to section 7-707 alleging a public nuisance as defined in subdivision (a), (d), or (k) of section 7-703, or a public nuisance as defined in subdivision (e) of section 7-703 in a building, erection or place used for commercial purposes in which there is a significant risk of imminent physical harm to a natural person or persons, or a public nuisance as defined in subdivision (h) of section 7-703 in a building, erection or place operating without a license or with a license permitting the sale of liquor under the alcoholic beverage control law, *or a public nuisance as defined in subdivision (s) of section 7-703*, the corporation counsel shall show by clear and convincing evidence that such public nuisance is being conducted, maintained or permitted and that the public health, safety or welfare immediately requires a temporary restraining order, such temporary restraining order may be granted without notice restraining the defendants and all persons from removing or in any manner interfering with the furniture, fixtures and movable property used in conducting, maintaining or permitting such public nuisance and from further conducting, maintaining or permitting such public nuisance, pending order of the court granting or refusing the preliminary injunction and until further order of the court. Upon granting a temporary restraining order, the court shall direct the holding of a hearing for the preliminary injunction at the earliest possible time but in no event later than three business days from the granting of such order; a decision on the motion for a preliminary injunction shall be rendered by the court within three business days after the conclusion of the hearing.

§ 7. This local law takes effect immediately.

Referred to the Committee on Public Safety.

Int. No. 398

By Council Members Powers, Brooks-Powers and Restler (in conjunction with the Brooklyn Borough President) (in conjunction with the Manhattan Borough President).

A Local Law to amend the administrative code of the city of New York, in relation to requiring a study of dangerous driving

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 19-199.8 to read as follows:

§ 19-199.8 Study of dangerous driving. The department, in collaboration with the police department and any other appropriate agencies identified by the mayor, shall conduct a study of driving behavior to identify specific behaviors indicating a pattern of dangerous driving associated with traffic crashes, injuries and fatalities. As part of such study the department shall analyze data including, but not limited to: hit-and-run police reports; convictions for traffic-related violations or crimes, including convictions pursuant to section 1212 of the vehicle and traffic law and section 19-190; MV104AN crash reports attributing dangerous conduct to the driver; driving activity of vehicles registered to people with suspended or revoked licenses; and, to the extent feasible, motor vehicle insurance information. Within one year of the submission of the report required by subdivision d of section 19-199.7, and on an annual basis thereafter, the department shall submit to the council and post on its official website a report on the indicators of dangerous driving identified by such study and the department's recommendations for reducing dangerous driving, and any interventions undertaken by any agency with respect to dangerous driving and any increases or decreases in patterns of dangerous driving in the prior year.

§ 2. This local law takes effect immediately.

Referred to the Committee on Transportation and Infrastructure.

Res. No. 176

Resolution calling upon the New York State Legislature to pass, and the Governor to sign, S.492/A.4128A, which would authorize boards of elections in New York State to establish absentee ballot drop-off locations.

By Council Member Powers.

Whereas, The public health risks of the COVID-19 virus have made absentee voting a safer alternative to in-person voting for hundreds of thousands of New Yorkers; and

Whereas, In the spring of 2020, Governor Cuomo issued executive orders allowing New Yorkers to cite risk of exposure to COVID-19 as a valid reason for requesting an absentee ballot, ordering local boards of election to mail an absentee ballot application form to every eligible voter in the state, and ordering local boards of election to send voters their absentee ballots for the June Primary Election with a postage-paid return envelope; and

Whereas, At a New York City Council oversight hearing on September 25, 2020, the City Board of Elections reported that it mailed out over 775,000 absentee ballots to voters in June 2020, a roughly twelve-fold increase from the 2016 Presidential Primary; and

Whereas, In June, due to a United States Postal Service (USPS) error, namely the lack of postmark, thousands of mailed-in absentee ballots were initially invalidated by the New York City Board of Elections, only to be subsequently validated in compliance with a federal court order; and

Whereas, Throughout the summer of 2020, newly appointed postmaster general Louis DeJoy implemented policy changes, purportedly to reduce costs and inefficiencies at the USPS, including removing hundreds of high-speed mail sorting machines, cutting overtime, and organizational restructuring; and

Whereas, In July 2020, the USPS sent a letter to all 50 states, warning them that if they did not require voters to request mail-in ballots at least 15 days before an election, there could be a risk that the USPS would not be able to deliver ballots in time for votes to be counted; and

Whereas, In September 2020, a federal judge in New York ordered Mr. De Joy and the USPS to reverse the policy changes implemented in the summer, to pre-approve all overtime requested between October and November 2020 to treat all election mail as first-class priority mail, and to submit a weekly report detailing the USPS's progress in improving mail delivery; and

Whereas, Due to these operational failures and attempted policy changes at the USPS, public trust in the USPS's ability to deliver absentee ballots on time has eroded; and

Whereas, Returning an absentee ballot to a secure drop box is an increasingly popular alternative to mailing the ballot back through the USPS; and

Whereas, According to the Cybersecurity and Infrastructure Security Agency, the branch of the U.S. Department of Homeland Security tasked with securing election infrastructure, ballot drop boxes are "secure and convenient means for voters to return their mail ballot;" and

Whereas, At least 33 other states and the District of Columbia have used, or planned on using, ballot drop boxes in 2020; and

Whereas, In western states that conduct elections largely via absentee ballots, ballot drop box use is very high, including in Colorado where nearly 75 percent of all ballots were returned to a drop box in 2016; and

Whereas, In September 2020, Governor Cuomo signed an Executive Order mandating that boards of election allow voters to drop off absentee ballots at drop boxes located at boards of election offices, early voting poll sites, or Election Day poll sites; and

Whereas, The New York City Board of Elections announced it would provide ballot drop boxes at every board office, early voting poll site, and Election Day poll site; and

Whereas, New York State Senator Brad Hoylman and Assembly Member Richard Gottfried introduced S.492/A.4128A, which would authorize boards of election to set up secure ballot drop box locations across the state, not limited to only poll sites or board offices; and

Whereas, Numerous good government and voting advocacy groups support S.492/A.4128A, including but not limited to the League of Women Voters of New York State, VoteEarlyNY, Citizens Union, and NYPIRG; and

Whereas, Establishing secure ballot drop boxes at various locations would give New York voters more options to return their absentee ballots safely and securely, would eliminate the need for paid postage, and would reduce the burden on the USPS; 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.492/A.4128A, which would authorize boards of elections in New York State to establish absentee ballot drop-off locations.

Referred to the Committee on Governmental Operations, State & Federal Legislation.

Res. No. 177

Resolution calling upon the New York State Legislature to pass, and the Governor to sign, legislation that would expand the Senior Citizen Rent Increase Exemption (SCRIE) program and Disability Rent Increase Exemption (DRIE) program to New York City tenants who reside in market rate units.

By Council Members Powers, Louis, Bottcher, Restler, Hanif, Hudson, Joseph, Brewer, Ung, Sanchez, Menin and Gutierrez.

Whereas, The New York City Department of Finance administers the Senior Citizen Rent Increase Exemption (SCRIE) program and the Disability Rent Increase Exemption (DRIE) program for rent stabilized and rent control tenants; and

Whereas, Seniors and tenants with disabilities who live in cooperatives that were incorporated under Article XI of the Private Housing Finance Law, federally assisted cooperatives, or Mitchell-Lama and Redevelopment Company developments may be eligible for SCRIE or DRIE; and

Whereas, The SCRIE program also requires senior citizens to be 62 years old or older, have a combined household income of $50,000 or less and spend more than one third of their monthly income on rent; and

Whereas, The DRIE program also requires tenants to be over the age of 18, have an annual household income of $50,000 or less, spend more than one third of their monthly income on rent and receive one of the following: federal supplemental security income (SSI), federal social security disability insurance (SSDI), United States Department of Veterans Affairs Disability Pension or Compensation, Disability-related Medicaid, if the applicant has received either SSI or SSDI in the past, or United States Postal Service (USPS) disability pension or disability compensation; and

Whereas, Tenants who have been approved for SCRIE and DRIE will have their rent frozen at the current rate and exempt from future rent increases; and

Whereas, Property owners who have SCRIE tenants or DRIE tenants would receive a credit towards New York real property taxes on the building where the tenant lives, which is the difference between the legal rent and the amount the tenant is required to pay under the SCRIE or DRIE program; and

Whereas, Senior citizens and tenants with disabilities who lease apartments that are not regulated are not eligible for SCRIE or DRIE benefits; and

Whereas, According to a report from the Center for an Urban Future titled, "New York's Older Adult Population is Booming Statewide," nearly 1 in 7 older New Yorkers are living in poverty, and an October 2019 report from New York State Comptroller Thomas DiNapoli titled *"*Employment Trends for People with Disabilities in New York City" brought attention to how working age New York City residents with a disability are more than twice as likely to live in poverty as people without a disability; and

Whereas, New York State should expand the SCRIE and DRIE programs to include eligible tenants who reside in market rate units; and

Whereas, Low-income older adults and tenants with disabilities who live in market rate units should have the same benefits as low-income adults and tenants with disabilities who live in other types of affordable housing; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to pass, and the Governor to sign, legislation that would expand the Senior Citizen Rent Increase Exemption (SCRIE) program and Disability Rent Increase Exemption (DRIE) program to New York City tenants who reside in market rate units.

Referred to the Committee on Aging.

Res. No. 178

Resolution recognizing April as Freelancers Appreciation Month in New York City.

By Council Members Powers, Ossé, De La Rosa and Brewer.

Whereas, Freelancers can be categorized as full-time independent contractors, temporary workers employed by staffing firms, gig economy workers, project-based workers, self-employed business owners, and people working in a mix of these areas and in traditional employment; and

Whereas, the third week in April is traditionally celebrated as National Freelance Business Week according to the Freelance Business Conference, the premier conference for the American freelance industry; and

Whereas, According to a 2019 report by the New York City Mayor's Office of Media and Entertainment, freelance work is most prevalent in New York City's media and entertainment sectors, including 68% of journalism and digital media workers; 67% of music and performing arts workers; 60% of marketing or advertising workers; 52% of film or television workers; and 54% of publishing workers; and

Whereas, Over the course of the COVID-19 pandemic, freelance work has grown more popular and is reinventing the way individuals work by merging with sectors of traditional permanent employment, such as web design, business consulting, and accounting; and

Whereas, A 2021 study by Upwork, a digital marketplace for independent contractors, found that 59 million Americans performed freelance work in 2021, representing 36%—or more than one-third—of the entire U.S. workforce; and

Whereas, Freelancers are diverse professionals, with 48% of American freelancers identifying as women, and 52% as men; 16% identifying as Hispanic, 12% African American, and 5-10% Asian, according to a 2022 report by Forbes Magazine; and

Whereas, Freelance workers contributed $1.3 trillion in annual earnings to the U.S. economy in 2021, $100 million more than in 2020; and

Whereas, The COVID-19 pandemic has shifted the working landscape by demonstrating the value and autonomy of remote self-employment; and

Whereas, According to Upwork, amid the uncertainty of COVID-19, freelancers found that they are benefiting from income diversification, adjustable schedules, and location flexibility, while companies discovered that freelance professionals inject new skills and capabilities into an organization; and

Whereas, As businesses look to a post-COVID-19 future, companies will increasingly rely on freelancers as essential contributors to their operations; and

Whereas, Freelance workers make significant contributions to the New York City economy; now, therefore, be it

Resolved, That the Council of the City of New York recognizes April as Freelancers Appreciation Month in New York City.

Referred to the Committee on Consumer and Worker Protection.

Res. No. 179

Resolution calling on Congress to pass and the President to sign the *Setting Consumer Standards for Lithium-Ion Batteries Act,* which would promulgate consumer product safety standards with respect to rechargeable lithium-ion batteries used in micromobility devices.

By Council Members Powers, Avilés, Feliz and Brewer.

Whereas, A lithium-ion battery is a rechargeable device that is commonly used in electronics and mobility devices, such as cellular phones, scooters and e-bikes; and

Whereas, A lithium-ion battery, when faulty or overheated, can cause fires that are extremely dangerous because they are self-sustaining and are difficult to contain and extinguish; and

Whereas, The construction of these batteries contain a pressurized electrolyte fluid that makes them dangerous in a range of circumstances, which may compromise the battery's integrity and cause the battery to explode or ignite; and

Whereas, These circumstances include but are not limited to: (i) impact damage to the battery; (ii) a manufacturing flaw; (iii) aging and deterioration of the battery components; (iv) extreme temperatures; and (v) overcharging; and

Whereas, Additionally, overcharging lithium-ion may produce an exothermic decomposition of the battery cell, which may lead to rupturing and thermal explosion and is incredibly challenging for firefighters to extinguish; and

Whereas, During 2022, there were 220 reported lithium-ion battery related fires in the City resulting in 146 injuries and 6 deaths; and

Whereas, New York City continues to experience a growing number of e-bike fires, both residential and commercial, that not only destroy property but result in fatalities; and

Whereas, On April 10, 2023, two young people, a 7-year-old boy and his 19 year-old sister, were killed in a residential fire caused by an e-bike being charged near the front door of an apartment building in Astoria, Queens; and

Whereas, In 2023, the City Council passed local laws to curb these fires and better protect and educate the public on the dangers of lithium-ion batteries, including: (i) establishing an informational campaign to educate the public on fire risks posed by power mobility devices; (ii) prohibiting the sale, lease, or rental of powered mobility devices, such as e-bikes and electric scooters, and storage batteries for these devices, which fail to meet recognized safety standards; and (iii) prohibiting the assembly or reconditioning of a lithium-ion battery using cells removed from used storage batteries and the sale of a lithium-ion battery that uses cells removed from used storage batteries; and

Whereas, H.R. 1797, introduced by United States Representative Richie Torres, and S.1008 introduced by United States Senator Kirsten Gillibrand, which would require the U.S. Consumer Product Safety Commission ("CPSC") to promulgate a consumer product safety standard with respect to rechargeable lithium-ion batteries used in micromobility devices, and for other purposes; and

Whereas, H.R. 1797/S. 1008, also known as the *Setting Consumer Standards for Lithium-Ion Batteries Act*, would require the CPSC to establish a final consumer product safety standard for rechargeable lithium-ion batteries used in personal mobility devices, such as electric scooters and e-bikes; and

Whereas, The *Setting Consumer Standards for Lithium-Ion Batteries Act* would help protect the public against the risk of fires caused by such batteries throughout the country; now, therefore, be it

Resolved, That the Council of the City of New York calls on Congress to pass and the President to sign the *Setting Consumer Standards for Lithium-Ion Batteries Act*, which would promulgate consumer product safety standards with respect to rechargeable lithium-ion batteries used in micromobility devices.

Referred to the Committee on Consumer and Worker Protection.

Res. No. 180

Resolution calling on the Governor to sign S.5026/A.6040 enacting the "Freelance Isn't Free Act" in New York State.

By Council Members Powers, Abreu, De La Rosa and Ossé.

Whereas, Approximately 60 million Americans, or 39 percent of the U.S. workforce, performed freelance work in the past year, according to Upwork's 2022 Freelance Forward survey; and

Whereas, New York State's Labor Law prohibits wage theft for employees directly hired by an employer but does not cover freelancers such as writers, editors, graphic designers, videographers, consultants, and those who are otherwise self-employed; and

Whereas, New York City's Local Law 140 of 2016, known as the "Freelance Isn't Free Act" (FIFA) established labor protections for freelance workers such as the right to a written contract, timely and full payment, protection from retaliation for exercising their rights, and the ability to collect double the amount owed plus attorney's fees for violations; and

Whereas, Freelance workers alleging FIFA violations may file a complaint with the Department of Consumer and Worker Protection (DCWP) and sue the hiring party; and

Whereas, From March 2017, when FIFA went into effect, through December 2021, DCWP handled more than 2,100 complaints and secured more than $2.4 million in restitution and penalties for 702 freelance workers, according to DCWP's 2022 "State of Workers' Rights in New York City" report; and

Whereas, If there is evidence of a pattern or practice of FIFA violations by an entity, the City can bring a civil action against the hiring party; and

Whereas, In December 2021, the City filed its first lawsuit under the "pattern and practice" provisions of FIFA against L'Officiel USA after receiving more than 20 complaints alleging that the company failed to pay contractors, did not provide a written contract, and retaliated against freelancers for exercising their rights, according to DCWP's 2022 "State of Workers' Rights in New York City" report; and

Whereas, Since New York City passed FIFA, cities including Los Angeles, Minneapolis, Seattle, and Columbus have enacted similar legislation to protect freelance workers from non-payment; and

Whereas, A 2022 survey by the Authors Guild, Freelancers Union, Graphic Artist Guild, American Society of Media Photographers, National Press Photographers Association, American Photographic Artists, and National Writers Union found that 62 percent of freelance workers based in New York State have lost wages at least once over an employer's refusal to pay them and 76 percent spend one-to-two hours per week trying to recoup payment for late or overdue wages; and

Whereas, S.5026, introduced by Senator Andrew Gounardes and passed by the New York State Senate, and its companion bill A.6040, introduced by Assembly Member Harry Bronson and passed by the New York State Assembly, would replicate FIFA in state Labor Law, adding administrative oversight and support from the Department of Labor to respond to complaints; and

Whereas, In December 2022, Governor Kathy Hochul vetoed a version of S.5026/A.6040 that had passed both houses of the New York State Legislature; now, therefore, be it,

Resolved, That the Council of the City of New York calls on the Governor to sign S.5026/A.6040 enacting the "Freelance Isn't Free Act" in New York State.

Referred to the Committee on Consumer and Worker Protection.

Res. No. 181

Resolution calling upon the President to establish an anti-Semitism task force.

By Council Members Powers and Dinowitz.

Whereas, Hate crimes are a serious problem across the country in; and

Whereas, The Federal Bureau of Investigation (FBI) recorded 7,314 hate crimes in the United States in 2019 compared to 5,479 in 2014; and

Whereas, The number of incidents may actually be much higher as many victims do not report to the authorities, and not all law enforcement departments report to the FBI; and

Whereas, The number of hate crimes incidents in New York City dramatically increased from 256 in 2020 to 524 in 2021; and

Whereas, Anti-Semitism has been a particular motivator in many of the bias and hate crimes recorded in New York City and across the country; and

Whereas, In other big cities, like Los Angeles and Chicago, Jewish people were the most frequent targets of hate crimes in 2019 based on data from the Center for the Study of Hate and Extremism (CSHE); and

Whereas, Hate crimes are often extremely violent; and

Whereas, For example, on December 28, 2019, the seventh night of Hanukkah, five people were stabbed by an intruder who broke into the home of a Hasidic rabbi in Monsey, New York,; and

Whereas, This act of terrorism came just weeks after four people were shot and killed by two attackers, fueled by anti-Semitism, who targeted a kosher supermarket in New Jersey; and

Whereas, New Yorkers and people across the country have the right to practice their religion without threat of violence or interference; and

Whereas, With the increases in anti-Semitism and neo-Nazism, the right to free exercise of religion is under attack; and

Whereas, Reports indicate white supremacist and neo-Nazi hate groups have targeted New York City for recruiting purposes, leaving pamphlets, posters, and hanging banners in various neighborhoods; and

Whereas, This makes people feel threatened and unsafe in their communities; and

Whereas, In the past, when specific communities have been made the target of hate and violence, the federal government has convened task forces to investigate; and

Whereas, For example, after numerous African-American churches were targeted in arson attacks between 1995 and 1996, then-President Bill Clinton established the National Church Arson Task Force; and

Whereas, This task force helped coordinate the local government and law enforcement responses to the arson attacks and prevention measures, which assisted communities rebuild their sense of safety; and

Whereas, New York City has the largest population of Jewish people in the United States; and

Whereas, New Yorkers and people throughout the United States have the right to feel safe while practicing their faith and going about their life; now, therefore, be it

Resolved, That the Council of the City of New York calls on the President to establish an anti-Semitism task force.

Referred to the Committee on Public Safety.

Res. No. 182

Resolution calling on the State Legislature to pass, and the Governor to sign S7737/A8261, also known as The Hate Crimes Modernization Act.

By Council Members Powers, Dinowitz and Brewer (by request of the Manhattan Borough President).

Whereas, Hate crimes have significantly increased in New York City as indicated by a 55.8% increase in reported hate crimes in 2021, adversely affecting the safety and well-being of our diverse communities; and

Whereas, New York State hate crimes law limits the prosecution of crimes as bias-related incidents, leaving out crucial charges such as Gang Assault, Making Graffiti, Sex Trafficking, Labor Trafficking, False Reporting, Criminal Possession of a Weapon, and certain sex crimes from the list of crimes eligible for consideration; and

Whereas, As a result, the current New York State hate crimes law fails to adequately encompass certain acts perceived by many as potential hate crimes, creating a disparity between public perception and legal classification; and

Whereas, S7737/A8261, The Hate Crimes Modernization Act, sponsored by State Senator Brad Hoylman-Sigal and State Assemblymember Grace Lee, aims to address these disparities by expanding the list of potential crimes eligible to be considered biased related hate crime charges from 66 to 97; and

Whereas, The Hate Crimes Modernization Act enhances the definition of hate crimes, incorporating offenses such as gang assault, specific sex crimes, human trafficking, graffiti, false reporting, and weapon possession; and

Whereas, The expanded definition of hate crimes offers prosecutors the tools needed to combat and prosecute a broader range of bias-motivated cases; and

Whereas, The New York City Council recognizes the urgency of updating New York State's hate crimes laws to ensure greater accountability, protect vulnerable communities, and send a strong message that hatred and discrimination will not be tolerated; now, therefore, be it

Resolved, That the Council of the City of New York calls on the State Legislature to pass, and the Governor to sign S7737/A8261, also known as The Hate Crimes Modernization Act.

Referred to the Committee on Public Safety.

Int. No. 399

By the Public Advocate (Mr. Williams).

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of education to provide information requiring school compliance with the Americans with disabilities act

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 chapter 29 to title 21-A to read as follows:

CHAPTER 29
SCHOOL COMPLIANCE WITH AMERICANS WITH DISABILITIES ACT

§ 21-1001 Report required; contents; exceptions; publication. a. Definitions. For the purposes of this section, the following terms have the following meanings:

Accommodation request. The term "accommodation request" means any request for the removal or mitigation of a structural or non-structural barrier to accessibility, including, but not limited to, communication barriers.

ADA. The term "ADA" means chapter 126 of title 42 of the United States code and any applicable guidelines or regulations pursuant to such law.

ADA coordinator. The term "ADA coordinator" means the person designated to coordinate each school's effort to comply with and carry out the ADA, including, but not limited to, any investigation of any complaint communicated to the school alleging noncompliance or alleging any actions that would be prohibited by the ADA.

Alteration. The term "alteration" means any construction, including, but not limited to, upgrades that affect or could affect the accessibility of the school, part of the school or the outdoor school facility.

Communication barrier. The term "communication barrier" means any barrier that impedes communication by people with disabilities including, but not limited to, structural elements that are an integral part of the physical structure of a facility or existing facility.

Compliance. The term "compliance" means complete conformity with the requirements of the ADA.

Facility. The term "facility" means all or any portion of buildings, structures, sites, complexes, equipment, roads, walks, passageways, parking lots or other real or personal property, including, but not limited to, the site where the building, property, structure or equipment is located.

Non-structural barrier. The term "non-structural barrier" means a barrier to accessibility that relates to access to services, programs or activities.

Outdoor school facility. The term "outdoor school facility" means any outdoor premises or grounds owned or lawfully operated by or on behalf of the department that contains any device, structure or implement, fixed or portable, used or intended to be used by students for recreational or athletic purposes including, but not

limited to, play equipment. The term includes outdoor school facilities that are jointly owned or operated in conjunction with the department of parks and recreation.

School. The term "school" means a school of the city school district of the city of New York and includes a charter school.

Structural barrier. The term "structural barrier" means any physical element of a facility that impedes physical access or communication by persons with disabilities.

Student with disability. The term "student with disability" has the same meaning as set forth in section 4401 of the education law, except such term does not include a pre-kindergarten student or a preschool child.

Zoned school. The tern "zoned school" means a school where eligibility to attend is based solely on residence within a defined geographical area within a district.

b. Every year on May 1, beginning May 1, 2023, the department shall submit to the speaker of the council, post to its website and make available to students and parents, an annual report regarding its compliance with the ADA.

c. With regard to indoor facilities, the annual report shall include, but not be limited to, the following information:

1. The name, office address, email address and telephone number of the ADA coordinator for each school;

2. The location where such information is posted conspicuously in the school;

3. The process that students, parents and employees use for an accommodation request, whether electronically, in person, in paper form or in a combination thereof;

4. The number and percentage of schools that are in complete compliance with the ADA;

5. Any alterations that have been made and, of those, the number and percentage of those alterations that were in complete compliance with the ADA;

6. The number and percentage of schools that are currently undergoing alterations, or for which alterations are planned, and, of those, the number and percentage of those alterations planned to be in complete compliance with the ADA;

7. The number and percentage of schools that underwent alterations on or after March 15, 2012, and, of those, the number and percentage of those alterations that were in complete compliance with the ADA;

8. The number of accommodation requests that have been made at each school and whether the accommodation request was made by a parent, an employee or a student, and whether the school is the student's zoned school;

9. The nature of the accommodation request, including, but not limited to, whether it relates to structural, non-structural or communication barriers, and the action taken in response to the request;

10. The number and percentage of students with disabilities who have to enroll in other schools because their zoned schools cannot accommodate their disabilities, a list of schools that have accommodated those students and the number of students sent to each school;

11. On average, the total travel time, at the beginning and at the end of each school day, a student with a disability has to travel to a school other than the student's zoned school;

12. Information regarding the department's protocols to inform students, parents and employees about how to appeal an accommodation request that has been denied pursuant to the department's grievance procedure;

13. Whether each school is in compliance with the ADA, including, but not limited to, having:

(a) Platform lifts;

(b) Ramps;

(c) Handrails; and

(d) An accessible entrance or, if each entrance is not in compliance with the ADA, signs that direct a person to the nearest entrance that is compliant with the ADA;

14. Whether each school has an elevator in compliance with the ADA;

15. Whether the accessible route in compliance with the ADA, to the maximum extent feasible, coincides with the route for the general public connecting buildings, facilities, spaces and elements;

16. Whether each auditorium is in compliance with the ADA, including, but not limited to, having:

(a) An assistive listening system;

(b) Signs indicating that an assistive listening system is available; and

(c) Spaces for wheelchairs;

17. Whether each bathroom is in compliance with the ADA, including, but not limited to, having:

(a) An accessible bathroom on each floor;

(b) Grab bars; and

(c) Common use sinks and faucets;

18. Whether each cafeteria is in compliance with the ADA;

19. Whether each drinking fountain is in compliance with the ADA;

20. Whether common use offices and rooms are in compliance with the ADA, including, but not limited to:

(a) Classrooms;

(b) Occupational therapy rooms;

(c) Art rooms;

(d) Laboratories;

(e) Main offices;

(f) Medical offices;

(g) Libraries; and

(h) Gymnasiums;

21. Whether each common use door is in compliance with the ADA;

22. Whether buildings with visual alarms have visual alarms in each common use room; and

23. Whether any interior or exterior signs identifying permanent rooms and spaces have accessible features in compliance with the ADA.

d. With regard to outdoor school facilities, the department shall include, but is not limited to, the following information in its annual report:

1. The number and percentage of outdoor school facilities in complete compliance with the ADA;

2. The number and percentage of outdoor school facilities that are currently undergoing alterations or for which alterations are planned and whether those alterations are to be in complete compliance with the ADA;

3. The number and percentage of outdoor school facilities that underwent alterations on or after March 15, 2012, and, of those, the number and percentage of those alterations that were in complete compliance with the ADA;

4. The number of accommodation requests that have been made by a student, parent or employee at the student's zoned school;

5. The nature of the accommodation request, including, but not limited to, information regarding the mitigation of communication, non-structural and structural barriers to accessibility at outdoor school facilities including, but not limited to, any renovations or programmatic changes necessitated by the request, with personally identifying information redacted as needed, and, if the accommodation request was not granted, the reason the request was denied;

6. Any alterations that have been made and, of those, the number and percentage of those alterations that were in complete compliance with the ADA; and

7. Whether each outdoor school facility is in compliance with the ADA, including, but not limited to, having:

(a) Entrances and exits;

(b) Play equipment;

(c) Availability of transfer platforms;

(d) Seating;

(e) Changes in level that are sloped in compliance with the ADA; and

(f) Water fountains.

e. All information required by this section shall be aggregated citywide, as well as disaggregated by borough, council district, community school district and school.

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

g. In addition to publication on the department's website, the department shall ensure that the information required by subdivisions c and d of this section is published on the city's website in a non-proprietary format that permits automated processing.

§ 2. This local law takes effect immediately.

Referred to the Committee on Education.

Int. No. 400

By the Public Advocate (Mr. Williams) and Council Member Won (by request of the Bronx Borough President).

A Local Law to amend the administrative code of the city of New York, in relation to requiring employers to hold an onboarding meeting to discuss an employee's reintegration back into the workplace after parental leave

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 8 of the administrative code of the city of New York is amended by adding a new section 8-135 to read as follows:

§ 8-135 Onboarding meeting after parental leave. 1. Definitions. As used in this section, the following terms have the following meanings:

Onboarding meeting. The term "onboarding meeting" means a meeting between an employer, or an employer's designee, and an employee regarding the conditions and expectations of employment after such employee returns from parental leave. The substantive agenda of such a meeting shall adhere to the guidelines promulgated by the commission.

Parental leave. The term "parental leave" means any job-protected paid or unpaid leave taken pursuant to chapter 28 of title 29 of the United States code, section 204 of the worker's compensation law or other parental leave benefit program provided by an employer that an employee may use to bond with a new child.

2. Guidelines. The commission shall promulgate guidelines regarding the timeline, topics of discussion, relevant rights and responsibilities, goals, format and duration of such an onboarding meeting within 90 days of the day the local law that added this section becomes law. These guidelines may be updated by the commission as needed thereafter.

3. Compliance. Every employer must hold an onboarding meeting with every employee who returns from parental leave within 2 weeks of such employee's return. An employee may opt out of an onboarding meeting by informing the employer in writing. The employer shall keep such record for at least 5 years and shall make such record available for review by the commission upon the commission's request. The onboarding meeting required by this section is intended to establish a minimum threshold and shall not be construed to prohibit any employer from providing additional onboarding meetings or support for employees returning from parental leave. An employer shall keep a record of compliance with this section and retain such records for at least 5 years.

4. Notwithstanding the foregoing, the provisions of this section shall not apply to employers to whom the commission grants an exemption based on bona fide considerations of public policy.

5. Nothing in this section shall be construed to create a protected class in itself.

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

Referred to the Committee on Civil and Human Rights.

Int. No. 401

By the Public Advocate (Mr. Williams) and Council Members Louis, Restler, Riley and Won.

A Local Law to amend the administrative code of the city of New York, in relation to prohibiting discrimination in the issuance of credit and requiring creditors to disclose to potential borrowers how their rate is calculated

Be it enacted by the Council as follows:

Section 1. Section 8-107 of the administrative code of the city of New York, as amended by local law number 32 for the year 2022, is amended by adding a new subdivision 33 to read as follows:

33. Credit. (a) It shall be an unlawful discriminatory practice for any creditor or any officer, agent or employee thereof to discriminate in the granting, withholding, extending or renewing, or in the fixing of the rates, terms or conditions of, any form of credit on the basis of an applicant's race, creed, religion, color, national origin, sexual orientation, age, gender, marital status, disability, partnership status, caregiver status, uniformed service or alienage or citizenship status of such applicant or applicants, or because of any lawful source of income of such applicant or applicants, or because children are, may be or would be residing with such applicant or applicants.

(b) Notwithstanding paragraph a of this subdivision, it shall not be considered discriminatory if credit differentiations or decisions are based upon factually supportable, objective differences in applicants' overall credit worthiness, which may include reference to such factors as current income, assets and prior credit history of such applicants, as well as reference to any other relevant factually supportable data; provided, however, that no creditor shall consider, in evaluating the credit worthiness of an applicant, aggregate statistics or assumptions relating to race, creed, religion, color, national origin, sexual orientation, age, gender, marital status, disability, partnership status, caregiver status, uniformed service or alienage or citizenship status of such applicant or applicants, or any lawful source of income of such applicant or applicants, or whether children are, may be or would be residing with such applicant or applicants.

(c) Notwithstanding paragraph a of this subdivision, it shall not be an unlawful discriminatory practice to consider age in determining credit worthiness when age has a demonstrable and statistically sound relationship to a determination of credit worthiness.

(d) Notwithstanding paragraph a of this subdivision, the provisions in this subdivision, as they relate to age, shall not apply to persons under the age of eighteen years.

(e) Notwithstanding paragraph a of this subdivision, it shall not be an unlawful discriminatory practice for a creditor or any officer, agent or employee thereof to make inquiries concerning marital history, status and number of dependents.

(f) A creditor granting, withholding, extending or renewing, or fixing the rates, terms or conditions of, any form of credit shall, if requested by an applicant or applicants in writing, disclose the method by which such determinations, rates, terms or conditions were calculated.

§ 2. The commission on human rights shall engage in outreach and education efforts regarding the rights of borrowers, and the responsibilities of creditors, established by this local law. Such outreach and education shall be directed at such creditors and the general public.

§ 3. a. For a period of one year, the commission on human rights shall organize and conduct no fewer than five investigations of discrimination in the granting, withholding, extending or renewing, or in the fixing of the rates, terms or conditions of, any form of credit, during which the commission shall use pairs of testers to investigate creditors. Such investigations shall include but not be limited to using matched pairs of testers who shall apply for, inquire about or express interest in the same extension of credit and who shall be assigned similar credentials but who shall differ in one of the following characteristics: actual or perceived race, creed, religion, color, national origin, sexual orientation, age, gender, marital status, disability, partnership status, caregiver status, uniformed service or alienage or citizenship status of such applicant or applicants, lawful source of income, number of children who are, may be or would be residing with such applicant or applicants. The first of the investigations shall commence on or before January 1, 2023.

b. On or before January 1, 2024, the commission shall submit to the speaker of the Council a report related to such investigations conducted during the 12 month period commencing on January 1, 2023. Such report shall include, but not be limited to:

(i) the number of matched pair tests completed;

(ii) the protected class variable used in each matched pair test; and

(iii) the number of incidents of actual or perceived discrimination on each protected class, including a description of any incidents of discrimination detected in the course of such investigations, provided that the commission shall not be required to report information that would compromise any ongoing or prospective investigation or prosecution.

c. Any incidents of actual or perceived discrimination that occur during such investigations shall be referred to the commission's law enforcement bureau.

d. Nothing herein shall preclude the commission from conducting other such discrimination testing programs or investigations pursuant to the commissioner's authority under the Administrative Code and the New York City Charter.

§ 4. This local law shall take effect 120 days after it becomes law.

Referred to the Committee on Civil and Human Rights.

Int. No. 402

By the Public Advocate (Mr. Williams) and Council Members Powers, Restler and Brewer (by request of the Bronx Borough President).

A Local Law to amend the administrative code of the city of New York, in relation to requiring a report on voter registration in city jails

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 9 of the administrative code is amended by adding a new section 9-163 to read as follows:

§ 9-163 Voter registration report. a. No later than January 31, 2023 and annually thereafter, the commissioner shall submit to the mayor, speaker of the council and the public advocate and shall post conspicuously on the department's website an annual report regarding voter registration in city jails. Such report shall include the following information for the previous calendar year:

1. The number of events held to promote voter registration and voting;

2. The number of completed voter registration forms returned to the department from incarcerated individuals, in total and disaggregated by facility and by the race, age, gender, gender identity, sexual orientation, disability status and veteran status of such individual; and

3. The number of absentee ballots the department distributed to incarcerated individuals, in total and disaggregated by facility.

b. The report required by this section must not contain personally identifiable information.

§ 2. This local law takes effect immediately.

Referred to the Committee on Criminal Justice.

Int. No. 403

By the Public Advocate (Mr. Williams) and Council Members Ariola, Gennaro, Schulman, Ung, Restler and Brewer.

A Local Law to amend the administrative code of the city of New York, in relation to the cleaning of catch basins and reports on catch basin cleanups and maintenance

Be it enacted by the Council as follows:

Section 1. Section 24-503 of the administrative code of the city of New York is amended by adding a new subdivision f to read as follows:

f. The commissioner of environmental protection shall submit quarterly reports to the mayor, the speaker of the council and the public advocate regarding the inspection, cleanup, maintenance and repair of catch basins, disaggregated by community district. Inspections will be conducted as follows:

1. Two levels of inspection for maintenance. Tier 1 inspection shall be required on a biannual basis of

commercial zones, flood zones (as per the NYC Flood Hazard Mapper), and residential areas not in flood zones, but prone to flooding (as per the NYC Stormwater Flood Map); and

2. Tier 2 inspection. This inspection shall be required on an annual cycle and shall include catch basins around parks, leaves, branches, and shall include all remaining catch basins.

e. The commissioner of environmental protection shall also ensure that such catch basins are inspected, at a minimum, once every year, and are unclogged or repaired within five days after an inspection or the receipt of a complaint about a clogged or malfunctioning catch basin. Catch basins not unclogged or repaired within five days after an inspection or the receipt of a complaint shall be identified in the quarterly report.

§ 2. This local law takes effect immediately.

Referred to the Committee on Environmental Protection, Resiliency and Waterfronts.

Int. No. 404

By the Public Advocate (Mr. Williams) and Council Members Hanks, Louis and Hudson.

A Local Law to amend the administrative code of the city of New York, in relation to requiring reporting on crime statistics in shelters

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 Crime statistics in shelters. a. For the purposes of this section, the following terms have the following meanings:

Adult. The term "adult" means any person who is 18 years of age or older.

Adult families. The term "adult families" means families comprised of adults and no children.

Children. The term "children" means any person 21 years of age or younger and part of a family with children.

Cluster site. The term "cluster site" means an individual unit, which is being utilized as shelter for a family with children, within a private building.

Critical incident. The term "critical incident" means occurrences in shelters tracked and designated by the department as such that shall include but not be limited to assault, sexual assault, domestic violence, child abuse or neglect, weapons possession, arson, and theft.

Families with children. The term "families with children" means families comprised of adults and children, couples including at least one pregnant person, single pregnant person, or parents or grandparents with a pregnant person.

Hotel. The term "hotel" means a building that historically operated as a hotel prior to its use as shelter and is currently used by the department as shelter or a building that continues to operate as a commercial hotel and also provides a number of units to the department for shelter residents.

Peace officer. The term "peace officer" means an individual as established by article 2 of chapter 11-a of the criminal procedure law working for the department charged with promoting security within department facilities.

Shelter. The term "shelter" means temporary emergency housing provided to homeless single adults, adult families, and families with children by the department or a provider under contract or similar agreement with the department.

Single adult. The term "single adult" means an individual without an accompanying adult or child;

Tier II shelter. The term "tier II shelter" means a shelter facility subject to the provisions of part 900 of the codes, rules, and regulations of the state of New York which provides shelter and services to 10 or more homeless families including, at a minimum, private rooms, access to three nutritional meals a day, supervision, assessment

services, permanent housing preparation services, recreational services, information and referral services, health services, and child-care services.

b. Beginning no later than July 31, 2022, and no later than every July 31 annually thereafter, the commissioner shall submit to the speaker of the council and post on the department's website an annual report containing information regarding critical incidents occurring in shelters. Each such report shall include but not be limited to: (i) the number of critical incidents occurring in shelters, disaggregated by the type of such incident; (ii) efforts to improve security measures in shelters; (iii) any agreements, made between the department and the New York city police department or any other law enforcement entities, for the purpose of enhancing security in shelters throughout the city; and (iv) the type of security present in shelters, including but not limited to the number of peace officers, private security guards, or whether a shelter has no security measures, disaggregated by individual shelters. Such data shall be disaggregated by the shelter population including single adults, adult families, and families with children, and shelters for families shall be further disaggregated by tier II shelters, cluster sites, and hotels.

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

§ 2. This local law takes effect immediately.

Referred to the Committee on General Welfare.

Int. No. 405

By the Public Advocate (Mr. Williams) and Council Members Restler, Mealy, Williams, Hudson and Farías.

A Local Law in relation to the creation of a taskforce to study improving safety in homeless shelters

Be it enacted by the Council as follows:

Section 1. a. There is hereby established a task force to study, develop, and recommend changes to the laws, rules, regulations, and policies related to the department of homeless services, specifically in regard to the safety in department of homeless services shelters.

b. Such task force shall consist of nine members. Five members shall be appointed by the mayor, including the commissioner of the department of homeless services or their designee, who shall be the chairperson of such task force, and four members shall be appointed by the speaker of the council, provided that all appointees of such task force shall have backgrounds in homeless services or law enforcement. One of the appointees of the speaker shall be a current homeless shelter resident.

c. Each member shall serve for a term of one year to commence after the final member of the task force is appointed. Any vacancies in the membership of the task force shall be filled in the same manner as the original appointment. A person filling such vacancy shall serve the unexpired portion of the term of the succeeded member. All members shall be appointed to the task force within 60 days of the enactment of this local law.

d. No member shall be removed from the task force except for cause.

e. Members of the task force shall serve without compensation and shall meet no less often than on a quarterly basis.

f. Within one year of the formation of the task force, such task force shall submit a report of recommendations to improve safety in department of homeless services shelters to the mayor and the speaker of the council and post such report the department's website.

g. The task force shall terminate upon issuance of the report.

§ 2. This local law takes effect immediately.

Referred to the Committee on General Welfare.

Int. No. 406

By the Public Advocate (Mr. Williams) and Council Members Restler, Williams, Hudson, Farías and Abreu.

A Local Law to amend the administrative code of the city of New York, in relation to establishing a commission to develop a citywide shelter siting plan for implementation by the department of homeless services and social services

Be it enacted by the Council as follows:

Section 1. Paragraph c of subdivision 1 of section 21-308 of title 21 of the administrative code of the city of New York, as amended by local law 19 for the year 1999, is amended to read as follows:

c. Projected number of facilities to be constructed or rehabilitated to accommodate homeless individuals and families *consistent with the shelter siting plan established pursuant to section 21-323*.

§ 2. 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 Commission on shelter siting. a. Definitions. For the purposes of this section, the following terms have the following meanings:

HRA domestic violence shelter. The term "HRA domestic violence shelter" means any residential care facility providing emergency shelter and services to victims of domestic violence and their minor children and operated by the department of social services/human resources administration or a provider under contract or similar agreement with the department of social services/ human resources administration.

Shelter. The term "shelter" means an HRA domestic violence shelter or temporary emergency housing provided to homeless adults, adult families and families with children by the department or by a provider under contract or similar agreement with the department.

b. Commission duties. There shall be a commission on shelter siting to study the locations of shelters across the city; analyze the relationship between shelter locations and homeless persons' access to their communities of origin, public transit and essential services; determine the need for shelters in specific locations, finances required to provide them and any essential, alternative or emergency services required for such shelters; solicit input from community boards and the public regarding the placement and distribution of shelters across the city; and site such shelters.

c. Shelter siting plan. 1. No later than December 1, 2022, the commission on shelter siting shall develop and submit to the mayor, speaker of the city council, commissioner and commissioner of social services a Five-Year plan prescribing the siting of shelters across the city, including regarding the placement, location or relocation of shelters. The commissioner and commissioner of social services shall implement such plan.

2. The commission shall review and update the shelter siting plan developed pursuant to subdivision b of this section each year and shall submit the updated version thereof to the mayor, speaker of the city council, commissioner and commissioner of social services not later than December first of each year.

3. In the fifth year covered by each Five-Year shelter siting plan, the commission shall submit a Five-Year shelter siting plan for the next succeeding five-year period not later than six months before the last day of such fifth year to the mayor, speaker of the city council, the commissioner and commissioner of social services.

d. Commission membership. The commission shall consist of 15 members to be appointed for two-year terms as follows: one member from each borough appointed by the speaker of the city council as recommended by each borough's council delegation, one member appointed by each borough president, and five members appointed by the mayor. The mayor shall designate one member to serve as chair of the commission and may also designate a member to serve as co-chair. Members shall serve at the pleasure of the appointing authority. In the event of the death or resignation of any member, a successor shall be appointed by the official who appointed such member. The commissioner and the commissioner of social services shall provide appropriate personnel to assist the commission in the performance of its functions.

e. Commission activities. The commission shall:

1. Hold at least one meeting every four months, including at least one annual meeting open to the public;

2. Keep a record of its activities;

3. Determine its own rules of procedure; and

4. Perform such advisory duties and functions as may be necessary to achieve its purposes as described in subdivision a of this section.

f. No later than December 1, 2022 and annually by December 1 thereafter, the commission shall submit to the mayor, the speaker of the council, the commissioner and the commissioner of social services a report concerning its activities during the previous 12 months and goals for the following year.

§ 3. This local law takes effect immediately after it is submitted for the approval of the qualified electors of the city at the next general election held after its enactment and approved by a majority of such electors voting thereon.

Referred to the Committee on General Welfare.

Int. No. 407

By the Public Advocate (Mr. Williams) and Council Members Sanchez, Restler, Won, Krishnan, Narcisse, Ayala, Abreu, Williams, Avilés and Marte.

A Local Law to amend the administrative code of the city of New York, in relation to sales of cooperative apartments

Be it enacted by the Council as follows:

Section 1. Title 8 of the administrative code of the city of New York is amended by adding a new chapter 9 to read as follows:

CHAPTER 9
FAIR RESIDENTIAL COOPERATIVE DISCLOSURE LAW

§ 8-901 Definitions.
§ 8-902 Mandatory statement.
§ 8-903 Amended, supplemental and untimely statements.
§ 8-904 Liability for failure to provide statement.
§ 8-905 Procedure for asserting violation.
§ 8-906 Preclusive effect of statement.
§ 8-907 No estoppel or res judicata.
§ 8-908 Powers of the commission.
§ 8-909 Construction.

§ 8-901 Definitions. As used in this chapter, the following terms have the following meanings:

Application. The term "application" means both the request of a prospective seller or a prospective purchaser to a cooperative corporation for that cooperative corporation to provide its unconditional consent to a sale of certificates of stock, a proprietary lease or other evidence of an ownership interest in such cooperative corporation, and the information and documents acquired by the cooperative corporation in connection with its determination as to whether or not to grant unconditional consent to the sale of certificates of stock, a proprietary lease or other evidence of an ownership interest in such cooperative corporation.

Commission. The term "commission" means the New York city commission on human rights.

Cooperative corporation. The term "cooperative corporation" means any corporation that grants persons the right to reside in a cooperative apartment, that right existing by such person's ownership of certificates of stock, proprietary lease or other evidence of ownership of an interest in such entity, but shall not include a cooperative corporation containing less than 10 dwelling units.

Prospective purchaser. The term "prospective purchaser" means a person who has entered into a contract of sale to purchase the proprietary lease and the ownership interest in a cooperative corporation from a prospective seller.

Prospective seller. The term "prospective seller" means a person who has a proprietary lease and an ownership interest in a cooperative corporation and who has entered into a contract of sale to sell the person's proprietary lease and ownership interest in a cooperative corporation to a prospective purchaser.

Sale. The term "sale" means the transfer of a person's ownership interest in a cooperative corporation and that person's proprietary lease to another person.

§ 8-902 Mandatory statement. a. If a prospective purchaser is disapproved, the cooperative corporation shall provide the prospective purchaser with a written statement of each and all of its reasons for withholding consent no later than five business days after it has made its decision to withhold consent.

b. The statement required by this section must set forth each reason for withholding consent with specificity. This requirement includes identifying each element of the prospective purchaser's application which was found by the cooperative corporation to be deficient; any specific ways that the application failed to meet any specific policies, standards or requirements of the cooperative corporation; and the source of any negative information relied upon by the cooperative corporation in connection with any of its reasons for withholding consent to the proposed purchase. The statement must convey sufficient information to enable a prospective purchaser to take specific steps to remedy any specific deficiencies in that application.

c. The statement required by this section must set forth the number of applications that have been received by the cooperative corporation in the period commencing three years prior to the date of the submission of the application that is the subject of the statement and continuing through and including the date of the statement. The statement must also set forth for the same period of time the number of applications for which the cooperative corporation withheld consent and the number of applications for which the cooperative corporation did not make a decision on such applications.

d. The statement required by this section shall include a certification by an officer of the cooperative corporation, sworn or affirmed under penalties of perjury, that the statement is a true, complete and specific recitation of each and all of the cooperative corporation's reasons for withholding consent; that each person who participated in the decision to withhold consent has stated to the certifying officer that such person had no reasons for withholding consent other than those set forth in the statement; and that the statement is a true and complete recitation of total applications, applications for which consent was withheld and applications in which no decision was made, as required by this chapter.

§ 8-903 Amended, supplemental and untimely statements. a. Amendments or supplements to timely statements required by section 8-902 of this chapter shall also be considered timely if such amendments or supplements are provided to a prospective purchaser within 10 business days after the cooperative corporation has disapproved a prospective purchaser.

b. If a cooperative corporation seeks to provide a prospective purchaser with an untimely statement, amendment or supplement, the untimely statement, amendment or supplement must be accompanied by a statement of reasons for untimeliness.

§ 8-904 Liability for failure to provide statement. In addition to any other penalties or sanctions which may be imposed pursuant to this chapter or any other applicable provision of law, any cooperative corporation that is determined to have failed to timely comply with any of the requirements of sections 8-902 of this chapter shall be liable for statutory damages to each prospective purchaser or prospective seller who commences or joins in an action alleging a failure to have timely complied with such requirements in an amount no less than $1,000 and no more than $25,000, in addition to liability as provided by section 8-906 of this chapter. In determining the appropriate statutory damages to be imposed pursuant to this section, a finder of fact shall take into account both the scope of non-compliance and the resources of the cooperative corporation.

§ 8-905 Procedure for asserting violation. Any prospective purchaser or prospective seller may commence an action in any court of competent jurisdiction alleging a failure to comply with the requirements of this chapter. Such action must be commenced within six months of the time when compliance was required. The prevailing party in such an action may be awarded costs and reasonable attorneys' fees. The court shall also order an appropriate equitable remedy, provided that such remedy shall not include a grant of property or an order directing the cooperative corporation to reconsider an application or to grant its consent to a sale. In the event

that the finder of fact determines that non-compliance was willful, the finder of fact shall award punitive damages, but such damages shall not exceed twice the amount awarded under section 8-904 of this chapter.

§ 8-906 Preclusive effect of statement. a. In any action or proceeding commenced against a cooperative corporation pursuant to any chapter of this title, neither the cooperative corporation nor any of its directors, officers, employees, or agents shall be permitted to introduce any evidence concerning reasons for having withheld consent that were not set forth in a statement fully compliant with the requirements of this chapter.

b. A person commencing an action or proceeding as described in paragraph a of this section is under no obligation to commence an action under section 8-905 of this chapter in order for such person to gain preclusion of non-compliant statements. The court before which the allegation of an unlawful discriminatory practice is pending shall determine which statements, if any, fully complied with the requirements of section 8-902 of this chapter, unless such a judgment has already been rendered pursuant to an action commenced pursuant to section 8-905 of this chapter.

§ 8-907 No estoppel or res judicata. No action commenced pursuant to this chapter shall determine or purport to determine either the genuineness of the reasons provided in the statement required by section 8-902 of this chapter or any question of whether any person has committed an unlawful discriminatory practice as defined by chapter 1 of this title. If a judgment rendered pursuant to an action commenced pursuant to this chapter purports to do so, a person shall nevertheless retain all rights to commence an action or proceeding alleging that an unlawful discriminatory act has been committed, and insofar as any judgment rendered pursuant to this chapter purports to make findings regarding either genuineness or whether an unlawful discriminatory practice has been committed, such purported findings shall not be given any force or effect in any other action or proceeding.

§ 8-908 Powers of the commission. The commission may initiate investigations in connection with a failure to have timely complied with the requirements of section 8-902 of this chapter. In the event that the commission determines that a violation occurred, it may award civil penalties in an amount no less than $1,000 and no more than $25,000.

§ 8-909 Construction. a. The provisions of this chapter shall be construed in a manner to make certain that a prospective purchaser has been provided with sufficient information to learn why a cooperative corporation has withheld consent to such purchase, and to deter attempts to evade or delay compliance with the provisions of this chapter.

b. No provision of this chapter shall be construed or interpreted to restrict or expand the reasons for which a cooperative corporation may lawfully withhold consent.

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

Referred to the Committee on Housing and Buildings.

Int. No. 408

By the Public Advocate (Mr. Williams) and Council Members Louis, Sanchez, Hanif, Menin, Won, Marte, Farías, De La Rosa, Krishnan, Ayala, Ossé, Cabán, Nurse, Restler, Gutiérrez, Avilés, Hudson.

A Local Law to amend the New York city charter, in relation to creating a division within the department of small business services to assist street vendors and requiring the commissioner of small business services to update the department's programs to facilitate street vendor access

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 1309.1 to read as follows:

§ 1309.1. Division of street vendor assistance. a. Definitions. For purposes of this section, the following terms have the following meanings:

Food vendor. The term "food vendor" has the same meaning as set forth in section 17-306 of the administrative code.

General vendor. The term "general vendor" has the same meaning as set forth in section 20-452 of the administrative code.

b. Responsibilities of the division. 1. There shall be a division of street vendor assistance within the department. Such division shall:

(a) Serve as a clearinghouse for the provision of services and resources relating to business and economic development to food vendors and general vendors;

(b) Publish on the department's website a list of such services and resources that food vendors and general vendors may utilize;

(c) Assist food vendors and general vendors in applying for and accessing the department's programs;

(d) Collaborate with the office of street vendor enforcement to offer training and education and conduct outreach in the designated citywide languages, as such term is defined in section 23-1101, to all food vendors and general vendors on entrepreneurship and compliance with all applicable local laws, rules, and regulations, including but not limited to such laws, rules, and regulations concerning legal vending locations and time, place, and manner restrictions applicable to vending;

(e) Create business development programs specific to food vendors and general vendors;

(f) Review all department programs and recommend to the commissioner which such programs food vendors and general vendors should be permitted to access; and

(g) Review all department programs and recommend to the commissioner any administrative requirements for such programs that should be removed or adjusted to facilitate access for food vendor and general vendor applicants.

2. The division shall offer training and education and conduct outreach required under subparagraph (d) of paragraph 1 of this subdivision on a monthly basis. The division shall focus the outreach required under such subparagraph in areas that have a high density of food vendors or general vendors and in any areas identified by the office of street vendor enforcement as featuring a high level of complaints about food vendor or general vendor activity.

c. Responsibilities of the commissioner. 1. The commissioner shall update department programs to permit access to food vendors and general vendors based on recommendations made by the division of street vendor assistance pursuant to subparagraph (f) of paragraph 1 of subdivision b of this section, subject to the purposes of such programs as determined by the commissioner and unless otherwise prohibited by law.

2. The commissioner shall update department programs to remove or adjust administrative requirements for such programs based on recommendations made by the division of street vendor assistance pursuant to subparagraph (g) of paragraph 1 of subdivision b of this section, subject to, as determined by the commissioner, the purposes of such programs and the role of such requirements in preventing fraud, and unless otherwise prohibited by law.

d. Reporting. 1. No later than 180 days after the effective date of the local law that added this section and annually thereafter, the commissioner shall submit to the speaker of the council and to the mayor, and the commissioner shall publish on the department's website, a report outlining the commissioner's reasons for the exclusion of food vendors and general vendors from any department programs and for the commissioner's removal or adjustment of any administrative requirements for department programs pursuant to paragraph 2 of subdivision c of this section.

2. No later than 180 days after the effective date of the local law that added this section and annually thereafter, the commissioner shall submit to the speaker of the council and to the mayor, and the commissioner shall publish on the department's website, a report on (i) the number of food vendors and general vendors to which the division of street vendor assistance provided assistance during the previous year, and (ii) the types of assistance provided to food vendors and general vendors by such division during the previous year, disaggregated by percentage.

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

Referred to the Committee on Small Business.

Res. No. 183

Resolution calling on the President of the United States to immediately place New York City jails in federal receivership.

By the Public Advocate (Mr. Williams) and Council Members Nurse and Williams.

Whereas, the New York City Department of Correction (DOC) manages 10 correctional facilities, eight of which are located on Rikers Island; and

Whereas, According to the 2021 New York City Mayor's Management Report, during fiscal year 2021 DOC had more than 16,000 admissions and the current jail census is over 5,500; and

Whereas, According to the Vera Institute, in July of 2022, there were 4,847 inmates waiting for court in New York City jails with 1,276 of them waiting for trial for more than one year; and

Whereas, According to reports, tragically, 15 inmates have died in DOC custody in 2022 and 16 died in 2021, marking an eight year high; and

Whereas, *Nunez V. City of New York (Nunez)* was a class action lawsuit from 2015 that resulted in a consent decree that requires DOC to implement specific policies and practices overseen by a court-appointed monitor; and

Whereas, Pursuant to the *Nunez* settlement, the court-appointed monitor issues a progress report on the DOC's practices of use of force every six months*;* and

Whereas, The Special Report of the Nunez Monitor Steve J. Martin detailed imminent risk of harm to both incarcerated individuals and city jail staff noting DOC's failure to implement reforms outlined in the September 2021 remedial order and that the staffing crisis was ongoing; and

Whereas, According to the *New York Post*, at the peak of the ongoing staffing crisis, one in five correction workers did not show up for work because they claimed to be sick which created dangerous and chaotic conditions under which incarcerated individuals assaulted each other and fatally overdosed; and

Whereas, Manhattan US Attorney Damien Williams representing the United States as a plaintiff-intervenor in *Nunez* stated in a legal filing to federal court in 2022 that previous attempts to fix the notorious lockup have failed miserably and that aggressive relief through a federal receiver with independent authority to implement reforms in compliance with the consent judgement, remedial orders, and monitor recommendations could be needed; and

Whereas, The DOC submitted a 30 page action plan proposal in defense of itself being best suited to revamp its troubled jail system in opposition to being placed under the control of a federal receiver to presiding Chief Laura Taylor Swain; and

Whereas, the DOC proposal outlines timelines for restructuring DOC's leadership, cracking down on absenteeism, expediting disciplinary cases of uniformed officers, and dealing with other issues plaguing NYC lockups; and

Whereas, *Nunez* monitor Martin, and the Legal Aid Society represented to Judge Swain that the proposal was still filled with holes and especially took exception with NYC's refusal to look outside the DOC for better candidates to run its jails; and

Whereas, Martin, in a letter to Judge Swain noted that decades of mismanagement still raise serious concerns about whether the DOC is capable of fully and faithfully implementing its Action Plan with integrity by addressing the danger, violence, and chaos that continue to occur daily; and

Whereas, The Legal Aid Society expressed to Judge Swain they are worried the city plan will not address the ongoing harm caused by the dysfunctional jails and that they plan to formally move for contempt, asserting that officials who came up through the system aren't equipped to fix it, and request a federal receivership take control of Rikers Island; and

Whereas, On June 15, 2022 Chief Judge Swain ruled that DOC's action plan was sufficient, citing the action plan as a way to move forward with concrete measures to address the ongoing crisis at Rikers Island taking federal receivership off the table until at least the fall of 2022; and

Whereas, Federal receivership is a designation that would give sweeping powers to an independent authority tasked with finally ending violence on Rikers Island as it has helped remedy entrenched problems at

other lockups nationwide such prison systems for Alabama, The District of Columbia, Chicago, California, and Wayne County in Michigan; and

Whereas, Only a non-partisan receiver appointed by the Federal Court can suspend laws, regulations, and contracts, including a collective bargaining agreement, that interfere with the implementation of the consent decree, and in correcting the things that the court determined are in need of correction; and

Whereas, A federal receiver answers only to the Court and must publish their findings to ensure transparency and at sustained success turn over power back to the city; and now, therefore, be it

Resolved, That the Council of the City of New York calls on the President of the United States to immediately place New York City jails in federal receivership

Referred to the Committee on Criminal Justice.

Res. No. 184

Resolution recognizing November 20th annually as Transgender Day of Remembrance and March 31st annually as Transgender Day of Visibility in the City of New York.

By The Public Advocate (Mr. Williams) and Council Members Hudson, Cabán, Schulman, Bottcher and Ossé.

Whereas, Transgender ("trans") and gender nonconforming people face stigma, often rooted in ignorance and politically-motivated attacks on gender identity and expression, on a daily basis; and

Whereas, This stigma erects barriers in nearly every facet of life, denying trans and gender nonconforming people the equal opportunity to succeed and be accepted as their true selves; and

Whereas, Not only does anti-trans stigma have a long-term impact on mental health and economic and housing stability of trans and gender nonconforming people—especially if they experience familial rejection and isolation from social support systems—but it has also fueled an epidemic of anti-trans fatal violence that disproportionately impacts trans women of color, who comprise approximately four in five of all anti-trans homicide victims; and

Whereas, In 1999, trans advocate Gwendolyn Ann Smith held a vigil to honor the memory of Rita Hester, a well-known Black trans woman in Boston's trans and Black LGBTQ+ communities, who was brutally murdered on November 28, 1998, two days before her 35th birthday, and whose murder remains unsolved; and

Whereas, Now, the Transgender Day of Remembrance is observed annually on November 20th, to honor the memory of trans and gender nonconforming people whose lives were lost in acts of anti-trans violence; and

Whereas, On March 31, 2009, in response to the lack of positive recognition of trans people by the cisgender lesbian, gay and bisexual community, trans activist Rachel Crandall started the International Transgender Day of Visibility to bring trans and gender nonconforming people together and celebrate their contributions to society, as well as raise awareness of discrimination faced by trans and gender non-conforming people; and

Whereas, Now celebrated internationally, the International Transgender Day of Visibility is very meaningful to the trans and gender nonconforming community, acknowledging the courage it takes to live openly and authentically, and validating their experiences; and

Whereas, Trans and gender nonconforming people face significant cultural, economic and legal challenges; according to the 2015 United States Transgender Survey (USTS), the largest survey examining the experiences of trans people in the U.S., 18 percent of respondents in New York State were unemployed and 37 percent were living in poverty; and

Whereas, The USTS also found rampant employment, workplace, education, housing, and health care-related discrimination, including harassment and violence, among respondents in New York State, as well as mistreatment, assault and harassment by police; inequitable treatment and harassment in places of public accommodation; homelessness and issues with obtaining identity documents, accessing shelters and using public restrooms; and

Whereas, At least 57 trans or gender nonconforming people, the majority of whom were Black and Latinx, were murdered in 2021, the highest number of transgender and gender non-conforming people killed in a single year since the Human Rights Campaign began tracking these deaths in 2013; and

Whereas, Black and Latinx drag queens and trans people played significant roles in many of the early milestones of the gay rights movement; and

Whereas, The Stonewall riots, a series of demonstrations against gay oppression following the June 27, 1969 police raid of the Stonewall Inn, a Greenwich Village gay bar and dance club, have become the defining origin story of the modern global LGBTQ+ rights movement; and

Whereas, While it is still disputed who first pushed back against the police, sparking the Stonewall riots, there is widespread consensus that trans rights activists, Marsha P. Johnson and Zazu Nova Queen of Sex, both Black trans women, along with Jackie Hormona, a gay youth experiencing homelessness, were among the first; and

Whereas, On June 14, 2020, an estimated 15,000 people, all dressed in white, gathered at the Brooklyn Museum and silently marched down Eastern Parkway to Fort Greene Park, to demand justice for Riah Milton and Dominique "Rem'mie" Fells, two recent victims of anti-Black, anti-trans violence, in the largest ever trans rights demonstration, now known as the Brooklyn Liberation March; and

Whereas, Inspired by the 1917 NAACP-organized Silent March, drag queens West Dakota and Merrie Cherry conceived the Brooklyn Liberation March as a safe space for Black trans people who felt that attending the police killing of George Floyd-sparked demonstrations against police brutality would put them in danger; and

Whereas, New York State is home to more than 50,000 trans people, per a June 2016 Williams Institute report, who deserve to no longer live in fear or feel invisible; now, therefore, be it

Resolved, That the Council of the City of New York recognizes November 20th annually as Transgender Day of Remembrance and March 31st annually as Transgender Day of Visibility in the City of New York.

Referred to the Committee on Cultural Affairs, Libraries and International Intergroup Relations.

Int. No. 409

By Council Member Restler.

A Local Law to amend the administrative code of the city of New York, in relation to the maintenance and cleaning of dog runs under the jurisdiction of the department of parks and recreation

Be it enacted by the Council as follows:

Section 1. Title 18 of the administrative code of the city of New York is amended by adding a new section 18-159 to read as follows:

§ 18-159 Dog run maintenance. a. Definitions. For the purposes of this section, the following term has the following meaning:

Dog run. The term "dog run" means an enclosed area located within a park under the jurisdiction of the department where a pet dog, accompanied by the owner or person supervising such dog, may engage in leisure activity.

b. The department or contractors of the department shall perform regular maintenance and cleaning work in each dog run under the jurisdiction of the department.

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

Referred to the Committee on Parks and Recreation.

Proposed Int. No. 410-A

By Council Members Restler and Hanif.

A Local Law to amend the administrative code of the city of New York, in relation to public organic waste receptacles.

Be it enacted by the Council as follows:

Section 1. 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 16-308.3 to read as follows:

§ 16-308.3 Organic waste receptacles. a. The commissioner shall install at least 25 public organic waste receptacles in every community district for the collection of organic waste. In determining the placement of such public organic waste receptacles, the commissioner shall prioritize commercial corridors, parks, transit hubs, and other high-pedestrian traffic areas. Whenever practicable, such public organic waste receptacles shall be installed adjacent to public litter baskets.

b. Public organic waste receptacles installed pursuant to this section shall be emptied by the department at least once per week.

c. The commissioner shall post on the department's website the location of each public organic waste receptacle installed pursuant to this section.

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

Referred to the Committee on Sanitation and Solid Waste Management (preconsidered but laid over by the Committee on Sanitation and Solid Waste Management).

Int. No. 411

By Council Members Restler, Won and Brewer (in conjunction with the Brooklyn Borough President).

A Local Law to amend the administrative code of the city of New York, in relation to prohibiting the issuance of private vehicle parking permits and revoking such existing permits, and repealing subdivisions d, h and i of section 19-162.3 of the administrative code of the city of New York, and sections 14-183, 14-183.1, and 19-162.4 of the administrative code of the city of New York in relation thereto

Be it enacted by the Council as follows:

Section 1. Subdivisions a and b and of section 19-162.3 of the administrative code of the city of New York, as added by local law number 9 for the year 2020, are amended to read as follows:

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

City-issued parking permit. The term "city-issued parking permit" means a permit issued by [the department or the department of education, if the commissioner has delegated authority to the department of education pursuant to subdivision b,] *any agency to a city fleet vehicle or a vehicle with an elected official license plate* that indicates permission to park in certain areas during certain times has been granted.

Elected official license place. The term "elected official license plate" means the type of license place issued by the department of motor vehicles only to elected officials of the city.

Private vehicle parking permit. The term "private vehicle parking permit" means a parking permit issued by any agency to a privately owned vehicle that does not have an elected official license plate, which permit indicates permission to park in certain areas during certain times has been granted. The term [shall] *does* not include a parking permit issued pursuant to sections 19-162.1 or 19-162.2, a parking permit issued to individuals with disabilities, [or] a single-use parking permit, *or a parking permit that is required to be issued pursuant to the terms of a collective bargaining agreement.*

b. [Issuance.] *Private vehicle parking permits.* Notwithstanding any other provision of law[, and except as provided in section 14-183, no other city agency shall issue a permit that indicates permission to park in certain areas during certain times has been granted; however, the commissioner may delegate authority to the department of education to issue such permits. In the event of such delegation, city-issued parking permits issued by the department of education shall continue to be subject to the requirements of subdivisions c, d, e, f, h, and i and any applicable rules promulgated by the department pursuant to subdivision g] *no private vehicle parking permits shall be issued. All existing private vehicle parking permits shall be revoked no later than 90 days following the effective date of the local law that last amended this section.*

§ 2. Subdivisions d, h and i of section 19-162.3 of the administrative code of the city of New York are REPEALED.

§ 3. Subdivision b of section 19-166 of the administrative code of the city of New York, as amended by local law number 2 for the year 2020, is amended to read as follows:

b. Any person who without permission of the commissioner of transportation [or the police commissioner in accordance with section 14.183 of the administrative code]:

1. Makes or engraves, or causes or procures to be made or engraved, or willingly aids or assists in making or engraving, a plate or other means of reproducing or printing the resemblance or similitude of any city-issued parking permit; or

2. Has in his or her possession or custody any implements, or materials, with intent that they shall be used for the purpose of making or engraving such a plate or means of reproduction; or

3. Has in his or her possession or custody such a plate or means of reproduction with intent to use, or permit the same to be used, for the purpose of taking therefrom any impression or copy to be uttered; or

4. Has in his or her possession or custody any impression or copy taken from such a plate or means of reproduction, with intent to have the same filled up and completed for the purpose of being uttered; or

5. Makes or engraves, or causes or procures to be made or engraved, or willingly aids or assists in making or engraving, upon any plate or other means of reproduction, any figures or words with intent that the same may be used for the purpose of altering any genuine city-issued parking permit hereinbefore indicated or mentioned; or

6. Has in his or her custody or possession any city-issued parking permit or any copy or reproduction thereof; is guilty of an offense punishable by a fine of not less than $500, or imprisonment for not more than thirty days, or both.

§ 4. Subdivision b of section 19-166.1 of the administrative code of the city of New York, as added by local law number 4 for the year 2020, is amended to read as follows:

b. City-issued parking permits shall be revoked [in accordance with disciplinary procedures of the police department with regard to permits issued pursuant to section 14-183, and] in accordance with procedures established by the department of transportation for [all other] city-issued parking permits from those individuals found guilty of:

1. three or more violations of a rule or law relating the misuse of a city-issued parking permit

2. notwithstanding paragraph 1 of this subdivision b, any violation of section 19-166; or

3. unpaid parking or traffic violations associated with the license plate or individual permit holder in excess of $350.

§ 5. Section 14-183 of the administrative code of the city of New York is REPEALED.

§ 6. Section 14-183.1 of the administrative code of the city of New York is REPEALED.

§ 7. Section 19-162.4 of the administrative code of the city of New York is REPEALED.

§ 8. This local law takes effect immediately.

Referred to the Committee on Transportation and Infrastructure.

Int. No. 412

By Council Members Restler and Rivera.

A Local Law to amend the administrative code of the city of New York, in relation to notifying emergency contacts and attorney of record when an individual in custody attempts suicide, is hospitalized, or is seriously injured

Be it enacted by the Council as follows:

Section 1. Chapter 18 of title 17 of the administrative code of the city of New York is amended by adding a new section 17-1806 to read as follows:

§ 17-1806 Communications regarding suicide attempts, hospitalizations, and serious injuries. a. During an incarcerated individual's health evaluation, correctional health services shall request authorization from such individual to notify such individual's attorney of record and any additional emergency contacts provided by such individual in the event such individual attempts suicide, is hospitalized, or is seriously injured as determined by correctional health services.

b. Upon request from an incarcerated individual, correctional health services shall ascertain such individual's attorney of record for the purpose of obtaining the authorization described in subdivision a of this section.

c. When an incarcerated individual attempts suicide, is hospitalized, or is seriously injured, correctional health services shall notify the parties authorized by such individual to receive such information within 1 hour of correctional health services confirming the suicide attempt, making a determination that hospitalization is necessary, or making a determination that the injury is serious.

§ 2. This local law takes effect immediately.

Referred to the Committee on Criminal Justice.

Int. No. 413

By Council Members Restler and Brewer.

A Local Law to amend the administrative code of the city of New York, in relation to prohibiting ice cream trucks from using generators or engines powered by carbon-based fuel to provide electricity for food equipment

Be it enacted by the Council as follows:

Section 1. Subchapter 7 of chapter 1 of title 24 of the administrative code of the city of New York is amended by adding a new section 24-163.13 to read as follows:

§ 24-163.13 Ice cream trucks. a. Definitions. For the purposes of this section, the following terms have the following meanings:

Food equipment. The term "food equipment" means an ice cream truck's freezer, refrigeration unit, soft serve machine, and any other equipment necessary to serve food from an ice cream truck.

Ice cream truck. The term "ice cream truck" means any vehicle from which ice cream and other frozen desserts are sold or offered for sale to the public.

b. No ice cream truck operating in the city may use a generator or engine that is powered by any carbon-based fuel to provide electrical power for food equipment.

§ 2. This local law takes effect 3 years after it becomes law.

Referred to the Committee on Environmental Protection, Resiliency and Waterfronts.

Int. No. 414

By Council Members Restler, Williams, Stevens and Hanif.

A Local Law to amend the administrative code of the city of New York, in relation to disqualifying previously expelled council members from receiving public campaign financing

Be it enacted by the Council as follows:

Section 1. Subdivision 1 of section 3-703 of the administrative code of the city of New York is amended by adding a new paragraph (p), to read as follows:

(p) if a candidate for member of the city council in a primary, special, or general election, must not have been previously expelled from the city council.

§ 2. This local law takes effect immediately.

Referred to the Committee on Governmental Operations, State & Federal Legislation.

Int. No. 415

By Council Members Restler, Hanks and Moya.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the registration of owners of vacant property

Be it enacted by the Council as follows:

Section 1. Title 26 of the administrative code of the city of New York, is amended by adding a new chapter 34 to read as follows:

CHAPTER 34
REPORTING REQUIREMENTS FOR OWNERS OF VACANT PROPERTY

§26-3401 Reporting. a. As used in this chapter:

Department. The term "department" means the department of housing preservation and development.

Commissioner. The term "commissioner" means the commissioner of housing preservation and development.

b. The owner of any real property within the city shall register with the department upon such property being vacant for one year. Such registration shall be in a manner to be determined by the commissioner but shall, at a minimum, include the name of the owner of such property, along with the electronic mail address and phone number of an individual who shall be the contact person for such property. Such registration shall be renewed annually thereafter with such additional information as the department may require. The department may impose a fee necessary for administering the provisions of this section. The owner of any property that has been vacant for one year or more on the effective date of this section shall file such registration not more than 60 days following the effective date of this section. When real property that has been vacant for one year or more is sold, the new owner of such real property shall register in accordance with this section within 30 days of taking ownership of such property.

c. A person who fails to register as required by subdivision b of this section shall be subject to a civil penalty of not less than $100 nor more than $500 for every week or portion thereof that there is a failure to register.

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

Referred to the Committee on Housing and Buildings.

Int. No. 416

By Council Members Restler, Cabán, Ossé, Hudson, Gutiérrez, Nurse, Hanif, Won and Marte.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of investigation to investigate allegations of evidentiary misconduct by police officers

Be it enacted by the Council as follows:

Section 1. Chapter 34 of the New York city charter is amended by adding a new section 809 to read as follows:

809. Evidentiary misconduct complaints in criminal prosecutions. a. Definitions. As used in this section, the following terms have the following meanings

Evidentiary misconduct. The term "evidentiary misconduct" means any conduct that impugns the integrity of a criminal proceeding as defined in the criminal procedure law, including but not limited to:

1. Interrogation tactics that compromise an individual's constitutional rights or the veracity of a suspect's statement;

2. Providing false or misleading testimony or information, or colluding with other individuals to provide such testimony or information to a court or district attorney;

3. Withholding relevant exculpatory evidence;

4. Failing to follow police department protocols related to the use of body-worn cameras;

5. Failing to preserve and disclose to a district attorney in a timely manner evidence or reports that are discoverable pursuant to state law; or

6. Conducting identification procedures in a manner likely to compromise the integrity of the witness identification or the reliability of the witness.

Interested parties. The term "interested parties" means any defendant, prosecutor, attorney, judge, court attorney, police officer, or other individual who has evidence that an officer engaged in evidentiary misconduct.

b. The department shall create, within 180 days, and maintain an online referral system for receiving complaints from interested parties alleging evidentiary misconduct. The department shall coordinate with the office of criminal justice to notify defense organizations, district attorneys, court staff, and any other interested parties regarding the procedures for filing such a complaint.

c. Investigation of complaints. After receiving a complaint, the department shall fully investigate the merits of the complaint by reviewing all relevant documents provided by the interested party, all available court records including transcripts of any testimony, and any relevant information in the possession of the New York police department including contemporaneous reports, notes, and other case information associated with the arrest. The department may seek to interview the officer who is the subject of the complaint.

2. Upon review of the relevant documentation, the department shall substantiate any case in which it determines that the officer engaged in conduct that impugns the integrity of any criminal court process. The department shall notify the relevant interested party or parties of its determination.

d. Investigation of substantiated cases. For each complaint substantiated pursuant to subdivision c of this section, the department shall make a determination as to whether a preponderance of the evidence indicates that the evidentiary misconduct was knowing or intentional.

1. For any evidentiary misconduct that the department determines was willful, knowing or intentional, the department shall:

(a) determine whether the evidentiary misconduct is part of a pattern of officer misconduct by obtaining records relating to prior arrests, obtaining transcripts of prior court testimony, seeking an order from a criminal court judge to inspect any sealed records that are relevant to the investigation, requesting any relevant documentation from the district attorney in the county in which the prosecution occurred, reviewing any state or federal civil litigation involving the officer, and by viewing body camera footage of the officer;

(b) publish a report describing its conclusions about the officer's evidentiary misconduct; and

(c) deliver a copy of such report to the relevant interested party or parties and the district attorneys for all five counties of New York city.

2. For any evidentiary misconduct for which the department determines that there was insufficient evidence to establish was a willful, knowing or intentional act, the department shall deliver a report describing such misconduct to the internal affairs bureau of the New York police department for further investigation and a recommendation for whether the complaint warrants retraining of one or more members of service or disciplinary action against one or more members of service.

3. For any evidentiary misconduct that constitutes a criminal offense, the department shall refer the case to the appropriate district attorney.

e. Reporting. Within 60 days of the end of each calendar year, the department shall post on its website a report including:

1. For each type of evidentiary misconduct, the following information for the prior calendar year: the number of complaints received, the number of complaints substantiated, the number of complaints pending substantiation review, the number of substantiated cases pending further investigation, the number of substantiated complaints determined to be willful, knowing or intentional, and the number of substantiated complaints referred to the police department; and

2. A detailed description of the acts constituting evidentiary misconduct for which there was insufficient evidence to determine that such evidentiary misconduct was willful, knowing, or intentional, including the reasons the department determined that there was insufficient evidence to make such determination, and any patterns or practices revealed through the department's investigation, as permitted by law.

§ 2. 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. Compliance with investigation of complaints and substantiated allegations of evidentiary misconduct. The department shall provide all information, documents, and relevant body worn camera footage within 7 business days of any request in relation to an investigation of evidentiary misconduct conducted pursuant to section 809 of the charter. The department shall make available for a questioning any employee of the department identified by the department of investigation as a relevant witness to a substantiated allegation of evidentiary misconduct.

§ 3. This local law takes effect immediately.

Referred to the Committee on Oversight and Investigations.

Int. No. 417

By Council Members Restler and Krishnan.

A Local Law in relation to the creation of a plan to develop more dog runs located in parks under the jurisdiction of the department of parks and recreation

Be it enacted by the Council as follows:

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

Department. The term "department" means the New York city department of parks and recreation.

Dog run. The term "dog run" means an enclosed area located within a park under the jurisdiction of the department where a pet dog, accompanied by the owner or person supervising such dog, may engage in leisure activity.

b. The department shall develop a plan to increase the number of dog runs that are located throughout parks under the jurisdiction of the department. Such plan shall be posted on the department's website and submitted to the mayor and the speaker of the council by no later than July 1, 2023, and shall include but not be limited to the following information:

1. The current number and location of dog runs located within parks under the jurisdiction of the department;

2. An analysis of the condition of locations in various parks under the jurisdiction of the department that may be suitable for conversion into a dog run and the estimated cost to convert such locations into a dog run, provided that at least five locations in each community district are analyzed;

3. For each park location found to be suitable for conversion into a dog run, a plan to convert such location into a dog run, provided that such plan provides for the conversion of each location by no later than July 1, 2025.

§ 2. This local law takes effect immediately.

Referred to the Committee on Parks and Recreation.

Int. No. 418

By Council Members Restler, Gutiérrez and Yeger.

A Local Law to amend the administrative code of the city of New York, in relation to limiting movie-making, telecasting and photography permits

Be it enacted by the Council as follows:

Section 1. Section 22-205 of chapter 2 of title 22 of the administrative code of the city of New York, is renumbered and amended to read as follows:

§ [22-205] *22-290* Permits for movie-making, telecasting and photography [in public places]; violations; penalties. a. The [executive director of the office for economic development] *the commissioner of small business services or any other person or entity designated by the mayor to issue permits pursuant to section 1301 of the charter* shall not issue to any applicant any permit for any activity subject to the provisions of [subdivision thirteen of section thirteen hundred of the charter] *that section*, unless and until*:*

(1) all other permits, approvals and sanctions required by any other provision of law for the conduct of such activities by the applicant have been obtained by the [executive director] *commissioner or mayor's designee*, in the name and in behalf of the applicant, from the agency or agencies having jurisdiction; [and]

(2) all fees required to be paid by, or imposed pursuant to, any provision of law for the issuance of such other permits, approvals and sanctions have been paid by the applicant[.]*; and*

(3) the permit requested would not cause the total number of cumulative filming days per month on a given census tract to exceed 10 days per calendar month, provided that such limitation may be waived by the commissioner or mayor's designee upon a showing of special or unusual circumstances.

b. It shall be unlawful for any person to conduct, without a permit from such [executive director] *commissioner, or mayor's designee*, any activity with respect to which such [executive director] *commissioner, or mayor's designee* is authorized to issue a permit under the provisions of the charter referred to in subdivision a of this section. Any violation of the provisions of this subdivision b shall be punishable by a fine of not more than five hundred dollars or by imprisonment for not more than ninety days, or both.

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

Referred to the Committee on Technology.

Int. No. 419

By Council Members Restler, Bottcher and Won.

A Local Law to amend the administrative code of the city of New York, in relation to establishing penalties for alternate side parking violations and requiring towing of certain vehicles in violation of alternate side parking rules.

Be it enacted by the Council as follows:

Section 1. Chapter 2 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-217 to read as follows:

§ 19-217 Alternate side parking violations. The penalty for parking in violation of officially posted street cleaning rules shall be $65 for the first violation within a 12-month period and $100 for any subsequent violations within the same 12-month period. After the issuance of at least 3 violations for parking the same vehicle in violation of officially posted street cleaning rules in any 12-month period, the police department shall tow such vehicle, or cause such vehicle to be towed, if it is found parked in violation of officially posted street-cleaning rules within the same 12-month period.

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

Referred to the Committee on Transportation and Infrastructure.

Res. No. 185

Resolution calling on the New York State Legislature to pass, and the New York State Governor to sign, S.2643/A.3986, allowing bicyclists to treat stop signs as yield signs, and red lights as stop signs.

By Council Member Restler (by request of the Brooklyn Borough President).

Whereas, Over the past decades, transportation infrastructure of cities and states has become increasingly diversified; and

Whereas, In addition to traditional means of transportation, such as motor vehicles and public transit, a growing number of residents and businesses are using bicycles for pleasure, work and as a commuting alternative; and

Whereas, The growing popularity of bicycles has prompted some cities and states to reevaluate their traffic laws; and

Whereas, In 1982, Idaho adopted section 49-720 (the "Idaho stop"), which allows bicycles to treat stops signs as yield signs and red lights as stop signs; and

Whereas, The goal of the Idaho stop is to allow more flexibility for bicyclists by conserving their momentum and helping to keep them out of the way of heavy automobile traffic; and

Whereas, According to the United States Department of Transportation's National Highway Traffic Safety Administration, in addition to Idaho; Arkansas, Delaware, North Dakota, Oklahoma, Oregon, Utah and Washington have adopted some version of the Idaho statute; and

Whereas, More recently, in 2022, Washington, D.C. adopted the Safer Streets Amendment Act, which among other things, implemented an Idaho stop law within the city; and

Whereas, The adoption of the Idaho stop would have no impact on a pedestrian's right of way, because bicyclists would still have to slow down in order to ensure that the intersection is clear of pedestrians, vehicles and other bicycles; and

Whereas, Moreover, riding a bicycle raises distinct safety needs and requirements, with individuals who ride bicycles not posing the same safety hazards to pedestrians as automobiles because bicycles generally travel at a slower speed and have the ability to more quickly respond to surrounding traffic; and

Whereas, In addition, studies show that there are positive safety benefits to implementing Idaho stop-like laws, as they give bicyclists greater flexibility at stop signs and red lights, and thus, enhance road safety for all road users; and

Whereas, In New York City, in 2021, there were 55,000 bike commuters to work, 110,000 bike commute trips to work, 550,000 total daily cycling trips, and 200.8 million total annual cycling trips, with an estimated 900,000 New Yorkers riding a bike regularly; and

Whereas, In an effort to ensure the safety of bicyclists and all road users, S.2643, sponsored by New York State Senator Rachel May, and A.3986, sponsored by New York State Assemblymember Patricia Fahy, were introduced, and would allow bicyclists to treat a stop sign as a yield sign, and a red light as a stop sign; and

Whereas, As bicycling is a vital means of transportation for those in New York City, and improved safety among bicyclists is always necessary, S.2646/A.3986 are important pieces of legislation that could benefit all New Yorkers; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to pass, and the New York State Governor to sign, S.2643/A.3986, allowing bicyclists to treat stop signs as yield signs, and red lights as stop signs.

Referred to the Committee on Transportation and Infrastructure.

Res. No. 186

Resolution calling on the New York Legislature to pass, and the Governor to sign, S00313/A04183, which would eliminate court, probation, and parole surcharges & fees as well as prohibit mandatory minimum fines for penal and vehicle & traffic laws.

By Council Members Restler and Rivera.

Whereas, The State of New York imposes various fees and surcharges on individuals convicted of offenses under the penal law, vehicle and traffic law, and environmental conservation law; and

Whereas, These fees and surcharges are typically mandatory and applied irrespective of an individual's ability to pay or any other relevant factor; and

Whereas, Fines imposed by New York courts vary depending on the offense, with some offenses having mandatory minimum fines and others having a range of permissible fines; and

Whereas, The current legal framework in New York courts lacks a mechanism for the sentencing court to waive fees and surcharges, except for a limited exception enacted in the Laws of 2020, chapter 144, applicable to individuals under 21; and

Whereas, Current law does not require courts to inquire into or consider a defendant's ability to pay, financial resources, other financial obligations, or any other relevant factor when determining fines; and

Whereas, The lack of consideration for defendants' financial circumstances can have devastating consequences for working-class or individuals in poverty, leading to insurmountable debt and greater barriers to meeting basic needs, exacerbating existing inequalities and perpetuating cycles of poverty; and

Whereas, While courts may allow for payment deferrals, such deferrals result in civil judgments against defendants, adversely affecting their credit reports and impeding their ability to obtain loans, purchase homes, and in some cases secure employment, creating a cycle of financial instability; and

Whereas, Under the current criminal justice system, consequences for nonpayment of financial penalties can include the suspension of the defendant's driver's license, and if a defendant is sentenced to incarceration as a penalty for their conviction, funds are withheld from their inmate funds account and their wages from work assignments are garnished; and

Whereas, The consequences for nonpayment of financial penalties can extend beyond incarceration, including the suspension of the defendant's driver's license and further periods of incarceration; and

Whereas, The current system of mandatory fees and surcharges is widely acknowledged by organizations to be harmful, disproportionately affecting certain racial groups, and ultimately counterproductive; and

Whereas, According to the Brennan Center for Justice "*The Steep Cost of Criminal Justice Fees and Fines*", a 2019 report found that generating revenue through levying fees and fines on criminal defendants is costly, inefficient, and wasteful as fees often cost more to collect than they generate in revenue; and

Whereas, According to the NYC Bar "*New York Should Re-Examine Mandatory Court Fees Imposed on Individuals Convicted of Criminal Offenses and Violations*", The Bar Association recommends simply eliminating mandatory surcharges and fees as tying convictions to revenue raising is inherently problematic and fines imposed by criminal courts should be imposed only when they are tied directly to the criminal act, such as for restitution; and

Whereas, The U.S. Department of Justice issued a Dear Colleague Letter to Courts in April 2023 that cautioned against fines and fees practices and noted that they are often unlawful, discriminatory, and generate little or no net revenue; and

Whereas, S00313, sponsored by State Senator Julia Salazar, and A04183, sponsored by State Assemblymember Kenny Burgos, seek to eliminate court, probation, and parole surcharges and fees as well as prohibit mandatory minimum fines for penal and vehicle and traffic laws and eliminate incarceration as a penalty for failing to pay a fine, surcharge, or fee; and

Whereas, S00313/A04183 is supported by the No Price on Justice Coalition, a coalition of economic and racial justice advocates, grassroots organizations, and impacted people working to end New York's predatory court fines and fees; and

Whereas, The Council of the City of New York supports S00313/A04183 as a means of addressing financial burdens and reforms in the legal system, including the elimination of certain fees, the prohibition of mandatory minimum fines, individualized assessments of financial capability, and the elimination of incarceration as a consequence for non-payment; 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, S00313/A04183, which would eliminate court, probation, and parole surcharges & fees as well as prohibit mandatory minimum fines for penal and vehicle & traffic laws.

Referred to the Committee on Criminal Justice.

Res. No. 187

Resolution calling upon the Metropolitan Transportation Authority to conduct a comprehensive Environmental Impact Statement for the proposed Gun Hill Road Electric Bus Depot Charging Facility.

By Council Member Riley.

Whereas, The Metropolitan Transportation Authority (MTA or the Authority) is the largest transportation system in the United States, including the nation's largest bus fleet; and

Whereas, In an effort to help slow climate change and serve as a model for other diesel fleet operators, MTA has committed to replacing and transforming its entire bus fleet of 5,800 vehicles with zero-emission vehicles by 2040; and

Whereas, By adopting a zero-emission bus fleet by 2040, MTA buses could avoid over 500,000 metric tons of greenhouse gas emissions every year and provide New Yorkers with quieter, exhaust-free bus rides; and

Whereas, As part of MTA's transition to zero-emission bus fleet, the Authority will focus on in-depot charging using high-capacity chargers and through exploring on-site battery storage and solar power generation; and

Whereas, According to the Authority's 2023 MTA Zero-Emission Transition Plan, a significant number of bus depots are expected to require major modifications and upgrades to accommodate zero-emission buses, and MTA may need to expand, reconstruct, or acquire new facilities; and

Whereas, In March 2022, MTA released a Request for Proposals (RFP) to facilitate the development of an electric bus depot charging facility on Gun Hill road, at 1910 Bartow Avenue, in the Baychester neighborhood of the Bronx; and

Whereas, MTA acquired the selected property in the mid-1980s by condemnation, for the purpose of constructing a large bus depot serving residents of the Bronx, however, due to budget constraints a smaller bus depot was constructed on part of the site; and

Whereas, In July 2023, MTA announced that Madison Capital had been approved by the MTA Board to redevelop the 550,000 square-foot MTA-owned site; and

Whereas, According to the MTA, Madison Capital will fund the construction of the MTA facility and pay substantial ground rent towards MTA capital needs; and

Whereas, According to the Bronx Times, Madison Capital's lease will last 99 years, with the company expected to pay rent with revenue generated from the development; and

Whereas, According to MTA spokesperson Eugene Resnick, Madison Capital will develop the site into an industrial facility focused on "sustainable urban development with uses that will complement MTA's electric vehicle charging facility"; and

Whereas, According to Community Board 12 district manager George Torres, the Community Board was not approached by the MTA about the plan; and

Whereas, There have been concerns from residents surrounding the proposed site about the effects the new bus depot will have on residents and schools in the area, and concerns whether the area will face any significant construction disruptions; and

Whereas, In 2012, prior to MTA's current plan for the site, the City's Economic Development Corporation issued an RFP for the development of the property into a 400,000 square foot shopping center and housing complex, but the project was nixed by the City Council in 2017, and the plan expired in 2019; and

Whereas, In 2014, the City conducted an Environmental Assessment Statement (EAS) for the planned development of this location and determined that the then-proposed project required the preparation of an Environmental Impact Statement (EIS); and

Whereas, An EIS is a government document that outlines the impact of a proposed project on its surrounding environment and analyzes how a proposed project will affect housing stock, businesses, property values, local transportation, and noise levels; and

Whereas, Conducting a comprehensive EIS for the proposed Gun Hill Road Electric Bus Depot Charging Facility would add an additional layer of transparency to the project and would examine whether the project would have any adverse effects on the surrounding community; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the Metropolitan Transportation Authority to conduct a comprehensive Environmental Impact Statement for the proposed Gun Hill Road Electric Bus Depot Charging Facility.

Referred to the Committee on Transportation and Infrastructure.

Int. No. 420

By Council Members Rivera, Restler and Won.

A Local Law to amend the administrative code of the city of New York, in relation to establishing a program for child visitors of department of correction facilities

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 9 of the administrative code of the city of New York is amended by adding a new section 9-156 to read as follows:

§ 9-156 Child visitor program. a. Definitions. For purposes of this section, the following terms have the following meanings:

Borough jail facility. The term "borough jail facility" means any department facility that is located outside Rikers Island and in which people held in department custody are housed.

Child visitor. The term "child visitor" means a visitor under 16 years of age.

City jail. The term "city jail" means any department facility in which people held in department custody are housed.

Department. The term "department" means the department of correction.

Visiting area. The term "visiting area" means any space within any city jail designated for the purpose of visits.

Visitor. The term "visitor" means any person who enters a city jail for the purpose of visiting a person housed in any city jail, or any person who is screened by the department for visiting purposes, and includes the term "child visitor."

b. The department, in consultation with not-for-profit organizations with expertise in issues affecting child visitors, shall develop a program to improve the visiting experience for child visitors and all other participants of visits involving children. Such program shall have the following features:

1. In all visiting areas where child visitors will be visiting, the department shall provide toys, games, books and arts-and-crafts for interaction between visit participants of all ages;

2. The department shall require all department staff who interact with child visitors to receive training designed to minimize stress for child visitors; and

3. All new or substantially remodeled city jails shall have a specially designed visiting area for child visitors and those who accompany them.

c. No later than 90 days after January 1, 2020, and annually thereafter, the department shall submit to the board of correction and the speaker of the council, and post on the department's website, a report regarding its efforts to improve the visitation experience for child visitors pursuant to the requirements set forth in subdivision b of this section. Such report shall include, but need not be limited to, the following information:

1. The number of visitors to city jails, disaggregated by borough jail facilities and city jails on Rikers Island, and disaggregated further by facility;

2. The number of visits by child visitors, disaggregated by borough jail facilities and city jails on Rikers Island, and disaggregated further by facility;

3. The number of visits by child visitors that occurred in visiting areas specially designed for child visitors pursuant to subparagraph 3 of subdivision b of this section, disaggregated by facility;

4. The number of department staff that interact with child visitors;

5. The number of department staff that interact with child visitors who have received training required by subparagraph 2 of subdivision b of this section;

6. The inventory of toys, games, books and arts-and-crafts required by subparagraph 1 of subdivision b of this section, disaggregated by borough jail facilities and city jails on Rikers Island, and disaggregated further by facility;

7. A description of the department's efforts to collaborate or consult with experts from relevant nonprofit organizations;

8. A list of borough jail facilities and city jails on Rikers Island, if any, that do not have visiting areas specially designed for child visitors; and

9. A description of additional improvements made or initiatives taken by the department to improve the child visitation experience.

d. The information required by subdivision c of this section shall be compared to the previous four reporting periods whenever possible, stored permanently and made accessible on the department's website.

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

Referred to the Committee on Criminal Justice.

Int. No. 421

By Council Members Rivera and Restler.

A Local Law to amend the administrative code of the city of New York, in relation to providing tenants the option of paying a security deposit in six equal monthly installments

Be it enacted by the Council as follows:

Section 1. Title 26 of the administrative code of the city of New York is amended by adding a new chapter 23 to read as follows:

CHAPTER 23
SECURITY DEPOSIT INSTALLMENT OPTION

§ 26-2301 Definitions. As used in this chapter, the following terms have the following meanings:

Landlord. The term "landlord" has the same meaning as provided in section 27-2004.

Security deposit. The term "security deposit" means money, whether cash or otherwise, paid to an owner to be held for all or part of the term of a tenancy to secure performance of any obligation of the tenant under the lease or rental agreement.

Tenant. The term "tenant" has the same meaning as provided in section 26-1101.

§ 26-2302 Security deposit installments. a. For tenancies that are six months or longer, a security deposit may be paid at the option of the tenant in six, equal, consecutive, monthly installments.

b. For tenancies that are less than six months, a security deposit may be paid at the option of the tenant in equal, consecutive, monthly installments provided that the number of such installments match the number of months of the tenancy.

c. Nothing in this section shall prohibit a tenant from paying a security deposit in full, or an owner accepting such payment, provided that the owner has complied with the requirements of section 26-2303.

§ 26-2303 Notification. The owner shall notify a tenant of the security deposit installment option established pursuant to section 26-2302 prior to entering into a lease or rental agreement with the tenant.

§ 26-2304 Damages for noncompliance; attorney's fees. Upon finding a violation of section 26-2303 in any action brought before a court of competent jurisdiction, the court may award damages to the tenant in the amount of one half of the security deposit, in addition to reasonable attorney's fees and other costs.

§ 26-2305 Outreach and education. The department shall conduct outreach and education efforts to inform owners and tenants about the requirements of this chapter.

§ 2. Paragraph 1 of subdivision b of section 26-1102 of the administrative code, as added by local law number 45 for the year 2014, is amended to read as follows:

(1) owners' responsibilities with respect to eviction, heat and hot water, pest management, repairs and maintenance, *security deposit installment options,* tenant organizations, rent-regulated leases, rental assistance for elderly or disabled tenants, and housing discrimination;

§ 3. Paragraph 1 of subdivision c of section 26-1103 of the administrative code, as added by local law number 45 for the year 2014, is amended to read as follows:

(1) owners' responsibilities with respect to eviction, heat and hot water, pest management, repairs and maintenance, *security deposit installment options*, tenant organizations, rent-regulated leases, rental assistance for elderly or disabled tenants, and housing discrimination;

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

Referred to the Committee on Housing and Buildings.

Int. No. 422

By Council Members Rivera and Brewer.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the commissioner of information technology and telecommunications to create a separate 311 category for rooftop activity complaints and to report annually regarding such complaints, and to require the commissioner of buildings to report annually regarding certain rooftop spaces

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 Rooftop activity complaints. a. The department of information technology and telecommunications shall implement and maintain on its 311 citizen center website and mobile device platforms the capability for the public to file a complaint under the category of "rooftop activity complaint." This complaint category shall *contain subcategories for "noise complaints," "public safety complaints," and "exceeding authorized rooftop occupancy complaints" in order that each such complaint may be referred to the appropriate agency to take action as necessary to address the complaint.*

b. With respect to complaints filed pursuant to subdivision a, the public shall have the ability to submit photographic evidence or recordings supporting such complaints.

c. No later than March 31 of each year, the department of information technology and telecommunications shall submit to the mayor and the speaker of the council, and publish on the department's website, a report on rooftop activity complaints submitted during the preceding year pursuant to subdivision a. Such report shall include the following information:

1. The number of rooftop activity complaints, disaggregated by census tract and by agency that resolved the complaint;

2. The number of hours taken to resolve each such complaint, rounded to the nearest hour;

3. The number of complaints that involved a noise issue, a safety issue, or other issue; and

4. Any other information deemed relevant by the department.

d. The department of information technology and telecommunications may consult with any other agency in preparing the reports required by subdivision c, and agencies shall cooperate with the department of information technology and telecommunications regarding requests for information necessary to prepare such reports.

§ 2. Article 103 of 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 Reporting regarding certain rooftop spaces. No later than March 31 of each year, the commissioner shall submit to the mayor and the speaker of the council and make available on the department's website a report on rooftop occupancy in the city. The report shall contain the following information for the preceding year, disaggregated by census tract:

1. The number of rooftops with a roof deck, roof terrace or other rooftop recreational space indicated on a certificate of occupancy, and the building address for each such rooftop.

2. The number of rooftops that are indicated on a place of assembly certificate of operation, and the building address for each such rooftop.

3. Any other information that the commissioner deems relevant.

§ 3. This local law takes effect 120 days after it becomes law, except that the commissioner of information technology and telecommunications and the commissioner of buildings shall take any actions necessary for its implementation, including the promulgation of rules, prior to such effective date.

Referred to the Committee on Technology.

Int. No. 423

By Council Members Rivera, Cabán, the Public Advocate (Mr. Williams), Abreu, Restler, Powers and Hudson.

A Local Law to amend the New York city charter and the administrative code of the city of New York, in relation to procedures following the death of an individual in custody of the department of correction and a report on compassionate release

Be it enacted by the Council as follows:

Section 1. Section 626 of the New York city charter is amended by adding a new subdivision i to read as follows:

i. Procedures following the death of an individual in custody. 1. Upon the death of an individual in custody of the department, the board shall investigate the circumstances surrounding such death. After allowing enough time for the department of correction to notify the public of such death as set forth in subdivision b or c of section 9-166 of the administrative code but no later than 10 days after such death, the board shall publish on its website a preliminary report. Such report must include:

(a) The individual's name;

(b) The individual's age;

(c) The individual's race;

(d) The individual's gender;

(e) The location where the individual died;

(f) The facility assigned to the individual;

(g) The individual's housing assignment and housing assignment history;

(h) Whether the individual, during the period of incarceration when the individual died, had engaged with the mental health system at least 3 times, had been prescribed certain classes of medication, or had otherwise been assessed by correctional health services, as defined in subdivision a of section 9-166 of the administrative code, as needing further mental health treatment;

(i) Whether the individual had been diagnosed with a chronic health condition;

(j) A summary of grievances, complaints, and requests for assistance filed by the individual while in custody;

(k) Whether the board referred such death to the department of investigation; and

(l) Whether the board referred such death to the office of the attorney general of New York.

2. Upon conclusion of the investigation:

(a) The board shall prepare a final report on the investigation that includes recommendations on how the department can prevent the circumstances that contributed to the individual's death and the names of employees of the department and of correctional health services, as defined in subdivision a of section 9-166 of the administrative code, involved in the circumstances that contributed to such death.

(b) The board shall submit the final report to the department and correctional health services, as defined in subdivision a of section 9-166 of the administrative code, to allow the department and correctional health services to provide a response to the board, pursuant to subdivision k of section 9-166 of the administrative code.

(c) After 2 weeks have passed since the board submitted the final report to the department and correctional health services, as defined in subdivision a of section 9-166 of the administrative code, or after the department and correctional health services have provided a response to the board regarding such final report, whichever comes first, the board shall publish on its website the final report and the department's and correctional health services' response, if any. The board shall not publish the final report on its website until either 2 weeks have passed since the board submitted the final report to the department and correctional health services or the department and correctional health services have provided a response to the board.

3. The board shall publish on its website the final report within 6 months after such death. If the investigation has not concluded within 6 months after such death, the board shall publish on its website an update on the investigation on the day the final report is due and every 60 days thereafter until the final report is published.

§ 2. Chapter 1 of title 9 of the administrative code of the city of New York is amended by adding new sections 9-166, 9-167, and 9-168 to read as follows:

§ 9-166 Procedures following the death of an individual in custody of the department. a. Definitions. For the purposes of this section, the term "correctional health services" means any health care entity designated by the city of New York as the agency or agencies responsible for health services for incarcerated individuals in the care and custody of the department. When the responsibility is contractually shared with an outside provider, this term also applies.

b. Within 1 hour of pronouncement of death of an individual in custody, the department shall notify the office of chief medical examiner, the deceased's defense attorney, and the board of correction of such death. The department shall document that the department notified the next of kin pursuant to section 3-10 of title 40 of the rules of the city of New York, regarding deaths of incarcerated individuals, or a successor provision and shall include the name of the employee of the department who contacted the next of kin, the name of the next of kin who was notified, the means of communication through which the next of kin was notified, the relationship of the next of kin to the deceased, and the time and date that the department made such notification. The department

shall notify the board of correction that the next of kin had been notified of such death. Immediately after notifying the deceased's next of kin, the office of chief medical examiner, the deceased's defense attorney, and the board of correction, the department shall notify the public of such death by issuing a press release to all media outlets that have requested to receive press releases from the department and posting such press release on the department's website.

c. If the next of kin is not known or if the department is unable to reach the next of kin within 24 hours of pronouncement of such death, the department shall inform correctional health services, and correctional health services shall notify any family contacts included in the deceased's medical record. If the department is unable to reach the next of kin within 24 hours of pronouncement of death, the department shall notify the public of the death as set forth in subdivision b of this section, but shall withhold the name of the deceased. If the department has not been able to notify the next of kin after 72 hours have passed since the department's first attempt to notify the next of kin, the department shall notify the public of the death as set forth in subdivision b of this section, including the name of the deceased.

d. The department shall return the deceased's personal items to the next of kin within 30 days of the pronouncement of death.

e. After the department has notified the public of the death as set forth in subdivision b or c of this section, the department shall publish on its website reports sent to the state commission of correction pursuant to subdivision (b) of section 7508.2 of title 9 of the New York codes, rules and regulations, regarding reportable incidents, or a successor provision.

f. The department shall preserve video footage related to the circumstances that contributed to the death of an individual in custody.

g. Upon pronouncement of death of an individual in custody of the department, the department and correctional health services shall immediately provide all books, records, documents, papers, and video footage relevant to such death to the board of correction and shall immediately provide additional such materials to the board of correction upon request.

h. The department shall immediately provide video footage related to the circumstances that contributed to the individual's death to the next of kin upon request.

i. The department and correctional health services shall conduct a joint investigation of each death of an individual in custody of the department, including the review of all medical records of the deceased in the possession of the department and correctional health services and all records related to the deceased's time in custody of the department. The department and correctional health services shall submit a joint report of their findings to the board of correction.

j. If the department of investigation issues a report regarding the death of an individual or individuals in custody, the department and correctional health services shall publish a response to such report on their websites. If the report contains recommendations for the department or correctional health services, the department or correctional health services shall respond to each recommendation and indicate whether and how it will implement each such recommendation. If the department or correctional health services determines that it does not intend to implement a recommendation, the department or correctional health services shall provide the reasons for such determination.

k. The department and correctional health services shall respond in writing to each report issued by the board of correction pursuant to paragraph 2 of subdivision i of section 626 of the charter within 2 weeks after receiving such report. If the report contains recommendations for the department or correctional health services, the department and correctional health services shall respond to each recommendation and indicate whether and how they will implement each recommendation. If the department or correctional health services determines that it does not intend to implement the recommendation, the department or correctional health services shall provide the reasons for such determination. The department and correctional health services shall update the board of correction 6 months after responding to the recommendations pursuant to this subdivision and every 6 months thereafter on progress made towards implementing each recommendation until each recommendation is fully implemented.

l. No later than 30 days after the board of correction publishes the final report on the death of an individual in custody pursuant to paragraph 2 of subdivision i of section 626 of the charter, the commissioner shall submit to the mayor and the speaker of the council and shall post conspicuously on the department's website a report regarding the status of employees of the department identified in the board of correction's final report as being

involved in the circumstances that contributed to the individual's death. If the department opens a staff misconduct case regarding an employee's involvement in circumstances that contributed to the individual's death, the commissioner shall update the report required by this subdivision every 60 days from the date of first submission and posting until all staff misconduct cases have been closed. The department shall submit to the mayor and the speaker of the council and shall post conspicuously on the department's website each such updated report. The report required by this subdivision must include for each employee identified:

1. Whether the employee was terminated;

2. Whether the employee resigned;

3. Whether a staff misconduct case was opened regarding the employee's involvement in circumstances that contributed to the individual's death;

4. If a staff misconduct case was opened regarding the employee's involvement in the circumstances that contributed to the individual's death:

(a) Any unique identifier used by the department to identify the staff misconduct case, such as the case number;

(b) The date the staff misconduct case was initiated by the department;

(c) The date the staff misconduct case was closed;

(d) The category of any alleged misconduct offenses;

(e) A description of the alleged staff misconduct;

(f) If the staff misconduct case is being adjudicated by the office of administrative trials and hearings, the date on which the case was referred to the office of administrative trials and hearings;

(g) The status of the staff misconduct case as of the date of the report;

(h) The disposition of the staff misconduct case;

(i) The penalty and discipline imposed, if any; and

(j) Whether the staff misconduct case was referred to the department of investigation, a district attorney, or the United States department of justice.

§ 9-167 Jail death review board. a. There is hereby established a review board to be known as the jail death review board. The jail death review board shall study deaths of individuals in custody of the department to identify systemic issues that contributed to such deaths and shall keep a record of its proceedings. No later than January 31, 2025, and yearly thereafter, the jail death review board shall submit to the mayor and the speaker of the council a report describing the activities of such board over the preceding year, the systemic issues identified pursuant to this section, and any actions taken by any member of such board to address the systemic issues identified pursuant to this section.

b. Such board shall meet quarterly.

c. The jail death review board shall be composed of the following members:

1. The deputy mayor for public safety, or such deputy mayor's designee, who shall serve as chair;

2. The chief medical officer of correctional health services, as defined in subdivision a of section 9-166, or such officer's designee;

3. The commissioner or such commissioner's designee;

4. The commissioner of health and mental hygiene or such commissioner's designee; and

5. The executive director of the board of correction, or such director's designee.

d. The staff of such board shall be composed of employees of the board of correction.

§ 9-168 Report on compassionate release. a. No later than 3 months after the effective date of the local law that added this section, and quarterly thereafter, the commissioner shall submit to the mayor and the speaker of the council and shall post conspicuously on the department's website a quarterly report regarding individuals who have been released from custody due to a medical condition.

b. The quarterly report must include a table in which each separate row references a unique individual who had been released from custody due to a medical condition. Each such row must include the following information, as well as any additional information the commissioner deems appropriate, set forth in separate columns:

1. The name of the incarcerated individual who was released;

2. The name of the individual or entity that requested the incarcerated individual be released;

3. The date the request for release was submitted for approval;

4. The date the individual's release was approved; and

5. The date the individual was released.

c. The report required by subdivision b of this section shall include a data dictionary.

d. Except as otherwise expressly provided in this section, no report required by subdivision b of this section shall contain personally identifiable information.

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

Referred to the Committee on Criminal Justice.

Int. No. 424

By Council Members Rivera, Marte, Restler, Won and Hanif.

A Local Law to amend the administrative code of the city of New York, in relation to flood evacuation plans for tenants

Be it enacted by the Council as follows:

Section 1. Section 27-2005 of the administrative code of the city of New York is amended by adding a new subdivision h to read as follows:

h. The owner of a dwelling shall deliver or cause to be delivered to each tenant and prospective tenant of the dwelling, along with the lease or lease renewal form for such tenant or prospective tenant, and shall post and maintain in a common area of the building containing such dwelling, a notice, in a form developed or approved by the department, regarding the procedures that should be followed in the event of flooding. The notice may be combined with any existing required notices and must instruct tenants of evacuation protocol, including but not limited to the location of stairs and emergency exits.

§ 2. This local law takes effect 120 days after becoming law.

Referred to the Committee on Environmental Protection, Resiliency and Waterfronts.

Int. No. 425

By Council Members Rivera, Sanchez, Cabán, Hanif, Louis, Krishnan, Won, Avilés, Salaam, Brewer and Bottcher (by request of the Manhattan Borough President).

A Local Law to amend the administrative code of the city of New York, in relation to limiting the use of facial recognition technology in residential buildings

Be it enacted by the Council as follows:

Section 1. Section 26-3001 of the administrative code of the city of New York is amended by amending the definition for "biometric identifier information," and adding a new definition of "biometric recognition technology" in alphabetical order to read as follows:

Biometric identifier information. The term "biometric identifier information" means a physiological, biological or behavioral characteristic that is used to identify, or assist in identifying, an individual, including, but not limited to: (i) a retina or iris scan; (ii) a fingerprint; (iii) a voiceprint; (iv) a scan or record of a palm, hand or face geometry; (v) gait or movement patterns; or (vi) any other similar identifying characteristic *that can be used alone or in combination with each other, or with other information, to establish individual identity*.

Biometric recognition technology. The term "biometric recognition technology" means a process or system that captures or assists in the capture of biometric identifier information of a person or persons in conjunction with any automated process or system that verifies or identifies, or assists in verifying or identifying, a person or persons based on such biometric identifier information.

§ 2. Subdivision a of section 26-3002 of the administrative code of the city of New York is amended to read as follows:

a. An owner of a smart access building or third party may not collect reference data from a user for use in a smart access system except where such user has expressly consented, in writing or through a mobile application, to the use of such smart access building's smart access system. Such owner or third party may collect only the minimum amount of authentication data and reference data necessary to enable the use of such smart access system in such building, and may not collect [additional] biometric identifier information from any users. Such smart access system may only collect, generate or utilize the following information:

1. the user's name;

2. the dwelling unit number and other doors or common areas to which the user has access using such smart access system in such building;

3. the user's preferred method of contact;

[4. the user's biometric identifier information if such smart access system utilizes biometric identifier information;]

[5]*4*. the identification card number or any identifier associated with the physical hardware used to facilitate building entry, including radio frequency identification card, bluetooth or other similar technical protocols;

[6]5. passwords, passcodes, user names and contact information used singly or in conjunction with other reference data to grant a user entry to a smart access building, dwelling unit of such building or common area of such building through such building's smart access system, or to access any online tools used to manage user accounts related to such building;

[7]*6*. lease information, including move-in and, if available, move-out dates; and

[8]*7*. the time and method of access, solely for security purposes.

§3. Chapter 30 of title 26 of the administrative code of the city of New York is amended by adding a new section 26-3008 to read as follows:

§ 26-3008. Biometric recognition technology in multiple dwellings. a. An owner of a multiple dwelling shall not install, activate or use any biometric recognition technology that identifies tenants or the guest of a tenant.

§ 4. This local law takes effect 120 days after it becomes law, provided that where the provisions of section 26-3008 of the administrative code of the city of New York, as added by section three 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.

Res. No. 188

Resolution calling upon the New York State Legislature to pass, and the Governor to sign A.1473, an act to amend the tax law and the state finance law, in relation to allowing taxpayers to make a gift to the abortion access fund on their personal income tax returns.

By Council Members Rivera, Hanif, Cabán, Brewer, Restler, Nurse, Ung, Brooks-Powers, Louis, Ayala, Marte, Gutiérrez, Williams, De La Rosa, Richardson Jordan, Hudson, Schulman, Avilés, Menin, Farías, Bottcher and Ossé.

Whereas, Abortion, a medical procedure that ends pregnancy, is a basic healthcare need for millions of women, girls and others who can become pregnant; and

Whereas, According to a 2017 study published in the American Journal of Public Health, 24 percent of women aged 15 to 44 years old will have an abortion by the age of 45; and

Whereas, The rate of unintended pregnancy in the United States is higher than that in many other industrialized countries: a 2016 study by the Guttmacher Institute found that 45 percent (approximately 2.8 million) pregnancies were unintended in 2011, including three out of four pregnancies to women younger than 20 years old; and

Whereas, Unintended pregnancies disproportionately affect economically disadvantaged women, women aged 18-24, cohabitating women and women of color; and

Whereas, Studies have demonstrated that increasing access to family planning and reproductive health services can help reduce pregnancy-related deaths and empower women; and

Whereas, Despite the common and necessary nature of this health care service, economic and logistical barriers can make it difficult to access to safe and legal abortion care; and

Whereas, A.1473, sponsored by New York State Assembly Member Karines Reyes and pending in the New York State Assembly, would create an abortion access fund that taxpayers could voluntarily contribute to when they file their personal income taxes; and

Whereas, In 2019, the State Legislature passed the Reproductive Health Act, affirming the fundamental right to abortion care in the state of New York; and

Whereas, The City of New York made history in 2019 when it became the first city nationwide to directly fund abortion by allocating $250,000 for the New York Abortion Access Fund, to allow about 500 low-income people, including those who travel from other states to obtain abortions, to terminate their pregnancies; and

Whereas, As states across the country continue to enact dangerous legislation to restrict or outright ban access to abortion care, New York must continue to demonstrate its strong commitment to reproductive freedom and bodily autonomy; and

Whereas, A.1473 provides an effective way to improve access to abortion, and allows the majority of New York taxpayers, who support the right, the ability to personally contribute to entities that help breakdown economic barriers to this basic healthcare; 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.1473, an act to amend the tax law and the state finance law, in relation to allowing taxpayers to make a gift to the abortion access fund on their personal income tax returns.

Referred to the Committee on Finance.

Int. No. 426

By Council Member Salamanca, Brewer and Marte.

A Local Law to amend the administrative code of the city of New York, in relation to the operation of tobacco bars

Be it enacted by the Council as follows:

Section 1. Subdivision c of section 17-513.1 of the administrative code of the city of New York is amended to read as follows:

c. Any entity who in good faith believes itself to be a tobacco bar shall have one hundred eighty days from the effective date of the local law that added this section to apply to the department of health and mental hygiene for registration as a tobacco bar. During the period of time from the effective date of the local law which added this section until the expiration of one hundred eighty days, no provision of the local law that added this section, except for the provisions of this section, shall apply to such entity, but all provisions of local law 5 for the year 1995 shall continue to apply to such entity. *Notwithstanding the provisions of this section, an entity that operated as a tobacco bar prior to the effective date of the local law that added this section, and was subsequently registered as such with the department of health and mental hygiene pursuant to this subdivision and seeks to resume operation as such, may seek the transfer and reinstatement of its registration as a tobacco bar to a new location upon a sufficient demonstration of financial hardship. Upon a determination by the commissioner of health and mental hygiene that financial hardship exists and registration for a new location is warranted, and provided that such proposed new location is wholly occupied by the owner of such location or by no more than one commercial tenant, the commissioner shall register the new location as a tobacco bar provided that such entity resumes operation as a tobacco bar as defined in this chapter.*

§ 2. Paragraph 4 of subdivision e of section 20-202 of the administrative code of the city of New York is amended to read as follows:

4. Exceptions for certain licenses. Notwithstanding subparagraph (D) of paragraph 1 of subdivision d, if:

(A) a license of a retail dealer expires at the end of the license term, such retail dealer may apply for renewal of such license;

(B) a business whose owner has been issued a retail dealer license is sold, the succeeding owner may apply for a license for use at the same location, provided that the retail dealer selling such business was in good standing at the time of such sale, and the application is received within thirty days of the applicable change of ownership;

(C) a retail dealer license becomes void pursuant to section 20-110, the succeeding beneficial owners of 10 percent or more of the stock of the organization to which a license had been granted may apply for a license, provided that such retail dealer was in good standing at the time the license became void, and the application is received within thirty days of the change of ownership; [and]

(D) a retail dealer license becomes void pursuant to section 20-111, the succeeding partnership may apply for a license, provided that such retail dealer was in good standing at the time the license became void and the application is received within thirty days of the change of ownership[.]*; and*

(E) a business operating as a tobacco bar pursuant to chapter 5 of title 17 of this code that has been registered as such with the department of health and mental hygiene and has been issued a retail dealer license in accordance with this section, and such business demonstrates to the commissioner that due to financial hardship, such business seeks to change its location, the commissioner may grant such business a one-time transfer of its tobacco retail dealer license to operate within the same or a different community district even if such community district has reached its community district retail dealer cap.

§ 3. This local law takes effect immediately.

Referred to the Committee on Health.

Int. No. 427

By Council Member Salamanca Jr.

A Local Law to amend the administrative code of the city of New York, in relation to requiring letter grades for food service establishments operated in schools, and to repeal section 23-702 of the administrative code of the city of New York, as added by local law number 112 of 2017, in relation to the results of inspections of food service establishments operated in schools

Be it enacted by the Council as follows:

Section 1. Chapter 15 of title 17 of the administrative code of the city of New York is amended by adding a new section 17-1519 as follows:

§ 17-1519 Sanitary inspection grading for school food service establishments. a. Definitions. For purposes of this section, the term "school food service establishment" means a cafeteria or kitchen in a school that is subject to the provisions of article 81 of title 24 of the New York city health code.

b. The department shall establish and implement a system for grading and classifying inspection results for each school food service establishment using letters to identify and represent a school food service establishment's degree of compliance with laws and rules that require such school food service establishment to operate in a sanitary manner to protect public health. Where practicable, such system shall be implemented in a manner consistent with the implementation of the letter grading program established by the department for food service establishments pursuant to section 81.51 of the New York city health code.

§ 2. Section 23-702 of chapter 7 of title 23 of the administrative code of the city of New York, as added by local law number 112 for the year 2017, is repealed.

§ 3. Section 23-702 of chapter 7 of title 23 of the administrative code of the city of New York, as added by chapter 313 for the year 2017, is amended to read as follows:

§ 23-702 [School cafeteria and kitchen inspection data.] *School food service establishment inspection results and letter grades.* a. [Whenever any cafeteria or kitchen in a school of the city school district is inspected by the department of health and mental hygiene, the city school district shall post the following information on its website:

1. the date of the inspection or reinspection;
2. the name and address of the school where the inspected cafeteria or kitchen is located;
3. the facts established observed violations, if any, during such inspection and the severity level of such violations;
4. citations to the laws, regulations or rules for any violations observed during such inspection; and
5. any corrective actions taken in response to such inspection.]

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

Letter grade. The term "letter grade" means the sanitary inspection grade issued by the department of health and mental hygiene pursuant to section 17-1506.

School food service establishment. The term "school food service establishment" has the same meaning as set forth in section 17-506.

[b. Inspection results posted on the website for the city department of education pursuant to this section shall be searchable by the school name and address.]

b. Whenever a school food service establishment in the city school district is inspected by the department of health and mental hygiene, the department of education shall post the following information on its website: (i) the date of the inspection or re-inspection; (ii) the name and address of the school where the school food service establishment is located; (iii) the letter grade issued to the school food service establishment; (iv) the facts establishing observed violations, if any, during such inspection and the severity level of such violations; (v) citations to the laws, regulations or rules for any violations observed during such inspection; and (vi) any corrective actions taken in response to such inspection.

c. At least once every school year, the principal of every school of the city school district [where students use a cafeteria or kitchen] *in which there is a school food service establishment* shall inform the parent or legal guardian of each student of such school *of the letter grade of the school food service establishment and* that the *additional* information required by this section is available on the website of the [city] department of education*. The principal shall also post such letter grade in a publicly visible location near the front entrance and cafeteria entrances of such school, in a manner to be determined by the department of health and mental hygiene. The principal shall further promptly inform the parent or legal guardian of each student of such school whenever a letter grade issued for such school food service establishment is a C or below.* The principal shall [inform such parent or legal guardian that such information is available] *provide the information required to be communicated to such parent or legal guardian by this section* in a manner consistent with how other information is communicated to such parent or legal guardian, including, but not limited to, email, mail, parent newsletter, or notice to students to show their parent or legal guardian.

d. The department of health and mental hygiene shall, for each school food service establishment for which inspection results and letter grades are not posted pursuant to subdivision b, post the following information on its website: (i) the date of the inspection or re-inspection; (ii) the name and address of the school where the school food service establishment is located; (iii) the letter grade issued to the school food service establishment; (iv) the facts establishing observed violations, if any, during such inspection and the severity level of such

violations; (v) citations to the laws, regulations or rules for any violations observed during such inspection; and (vi) any corrective actions taken in response to such inspection.

e. Inspection results and letter grades posted on the websites for the department of education and the department of health and mental hygiene pursuant to this section shall be searchable by the school name and address.

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

Referred to the Committee on Health.

Int. No. 428

By Council Members Sanchez, Restler, Farías, Cabán, Ayala, Louis, Rivera, Salaam and Brewer.

A Local Law to amend the administrative code of the city of New York, in relation to the posting of information relating to wage theft at construction sites

Be it enacted by the Council as follows:

Section 1. Chapter 5 of title 20 of the administrative code of the city of New York is amended by adding a new subchapter 26 to read as follows:

Subchapter 26
Wage Theft at Construction Sites

§ 20-880 a. Posting of information related to wage theft at construction sites. The commissioner shall develop an informational document that shall include information about New York state law regarding the prevention of wage theft, how a person may file a complaints regarding wage theft with the New York state department of labor and the New York state attorney general or other official, and other information the commissioner deems relevant relating to wage theft or violations of state wage laws. Such document shall provide all such information in the designated citywide languages as defined in section 23-1101. b. Such document shall be posted on the website of the department.

c. The commissioner shall require that any person required to post a permit at a work site pursuant to section 28-105.11 shall also post a copy of the document required by subdivision a in a conspicuous area of the work site, such that it is accessible to every worker on such work site.

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

Referred to the Committee on Consumer and Worker Protection.

Int. No. 429

By Council Members Sanchez, Brannan, Won, Restler, Farías, Cabán, Ayala, Hanks, Louis, Schulman, Bottcher and Salaam.

A Local Law to amend the administrative code of the city of New York and the fuel gas code in relation to periodic inspections of gas piping systems, ordinary plumbing work, reestablishing the plumbing and fire suppression piping contractor license board, piping systems, emergency work, fire suppression piping work, and seizure

Be it enacted by the Council as follows:

Section 1. Section 28-105.4.1 of the administrative code of the city of New York, as amended by local law number 77 for the year 2023, is amended to read as follows:

§ 28-105.4.1 Emergency work. Work that would otherwise require a permit may be performed without a permit to the extent necessary to relieve an emergency condition and to restore the system to a good working condition. An application for a permit shall be submitted within 2 business days after the commencement of the emergency work and shall include written description of the emergency condition and the measures undertaken to mitigate the hazard. Emergency work may include but shall not be limited to:

1. Erection of sidewalk sheds, fences, or other similar structures to protect the public from an unsafe condition.
2. Stabilization of unsafe structural conditions.
3. Repair of gas leaks.
4. Repair or replacement of heating appliances or [~~hot water~~] equipment [~~servicing education or residential occupancies~~] from October 1 through May 31.
5. Replacement of parts required for the operation of a [~~combined~~] standpipe or sprinkler system.

§ 2. Section 28-105.4.4 of the administrative code of the city of New York, as amended by local law number 77 for the year 2023, is amended to read as follows:

§ 28-105.4.4 Ordinary plumbing work. The following ordinary plumbing work may be performed without a permit, provided that the licensed plumber performing such work: (i) provides a monthly report listing completed work and work in progress during the preceding month, including the block, lot and address of each job, a description of the work performed or in progress at each address, and the location in each building where the work was performed or is in progress; (ii) pays the fees for such work in accordance with this code; and (iii) submits to the department a certification that the work was performed in accordance with this code and all applicable laws and rules. Ordinary plumbing work shall include:

1. The removal of a domestic plumbing system not connected to a fire suppression or fire protection system, or the removal of a portion of such system.
2. The relocation of up to two plumbing fixtures within the same room to a maximum of 10 feet (3048 mm) distant from the original location, except in health care facilities.
3. The installation, replacement or repair of a food waste grinder (food waste disposal), dishwasher, instant hot water dispenser, icemaker, coffee machine, or secondary back flow preventer and the replacement or repair of a sump pump.
4. The [~~replacement of closet bends~~] repair components of a plumbing appliance or plumbing appurtenance or the replacement of a plumbing appurtenance.
5. In buildings classified as residential occupancy groups occupied by five families or fewer [~~in occupancy group R-2 occupied by fewer than six families or in buildings in occupancy group R-3~~], the replacement of a gas water heater or a gas-fired boiler with a capacity of 350,000 BTU (103 kW) or less where the existing appliance [~~gas cock~~] shutoff valve is not moved, provided that the plumber has inspected the chimney and found it to be in good operational condition. In buildings classified as residential occupancy groups occupied by three families or fewer, the replacement of a gas furnace with a capacity of 350,000 BTU (103 kW) or less where the existing appliance shutoff valve is not moved, provided that the plumber has inspected the chimney and found it to be in good operational condition.
6. The repair or replacement of any non-gas, non-fire suppression piping not longer than [~~10~~] 25 feet ([~~3048~~] 7620 mm) inside a building, or connected piping previously repaired or replaced under this provision.
7. The repair or replacement of any non-gas, non-fire suppression branch piping after the riser shutoff valve, including the replacement of fixtures[~~, limited to two bathrooms and one kitchen per building per monthly reporting period~~].
8. The replacement of [~~flexible gas tubing no greater than 4 feet (1219 mm) in length located downstream of the existing gas cock to an appliance, provided such gas tubing does not penetrate a~~

~~wall~~] an appliance connector serving the following domestic gas appliances: ranges, ovens, stoves, barbecues, and clothes dryers where the existing appliance shutoff valve remains and replacement shall be in accordance with this code and the *New York City Fuel Gas Code*. The existing appliance shutoff valve shall be accessible and in god working condition with no noticeable corrosion or deterioration.

9. The replacement of the following domestic gas appliances: ranges, ovens, stoves, barbecues, and clothes dryers where the existing appliance shutoff valve remains and when such appliance replacement is in accordance with this code and the *New York City Fuel Gas Code*. The existing appliance shutoff valve shall be accessible and in good working condition with no noticeable corrosion or deterioration.

§ 3. Section 28-318.1 of the administrative code of the city of New York, as amended by local law number 138 for the year 2021, is amended to read as follows:

§ 28-318.1 General. Commencing January 1, 2019, building gas piping systems, other than gas piping systems of buildings classified in occupancy group R-3, shall be periodically inspected in accordance with this article.

Exceptions:

1. As part of the inspection, if it is determined that a [~~A~~] building [~~that~~] contains no gas piping and is not currently serviced by a utility for gas, [~~for which the owner of such building has submitted to the commissioner, in a form and manner determined by the commissioner, a certificate of~~] a registered design professional, a licensed master plumber, or an individual under the direct and continuing supervision of a licensed master plumber with appropriate qualifications under section 28-318.3.1, [~~or a person satisfying other qualifications that the commissioner may establish,~~] shall submit, in a form and manner determined by the commissioner, certification that such building contains no gas piping.
2. As part of the inspection, if it is determined that a [~~A~~] building [~~that~~] contains gas piping but [~~that~~] is not currently supplied with gas, a registered design professional, a licensed master plumber, or an individual under the direct and continuing supervision of a licensed master plumber with appropriate qualifications under section 28-318.3.1, shall submit, in a form and manner determined by the commissioner, certification that such building is not currently supplied with gas. [~~that does not contain any appliance connected to any gas piping and that complies with section 28-318.3.5.~~]

§ 4. Section 28-318.2 of the administrative code of the city of New York, as added by local law number 152 for the year 2016, is amended to read as follows:

§ 28-318.2 Frequency of inspection. An inspection of a building's gas piping system shall be conducted at periodic intervals as set forth by rule of the commissioner, but such inspection shall be conducted at least once every five years.

Exceptions:

1. If the New York state public service commission adopts a revised rule or other requirement for periodic inspections of service lines, as defined in section 255.3 of title 16 of the New York codes, rules and regulations, with a frequency other than five years, the commissioner may, by rule, require that the periodic inspections required by this article be conducted with such frequency.
2. The initial inspection for a new building shall be conducted in the tenth year after the earlier of (i) the issuance by the department of a letter of completion or, if applicable, a temporary or final certificate of occupancy for such building or (ii) the date such building was completed as determined by department rule.

§ 5. Section 28-318.3.1 of the administrative code of the city of New York, as added by local law number 152 for the year 2016, is amended to read as follows:

§ 28-318.3.1 Inspection entity. Inspections of gas piping systems shall be conducted on behalf of the building owner by a licensed master plumber or by an individual holding a journeyman plumber registration issued in accordance with article 409 of chapter 4 of title 28 and working under the direct and continuing supervision of a licensed master plumber, with appropriate qualifications as prescribed by department rule but shall include successful completion of a training program acceptable to the department. The department shall require proof of such qualifications on any report and certification as required under section 28-318.3.3.

§ 6. Section 28-318.3.2 of the administrative code of the city of New York, as added by local law number 152 for the year 2016, is amended to read as follows:

§ 28-318.3.2 Scope. At each inspection, in addition to the requirements prescribed by this article or by the commissioner, all [~~exposed~~] visually accessible gas lines from point of entry of gas piping into a building[~~, including building service meters, up to individual tenant spaces~~] through the point of connection to any appliance that uses gas supplied by such piping, shall be inspected for evidence of [~~excessive atmospheric corrosion or piping deterioration~~] abnormal operating conditions that represent [~~has resulted in a dangerous condition, illegal connections, and non-code compliant installations~~] immediately hazardous conditions, illegal connections, or non-code compliant installations. The inspection entity shall also [~~test~~] conduct a leak survey of all visually accessible gas lines from the point of entry of gas piping into a building through the point of connection to any appliance that uses gas supplied by such piping to determine if there is any indication of a gas leak. Public [~~public~~] spaces, hallways, and corridors [~~, and mechanical and boiler rooms with a portable combustible gas detector~~] on floors that contain gas piping or gas utilization equipment shall also be leak surveyed. [~~to determine if there is any gas leak, provided that such testing need only include public spaces, hallways and corridors on floors that contain gas piping or gas utilization equipment.~~] The leak survey shall be conducted utilizing an instrument approved for leak surveys by the New York state department of public service. The scope of the inspection shall be in compliance with part 255 of title 16 of the New York state codes, rules and regulations.

> **Exception:** Other than as required to provide access to a point of entry location, gas piping or gas utilization equipment located inside of a dwelling unit, as defined by section 202 of the New York city building code, shall not be required to be inspected.

§ 7. Section 28-318.3.4 of the administrative code of the city of New York, as added by local law number 152 for the year 2016, is amended to read as follows:

§ 28-318.3.4 Reporting and correction of [~~unsafe or hazardous condition.~~] abnormal operating conditions that present an immediately hazardous condition. If an inspection reveals [~~any of the following conditions,~~] an abnormal operating condition presenting an immediate hazard, the inspection entity shall immediately take safety actions to protect life or property. T[~~t~~]he inspection entity shall notify the building owner, the utility and the department immediately and the building owner shall immediately take action to correct such condition in compliance with the New York city construction codes.[~~:~~

~~1. A gas leak;~~

~~2. Evidence of illegal connections or non-code compliant installations; or~~

~~3. Any other condition which (i) if verified by a utility company or utility corporation, would constitute a class A condition as described in part 261 of title 16 of the New York codes, rules and regulations or (ii) constitutes an imminently dangerous condition~~]

§ 8. Article 318 of chapter 3 of title 28 of the administrative code of the city of New York is amended by adding a new section 28-318.3.4.1 to read as follows:

§ 28-318.3.4.1 Reporting and correction of abnormal operating conditions that do not present an immediate hazard. If an inspection reveals an abnormal operating condition that does not present an immediate hazard, the inspection entity shall:

1. For abnormal operating conditions occurring on service piping, the inspection entity shall follow the requirements under part 261 of title 16 of the New York state codes, rules, and regulations, and follow the applicable utility procedures. The conditions shall be noted on the inspection form submitted to the department.
2. For abnormal operating conditions occurring downstream of the point of delivery, the inspection entity shall notify the department in a manner prescribed by the department as well as the utility in a manner prescribed by the utility. The inspection entity shall note the conditions on the report form. For abnormal operating conditions that do not pose an immediate hazard, where the remediation of which could potentially increase risk of a piping system failure or would require a shutdown of the gas piping system, the department shall notify the building owner of the abnormal operating condition while allowing for it to remain in service. The department shall determine by rule the corrective work that will be required to remediate the conditions. Gas service shall only be interrupted when necessary to eliminate an immediate hazard to life or property. The department shall notify the local gas utility company and the building owner of the decision prior to taking such action. The building owner shall take action to correct such conditions in compliance with the New York city construction codes. For conditions that are classified as non-hazardous and are permitted to remain in service, the owner shall remediate those conditions in accordance with department rule. If the department determines that no remedial work is required, that information shall be noted on the report form by the inspection entity.

§9. Section 28-318.3.5 of the administrative code of the city of New York is REPEALED.

§ 10. Section 28-318.3.6 of the administrative code of the city of New York is REPEALED.

§ 11. The definition of "FIRE SUPPRESSION PIPING WORK" set forth in section 28-401.3 of the administrative code of the city of New York, as amended by local law 126 for the year 2021, is amended to read as follows:

FIRE SUPRESSION PIPING WORK. The installation, maintenance, repair, modification, extension, or alteration or testing of a fire suppression piping system in any building in the city of New York. [~~Fire suppression piping work shall not include plumbing work.~~]

§ 12. Chapter 4 of title 28 of the administrative code of the city of New York is amended by adding a new article 417 as follows:

ARTICLE 417
BOARDS

§ 28-417.1 Plumbing and fire suppression piping contractor license board. The commissioner shall appoint annually and may remove in his or her discretion each member of a plumbing a fire suppression piping contractor license board that shall have as its purpose the following:

1. To advise the commissioner regarding the character and fitness of applicants for certificates of competence and licenses who have passed the required examination.
2. To advise the commissioner regarding allegations of illegal practices on the part of licensed master plumbers, licensed master fire suppression piping contractors, master plumber businesses or master fire suppression piping businesses.
3. To advise the commissioner regarding plumbing and fire suppression piping practices, code applications, regulations and legislation.
4. To perform such other responsibilities as may be requested by the commissioner and as set forth in rules promulgated by the department.

§ 28-417.1.1 Removal. The commissioner may remove any member of the license board and shall fill any vacancy therein.

§ 28-417.1.2 Membership. Membership of the board shall consist of:

1. Two officers or employees of the department;
2. Five licensed master plumbers, three of whom shall be selected from nominees of the New York city contracting plumbing association whose members perform the largest dollar value of work within the city and one of whom shall be the holder of a class A or class B master fire suppression piping contractor license. The two remaining licensed master plumber board member positions shall be from the next largest plumbing association in the city of New York.
3. Two licensed master fire suppression piping contractors, both of whom shall hold a class A license and shall be selected from nominees of the New York city sprinkler/fire suppression piping contractors association whose members perform the largest dollar value of work within the city;
4. A registered journeyman plumber from the organization representing the largest number of registered journeyman plumbers;
5. A registered journeyman fire suppression piping installer from the organization representing the largest number of registered journeyman fire suppression piping installers;
6. An engineer having at least five years experience in the planning or design, and installation, of plumbing systems;
7. An architect;
8. An engineer who is a full member of the society of fire protection engineers;
9. Two officers or employees of the fire department representing the fire commissioner; and
10. A real estate owner or manager or representative thereof.

§ 28-417.1.3 Organization of the board. A member of the board who is an officer or employee of the department representing the commissioner shall serve as chairperson and all members shall serve without compensation. Nine members including the chairperson, who shall be entitled to vote, shall constitute a quorum of the board for the transaction of business. In the absence of a member or in the event of a vacancy, an alternate member of the board, may vote in the place and stead of the member for whom he or she is the alternate or on account of whom the vacancy exists. Alternate members shall be appointed and removed at the commissioner's discretion. All actions shall be conducted by majority vote except as otherwise provided, and the board shall keep minutes of its proceedings and records of its investigations. Except as otherwise determined by the chairperson, the board shall meet at least once a month.

§ 28-417.1.4 Advisory and support personnel. The board may request the commissioner to appoint duly authorized representatives to conduct investigations and other activities incidental to the functions of the license board. Such appointees shall be non-voting members of the committee to which they are appointed, and may include personnel who are not department employees who shall serve without compensation. In addition the commissioner may designate such employees of the department as the commissioner deems necessary to the service and support of the license board.

§ 13. Section 28-419.1 of the administrative code of the city of New York, as amended by 126 of 2021, is amended to read as follows:

§ 28-419.1. General. The vehicles and tools used in connection with unlicensed or unregistered activity at [~~the~~] any work site [~~of a new residential structure containing no more than three dwelling units~~] shall be subject to seizure and forfeiture.

§ 14. Section 101.2.2 of the New York city fuel gas code, as amended by local law number 141 for the year 2013, is amended to read as follows:

§ 101.2.2 Piping systems. These regulations cover piping systems for natural gas. High pressure natural gas installations at pressures of 15 psig (103.4 kPa gauge) or above shall also comply with the requirements

of Appendix G of this code. Coverage shall extend to the [~~outlet of the appliance shutoff valves~~] connections with the appliances. Piping system requirements shall include design, materials, components, fabrication, assembly, installation, testing, inspection, operation and maintenance.

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

Referred to the Committee on Housing and Buildings.

Int. No. 430

By Council Members Sanchez, Cabán, Ayala, Louis, Salaam and Brewer.

A Local Law to amend the New York city charter, in relation to including additional capital projects in the citywide statement of needs

Be it enacted by the Council as follows:

Section 1. Section 204 of the New York city charter, as added by vote of the electors on November 7, 1989, is amended by adding a new subdivision i to read as follows:

i. The citywide statement of needs shall include an appendix that lists capital projects, as that term is defined in subdivision 1 of section 210.

1. Except as provided in paragraph 2 of this subdivision, the appendix shall include any capital project for which the mayor or an agency intends to make or to propose an expenditure or intends to select or propose a site during the ensuing two fiscal years. For each listed capital project, the appendix shall describe:

(a) The nature of the project;

(b) Except as otherwise provided by law, the proposed location by borough, if possible by community district or group of community districts, and, if any city agency or its agent has begun any negotiation, feasibility examination or other study or significant consideration of a particular property or location for the project, by specific description of such location; and

(c) Such other information as the departments of city planning and citywide administrative services deem appropriate.

2. The appendix need not include:

(a) Any capital project already listed in the citywide statement of needs; or

(b) Any project described in paragraph c or subparagraph 4 of paragraph d of subdivision 1 of section 210.

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

Referred to the Committee on Land Use.

Int. No. 431

By Council Members Sanchez, Farías, De La Rosa, Krishnan, Hanif, Ayala, Ossé, Cabán, Nurse, Marte, Restler, Gutiérrez, Won, Avilés, Hudson, Louis, the Public Advocate (Mr. Williams), Rivera and Salaam.

A Local Law to amend the administrative code of the city of New York, in relation to ensuring business licensing and regulatory compliance of all mobile food and general vendors.

Be it enacted by the Council as follows:

Section 1. Subparagraph a of paragraph 3 of subdivision b of section 17-307 of the administrative code of the city of New York, as amended by local law number 18 for the year 2021, is amended to read as follows:

(a) (i) Notwithstanding the provisions of paragraph two of this subdivision limiting the number of full-term permits that are authorized to be issued, the commissioner may issue up to a maximum of 100 additional full-term permits authorizing the holders thereof to vend food from any vehicle or pushcart in any public place in the city of New York where food vendors are not prohibited from vending. Such permits shall be issued only to natural persons.

(ii) The department shall make available for application [45] *90* supervisory licenses per twelve-month period for [ten] *five* consecutive years beginning on [July 1, 2022] *July 1, 2024*. In addition to the 100 permits authorized to be issued by clause (i) of this subparagraph, and notwithstanding the provisions of paragraph two of this subdivision limiting the number of full-term permits authorized to be issued, the department shall make available for application to applicants who comply with the requirements for such supervisory licenses an additional [45] *90* permits per twelve-month period for [ten] *five* consecutive years beginning on [July 1, 2022] *July 1, 2024* and issue a permit to each applicant who complies with the requirements for such permit.

(iii) Supervisory licenses available pursuant to this paragraph shall be made available for application in accordance with the preferences specified in subparagraph (b) of this paragraph and the procedures established by the commissioner.

§ 2. Paragraph 5 of subdivision b of section 17-307 of the administrative code of the city of New York, as amended by local law number 18 for the year 2021, is amended to read as follows:

5. (a) On or after July 1, 2022 all new permits issued under this subchapter, except fresh fruits and vegetables permits, shall be designated for use only when any holder of a supervisory license is physically present and vending. Such requirement shall not apply to a permit issued before July 1, 2022 or a renewal thereof until [July 1, 2032] *July 1, 2029*. On or after [July 1, 2032] *July 1, 2029*, all permits issued under this subchapter, except fresh fruits and vegetables permits, shall be designated for use only when any holder of a supervisory license is physically present and vending.

(b) The commissioner shall make available for application [400] *1,500* supervisory licenses per twelve-month period for [ten] *five* consecutive years beginning on [July 1, 2022] *July 1, 2024*. Notwithstanding the provisions of this subdivision limiting the total number of full-term permits that are authorized to be issued, the commissioner shall make available a permit application to each license applicant who complies with the requirements for such supervisory license and issue a permit to each permit applicant who complies with the requirements for such permit. On or before [July 1, 2032] *July 1, 2029*, the commissioner shall make available for application supervisory licenses to any person seeking to renew a permit that was issued under this subchapter before July 1, 2022.

(c) In accordance with procedures to be established by rules of the commissioner, in each twelve month period, [100] *375* of the supervisory licenses made available for application under this paragraph shall be designated for use in any borough, and the remaining [300] *1,125* such supervisory licenses shall be designated for use in boroughs outside of Manhattan.

(d) Preferences shall be given in the availability of applications for supervisory licenses pursuant to this paragraph and in the placement on a waiting list therefor to the following categories of persons in the following order.

(i) Persons who have held a food vendor license continuously since on or before March 1, 2017 and have been on a waiting list for a full-term permit pursuant to subparagraph (e) of paragraph 2 of this subdivision and remain on such list as of the date an application is made available. Applications shall be made available to such persons by order of numerical rank on the waiting list.

(ii) Persons who have been on a waiting list for a full-term permit pursuant to this subchapter and remain on such list as of the date an application is made available but have not held a food vendor license continuously since on or before March 1, 2017. Applications shall be made available to such persons by order of numerical rank on the waiting list.

(iii) Persons who have held a food vendor license continuously since on or before March 1, 2017 but are were not on a waiting list for a full-term permit pursuant to this subchapter as of the effective date of the local law that added this paragraph.

(iv) Persons who have not held a food vendor license continuously since on or before March 1, 2017 and were not on a waiting list for a full-term permit pursuant to this subchapter as of the effective date of the local law that added this paragraph.

(e) The commissioner may by rule limit the number of places on such waiting list, but shall ensure that such waiting list is operative prior to supervisory licenses becoming available to new individuals.

(f) On or by July 1, 2029, an unlimited number of supervisory licenses shall be made available for application in accordance with the provisions of this subchapter.

§ 3. Subdivision h of section 17-307 of the administrative code of the city of New York, as added by local law number 18 for the year 2021, is amended to read as follows:

h. No permit or license, including a supervisory license, shall be issued to a person required to have a permit or license pursuant to this subchapter unless such person obtains a certificate issued by the department subsequent to successful completion of a training developed or approved by the department on the vending restrictions contained in this section and any other information the department deems necessary to the safe operation of such vending unit, and passage of an examination administered by the department. *Such training shall include information related to the particular vending restrictions of the prospective license holder.* The department shall require renewal of such certificate every four years. Renewal shall be contingent on passing an examination regarding the vending restrictions contained in this section and any other information the department deems necessary to the safe operation of such vending unit pursuant to rules promulgated by the department. Any examinations, or educational materials designed for such training program shall be made available in English and in the ten most common languages spoken by limited English proficient individuals in the city according to the department of city planning. Such educational materials shall be available on the department's website.

§ 4. Subdivision a of section 20-459 of the administrative code of the city of New York is amended to read as follows:

a. The number of licenses in effect pursuant to this subchapter on the first day of September, nineteen hundred seventy-nine shall be the [maximum] *minimum* number of licenses permitted to be in effect.

§ 5. Section 20-459 of the administrative code of the city of New York is amended by adding a new subdivision c to read as follows:

c. The commissioner shall make available for application 1,500 additional licenses per twelve-month period for five consecutive years beginning on July 1, 2024. On or by July 1, 2029, an unlimited number of licenses shall be made available for application in accordance with the provisions of this subchapter.

§ 6. This local law takes effect immediately.

Referred to the Committee on Consumer and Worker Protection.

Int. No. 432

By Council Members Sanchez, Mealy, Restler, Joseph, Hudson, Avilés, Cabán, Menin, Yeger, Ayala, Zhuang, Louis, Salaam and Brewer.

A Local Law to amend the administrative code of the city of New York, in relation to distributing information about after school programs

Be it enacted by the Council as follows:

Section 1. Chapter 8 of Title 21-A of the administrative code of the city of New York is amended by adding a new section 21-970 to read as follows:

§ 21-970 Distribution of information about after school program materials. (a) Definitions. As used in this section, the following terms have the following meanings:

Department. The term "department" means the department of education.

Middle and high school. The term "middle and high school" means any school of the city school district that contains any combination of grades from grade 6 through grade 12.

b. The department shall, in consultation with the department of youth and community development, develop materials regarding after school programs, including but not limited to those funded by the department of youth and community development. At a minimum, such materials shall include the following:

1. A list of after school programs at such school;

2. Information on eligibility requirements for such program, where applicable; and

3. Information on the application process for such programs, including but not limited to a list of documents accepted to prove identity and residency.

c. Such materials shall be distributed by the department to each middle and high school for distribution to every student of such schools at the start of each school year, and shall be made available in English and in additional languages as determined by the department.

d. The department shall ensure that materials developed pursuant to subdivision b of this section are provided to all schools in sufficient quantity to satisfy the requirements of subdivision c of this section.

e. The department shall ensure that such written materials are available in the main or central office in each school and that such materials are available on the department's website for students and parents who wish to obtain such materials.

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

Referred to the Committee on Education.

Int. No. 433

By Council Members Sanchez, Restler, Farías, Cabán, Menin, Ayala, Louis, Rivera, Salaam and Brewer.

A Local Law to amend the New York city charter, in relation to a report on hearings concerning department of buildings violations that are adjourned by the office of administrative trials and hearings

Be it enacted by the Council as follows:

Section 1. Section 1049 of chapter 45-A of the New York city charter is amended by adding a new subdivision 8 to read as follows:

8. No later than 6 months after the effective date of the local law that added this subdivision, and annually thereafter, the chief administrative law judge shall submit to the speaker of the council and the mayor a report regarding notices of violation issued by the department of buildings during the preceding 12 months in connection with which an administrative law judge or a hearing officer of the office of administrative trials and hearings granted 2 or more hearing adjournments. The report shall include the following information, disaggregated by borough:

(a) The total number of such notices of violation;

(b) A table in which each row references each such notice of violation, and that includes the following information set forth in separate columns:

(i) A unique identifier designating the notice of violation;

(ii) The number of hearing adjournments granted in connection with the notice of violation; and

(iii) The address of the property that is the subject of the notice of violation;

(c) The percentage of such notices of violation for which the underlying violation was sustained after a hearing;

(d) The percentage of such notices of violation for which the underlying violation was dismissed after a hearing;

(e) The percentage of such notices of violation for which the underlying violation was settled; and

(f) The average length of time, in days, taken by the office of administrative trials and hearings to reach a final decision, whether sustainment, dismissal, or settlement, on the underlying violations of such notices of violation.

§ 2. This local law takes effect immediately.

Referred to the Committee on Governmental Operations, State & Federal Legislation.

Int. No. 434

By Council Members Sanchez, Powers, Farías, Stevens, Riley, Salamanca Jr., Dinowitz, Ayala, Feliz, Hudson, Abreu, Cabán, Louis, Rivera, Salaam and Brewer (in conjunction with the Bronx Borough President).

A Local Law to amend the administrative code of the city of New York, in relation to building water system maintenance and inspection.

Be it enacted by the Council as follows:

Section 1. Chapter 1 of Title 17 of the administrative code of the city of New York is amended by adding a new section 17-194.2 to read as follows:

§ 17-194.2 Building water systems; maintenance and inspection.

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

Building. The term "building" has the same meaning as in section 28-101.5 of this code but shall not include healthcare facilities otherwise governed by the New York State department of health for purposes of legionella prevention.

Building water system. The term "building water system" means all potable and nonpotable water systems in a building or on the site of a building, including, but not limited to, hot and cold plumbing systems, hot tubs or spas, decorative fountains, misters, atomizers, air washers, humidifiers, ice machines and water tanks, pumps, heaters and piping of a redundant water distribution system and other water systems and devices that release water aerosols, but does not include open and closed-circuit cooling towers as governed by section 17-194.1 of this chapter.

Cleaning. The term "cleaning" means physical, mechanical, or other removal of biofilm, scale, debris, rust, other corrosion products, sludge, algae and other potential sources of contamination.

Cluster. The term "cluster" means two or more cases of legionnaires' disease or pontiac fever that appear to be linked by space and which occur within a twelve-month period of each other to warrant further investigation.

Covered building. The term "covered building" means a large building, a building with a water device, a building which primarily houses people older than 65 or a building that has multiple housing units and a centralized hot water system.

Large building. The term "large building" means a building with ten or more floors.

Owner. The term "owner" has the same meaning as in section 28-101.5 of this code.

Water device. The term "water device" means a device that releases water aerosols, including, but not limited to, a hot tub or spa that is not drained between each use, a decorative fountain or a centrally installed mister, atomizer, air washer or humidifier.

b. Registration. Every owner of a covered building shall register with the department.

c. Management program and plan. An owner of a large building, or a building which primarily houses people older than 65, or a building that has multiple housing units and a centralized hot water system shall develop and implement a building water system management program and plan for such building, and the owner of a building that has a water device shall develop and implement a management program and plan for such water device, to minimize the growth and transmission of Legionella bacteria in the building's water system, consistent with the American society of heating, refrigeration, and air conditioning engineers standard 188 for the year 2018 (ASHRAE 188-2018), or subsequent publication, or comparable standards adopted by a nationally-recognized, accepted, and appropriate organization, and the requirements of this section, and with the manufacturer's instructions. Such program shall be developed by a program team, which shall include the

building owner or designee, a qualified person, employees, suppliers, consultants, or other individuals that the building owner recognizes to have authority and responsibility for the actions required by the program. The plan must be updated and amended by a responsible person or persons as needed to reflect any changes in the management team, system design, operation or system control requirements for the building water system or water device. The plan must be kept in the building where the building water system or water device is located and must be made available to the department for inspection upon and at the time of a request. At a minimum, the plan must include and describe:

1. Names and contact information and description of the function of each person on the management team, including the owner of the building, any manager or other person designated by the owner with the requirements of this section, and a list of the consultants, service companies, and qualified persons who clean, disinfect, deliver chemicals or services to the building water system or water device;

2. Identification, specifications, and a description of each building water device or water system and all components that release water aerosols;

3. A risk management assessment, identifying risk factors for legionella proliferation, and anticipated conditions and specific risk management procedures for the building water device or all parts of the building water system;

4. Control measures, corrective actions, documentation, including a written checklist for routine monitoring, and reporting to comply with this section and any routine maintenance activities recommended by the manufacturer's instructions, including performance measures, which may sufficiently demonstrate adequate implementation of the operation requirements described in the management program and plan;

5. Specific, detailed seasonal and temporary shutdown and start-up procedures; and

6. Notification and communication strategies among management team members regarding the required corrective actions in response to process control activities, monitoring, sampling results, and other actions taken to maintain the building water system or water device.

d. System maintenance. Building water systems and water devices in covered buildings must be maintained and operated in accordance with the management program and plan. Such program shall include routine maintenance to address all components and operations, including but not limited to, general system cleanliness, overall distribution operation, and flushing areas of stagnation. At least annually, covered building owners shall flush their entire building water systems in accordance with rules promulgated by the department. The owner is required to notify tenants of the building 72 hours prior to a building water system flush. In addition, the building water system or water device must be cleaned, flushed, and purged whenever routine monitoring indicates a need for cleaning in accordance with the management program and plan. Cleaning protocol indicated by the manufacturer's instructions or industry standards and worker protective measures must be specified in the management program and plan. Any replacement part or equipment used in a building water system or water device must comply with the manufacturer's design and performance specifications.

e. Minimum requirements for inspection and testing. At a minimum, building water systems or water devices shall be inspected and tested at least as frequently as every six months. Each inspection shall include an evaluation of the general condition of the components of the building water system or water device, the quality of the water connections and control, and proper functioning of the equipment.

f. Inspections, cleaning, and disinfection. All inspections, cleaning and disinfection required by this section shall be performed by or under the supervision of a qualified person. For any inspection that includes tests conducted pursuant to this section, such qualified person shall, within five days of such inspection, report to the department the date on which such inspection occurred. The building owner shall ensure that such report is submitted to the department by the qualified person within five days of the inspection. When the department inspects a property pursuant to this section, it shall check the accuracy of the dates reported pursuant to this subdivision against the dates of inspection in the records of the building owner.

g. Monitor sampling. Building owners subject to the provisions of this section shall retain the services of a qualified third-party water sampler to sample the building water at least once every six months. The qualified third-party water sampler shall send the water sample to a laboratory to be tested for the presence of legionella bacteria. Building owners are required to take any corrective actions as specified in the management program if the legionella sample yields a positive result as indicated by TABLE A and must notify tenants and visitors immediately if a legionella sample results in level 3 through 4 as described in TABLE A.

TABLE A

Level	*Legionella Culture Result*	*Process Triggered by Legionella Culture Results*
1	<10 CFU/ml	Maintain water chemistry.
2	≥10 CFU/ml to <50 CFU/ml	Monitor conditions for 30 days, retest after 30 days. If CFU/ML increases, complete steps as indicated for level 3 until level 1 is reached.
3	≥ 50 CFU/ml to <100 CFU/ml	Initiate immediate disinfection within 24 hours, reviewing treatment program, performing visual inspection to evaluate need to perform cleaning and further disinfection. Retest water within 3-7 days. Subsequent test results must be interpreted in accordance with this Table until level 1 is reached.
4	≥ 100 CFU/ml	Initiate immediate disinfection within 24 hours. Within 48 hours perform full remediation of the potable water system by hyperhalogenating, draining, cleaning, and flushing. Review treatment program, retest water within 3-7 days. Subsequent test results must be interpreted in accordance with this Table until level 1 is reached. For Legionella results at this level, notify Department within 24 hours of receiving test result.

h. Recordkeeping. An owner of a covered building shall keep and maintain records of all inspections and tests performed pursuant to this section for at least three years. Such owner shall maintain a copy of the management program and plan required by this section on the premises of the covered building. Such records and plan shall be made available to the department immediately upon request.

i. Reporting. An owner shall submit a report containing all information required by this section in a manner and format determined by the department on an annual basis which shall be submitted no later than January 31 of the year following the year subject to the report. The department may require any submission required by section 17-194.2 be submitted electronically.

j. Enforcement. 1. Department investigation. The department is authorized to investigate any covered building subject to section 17-194.2 whether it is based on a complaint or through random audit. The department may enter the premise of such building subject to investigation without prior notice to the building owner to enforce the provisions of section 17-194.2, and review and obtain a copy of any records or plan required to be kept under this section, for compliance with the requirements of this section or any rules promulgated thereunder.

2. Civil penalties. Any owner subject to the provisions of section 17-194.2 found in violation shall be fined in an amount determined by the department but shall not be less than $500 for the first violation and $1,000 for the second violation and $5,000 for each subsequent violation.

3. Environmental control board. A notice of violation served for civil penalties pursuant to this section shall be returnable at the environmental control board or any tribunal established within the office of administrative trials and hearings.

k. Transparency. 1. Department transparency. The department shall post conspicuously on its website in a clear, detailed manner the procedure which the department follows when investigating a legionella cluster, which shall include, but not be limited to, the threshold and criteria that triggers such investigation, the steps taken by the department to investigate and identify the cluster, the public outreach conducted by the department, the results of such investigation, and the steps taken by the department to rectify the outbreak. The department shall post conspicuously on its website the detailed information regarding the cluster identified, including, but not limited to, the geographical area identified as well as the potential source and potential health effects of legionnaires' disease and pontiac fever to at-risk populations. If a source has been identified, the department shall post the estimated length of time that the level of legionella bacteria may remain elevated in or could be an infection risk from that source.

l. New construction. For any covered building subject to the provisions of section 17-194.2 for which construction begins on or after the effective date of this law, a building owner shall ensure prior to issuance of occupancy certificate that such building water system has been thoroughly cleaned, sanitized and flushed.

m. Extended building water system shutdown and start up. If a covered building water system or water device has been shut down for an extended period of time not less than 30 days, in order for the building to start up, the building owner is required to: i. either fully clean and disinfect, drain to waste and disinfect, or sufficiently hyperhalogenate or hyperchlorinate, where applicable, the recirculated water before startup; and ii. collect samples for legionella culture under subdivision g of this section and take any necessary corrective actions as required under this section.

n. Waiver or modification. The commissioner or designee may grant a waiver or modification when strict application of any provision of section 17-194.2 presents practical difficulties or unusual hardships. The commissioner in a specific instance may modify the application of such provision consistent with the general purpose of section 17-194.2 and upon such conditions as, in his or her opinion, are necessary to protect the health or safety of the public.

o. Guidance. The department, in consultation with the department of buildings, shall hold information sessions, at least twice annually, for interested building owners and other stakeholders, regarding the requirements for maintaining, cleaning, and inspecting building water systems and water devices in accordance with section 17-194.2. The information provided in such information sessions shall also be posted on the website of the department in simple and understandable terms.

l. Department report. The commissioner, in consultation with the department of buildings, shall submit a report to the mayor and the speaker of the city council on or before May 15 each year until May 15, 2031, reporting at minimum on the following information for the prior year:

1. The number of annual certifications that a covered building water system or water device was inspected, tested, cleaned and disinfected;

2. The number of reports of tests for the presence of microbes that reveal levels that present a serious health threat received by the department as indicated by levels 2, 3, or 4 in TABLE A of this section;

3. The number of inspections of covered building water systems and devices conducted pursuant to this section and the rules of the department, the number and types of any violations cited during such inspections, and the number of buildings that were not inspected;

4. The number of cleanings, disinfections, or other actions performed by or on behalf of the department; and

5. The number of persons diagnosed with legionnaires' disease in the city in each of the previous 10 years, to the extent known or reasonably discoverable by the department.

§ 2. This local law takes effect 180 days after it becomes law, except that the department shall take measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

Referred to the Committee on Health.

Int. No. 435

By Council Member Sanchez, the Public Advocate (Mr. Williams) and Council Members Restler, Farías, Cabán, Menin, Ossé, Ayala, Louis, Rivera, Salaam and Brewer.

A Local Law to amend the administrative code of the city of New York, in relation to expanding availability of rapid testing for sexually transmitted infections

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 17 of the administrative code of the city of New York is amended by adding a new section 17-184.2 to read as follows:

§ 17-184.2 Availability of rapid testing for sexually transmitted infections. a. Definitions. As used in this section, the term "rapid testing" means testing for sexually transmitted infections including, but not limited to, chlamydia, gonorrhea, syphilis, and HIV, that produces results in the same day or within hours.

b. Availability. The department shall make available rapid testing services in all boroughs of the city. The department shall prioritize areas of each borough with the highest rates of sexually transmitted infections as determined by the department.

c. Outreach. The department shall conduct an education campaign to inform communities of the locations and availability of rapid testing services.

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

Referred to the Committee on Health.

Int. No. 436

By Council Members Sanchez, Farías, Cabán, Louis and Salaam (by request of the Mayor).

A Local Law to amend the administrative code of the city of New York, in relation to the electrical code and repealing chapter 3 of title 27 of the administrative code of the city of New York in relation thereto

Be it enacted by the Council as follows:

Section 1. Chapter 3 of title 27 of the administrative code of the city of New York is REPEALED.

§2. Section 28-101.1 of chapter 1 of title 28 of the administrative code of the city of New York, as amended by local law number 126 for the year 2021, is amended to read as follows:

§28-101.1 Title. The provisions of this chapter shall apply to the administration of the codes set forth in this title and the *1968 building code*. This title shall be known and may be cited as the "New York city construction codes" and includes:

The *New York city plumbing code*.
The *New York city building code*.
The *New York city mechanical code*.
The *New York city fuel gas code*.
The *New York city energy conservation code*.
The *New York city electrical code*.

§3. Exception 1 of section 28-101.4.3 of chapter 1 of title 28 of the administrative code of the city of New York, as amended by local law number 126 for the year 2021, is amended to read as follows:

1. **Fuel gas, plumbing, electrical and mechanical work.** The installation of and work on all appliances, equipment and systems regulated by the *New York city fuel gas code*, the *New York city plumbing code*, the *New York city electrical code* and the *New York city mechanical code* shall be governed by applicable provisions of those codes relating to new and existing installations.

§4. Section 28-101.5 of chapter 1 of title 28 of the administrative code of the city of New York is amended by adding, in alphabetical order, definition of "low voltage electrical work" and "minor electrical work" to read as follows:

LOW VOLTAGE ELECTRICAL WORK. The term "low voltage electrical work" means the installation, alteration, maintenance, or repair of electrical wiring that is designed to operate at less than fifty volts (50v) for signaling, communication, alarm, and data transmission circuits.

MINOR ELECTRICAL WORK. Electrical work that is limited in scope, falling into one of the following categories:

1. Replacement of defective circuit breakers or switches rated thirty amperes or less, excluding main service disconnects;

2. Replacement of parts in electrical panels where voltage does not exceed one hundred fifty volts to ground;

3. Replacement of minor elevator parts as defined by rule;

4. Replacement of defective controls rated at thirty amperes or less;

5. Repair of defective fixtures;

6. Replacement of fixtures in existing outlets, provided the number of such fixtures does not exceed five and does not increase existing wattage;

7. Replacement, repair, disconnection or reconnection of motors not to exceed one horsepower, and associated devices;

8. Repairs to low pressure heating plants with a capacity of less than fifteen pounds per square inch, except as may otherwise be required by rule of the commissioner;

9. Installation of any ten or fewer units not requiring the installation of an additional branch circuit;

10. Installation of motors of fractional horsepower; and

11. Installation of transformers rated at one thousand volt amperes or less.

§5. Section 28-103.17 of chapter 1 of title 28 of the administrative code of the city of New York, as amended by local law number 126 for the year 2021, is amended to read as follows:

§28-103.17 Certain outside work, employment and financial interests of department employees prohibited. It shall be unlawful for any officer or employee of the department to be engaged in conducting or carrying on business as an architect, engineer, carpenter, plumber, iron worker, mason or builder, electrician or any other profession or business concerned with the construction, alteration, sale, rental, development, or equipment of buildings. It shall also be unlawful for such employees to be engaged in the manufacture or sale of automatic sprinklers, fire extinguishing apparatus, fire protection devices, fire prevention devices, devices relating to the means or adequacy of exit from buildings, or articles entering into the construction or alteration of buildings, or to act as agent for any person engaged in the manufacture or sale of such articles, or own stock in any corporation engaged in the manufacture or sale of such articles.

§6. Section 28-104.6 of chapter 1 of title 28 of the administrative code of the city of New York, as amended by local law number 126 for the year 2021, is amended to read as follows:

§28-104.6 Applicant. The applicant for approval of construction documents shall be the registered design professional who prepared or supervised the preparation of the construction documents on behalf of the owner.

Exception: The applicant may be other than a registered design professional for:

1. Limited oil-burning appliance alterations, limited plumbing alterations, limited sprinkler alterations, and limited standpipe alterations (limited alteration application), where the applicant is licensed to perform such work pursuant to this code;

2. Demolition applications other than those specified in section 3306.5 of the *New York city building code*, where the applicant is the demolition contractor performing such demolition. In such cases, the commissioner may require structural plans designed by a registered design professional to address any critical structural, sequencing or site safety items;

3. Elevator applications;

4. Applications for work falling within the practice of landscape architecture as defined by the New York state education law, including but not limited to landscaping and vegetation plans, tree protection plans, erosion and sedimentation plans, grading and drainage plans, curb cuts, pavement plans, and site plans for urban plazas and parking lots, where the applicant is a landscape architect. Landscape architects shall not file plans for stormwater management and plumbing systems[; and]

5. Applications for electrical work, as defined in chapter 4 of this title, where the applicant is

licensed to perform such work pursuant to this code; and

6. Other categories of work consistent with rules promulgated by the commissioner.

§7. Section 28-105.1 of chapter 1 of title 28 of the administrative code of the city of New York, as amended by local law number 126 for the year 2021, is amended to read as follows:

§28-105.1 General. It shall be unlawful to construct, enlarge, alter, repair, move, demolish, remove or change the use or occupancy of any building or structure in the city, to change the use or occupancy of an open lot or portion thereof, or to erect, install, alter, repair, or use or operate any sign or service equipment in or in connection therewith, or to erect, install, alter, repair, remove, convert or replace any electrical, gas, mechanical, plumbing, fire suppression or fire protection system in or in connection therewith or to cause any such work to be done unless and until a written permit therefor shall have been issued by the commissioner in accordance with the requirements of this code, subject to such exceptions and exemptions as may be provided in section 28-105.4.

§8. Section 28-105.2 of chapter 1 of title 28 of the administrative code of the city of New York is amended by adding a new item 13 to read as follows:

13. **Electrical permits:** for electrical work other than low voltage electrical work. Such permits shall include permits for minor electrical work.

§9. Section 28-105.4 of chapter 1 of title 28 of the administrative code of the city of New York, as amended by local law number 126 for the year 2021, is amended to read as follows:

§28-105.4 Work exempt from permit. Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code, the zoning resolution or any other law or rules enforced by the department. Such exemptions shall not relieve any owner of the obligation to comply with the requirements of or file with other city agencies. Unless otherwise indicated, permits shall not be required for the following:

1. Emergency work, as set forth in section 28-105.4.1.
2. Minor alterations and ordinary repairs, as described in section 28-105.4.2.
3. Certain work performed by a public utility company or public utility corporation, as set forth in section 28-105.4.3.
4. Ordinary plumbing work, as set forth in section 28-105.4.4.
5. Permits for the installation of certain signs, as set forth in section 28-105.4.5.
6. Geotechnical investigations, as set forth in section 28-105.4.6.
7. The installation, alteration or removal of alternative automatic fire extinguishing systems, including but not limited to fire extinguishing systems for commercial cooking equipment, subject to the approval of the fire department in accordance with section 105 of the *New York city fire code*.
8. The installation, alteration or removal of fire alarm systems, emergency alarm systems and fire department in-building auxiliary radio communication systems, subject to the approval of the fire department in accordance with the requirements of this code. Such work shall be submitted in accordance with the rules and regulations of the fire department.
9. Low voltage electrical work.
10. Electrical work relating to the construction and maintenance of city street lights and city traffic lights owned, operated or controlled by the city or any agency thereof.
11. Other categories of work as described in department rules, consistent with public safety.

§10. Chapter 1 of title 28 of the administrative code of the city of New York is amended by adding a new section 28-105.4.7 to read as follows:

§28-105.4.7 Low voltage electrical work. An electrical permit shall not be required for the installation,

alteration, maintenance or repair of electrical wiring that is designed to operate at less than fifty volts (50v) for signaling, communication, alarm, and data transmission circuits, provided that such work is performed by a licensed master, special electrician or qualified person as defined in the New York City Electrical Code.

Exceptions:

1. The installation, alteration, maintenance or repair, of any wiring that connects to, is part of, or is located within the following systems shall only be performed by a licensed master or special electrician:
   1.1. Life safety systems as defined by rule of the commissioner, including but not limited to (i) those safety systems and features listed in section 28-109.3 of this code and (ii) alarm and extinguishing systems subject to chapter 9 of the building code.
   1.2. Class I, II or III circuits in hazardous locations as described in the New York City Electrical Code, including but not limited to certain areas within commercial garages as set forth therein, aircraft hangers, gasoline dispensing and service stations, bulk fuel storage plants and facilities that may be utilized for spray applications or for a dipping and coating process.
   1.3. Intrinsically safe systems as described in the New York City Electrical Code.
   1.4. A point of connection to or interfacing with a control circuit that activates light, heat or power circuits.
2. Other systems as determined by the rules of the department.

§11. Section 28-105.5.1 of chapter 1 of title 28 of the administrative code of the city of New York, as amended by local law number 126 for the year 2021, is amended to read as follows:

§28-105.5.1 Applicant for permit. The applicant for a permit shall be the person who performs the work or who retains a subcontractor to do the work.

Exception: For permits issued for plumbing work, fire protection and suppression work, electrical work and oil-burning appliance work, the applicant for such permits shall be the licensed master plumber, licensed master fire suppression piping contractor, licensed master electrician, licensed special electrician or licensed oil-burning equipment installer, respectively, who performs the work.

§12. Section 28-112.2 of chapter 1 of title 28 of the administrative code of the city of New York, as amended by local law number 126 for the year 2021, is amended to read as follows:

§28-112.2 Schedule of permit fees. Permits for new buildings, structures, mechanical, ~~and~~ plumbing, and electrical systems or alterations requiring a permit shall be accompanied by a fee for each permit in accordance with the fee schedule of Table 28-112.2 and sections 28-112.2.1 and 28-112.2.2. [~~Fifty percent of the total fee for the work permit, but not less than $100, or the total fee for the work permit where such fee is less than $100, shall be paid and shall accompany the first application for the approval of construction documents; and the whole or remainder of the total fee shall be paid before the work permit may be issued.~~] The commissioner may require reasonable substantiation of any statement or other form that may be required by the department.

§28-112.2.1 Permits for other than electrical work. For work that will result in a new certificate of occupancy or change to the certificate of occupancy, fifty percent of the total fee for the work permit, but not less than $130, or the total fee for the work permit where such fee is less than $130, shall be paid and shall accompany the first application for the approval of construction documents and the whole or remainder of the total fee shall be paid before the work permit may be issued. For work that will not result in a new certificate of occupancy or change in the certificate of occupancy, one hundred percent of the total fee for the work permit, but not less than one hundred and thirty dollars, shall be paid at the time of filing.

§28-112.2.2 Permits for electrical work. Fees for electrical work requiring a permit shall be in accordance with department rules. For electrical work requiring a permit, fifty percent of the total fee for the work permit, but not less than $130, or the total fee for the work permit where such fee is less

than $130, shall be paid at the time of filing; and the remainder of the total fee shall be paid before any department inspection.

§13. Table 28-112.2 of chapter 1 of title 28 of the administrative code of the city of New York is amended to add a fee for "permit for electrical work" before the fee for "Permit to install or alter service equipment except plumbing and fire suppression piping service equipment" to read as follows:

TABLE 28-112.2

PERMIT TYPE	FILING FEE	RENEWAL FEE	COMMENTS
Alterations			
Permit for electrical work.	As provided by department rules	As provided by department rules	

§14. Table 28-112.8 of chapter 1 of title 28 of the administrative code of the city of New York is amended to add the fee for certain applications for electrical work at the end of such table to read as follows:

TABLE 28-112.8

SERVICE TYPE	FILING FEE	RENEWAL FEE	COMMENTS
Other fees			
Application for electrical work made after the issuance of a violation for failure to file an application for a permit for such work	As provided by department rules		

§15. Section 28-116.2.4 of chapter 1 of title 28 of the administrative code of the city of New York, as amended by local law number 126 for the year 2021, is amended to read as follows:

§28-116.2.4 Final inspection. There shall be a final inspection of all permitted work. Final inspections shall comply with sections 28-116.2.4.1 through 28-116.2.4.3

Exception. A final inspection shall not be required for minor electrical work as defined in section 28-101.5.

§16. Article 119 of chapter 1 of title 28 of the administrative code of the city of New York, as amended by local law number 126 for the year 2021, is amended to read as follows:

ARTICLE 119
SERVICE UTILITIES

§28-119.1 Connection of gas service utilities. It shall be unlawful for any utility company or utility corporation to supply gas to a building, place or premises in which new meters other than replacement are required until a certificate of approval of gas installation from the department is filed with such utility company or utility corporation. When new gas service piping has been installed, it shall be locked-off by the utility company or utility corporation either by locking the gas service line valve or by installing a locking device on the outside gas service line valve. The lock shall not be removed until the gas meter piping (other than utility owned) and gas distribution piping have been inspected and certified as required by the department of buildings as being ready for service.

§28-119.1.1 Gas shut-off for alterations to gas piping systems. When alterations, extensions or repairs to existing gas meter piping or gas distribution piping require the shut-off of gas flow to a building, the utility

company shall be notified by the owner or his or her authorized representative.

§28-119.2 Temporary connection. The commissioner shall have the authority to authorize the temporary connection of the building or system to the gas service utility.

§28-119.3 Authority to disconnect gas utility service. The commissioner may authorize disconnection of gas service to the building, structure or system regulated by this code and the codes referenced in case of emergency where necessary to eliminate an immediate hazard to life or property. The department shall notify the local gas utility company, and wherever possible the owner and occupant of the building, structure or service system of the decision to disconnect prior to taking such action.

§28-119.4 Notification of gas shut-off or non-restoration after inspection. Within 24 hours after gas service to a building is shut off by a utility company or utility corporation because of a class A or class B condition, as described in part 261 of title 16 of the New York codes, rules and regulations, and within 24 hours after gas service is, after an inspection by such a company or corporation, not restored because of such a condition, such company or corporation and the owner of such building shall each provide notice to the department in a form and manner prescribed by the department.

§28-119.5 Connection of electric service utilities. It shall be unlawful for any person, partnership or corporation to supply, or cause to be supplied or used, electrical energy for light, heat or power, signaling, alarm or data transmission to any wiring or appliance in any building unless a sign-off or other authorization as set forth in the rules of the department authorizing the use of said wiring or appliance shall have been issued by the commissioner.

§28-119.5.1 Authorization to energize. An authorization to power or energize electrical wiring or appliances issued by the department shall expire ninety days after the date of issuance unless a sign-off has been issued by the department or an extension of such authorization has been granted by the department. In the event no such sign-off has been issued or extension authorization granted, the department may take action leading to the disconnecting of such meter in accordance with the notice requirements set forth in section 87.2 of the *New York city electrical code*.

§28-119.5.2 Electric meter installation; restriction. A public utility shall not supply electricity to a one-, two-, three- or four-family dwelling, or energize more utility meters in a building than the number of distinct and separate dwelling units in such building as authorized in the certificate of occupancy applicable thereto, or if there is no certificate of occupancy, as determined by the department, without first receiving a written sign-off from the department. An owner of a one-, two-, three- or four-family dwelling may request approval to install an additional utility meter from the department. A public utility shall not install such additional utility meter without such approval. A building with two or more dwelling units in accordance with the certificate of occupancy, or if there is no certificate of occupancy, as determined by the department, shall have one meter for each dwelling unit and may have one additional meter for the common areas of the building, provided that smoke detecting devices are installed in all common areas in accordance with departmental requirements. Such common areas may include boiler rooms, shared hallway lighting, shared stairway lighting and outdoor perimeter lighting, but shall not include any habitable space. In the event that a meter has been found to have been installed or to exist in violation of this section, the utility must report such findings to the department, which may take action leading to the disconnecting of such meter in accordance with the notice requirements set forth in section 87.2of the *New York city electrical code*.

§28-119.6 Authority to disconnect electrical energy supply. The commissioner may authorize wires or appliances to be disconnected from the supply of electrical energy and to seal the wiring and appliances, after due inspection and/or where in the commissioner's judgment the continued use of such electric wiring or appliances in or on any building or structure is unsafe or dangerous to persons or property.

§17. Section 28-401.3 of chapter 4 of title 28 of the administrative code of the city of New York is amended by adding new definitions of "electrical work", "employee", "licensed master electrician, master electrician", "licensed special electrician, special electrician", "low voltage electrical work", "master electrician business" and "responsible representative" in alphabetical order, to read as follows:

§28-401.3 Definitions. As used in this chapter, the following terms shall have the following meanings unless the context or subject matter requires otherwise.

ELECTRICAL WORK. The installation, alteration, maintenance, repair or demolition of electric wires and wiring apparatus and other appliances used or to be used for the transmission of electricity for electric light, heat, power, and signaling, communication, alarm or data transmission. (see also minor electrical work).
EMPLOYEE. An individual who is on the payroll of an employer and who under the usual common law rules applicable in determining the employee-employer relationship has the status of an employee. Such term shall not include an independent contractor.
LICENSED MASTER ELECTRICIAN, MASTER ELECTRICIAN: An individual who has satisfied the requirements of this chapter for the master electrician license, who has been issued a license and seal and who is authorized under the provisions of this chapter to perform electrical work in the city of New York. A master electrician licensee shall practice their trade in association with a master electrician business.
LICENSED SPECIAL ELECTRICIAN, SPECIAL ELECTRICIAN: An individual who has satisfied the requirements of this chapter for the special electrician license and has been issued a license and seal. A special electrician licensee shall be an employee of an individual, a partnership or a corporation owning, leasing or managing a building, buildings or parts thereof who has obtained written authorization from the commissioner, pursuant to this chapter, to perform electrical work in or on specific buildings, lots or parts thereof owned, leased or managed by such individual, corporation or partnership.
LOW VOLTAGE ELECTRICAL WORK. Refer to section 28-101.5.
MASTER ELECTRICIAN BUSINESS. A sole proprietorship, partnership or corporation authorized by the commissioner to engage in or carry on, as an independent contractor and as its regular business, the business of performing electrical work in or on any building, premises or lot in the city under a license issued to a master electrician.
RESPONSIBLE REPRESENTATIVE: A master electrician who has the authority to make final determinations and who has full responsibility on behalf of a master electrician business for the manner in which electrical work is done and for the selection, supervision and control of all employees of such business who perform such work.

§18. Section 28-401.10 of chapter 4 of title 28 of the administrative code of the city of New York, as amended by local law number 126 for the year 2021, is amended to read as follows:

§28-401.10 Issuance of license and seal, where applicable, or certificate of competence. The commissioner shall issue a license or certificate of competence to each applicant who shall have submitted satisfactory evidence of his or her qualifications, and shall have satisfactorily passed all required examinations and investigations, provided that no license or certificate of competence shall be issued unless and until the applicant shall have paid the required fee and complied with such other and further requirements for the particular license or certificate of competence as may be set forth in this chapter and in rules promulgated by the department. All licenses or certificates of competence issued by the commissioner shall have his or her signature affixed thereto; but the commissioner may authorize any subordinate to affix such signature. For licenses that require the application of a seal, the seal shall be issued with the license except as provided otherwise in this chapter. The license and seal are the property of the department and are not transferable by the licensee. No licensee shall make or cause to be made duplicates of a department-issued license or seal. The loss or theft of a license or seal must be reported to the department within five calendar days. Before any license or seal may be reissued, the applicant shall pay a reissuance fee as prescribed by the department's rules.

§19. Table 28-401.15 of chapter 4 of title 28 of the administrative code of the city of New York is amended to add fees for "master electrician license", "master electrician license seal" "special electrician" and "special electrician license seal" at the end of the table after the fee for "Lift director" to read as follows:

LICENSE TYPE	INITIAL FEE	RENEWAL FEE	ADDITIONAL FEES
Master electrician license	As provided by dept rules.	As provided by dept rules.	As provided by dept rules.
Master electrician license seal	As provided by dept rules.	As provided by dept rules.	As provided by dept rules.
Special electrician license	As provided by dept rules.	As provided by dept rules.	As provided by dept rules.
Special electrician license seal	As provided by dept rules.	As provided by dept rules.	As provided by dept rules.

§20. Item 5 of section 28-401.19 of chapter 4 of title 28 of the administrative code of the city of New York, as amended by local law number 126 for the year 2021, is amended and new items 19 and 20 are added to read as follows:

5. Fraudulent dealings or misrepresentation;
19. Contract work by holders of special electrician's licenses.
20. Failure to demonstrate fitness to engage in the trade for which the individual is licensed.

§21. Section 28-401.20.1 of chapter 4 of title 28 of the administrative code of the city of New York, as amended by local law number 126 for the year 2021, is amended to read as follows:

§28-401.20.1 Service of request or order. Such request or order by the commissioner or other city agency or office shall be mailed by regular mail to the person named therein to his or her last known business or home address at least ten days before such appearance and shall contain the name of the person, date, time and place of such appearance and, if known or applicable, a description of any requested documents. If the appearance or information is required immediately, the request or order may be transmitted [via] to the electronic mail address provided by the person, or via facsimile or delivered to the person's last known business or home address prior to the date and time specified therein.

§22. Chapter 4 of title 28 of the administrative code of the city of New York is amended by adding a new article 429 to read as follows:

ARTICLE 429
MASTER ELECTRICIAN LICENSE

§28-429.1 Master electrician license required. It shall be unlawful for any person:

1. To perform electrical work unless such person is a licensed master electrician or working under the direct and continuing supervision of a licensed master electrician.
   Exceptions:

1. Low voltage electrical work may be performed by qualified persons, as defined in the New York city electrical code.
2. Electrical work may be performed by persons licensed as special electricians or persons working under the direct and continuing supervision of such licensed special electricians pursuant to article 430 of this chapter.

2. To falsely represent that they are authorized to perform electrical work under a master electrician's or special electrician's license or use in any advertising the words "master electrician" or the words "licensed electrician" or the words "electrical contractor" or any words of similar meaning or import on any sign, card, letterhead or in any other manner, unless such person is so authorized pursuant to this chapter and the rules of the department.

3.

§28-429.2 Seal. The holder of a master electrician's license shall be issued a seal, of a design and form authorized by the commissioner, bearing the holder's full name, license number and the legend "licensed master electrician." All documents that are required to be filed with any department or agency of the city of New York shall bear the stamp of the seal as well as the signature of the licensee. The licensed master electrician performing the work and services shall personally sign and seal all applications and other documents required to be filed pursuant to this code. For applications and other documents submitted electronically, the digital signature and imprint of the seal may be submitted in a manner authorized by the commissioner.

§28-429.3 Additional qualifications. Applicants for a master electrician license shall have the following additional qualifications:

§28-429.3.1 Experience. All applicants for a master electrician's license shall submit satisfactory proof establishing that the applicant:

1. Has at least seven (7) years of experience within the ten (10) years prior to application working with their tools on the installation, alteration and repair of wiring and appliances for light, heat and power in or on buildings or comparable facilities under the direct and continuing supervision of a licensed master or special electrician in the United States, at least two (2) of such years must have been obtained in New York city;
2. Has received a bachelor's degree in electrical engineering or appropriate engineering technology from an accredited college or university, and has at least three (3) years of experience within the five (5) years prior to application working with their tools on the installation, alteration and repair of wiring and appliances for electric light, heat and power in or on buildings or comparable facilities under the direct and continuing supervision of a licensed master or special electrician in the United States, at least two (2) of such years must have been obtained in New York city;
3. Has completed an apprenticeship program registered with the New York state department of labor, specializing in electrical wiring, installation and design or applied electricity and who has at least five (5) years within the ten (10) years prior to application of experience working with their tools on the installation, alteration and repair of wiring and appliances for electric light, heat and power in or on buildings or comparable facilities under the direct and continuing supervision of a licensed master or special electrician in the United States, at least two (2) of such years must have been obtained in New York city;
4. Has experience as an employee of a government agency, private inspection agency or other entity, acceptable to the commissioner, whose duties primarily involve the inspection of electrical work for compliance with the New York city electrical code and/or other laws relating to the installation, alteration or repair of electrical systems that shall be credited for fifty percent (50%) of the number of years that they have been satisfactorily employed in such duties within the ten (10) year period prior to application, which, however, in no event, shall exceed two and a half (2.5) years credit of satisfactory experience. The balance of the required seven (7) years must have been obtained by working with their tools on the installation, alteration and repair of wiring and appliances for electric light, heat and power in or on buildings or comparable facilities under the direct and continuing supervision of a licensed master or special electrician in the United States, with at least two (2) of

such years of experience obtained in New York city, except that the above requirement that an applicant's work experience must have been within the ten (10) year period prior to application shall not apply to such balance of the required seven (7) years of experience.

§28-429.4 Requirement for obtaining a license and seal. An applicant who has satisfied all requirements for a master electrician's license shall obtain a license and seal issued upon establishing a master electrician business conforming to the requirements of this article and rules promulgated by the department.

§28-429.5 Issuance. A master electrician license and seal shall be issued only to an individual. A master electrician's license and a special electrician's license and seal shall not be held by any person at the same time. The holder of a master electrician's license, upon entering employment as a special electrician, shall deactivate their master electrician's license and seal and change over to a special electrician's license and seal to cover the building, buildings or parts thereof, for which they will be employed.

§28-429.5.1 Surrender of license and seal. Upon the death or the retirement of a licensed master electrician, or upon the surrender, revocation or suspension of their license, their license and seal shall immediately be surrendered to the commissioner. A corporation or partnership must notify the department of the death of a responsible representative within thirty (30) days after such death. Nothing contained herein shall be construed to prevent the legal representative of a deceased licensee, with the consent of the commissioner, from retaining such seal for the purpose of completing all unfinished work of the deceased licensee for which plans have been approved and a permit issued, provided such work is performed by or under the direct and continuing supervision of a licensed master electrician and is completed within one year from the date of the death of the original licensee.

§28-429.6 Use. Nothing herein contained shall be construed to prohibit the use of a master electrician license by the holder thereof for or on behalf of a partnership, corporation or other business association provided that such partnership, corporation or other business is a master electrician business registered with the department pursuant to section 28-429.7. Where the department has issued a violation notice for work performed by an unlicensed person or work performed without the required permit and where such work is otherwise in compliance with the *New York City Electrical Code*, a responsible representative may file an application for a permit or take any other actions with respect to such work directed by the department to address the violation.

§28-429.7 Master electrician business. Every applicant shall be required to submit such documentation as is required to establish a place of business within the city of New York. The applicant shall indicate the name and license number of the master electrician who shall serve as the responsible representative of such business, and, if the business is a partnership or corporation, the names of all other master electricians associated with such business. The following requirements shall apply to a Master Electrician Business:

1. A licensed master electrician business shall be a sole proprietorship, partnership or corporation. A master electrician business shall be principally engaged in the business of performing electrical work in or on buildings, premises or lots in the city under a license issued to a master electrician.
2. The commissioner shall issue an authorization number to every master electrician business. The authorization number shall be included on all applications for permits and any other documents required to be filed with the department. If the business is a partnership or corporation, the name of the responsible representative and the names of all other master electricians associated with such business must be disclosed to the department.
3. No individual, corporation, partnership or other business association shall conduct an electrical contracting business in the city of New York, or employ the name "electric" or "electrical" in its business name unless such business is a master electrician business registered with the department.
4. The approval of a master electrician business is valid so as long as the responsible representative actively participates in the actual operation of the business and remains an officer of such corporation, a partner of such partnership or the proprietor of such sole proprietorship unless the department approves a change in the responsible representative.

§28-429.7.1 Responsible representative. A master electrician shall serve as the responsible representative of a master electrician business. A partnership or corporation shall designate only one master electrician who is a partner of such partnership or an officer of such corporation to be the responsible representative of such partnership or corporation. Under no circumstances shall any one licensee represent more than one business at any one time. The master electrician proprietor of a sole proprietorship shall be the responsible representative of such sole proprietorship. The responsible representative shall file for, supervise, direct and be fully responsible for the work performed by the master electrician business.

Exception: Where work is done under a permit issued pursuant to an application bearing the signature and seal of a licensed master electrician registered at the same business who is not the responsible representative, both such licensed master electrician and the responsible representative of such business shall be jointly and severally responsible for the manner in which the work is done.

§28-429.7.2 Identification. All business vehicles, advertising, websites and stationery used in connection with a master electrician business shall display prominently the full name of the licensee, the words "N.Y.C. licensed electrician," the licensee's number and the licensee's business address. If the business is conducted under a trade name, or by a partnership or corporation, the trade name, partnership or corporate name shall be listed immediately above the full name or names of the licensed master electrician or licensed master electricians registered at such business.

§28-429.7.3 Place of business. At such place of business, there shall at all times be prominently displayed a permanent sign of a minimum size of one hundred fifty square inches, stating the name of such license holder, the license number of such licensee and the words "licensed electrician" or "licensed electrical contractor" on a plate glass window and the name of the master electrician business if different than the name of the license holder; or an outside sign of permanent construction fastened and readily visible to pedestrians; or if such place of business be an office, commercial or industrial building, the names shall be indicated on the entrance door of the particular portion of the premises or on a bulletin board on the main floor. The office or other place where the master electrician business is to be conducted may be shared by one or more master electrician businesses. However, each business whether in the form of a sole proprietorship, partnership or corporation, shall distinguish its identity from any other business sharing the same office space. Such distinctions shall be maintained in a manner satisfactory to the department.

§28-429.7.4 Withdrawal of license. The revocation, suspension, license deactivation, surrender, death, retirement or non-renewal of the master electrician's license of the responsible representative of a master electrician business automatically revokes its approval to do business and cancels any delegation of authority given by such responsible representative to another master electrician associated with such business pending the approval by the department of a new responsible representative, except as provided in section 28-429.5.1.

§28-429.8 Change of license type. An application for a change of license from master electrician to special electrician shall involve the issuance of a new license and seal with or without examinations as the commissioner may direct.

§28-429.9 Joint venture. Nothing in this chapter shall be construed to prevent two or more master electrician businesses from entering into a joint venture of limited duration for a particular project in accordance with the rules of the department. An application for a permit involving a joint venture shall so indicate on the application and shall identify all of the master electrician businesses that are parties to such joint venture by name and authorization number and the names and license numbers of the responsible representatives of such businesses. The application shall be signed by the responsible representative of one of the parties to the joint venture on behalf of all such parties and all of such parties shall be jointly and severally liable for any fees due with respect to electrical work performed by such joint venture and for violations of applicable laws, rules and regulations of the department arising out of such work.

§28-429.10 Fitness to perform work. As a condition of license renewal, a licensed master electrician shall

provide evidence satisfactory to the department that such licensee is fit to perform the work.

§23. Chapter 4 of title 28 of the administrative code of the city of New York is amended by adding a new article 430 to read as follows:

ARTICLE 430
SPECIAL ELECTRICIAN LICENSE

§28-430.1 Special electrician license required. It shall be unlawful for any person:

1. To perform electrical work unless such person is a licensed special electrician or working under the direct and continuing supervision of a licensed special electrician.
   Exceptions:
   1. Low voltage electrical work may be performed by qualified persons, as defined in the New York city electrical code.
   2. Electrical work may be performed by persons licensed as master electricians or persons working under the direct and continuing supervision of such licensed master electricians pursuant to article 429 of this chapter.
2. To use the title licensed special electrician, special electrician or any other title in such manner as to convey the impression that such person is a licensed special electrician, unless such person is licensed as such in accordance with the provisions of this article.

§28-430.2 Seal. The holder of a special electrician's license shall be issued a seal, of a design and form authorized by the commissioner, bearing the holder's full name, license number and the legend "licensed special electrician." All documents that are required to be filed with any department or agency of the city of New York shall bear the stamp of the seal as well as the signature of the licensee. The licensed special electrician performing the work and services shall personally sign and seal all applications and other documents required to be filed pursuant to the code. For applications and other documents submitted electronically, the digital signature and imprint of the seal may be submitted in a manner authorized by the commissioner.

§28-430.3 Additional qualifications. Applicants for a special electrician license shall have the following additional qualifications:

§28-430.3.1 Experience. All applicants for a special electrician license shall submit satisfactory proof establishing that the applicant:

1. Has at least seven (7) years of experience within the ten (10) years prior to application working with their tools on the installation, alteration and repair of wiring and appliances for light, heat and power in or on buildings or comparable facilities under the direct and continuing supervision of a licensed master or special electrician in the United States, at least two (2) of such years must have been obtained in New York city;
2. Has received a bachelor's degree in electrical engineering or appropriate engineering technology from an accredited college or university, and has at least three (3) years of experience within the five (5) years prior to application working with their tools on the installation, alteration and repair of wiring and appliances for electric light, heat and power in or on buildings or comparable facilities under the direct and continuing supervision of a licensed master or special electrician in the United States, at least two (2) of such years must have been obtained in New York city;
3. Has completed an apprenticeship program registered with the New York state department of labor, specializing in electrical wiring, installation and design or applied electricity and who has at least five (5) years within the ten (10) years prior to application of experience working with their tools on the installation, alteration and repair of wiring and appliances for electric light, heat and power in or on buildings or comparable facilities under the direct and continuing supervision of a licensed master or special electrician in the United States, at least two (2) of such years must have been obtained in New York city;

4. Has experience as an employee of a government agency, private inspection agency or other entity, acceptable to the commissioner, whose duties primarily involve the inspection of electrical work for compliance with the New York city electrical code and/or other laws relating to the installation, alteration or repair of electrical systems that shall be credited for fifty percent (50%) of the number of years that they have been satisfactorily employed in such duties within the ten (10) year period prior to application, which, however, in no event, shall exceed three (3) years credit of satisfactory experience. The balance of the required seven (7) years must have been obtained by working with their tools on the installation, alteration and repair of wiring and appliances for electric light, heat and power in or on buildings or comparable facilities under the direct and continuing supervision of a licensed master or special electrician in the United States, with at least two (2) of such years of experience obtained in New York city, except that the above requirement that an applicant's work experience must have been within the ten (10) year period prior to application shall not apply to such balance of the required seven (7) years' experience.

§28-430.4 Requirement for obtaining a license and seal. An applicant who has satisfied all requirements for a special electrician's license shall obtain a license and seal.

§28-430.5 Issuance. A special electrician license and seal shall be issued only to an individual. Their license shall plainly indicate the address or addresses of the building, buildings or parts thereof for which such license is issued. A master electrician's license and a special electrician's license and seal shall not be held by any person at the same time. The holder of a master electrician's license, upon entering employment as a special electrician, shall deactivate their master electrician's license and seal and change over to a special electrician's license and seal to cover the building, buildings, or parts thereof, for which they will be employed.

§28-430.5.1 Surrender of license and seal. Upon the death or the retirement of a licensed special electrician, or upon the surrender, revocation or suspension of their license, such license and seal shall immediately be surrendered to the commissioner.

§28-430.6 Waiver of examinations. Where the application is on behalf of a city agency, the commissioner may waive the examination requirement if the applicant has sufficient experience qualifications of a type and duration comparable to those set forth in section 28-430.3 of this section as determined by the commissioner.

§28-430.7 Use. A special electrician shall be principally engaged in the business of performing electrical work in or on buildings, premises or lots so authorized under the license.

A special electrician licensee shall determine the method of doing the work in or on such buildings and shall have sole responsibility for supervising and directing the employees of such owner, lessee or manager who perform such work. A special electrician shall not supervise the work of individuals who are not employees of the owner, lessee or manager of the buildings on which the special electrician is authorized by his or her license to perform electrical work.

The commissioner may issue more than one special license for a building or buildings if, in the commissioner's judgment, the commissioner deems it necessary for the proper operation and maintenance of the electric wiring and equipment of the building or buildings involved.

§28-430.7.1 Restriction. A special electrician's license shall not authorize the holder to engage in or carry on the business of performing electrical work as an independent contractor.

§28-430.8 Place of business. A special electrician shall at all times have a place of business at a specified address in the city at which the licensee may be contacted by the department by mail, telephone or other modes of communication.

§28-430.9 Change of license type. Subject to approval by the commissioner, an application for a change of license from special to master electrician where it is determined that the special electrician meets the qualifications of a master electrician pursuant to the applicable provisions of this chapter and the rules of the department.

§28-430.10 Fitness to perform work. As a condition of license renewal, a licensed special electrician shall provide evidence satisfactory to the department that such licensee is fit to perform the work.

§24. Title 28 of the administrative code of the city of New York is amended by adding a new chapter 11 to read as follows:

CHAPTER 11
THE NEW YORK CITY ELECTRICAL CODE
ARTICLE 1101
ENACTMENT AND UPDATE OF
THE NEW YORK CITY ELECTRICAL CODE

§28-1101.1 Enactment of the New York city electrical code. The 2020 edition of the National Fire Protection Association NFPA 70 National Electrical Code is hereby adopted as the minimum requirements for the design, installation, alteration or repair of electric wires and wiring apparatus and other appliances used or to be used for the transmission of electricity for electric light, heat, power, signaling, communication, alarm and data transmission in the city subject to the amendments adopted by local law and set forth in section 28-1101.3 of this chapter. Such amendments shall be known and cited as "the New York city amendments to the 2020 National Electrical Code". Such 2020 edition of the National Fire Protection Association NFPA 70 National Electrical Code with such New York city amendments shall together be known and cited as the "New York city electrical code".

§28-1101.2 Update. No later than the third year after the effective date of this section and every third year thereafter, the commissioner shall submit to the city council proposed amendments that they determine should be made to this code to bring it up to date with the latest edition of the National Fire Protection Association NFPA 70 National Electrical Code or otherwise modify the provisions thereof. In addition, prior to the submission of such proposal to the city council, such proposal shall be submitted to an advisory committee established by the commissioner for review and comment.

§28-1101.3 The New York city amendments to the 2020 National Electrical Code. The following New York city amendments to the 2020 National Electrical Code are hereby adopted to read as follows:
New York City Amendments to the 2020 National Electrical Code.

New sections EC 80 through EC 87 are added to read as follows:

SECTION EC 80
GENERAL

80.1 Title. This code shall be known and may be cited as the "*New York City Electrical Code*," "NYCEC" or "EC." All section numbers in this code shall be deemed to be preceded by the designation "EC."
80.2 Scope. The provisions of this code shall apply to the installation, alteration, maintenance, repair or demolition of electric wires and wiring apparatus and other appliances used or to be used for the transmission of electricity for electric light, heat, power, signaling, communication, alarm or data transmission.
80.3 Intent. The purpose of this code is to provide minimum standards to safeguard life or limb, health, property, public welfare and the environment by regulating and controlling the design, construction, installation, quality of materials, location, operation and maintenance or use of electrical systems.
80.4 Severability. If a section, subsection, sentence, clause or phrase of this code is for any reason held to be

unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

SECTION EC 81
APPLICABILITY

81.1 General. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall govern. Where, in any specific case, different sections of this code specify different materials, methods of construction or other requirements, the most restrictive shall govern.

81.2 Existing installations. Except as otherwise specifically provided, electrical installations lawfully in existence at the time of the adoption or a subsequent amendment of this code shall be permitted to have their use and maintenance continued if the use, maintenance or repair is in accordance with the original design and no hazard to life, health or property is created by such installations.

81.2.1 Existing buildings. Additions, alterations, renovations or repairs related to building or structural issues shall be governed by Chapter 1 of Title 28 of the Administrative Code, the *New York City Building Code* and the *1968 Building Code*, as applicable.

81.2.2 References to the *New York City Building Code*. For existing buildings, a reference to a section of the *New York City Building Code* in this code shall also be deemed to refer to the equivalent provision of the *1968 Building Code*, as applicable in accordance with Chapter 1 of Title 28 of the Administrative Code.

81.3 Maintenance. Installations, both existing and new, and parts thereof shall be maintained in proper operating condition in accordance with the original design and in a safe condition. Devices or safeguards that are required by this code shall be maintained in compliance with the applicable provisions under which they were installed.

81.3.1 Owner responsibility. The owner or the owner's designated agent shall be responsible for maintenance of electrical installations. To determine compliance with this provision, the commissioner shall have the authority to require any electrical installation to be inspected.

81.4 Design, installation, alterations or repairs. The design, installation, alteration or repair of electric wires and wiring apparatus and other appliances used or to be used for the transmission of electricity for electric lights, heat, power and signaling, communication, alarm or data transmission shall conform to the requirements of this code. Alterations or repairs shall not cause an existing installation to become unsafe, hazardous or overloaded.

81.4.1 Special provisions for prior code buildings. In addition to the requirements of section 81.4, the provisions of sections 81.4.1.1 through 81.4.1.2 shall apply to prior code buildings.

81.4.1.1 Seismic supports. For prior code buildings, the determination as to whether seismic requirements apply to an alteration shall be made in accordance with the *1968 Building Code* and interpretations by the department relating to such determinations. Any applicable seismic loads and requirements shall be permitted to be determined in accordance with Chapter 16 of the *New York City Building Code* or the *1968 Building Code* and Reference Standard RS 9-6 of such code.

81.4.1.2 Wind resistance. For prior code buildings, equipment, appliances and supports that are exposed to wind shall be designed and installed to resist the wind pressures determined in accordance with Chapter 16 of the *New York City Building Code*.

81.5 Change in occupancy. Refer to Chapter 1 of Title 28 of the *Administrative Code*.

81.6 Reserved.

81.7 Reserved.

81.8 Reserved.

81.8.1Reserved.

81.9 Requirements not covered by code. Requirements necessary for the strength, stability or proper operation of an existing or proposed electrical installation, or for the public safety, health and general welfare, not specifically covered by this code, shall be determined by the commissioner.
81.10 Application of references. Reference to chapter or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of this code.
81.11 Federal and state buildings. Nothing in this code shall be construed to apply to any building, the electrical equipment of which is under the control of the United States of America or the state of New York or of any department, bureau or office thereof.
81.12 City departments. The various departments, boards and offices of the city shall be subject to the provisions of this code.

SECTION EC 82
DEPARTMENT OF BUILDINGS

82.1 Enforcement agency. Refer to the *New York City Charter* and Chapter 1 of Title 28 of the *Administrative Code*.

SECTION EC 83
DUTIES AND POWERS OF THE COMMISSIONER OF BUILDINGS

83.1 General. The commissioner shall have the authority to render interpretations of this code and to adopt rules, policies and procedures in order to clarify and implement its provisions. Such interpretations, policies, procedures and rules shall be in compliance with the intent and purpose of this code. See the *New York City Charter* and Chapter 1 of Title 28 of the *Administrative Code* for additional provisions relating to the authority of the Commissioner of Buildings.

83.2 Scope. The commissioner is authorized to exercise all powers necessary to enforce the electrical code, including but not limited to:

1. Cause any wiring or appliances for electrical light, heat, power, signaling communication, alarm or data transmission to be examined and inspected and the approval thereof to be certified in writing,
    a. by an officer or employee of the department designated by the commissioner for that purpose, or
    b. by any inspection agency certified by the commissioner in accordance with rules promulgated by the commissioner.
2. Order the remedying of any defect or deficiency that exists in the installation, alteration or repair of electric wires and wiring apparatus and other appliances used or to be used for the transmission of electricity for electric light, heat, power, signaling, communication, alarm or data transmission.
3. Order any person or corporation engaged in supplying electrical energy to discontinue such supply as specified in such order if the wiring or appliances for electric light, heat, power, signaling, communication, alarm or data transmission is deemed dangerous to persons or property therein.
4. Appoint, in accordance with the rules of the department and at the commissioner's discretion, special boards or committees to provide advice or assistance in the implementation, interpretation, variation or amendment of any provision of the electrical code or any rule promulgated by the department.

SECTION EC 84
PERMITS

84.1 General. Permits shall comply with this section, with Article 105 of Chapter 1 of Title 28 of the Administrative Code and with requirements found elsewhere in this code.

84.2 Required. Any owner or authorized agent who intends to construct, add to, alter, repair, move, demolish or change the occupancy of a building or structure, or to erect, install, add to, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application for construction document approval in accordance with Chapter 1 of Title 28 of the Administrative Code and this chapter and obtain the required permit.

84.3 Work exempt from permit. Exemptions from permit requirements of this code as authorized in Chapter 1 of Title 28 of the Administrative Code and the rules of the department shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or rules.

84.4 Validity of permit. The issuance or granting of a permit shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this code or of any other law. Permits presuming to give authority to violate or cancel the provisions of this code or other law shall not be valid. The issuance of a permit based on construction documents and other data shall not prevent the commissioner from requiring the correction of errors in the construction documents and other data. The commissioner is also authorized to prevent occupancy or use of a structure where in violation of this code or of any other law.

84.5 Notice of unlicensed electric work. Whenever a master electrician business or special electrician files an application for a permit covering electrical work installed by an unlicensed or unauthorized person, it shall be their duty to specify such fact upon the application.

84.6 Electric utility meter installation. The department shall not issue a permit or, if applicable, an electrical sign-off pursuant to an application that involves the energizing of a utility meter in a one-, two-, three-, or four-family dwelling if the department finds that such action will cause the total number of utility meters for the building to exceed the number of dwelling units specified for such building in the certificate of occupancy, or if there is no certificate of occupancy, as determined by the department, except as permitted herein. A building specified as a one-family residence in the certificate of occupancy or, if there is no certificate of occupancy, as determined by the department, shall have only one utility meter. A building in which there are two or more dwelling units in accordance with the certificate of occupancy, or if there is no certificate of occupancy, as determined by the department, shall have one utility meter for each dwelling unit, and one additional utility meter for the common areas of the building is permitted, provided that smoke detecting devices are installed in all common areas in accordance with departmental requirements. Such common areas may include boiler rooms, shared hallway lighting, shared stairway lighting and outdoor perimeter lighting, but shall not include any habitable space. In the event that a utility meter has been found to have been installed or to exist in violation of this section, the department may take action leading to the disconnecting of such utility meter in accordance with the notice requirements set forth in section 87.2.

84.7 Statement of authorization and compliance. Any application for a permit filed with the department in relation to a request for the authorization to power or energize electrical wiring or appliances or power generating equipment or in relation to work that will result in the issuance of a new or amended certificate of occupancy must include a statement, signed and sealed by the master or special electrician, that the building owner or their authorized representative has authorized in writing the work to be performed. This signed authorization must be available upon request by the department. In addition, any electrical application filed with the department involving the energizing of a meter must include a statement, signed and sealed by the master or special electrician, that the building owner or their authorized representative has indicating in writing the intended use or purpose of such meter and has affirmed that such meter will be maintained in compliance with the provisions of this section. This statement must be available upon request by the department.

84.8 Documentation of overcurrent protection. Any permit application filed with the department that requires the selective coordination of overcurrent protective devices must include documentation from a professional engineer demonstrating how selective coordination was achieved, including but not limited to short circuit

overlay curves and calculations. Such documentation shall be submitted to the department prior to sign off.

SECTION EC 85
CONSTRUCTION DOCUMENTS

85.1 General. Construction documents shall comply with Article 104 of Chapter 1 of Title 28 of the Administrative Code and other applicable provisions of this code and its referenced standards as applicable. Such construction documents shall be coordinated with architectural, structural and means of egress plans. Requirements for electrical plans and drawings shall be in accordance with department rules.

SECTION EC 86
INSPECTIONS AND TESTING

86.1 General. Electrical work for which a permit is required shall be subject to inspection by the department, except for minor electrical work as defined in section 28-101.5. It shall be the duty of the permit holder to schedule such inspection and ensure that all applicable laws and rules are followed. A satisfactory inspection by the department shall not be construed to be an approval by the department of a violation of the provisions of this code or any other provision of law. Refer to Article 116 of Chapter 1 of Title 28 of the Administrative Code and applicable rules of the department relating to inspections.

86.2 Required inspections and testing. In addition to any inspections otherwise required by this code or applicable rules, the following inspections shall be required:

1. **Energy Code Compliance Inspections**: Inspections required by the *New York City Energy Conservation Code* shall be made in accordance with the rules of the department, as applicable.
2. **Final Inspection:** It shall be the duty of the permit holder to notify the department when work requiring inspection is ready to be inspected and to schedule a final inspection.

86.2.1 Access to electrical work. It shall be the duty of the permit holder to cause the work to remain accessible for inspection purposes. Neither the commissioner nor the city shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

86.3 Testing: Electrical work and installations shall be tested as required in this code and in accordance with sections 86.3.1 through 86.3.3. Tests shall be conducted by the department, as applicable.

86.3.1 New, altered, extended or repaired installations. New installations and parts of existing installations that have been altered, extended, renovated or repaired shall be tested as prescribed herein to ensure compliance with the electrical code and rules of the department.

86.3.2 Apparatus, instruments, material and labor for tests. When required by the department, apparatus, instruments, material and labor required for testing an electrical installation or part thereof shall be furnished by the permit holder.

86.3.3 Reinspection and testing. Where any work or electrical installation does not pass any initial test or inspection, the necessary corrections shall be made so as to achieve compliance with this code. The work or electrical installation shall then be resubmitted to the department for inspection and testing.

86.4 Sign-off of completed work. If, after inspection, such wiring or appliances shall be found to have been installed, altered or repaired in conformity with the requirements of this code, and the rules of the department, and the required fees paid, the commissioner shall issue to the applicant a sign-off of the approved work completed.

86.5 Temporary connection. The commissioner shall have the authority to authorize the temporary connection of the building or system to the utility source for the purpose of inspecting or testing the electrical installation or for use under a temporary certificate of occupancy.

86.6 Connection of electrical service utilities. Refer to Title 28 of the Administrative Code.

SECTION EC 87
VIOLATIONS

87.1 General. Refer to chapters 2 and 3 of title 28 of the Administrative Code.
87.2 Authority to disconnect electrical energy supply. The commissioner may authorize wires or appliances to be disconnected from the supply of electrical energy and to seal the wiring and appliances, after due inspection or where in his or her judgment the continued use of such electric wiring or appliances in or on any building or structure is unsafe or dangerous to persons or property. The commissioner shall notify the serving utility, and wherever possible, the owner and occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnection, the owner or occupant of the building, structure or service system shall be notified in writing, as soon as practicable thereafter.
87.3 Connection after order to disconnect. No person shall cause or permit electrical energy to be supplied to the wiring or appliances so sealed until the same shall have been made safe and the commissioner shall have authorized the reconnection and use of such wiring or appliances. When an installation is maintained in violation of this code, and in violation of a notice issued pursuant to the provisions of this section, the commissioner shall institute appropriate action to prevent, restrain, correct or abate the violation.

ARTICLE 100
Definitions

PART 1. General

Part I – Add new definitions for "Coordination (Limited Level)," "Electrical Equipment Room," and "Public Parts (Common Areas)" to part I of article 100 in alphabetical order to read as follows:
Coordination (Limited Level). Localization of an overcurrent condition to restrict outages to the circuit or equipment affected, accomplished by the selection and installation of overcurrent protective devices and their ratings or settings having time-current ratings that do not intersect at a time of 0.1 seconds (6 cycles at 60Hz) or longer.
Electrical Equipment Room. A room designed for and dedicated to the purpose of containing electrical distribution equipment such as vertical risers, bus ducts, transformers or panelboards.
Public Parts (Common Areas). Public parts of multifamily dwelling include a public hall and any space used in common by the occupants of two or more apartment or rooms, or by persons who are not tenants, or exclusively for mechanical equipment of such dwelling or for storage purposes.

ARTICLE 110
Requirements for Electrical Installations

SECTION 110.1
Section 110.1 – Revise the Informational Note in Section 110.1 to read as follows:
Informational Note: For information regarding the mounting height for the operable parts, see ICC A117.1 as referenced in the NYC Building Code for dwelling units and commercial occupancies.

SECTION 110.2
Section 110.2 – Revise Section 110.2 to read as follows:

110.2 Approval of Electrical Materials, Equipment and Installations.
(A) Equipment. The conductors and equipment required or permitted by this Code shall be acceptable only if approved.
(B) Special Installations. No electrical installations described in (1) through (5) below shall be constructed unless a submission for approval has been made to the commissioner and approval has been granted. For the

purpose of this section, an electrical "installation" shall refer to the installation of service equipment, transformers, Uninterruptible Power Supply (UPS) systems, generators, generator paralleling equipment or other sources, including, but not limited to, Energy Storage Systems, Fuel Cells, Photovoltaic Systems, DC or AC Micro Grids, Co-generation Plants, and Stationary Batteries.
(1) A new installation of equipment totaling 1000 kVA or larger.
(2) Any change in an installation with a rating of 1000 kVA or larger, up to and including 2nd level overcurrent protection unless it was fully described and approved as "future" on the original approved plan.
(3) Any addition to an existing installation, which would bring the total to 1000 kVA or larger.
(4) The addition of any equipment in a room, which would affect clearances around the equipment of a 1000 kVA installation or larger.
(5) A new installation or revised installation above 1000V AC or 1500V DC nominal irrespective of kVA rating.
Exception No. 1: No submission is required solely for fire alarm service taps.
Exception No. 2: No submission is required for the addition of one 2nd level overcurrent protection device 200 amperes or less.
(C) Capacity.
(1) The capacity of a utility service, in kVA, shall be determined by summing the maximum ampere ratings of each service disconnecting means and calculating total kVA at the operating voltage. Service disconnecting means supplying fire pumps shall be included at 125 percent of the fire pump full load amps. The calculation shall include all new and existing service disconnecting means supplied from the common service entrance.
(2) The capacity of a transformer, UPS system, generator or other source shall be its maximum kVA output rating.
Informational Note: See 90.7, Examination of Equipment for Safety, and 110.3, Examination, Identification, Installation, and Use of Equipment. See definitions of Approved, Identified, Labeled, and Listed.

SECTION 110.3
Section 110.3(D) – Add a new Section 110.3(D) to read as follows:
110.3(D) Electrical Equipment Rooms. Electrical equipment rooms shall be dedicated to electrical equipment not limited to fire alarm equipment, Building Management Systems, and lighting controls. All electrical equipment in the electrical equipment room shall be installed by a licensed electrician. Electrical equipment rooms shall be identified as such, shall be sized to provide the applicable working space requirements, and shall not be used for any other purpose including storage.
Exception: Electrical Equipment Rooms shall conform to requirements of 110.3(D) except as permitted in 800.133(C), 820.133(C) and 830.133(C).
Informational Note: Refer to Section BC 509, Table 509, and Section BC 903.2 of the NYC Building Code for additional construction requirements and Section 605.3.1 of the NYC Fire Code for signage requirements.

SECTION 110.4
Section 110.4 – Add a new Informational Note at the end of Section 110.4 to read as follows:
Informational Note: See Section 28-101.5 of Title 28 of the NYC Administrative Code for the definition of "Low Voltage Electrical Work."

SECTION 110.11
Section 110.11 – Revise Section 110.11 to read as follows:

110.11 Environmental Protection of Equipment

(A) Deteriorating Agents. Unless identified for use in the operating environment, no conductors or equipment shall be located in damp or wet locations; where exposed to gases, fumes, vapors, liquids, or other agents that have a deteriorating effect on the conductors or equipment; or where exposed to excessive temperatures.
Informational Note No. l: See 300.6 for protection against corrosion.
Informational Note No. 2: Some cleaning and lubricating compounds can cause severe deterioration of many plastic materials used for insulating and structural applications in equipment.

Equipment not identified for outdoor use and equipment identified only for indoor use, such as "dry locations," "indoor use only," "damp locations," or enclosure Types 1, 2, 5, 12, 12K, and/or 13, shall be protected against damage from the weather during construction.
Informational Note No. 3: See Table 110.28 for appropriate enclosure-type designations.
(B) Electrical Utilities and Equipment. The metering equipment, panelboards, load centers, main disconnect switches, all service disconnecting means, and all circuit breakers shall be located at or above the design flood elevation specified in Appendix G of the New York City Building Code.
Exception: For buildings or structures that are nonresidential, utilities and equipment shall be permitted to be located below the design flood elevation (DFE) when dry floodproofing is provided in accordance with the New York City Building Code and Appendix G of such code.
Informational Note: In flood zones, electric utilities and equipment must be protected from flood damage and associated deteriorating effects of flood exposure. For further requirements for electrical installations in flood zones refer to the 2022 New York City Building Code, Appendix G, 'Flood Resistant Construction'; and ASCE-24-14, 'Flood Resistant Design and Construction'.

SECTION 110.26
Section 110.26(A)(1) – Add a new Informational Note at the end of Section 110.26(A)(1) to read as follows:
Informational Note: For Service Rooms or areas with equipment totaling 1000 kVA or larger, see 230.64 for minimum clearance requirements.
Section 110.26(G) – Add a new Section 110.26(G) to read as follows:
(G) Network Compartments. All network compartments shall have at least two means of access. Each door shall access an area that leads to a legal exit.

SECTION 110.33
Section 110.33(A) – Revise Section 110.33(A) to read as follows:

(A) Entrance. At least one entrance to enclosures for electrical installations as described in 110.31 not less than 762 mm (30 in.) wide and 2 m (6½ ft) high shall be provided to give access to the working space around the electrical equipment.

SECTION 110.34
Section 110.34(A) – Revise Section 110.34(A) to read as follows:

(A) Working Space. Except as elsewhere required or permitted in this Code, equipment likely to require examination, adjustment, servicing, or maintenance while energized shall have clear working space in the direction of access to live parts of the electrical equipment and shall be not less than specified in Table 110.34(A). Distances shall be measured from the live parts, if such are exposed, or from the enclosure front or opening if such are enclosed.
Exception: Working space shall not be required in back of equipment such as switchgear or control assemblies where there are no renewable or adjustable parts (such as fuses or switches) on the back and where all connections are accessible from locations other than the back. Where rear access is required to work on nonelectrical parts on the back of enclosed equipment, a minimum working space of 900 mm (36 in.) horizontally shall be provided.
Informational Note: For Service Rooms or areas with equipment totaling 1000 kVA or larger, see 230.64 for minimum clearance requirements.

ARTICLE 210
Branch Circuits

SECTION 210.11
Section 210.11 (C)(4) – Add a new Informational Note to Section 210.11(C)(4) to read as follows:
Informational Note: See Residential Provision of the NYC Energy Conservation Code, for additional Electrical Vehicle (EV) requirements.

Section 210.11(C)(5) – Add a new Section 210.11(C)(5) to read as follows:
(5) Air-Conditioning Branch Circuit. In addition to the number of branch circuits required by other parts of this section, an individual branch circuit shall be provided for each air-conditioning receptacle outlet required by 210.52(J).

SECTION 210.12(A)

Section 210.12(A) – Retitle the "Exception" in 210.12(A) "Exception No. 1" and add a new Exception, "Exception No. 2", immediately following which reads:

Exception No. 2: AFCI protection shall not be required for the following outlets in multifamily dwellings greater than 3 stories:

a) In kitchens, all receptacle outlets.
b) In laundry areas, all receptacle outlets supplying laundry equipment such as washers, dryers and leak-detection equipment.
   This exception does not apply to convenience outlets in laundry areas that may supply irons, steamers or similar appliances.

SECTION 210.19
Section 210.19(A) – Revise Section 210.19(A) to add a new opening paragraph to read as follows:
(A) Branch Circuits Not More Than 600V. The maximum total voltage drop from the service point to the farthest outlet shall not exceed 5 percent on both feeders and branch circuits combined. Where compliance with the applicable Energy Conservation Code is mandated, the voltage drop requirements of that code shall apply.
Section 210.19(A) – Revise Informational Note No. 3 in Section 210.19(A) to read as follows:
Informational Note No. 3: DELETED.

SECTION 210.50
Section 210.50 – Revise the Informational Note in Section 210.50 to read as follows:
Informational Note: See Informative Annex J for information regarding ADA accessibility design. See requirements in ICC A117.1 as referenced in the NYC Building Code for information regarding the mounting height for the operable parts for dwelling units that are classified as accessible units.

SECTION 210.52
Section 210.52(J) – Add a new Section 210.52(J) to read as follows:
(J) Outlet Requirements For Residential-Type Occupancies. In addition to the requirements set forth in (A) through (I) of this section, living rooms, bedrooms, dining rooms or similar rooms shall have at least one receptacle outlet installed for air conditioners. Such receptacle outlets shall be supplied by an individual branch circuit.
Exception: For buildings with central air conditioning systems, a separate receptacle outlet shall not be required in any living room, bedroom, dining room, or other similar room served by such system.

ARTICLE 215

Feeders

SECTION 215.2
Section 215.2(A)(1) – Revise the opening paragraph in Section 215.2(A)(1) to read as follows:

(1) General. Feeder conductors shall have an ampacity not less than the larger of 215(A)(1)(a) or (A)(1)(b) and shall comply with 110.14(C). The maximum total voltage drop from the service point to the farthest outlet shall not exceed 5 percent on both feeders and branch circuits combined. The minimum feeder size feeding a dwelling unit shall be three conductors with minimum 8 AWG copper or 6 AWG aluminum or copper-clad aluminum

conductors. Where compliance with the applicable Energy Conservation Code is mandated, voltage drop requirements of that code shall apply.
Section 215.2(A)(1) – Revise Informational Note No. 2 in Section 215.2(A)(1) to read as follows:
Informational Note No. 2: DELETED.
Section 215.2(A)(1) – Revise Informational Note No. 3 in Section 215.2(A)(1) to read as follows:
Informational Note No. 3: See 210.19(A) for voltage drop for branch circuits.

ARTICLE 220

Branch-Circuit, Feeder, and Service Load Calculations

SECTION 220.14
Section 220.14 – Revise the opening paragraph of Section 220.14 to read as follows:
220.14 Other Loads – All Occupancies. In all occupancies, the minimum load for each outlet for general-use receptacles and outlets not used for general illumination shall not be less than that calculated in 220.14(A) through (N), the loads shown being based on nominal branch-circuit voltages.
Exception: The loads of outlets serving switchboards and switching frames in telephone exchanges shall be waived from the calculations.

SECTION 220.14
Section 220.14(A) – Revise Section 220.14(A) to read as follows:
(A) Specific Appliances or Loads. An outlet for a specific appliance or other load not covered in 220.14(B) through (N) shall be calculated based on the ampere rating of the appliance or load served.
Section 220.14(N) – Add a new Section 220.14(N) to read as follows:
(N) Air Conditioning Circuits. A load of not less than 1500VA shall be calculated for each required branch circuit specified in 210.52(J). It shall be permitted to be included with the appliance load specified in 220.53.

SECTION 220.87
Section 220.87 – Revise Section 220.87 to read as follows:
220.87 Determining Existing Loads. The calculation of a feeder or service load for existing installations shall be permitted to use actual maximum demand to determine the existing load under all of the following conditions:
(1) The maximum demand data is available for a 1-year period.
Exception: If the maximum demand data for a 1-year period is not available, the calculated load shall be permitted to be based on the maximum demand (the highest average kilowatts reached and maintained for a 15-minute interval) continuously recorded over a minimum 30-day period using a recording ammeter or power meter connected to the highest loaded phase of the feeder or service, based on the initial loading at the start of the recording. The recording shall reflect the maximum demand of the feeder or service by being taken when the building or space is occupied and shall include by measurement or calculation the larger of the heating or cooling equipment load, and other loads that might be periodic in nature due to seasonal or similar conditions. This exception shall not apply if the feeder or service has a renewable energy system (i.e., solar photovoltaic or wind electric) or employs any form of peak load shaving.
(2) The maximum demand at 125 percent plus the new load does not exceed the ampacity of the feeder or rating of the service.
(3) The feeder has overcurrent protection in accordance with 240.4, and the service has overload protection in accordance with 230.90.

ARTICLE 225
Outside Branch Circuits and Feeders

SECTION 225.11
Section 225.11 – Revise Section 225.11 to read as follows:
225.11 Overhead Branch Circuits Attached to Buildings or Structures. Overhead branch circuits and feeders attached to buildings or structures shall be installed in accordance with the requirements of 230.54.

Informational Note: Refer to Part II of Article 225 for underground installation.

SECTION 225.30
Section 225.30 – Revise the opening paragraph in Section 225.30 to read as follows:
225.30 Number of Supplies. Where more than one building or other structure is on the same property and under single management, each additional building or other structure that is served by a branch circuit or feeder on the load side of a service disconnecting means shall be supplied by only one feeder or branch circuit unless permitted in 225.30(A) through (F). For the purpose of this section, a multiwire branch circuit shall be considered a single circuit.

SECTION 225.31
Section 225.31 – Revise Section 225.31 to read as follows:
225.31 Disconnecting Means. Means shall be provided for disconnecting all ungrounded conductors that supply or pass through the building or structure. Disconnecting means required by this section shall comply with 230.64.

SECTION 225.34
Section 225.34(A) – Add a new Informational Note at the end of Section 225.34(A) to read as follows:
Informational Note: In existing buildings, if one or more of the two to six disconnects are not able to be grouped due to space constraints, they may be located in a remote location, if special permission is granted by the AHJ, provided signage is installed in accordance with 225.37. Proof of hardship may be required.

SECTION 225.37
Section 225.37 – Add a new Informational Note at the end of Section 225.37 to read as follows:
Informational Note: Where additional approved disconnects are installed in accordance with 225.34, a permanent plaque or directory installed at the entrances of both disconnect locations may be required.

SECTION 225.52
Section 225.52(B) – Revise Section 225.52(B) to read as follows:
(B) Type. Each building or structure disconnect shall simultaneously disconnect all ungrounded supply conductors it controls and shall have a fault-closing rating not less than the fault current at its supply terminals. The disconnecting means shall comply with 230.64.
Exception: Where the individual disconnecting means consists of fused cutouts, the simultaneous disconnection of all ungrounded supply conductors shall not be required if there is a means to disconnect the load before opening the cutouts. A permanent legible sign shall be installed adjacent to the fused cutouts and shall read DISCONNECT LOAD BEFORE OPENING CUTOUTS.
Where fused switches or separately mounted fuses are installed, the fuse characteristics shall be permitted to contribute to the fault- closing rating of the disconnecting means.

SECTION 225.60
Section 225.60 – Retitle the Informational Note in Section 225.60 “Informational Note No. 1” and add a new Informational Note at the end of Section 225.60 to read as follows:
Informational Note No. 2: The utility company’s requirements for vertical and horizontal clearance for overhead service conductors may be more stringent.

SECTION 225.61
Section 225.61 – Retitle the Informational Note in Section 225.61 “Informational Note No. 1” and add a new Informational Note at the end of Section 225.61 to read as follows:
Informational Note No. 2: The utility company’s requirements for vertical and horizontal clearance for overhead service conductors may be more stringent.

ARTICLE 230
Services

SECTION 230.6
Section 230.6 – Add a new Item (6) to the list of items in Section 230.6 to read as follows:
(6) Where installed in electric service rooms

SECTION 230.9
Section 230.9 – Add a new Informational Note at the end of Section 230.9 to read as follows:
Informational Note: The utility company's requirements for vertical and horizontal clearance for overhead service conductors may be more stringent.

SECTION 230.24
Section 230.24(B)(5) – Add a new Informational Note at the end of Section 230.24 (B)(5) to read as follows:
Informational Note: The utility company's requirements for vertical and horizontal clearance for overhead service conductors may be more stringent.

SECTION 230.28
Section 230.28 – Add a new Informational Note at the end of Section 230.28 to read as follows:
Informational Note: The utility company may have more stringent requirements for service mast and service drop installations.

SECTION 230.30
Section 230.30(A) – Revise the Exception in Section 230.30(A) to read as follows:
Exception: DELETED.
Section 230.30(B) – Add a new Informational Note at the end of Section 230.30(B) to read as follows:
Informational Note: The utility company may have more stringent requirements regarding the use of PVC conduits.
Section 230.30(B)(7) – Revise Item (7) in the list of items in Section 230.30(B) to read as follows:
(7) DELETED

SECTION 230.33
Section 230.33 – Revise Section 230.33 to read as follows:
230.33 Spliced Conductors. Service conductors shall be permitted to be spliced or tapped in accordance with 300.5(E), 300.13, and 300.15. For underground service conductors, the requirements of 230.46(C) shall apply.

SECTION 230.41
Section 230.41 - Revise the Exception after the opening paragraph in Section 230.41 to read as follows:
Exception: A grounded conductor shall be permitted to be uninsulated bare copper, aluminum or copper-clad aluminum when used as part of a jacketed cable assembly.

SECTION 230.42
Section 230.42(D) – Add a new Section 230.42(D) to read as follows:
(D) Service Busway. Service busway shall be constructed as required by 368.119.
Section 230.42(E) – Add a new Section 230.42(E) to read as follows:
(E) Services 1000kVA and over. Ampacity of the service-entrance conductors for services 1000 kVA and larger shall not be less than the sum of the maximum ampere ratings of the service disconnecting means. When including fire pump disconnects in the calculation, 125 percent of the fire pump full load amperes shall be added.
Exception: The ampacity of service-entrance conductors need not exceed the maximum demand calculated in accordance with Article 220 for up to a maximum of 4000-ampere per service. For services under 4000-ampere, calculations shall be available upon request by the AHJ.
Informational Note: See 110.2(B)(1) for determining service capacity.

SECTION 230.43
Section 230.43 – Revise Section 230.43 to read as follows:

230.43 Wiring Methods for 1000 Volts, Nominal, or Less. Service-entrance conductors shall be installed in accordance with the applicable requirements of this Code covering the type of wiring method used and shall be limited to the following methods:
(1) Rigid metal conduit (RMC)
(2) Intermediate metal conduit (IMC)
(3) Electrical metallic tubing (EMT)
(4) Metallic wireways
(5) Busways
(6) Metallic auxiliary gutters
(7) Rigid polyvinyl chloride conduit (PVC) when installed in accordance with 230.6(1), (2) or (4).
Exception: Exposed PVC service masts on the exterior of residential buildings are permitted within 3000 feet of a body of salt water.
(8) Cable bus.
(9) Mineral-insulated, metal-sheathed cable, Type MI
(10) Flexible metal conduit (FMC) not over 1.83 m (6 ft) long or liquidtight flexible metal conduit (LFMC) not over 1.83 m (6 ft) long between a raceway, or between a raceway and service equipment, with a supply-side bonding jumper routed with the flexible metal conduit (FMC) or the liquidtight flexible metal conduit (LFMC) according to the provisions of 250.102(A), (B), (C), and (E).
(11) High density polyethylene conduit (HDPE), underground
(12) Nonmetallic underground conduit with conductors (NUCC)
(13) Reinforced thermosetting resin conduit (RTRC)
Service entrance conductors shall not run within the hollow spaces of frame buildings.
Informational Note: The utility company may have additional and/or more stringent requirements.

SECTION 230.44
Section 230.44 – Revise Section 230.44 to read as follows:
230.44 Cable trays. Cable tray systems shall be permitted to support service-entrance conductors. Cable trays used to support service-entrance conductors shall contain only service-entrance conductors listed for use in cable trays and shall be limited to Type MI Cable.
Such cable trays shall be identified with permanently affixed labels with the wording "Service-Entrance Conductors." The labels shall be located so as to be visible after installation with a spacing not to exceed 3 m (10 ft) so that the service-entrance conductors are able to be readily traced through the entire length of the cable tray.

SECTION 230.46
Section 230.46 - Revise Section 230.46 to read as follows:
230.46 Spliced and Tapped Conductors. Service entrance conductors shall be permitted to be spliced or tapped in accordance with 300.5(E), 300.13, 300.15, and 230.46(A) through 230.46(C). Power distribution blocks, pressure connectors, and devices for splices and taps shall be listed. Power distribution blocks installed on service conductors shall be marked "suitable for use on the line side of the service equipment" or equivalent.
Pressure connectors and devices for splices and taps installed on service conductors shall be marked "suitable for use on the line side of the service equipment" or equivalent.
(A) Spliced or tapped service-entrance conductors in the form of multi-section service busway, fabricated and installed in accordance with 368.119, shall be permitted.
(B) Service-entrance conductors shall be permitted to be spliced or tapped at the following locations when using listed terminals and are installed in accordance with applicable equipment standards and 110.2 within a:
(1) Service end box.
(2) Copper detail tap box.
(3) Utility metering enclosure.
(4) Service disconnect enclosure.
(5) Service panelboard.
(6) Service switchboard or service switchgear.
(7) Service busway fabricated and installed in accordance with 368.119.

(8) Power Distribution Block
(C) Spliced or tapped service conductors not installed in accordance with A or B shall utilize listed irreversible compression connectors. All splices and taps shall be located within an identified enclosure and be located outside of the building in accordance with 230.6.
Informational Note: The utility company may have more stringent requirements.

SECTION 230.52
Section 230.52 – Revise Section 230.52 to read as follows:
230.52. DELETED.

SECTION 230.54
Section 230.54(C) – Add a new Informational Note at the end of Section 230.54 (C) to read as follows:
Informational Note: Confirm location and requirements of service heads with the electric utility having jurisdiction over the electrical service installation.
Section 230.54(E) – Revise the Exception in Section 230.54(E) to read as follows:
Exception: DELETED.

SECTION 230.64
Section 230.64 – Add a new Section 230.64 to Part V to read as follows:
230.64 Special Requirements. Where service equipment capacity is 1000kVA or larger, 230.64(A) through (F) shall apply.
Informational Note: See 110.2(B) to determine service equipment kVA capacity.
(A) Service rooms shall have a two-hour fire rating and be constructed of non-combustible materials.
(B) Minimum working space in front of all service disconnecting means shall be 1.52 m (5 ft). When disconnecting means are located face-to-face, the minimum working space shall be 2.13 m (7 ft).
Exception: This requirement shall not apply to service disconnecting means rated 100 amperes or less.
(C) Minimum distance from the floor to uninsulated live parts within the equipment shall be 300mm (12 in.).
(D) Service equipment requiring rear access shall have a minimum of 914mm (3 ft) clearance on each side in addition to complying with 110.26(A) or 110.34(A) for rear working space.
(E) If the equipment does not require rear access and the distance from the rear of the equipment to the opposite wall is less than 914mm (3 ft), then physical barriers shall be installed to prevent access behind the equipment.
Exception: Barriers shall not be required if the rear clearance is 300mm (12in.) or less.
(F) There shall be two means of egress from the required working space for electrical equipment. A means of egress shall be accessible from each end of the working space. A single means of egress from the working space shall be permitted where either of the conditions in 230.64(F)(1) or 230.64(F)(2) is met.
(1) Unobstructed Egress. Where the location permits a continuous and unobstructed way of egress travel, a single entrance to the working space shall be permitted.
(2) Extra Working Space. Where double the working space specified in Table 110.26(A)(1) or Table 110.34(A) is provided, a single means of egress shall be permitted. The single means of egress shall be located such that the distance from the equipment to the nearest edge of the egress doorway is not less than the minimum clear distance specified in Table 110.26(A)(1) or Table 110.34(A) for equipment operating at that voltage and in that condition. Working space in front of service disconnecting means shall not be less than that required in 230.64 (B).

SECTION 230.70
Section 230.70(B) – Revise Section 230.70(B) to read as follows:
(B) Marking. Each service disconnect shall be permanently marked to identify it as a service disconnect. Legally required labels shall be visible and unobstructed.
Section 230.70(D) – Add a new Section 230.70(D) to read as follows:
(D) Signage. Signage shall be provided when a service is located above street level at the following locations. Such signage shall indicate the specific location of the main electric service room. Signage shall be clearly visible and unobstructed.
(1) All Building Entrances.

(2) Fire Alarm Control Panel location.

SECTION 230.71

Section 230.71 - Revise Section 230.71 as follows:

230.71 Maximum Number of Disconnects. Each service shall have only one disconnecting means unless the requirements of 230.71(B) are met.

(A) General. For the purpose of this section, disconnecting means installed as part of listed equipment and used solely for the following shall not be considered a service disconnecting means:

(1) Power monitoring equipment
(2) Surge-protective device(s)
(3) Control circuit of the ground-fault protection system
(4) Power-operable service disconnecting means

(B) Two to Six Service Disconnecting Means. Two to six service disconnects shall be permitted for each service permitted by 230.2 or for each set of service-entrance conductors permitted by 230.40, Exception No. 1, 3, 4, or 5.

(C) Equipment Arrangement. For all new and existing one- and two-family dwellings and other than one-or two-family dwellings for which an application for construction document approval is filed after the effective date of the local law that enacted this code, the two to six service disconnecting means shall consist of a combination of any of the following:

(1) Separate enclosures with a main service disconnecting means in each enclosure
(2) Panelboards with a main service disconnecting means in each panelboard enclosure
(3) Switchboard(s) where there is only one service disconnect in each separate vertical section where there are barriers separating each vertical section
(4) Service disconnects in switchgear or metering centers where each disconnect is located in a separate compartment

Informational Note No. 1: Metering centers are addressed in UL 67, Standard for Panelboards.

Informational Note No. 2: Examples of separate enclosures with a main service disconnecting means in each enclosure include but are not limited to motor control centers, fused disconnects, circuit breaker enclosures, and transfer switches that are suitable for use as service equipment.

SECTION 230.72

Section 230.72(A) – Add Informational Note at the end of Section 230.72(A) to read as follows:

Informational Note: In existing buildings, if one or more of the two to six disconnects are not able to be grouped due to space constraints, they may be located in a remote location, if special permission is granted by the AHJ, provided signage is installed in accordance with 225.37. Proof of hardship may be required. Where additional approved disconnects are installed, a permanent plaque or directory installed at the entrances of both disconnect locations may be required.

SECTION 230.85

Section 230.85 – Add an Exception at the end of Section 230.85 to read as follows:

Exception: If the emergency disconnecting means cannot be located in a readily accessible outdoor location, or if the utility metering equipment is located indoors, one of the following disconnecting means shall be permitted:

1. A remote disconnecting means provided by the utility
2. An indoor shunt-trip disconnecting means with the control device located in a readily accessible outdoor location and marked, “Remote Emergency Disconnect”
3. An approved equivalent means.

SECTION 230.96

Section 230.96 –Add a new Section 230.96 to Part VII to read as follows:

230.96 Electrical System Coordination. For systems 1000 volts and below where the service overcurrent protective device (OCPD) rating or setting is 1200 amperes and above, limited level coordination at 0.1 seconds and above on the time-current curve shall be required between the service OCPD and the next downstream OCPD. For systems exceeding 1000 volts, full selective coordination shall be required.

Informational Note: See definitions for Coordination, Selective and Coordination, Limited Level.
Exception No. 1: Coordination shall not be required between two OCPDs in series with one another when no loads are connected in parallel with the downstream device.
Exception No. 2: When the second level OCPD is a single main device having the same ampere rating or setting as the service OCPD, coordination shall be required between the third level devices and the two upstream devices.
Exception No. 3: When only one OCPD is provided on the transformer secondary, limited level coordination shall be required between the transformer primary and secondary OCPD's and the third level devices.

ARTICLE 250
Grounding and Bonding

SECTION 250.35
Section 250.35(B) – Revise Section 250.35(B) to read as follows:

(B) Nonseparately Derived System. If the generator is installed as a nonseparately derived system, and overcurrent protection is not integral with the generator assembly, a supply-side bonding jumper shall be installed between the generator equipment grounding terminal and the equipment grounding terminal, bar, or bus of the disconnecting mean(s). The supply-size bonding jumper shall be sized in accordance with 250.102(C) based on the size of the conductors supplied by the generator. Generators that supply 3 wire loads with no grounded conductor, or 4 wire loads with grounded conductor and supply conductors smaller than what is required in 250.102(C) and 445.13. shall be installed as a separately derived system in accordance with 250.35(A).

SECTION 250.68
Section 250.68(C)(1) – Revise the Exception in Section 250.68(C)(1) to read as follows:
Exception: DELETED.

SECTION 250.119
Section 250.119 - Revise the Exception No. 1 in Section 250.119 to read as follows:
Exception No. 1: Power-limited Class 2 or Class 3 cables, or communications cables containing only circuits operating at less than 50 volts ac or 60 volts dc where connected to equipment not required to be grounded shall be permitted to use a conductor with green insulation or green with one or more yellow stripes for other than equipment grounding purposes.

ARTICLE 300
General Requirements for Wiring Methods and Materials

SECTION 300.3
Section 300.3(C)(1)(a) – Add a new third paragraph to Section 300.3(C)(1) to read as follows:
Barriers shall be provided to isolate conductors energized from different sources when the system voltage exceeds 250 volts nominal and conductors are protected by first or second level overcurrent protective devices. Sources include service entrance points, secondaries of different transformers, generators, and UPS systems.

SECTION 300.6
Section 300.6(B) – Revise Section 300.6(B) to read as follows:

(C) Aluminum Metal Equipment. Aluminum raceways, cable trays, cable bus, auxiliary gutters, cable armor, boxes, cable sheathing, cabinets, elbows, couplings, nipples, fittings, supports and support hardware shall not be embedded in concrete or come in direct contact with the earth unless provided with a protective coating by the manufacturer that is listed for use in direct burial and concrete encasement applications.

SECTION 300.25
Section 300.25 – Revise the Informational Note in Section 300.25 to read as follows:
Informational Note: For more information, refer to Section 1023.5 of the NYC Building Code.

ARTICLE 310
Conductors for General Wiring

SECTION 310.16
Table 310.17 – Modify Table 310.16 as follows:
Delete Type XHWN from the 90 degree columns for copper and aluminum or copper-clad aluminum conductors.

SECTION 310.17
Table 310.17 – Modify Table 310.17 as follows:
Delete Type XHWN from the 90 degree columns for copper and aluminum or copper-clad aluminum conductors.

SECTION 310.20
Table 310.20 – Modify Table 310.20 as follows:
Delete Type XHWN from the 90 degree columns for copper and aluminum or copper-clad aluminum conductors.

ARTICLE 326
Integrated Gas Spacer Cable: Type IGS
SECTION 326.10
Section 326.10 – Revise Section 326.10 to read as follows:
326.10 Uses Permitted. Type IGS cable shall be permitted for use underground, including direct burial in the earth as feeder or branch-circuit conductors.

ARTICLE 330
Metal-Clad Cable: Type MC

SECTION 330.10
Section 330.10(A)(1) – Revise Item 1 in the list of items in Section 330.10(A) to read as follows:
(1) For feeders and branch circuits.
Section 330.10(B)(3) – Revise Section 330.10(B)(3) to read as follows:
(3) DELETED.

SECTION 330.12
Section 330.12 – Add new Sections 330.12(3) and 330.12(4) to read as follows:
(3) Where used as service conductors.
(4) In any building exceeding three floors above grade, where the cable has an outer jacket of PVC, unless the PVC jacketed cable is concealed within non-plenum walls, floors and/or ceilings constructed with materials providing a listed one-hour fire rated assembly.

ARTICLE 334
Nonmetallic-Sheathed Cable: Types NM and NMC

SECTION 334.10
Section 334.10 – Revise Items (2), (3), (4), and (5) in Section 334.10 to read as follows:
(2) Multifamily dwellings.
(3) DELETED.
(4) DELETED.

(5) DELETED.
Section 334.10(A) – Revise Item (1) in the list of items in Section 334.10(A) to read as follows:
(1) For both exposed and concealed work in normally dry locations.
Section 334.10(B)(1) – Revise Item (1) in the list of items in Section 334.10(B) to read as follows:

(1) For both exposed and concealed work in dry, moist, damp or corrosive locations.

SECTION 334.12
Section 334.12(A)(1) – Revise Item (1) in the list of items in Section 334.12(A) to read as follows:
(1) In any one- or two-family dwelling or multifamily dwelling and any attached or detached garages and storage buildings exceeding three floors above grade.
Section 334.12(A)(11) –Add a new Item (11) to Section 334.12(A) to read as follows:
(11) In non-residential buildings.

ARTICLE 336
Power and Control Tray Cable: Type TC

SECTION 336.10
Section 336.10 – Revise Item (6) in the list of items in Section 336.10 to read as follows:
(6) DELETED.

SECTION 336.12
Section 336.12 – Add a new Item (4) to the list of items in Section 336.12 to read as follows:
(4) As fire alarm circuit wiring.
SECTION 336.104
Section 336.104(A) – Revise Section 336.104(A) to read as follows:
(A) DELETED.

ARTICLE 344
Rigid Metal Conduit: Type RMC

SECTION 344.10
Section 344.10(A)(2) – Revise Section 344.10(A)(2) to read as follows:

(2) Aluminum RMC. Aluminum RMC shall be permitted to be installed where judged suitable for the environment. Rigid aluminum conduit encased in concrete or in direct contact with the earth shall be provided with listed supplementary corrosion protection.
Section 344.10(B)(2) – Revise Section 344.10(B)(2) to read as follows:
(2) Supplementary Protection of Aluminum RMC. Aluminum RMC shall be provided with listed supplementary corrosion protection where encased in concrete or in direct contact with the earth.

ARTICLE 350
Liquidtight Flexible Metal Conduit: Type LFMC

SECTION 350.12
Section 350.12 – Revise Section 350.12 to read as follows:
350.12 Uses Not Permitted. LFMC shall not be used as follows:
(1) Where subject to physical damage.
(2) In lengths exceeding 1.8 m (6 ft).

SECTION 352.10
Section 352.10 – Add new Sections 352.10(J) and 352.10(K) to read as follows:

(J) Buildings Not Exceeding 3 Stories. In any building or dwelling unit not exceeding three stories above grade.

(K) Buildings Exceeding 3 Stories. Unless prohibited elsewhere by other articles of this code; in any building exceeding three stories above grade where the PVC conduit is concealed within non-plenum walls, floors and/or ceilings constructed with materials providing a listed one-hour fire rated assembly or PVC conduit encased in concrete, minimum 2 inches thick.

ARTICLE 355
Reinforced Thermosetting Resin Conduit: Type RTRC

SECTION 355.10
Section 355.10(J) – Add a new Section 355.10(J) to read as follows:
(J) Buildings Exceeding 3 Stories. In any building exceeding three stories above grade, only Phenolic type RTRC is permitted.

ARTICLE 356
Liquidtight Flexible Nonmetallic Conduit Type LFNC

SECTION 356.12
Section 356.12 – Add a new Item (5) to the list of items in Section 356.12 to read as follows:
(5) In any building exceeding three stories above grade, unless encased in at least 50mm (2 in.) of concrete or limited to 1.8 m (6 ft) of length exposed.

ARTICLE 362
Electrical Nonmetallic Tubing: Type ENT

SECTION 362.10
Section 362.10(2) – Revise the opening paragraph of Item (2) in the list of items in Section 362.10 to read as follows:
(2) In any building exceeding three floors above grade, ENT shall be concealed within walls, floors, and ceilings where the walls, floors, and ceilings provide a thermal barrier of material that has at least a 1-hour finish rating as identified in listings of fire-rated assemblies. The 1-hour-finish-rated thermal barrier shall be permitted to be used for combustible or noncombustible walls, floors, and ceilings.
Section 362.10(2) – Revise the Exception in Section 362.10(2) to read as follows:
Exception to (2): DELETED.
Section 362.10(5) – Revise Item (5) in the list of items in Section 362.10 to read as follows:
(5) Above suspended ceilings where the suspended ceilings provide a thermal barrier of material that has at least a 1-hour finish rating as identified in listings of fire-rated assemblies, except as permitted in 362.10(1)(a).
Section 362.10(5) – Revise the Exception at the end of Section 362.10(5) to read as follows:
Exception to (5): DELETED.

SECTION 362.12
Section 362.12 – Add New Items (9) and (10) to the list of items in Section 362.12 to read as follows:
(9) In ducts, plenums and other air handling spaces.
(10) For use as risers in any structure exceeding 3 floors above grade.

ARTICLE 366
Auxiliary Gutters

SECTION 366.12
Section 366.12 – Add a new Item (3) to the list of items in Section 366.12 to read as follows:
(3) In any building exceeding three stories above grade non-metallic auxiliary gutters are prohibited.

ARTICLE 368
Busways

SECTION 368.2
Section 368.2 – Revise the opening Section of Section 368.2 to read as follows:
368.2 Definitions. The definitions in this section shall apply within this article and throughout the Code.
Section 368.2 – Revise Section 368.2 to add a new definition for "Service Busway" in alphabetical order to read as follows:
Service Busway. Busway used to connect from the service point to the line terminals of the service equipment.
SECTION 368
Section 368.119 – Add a new Section 368.119 to Part III to read as follows:
368.119 Service Busway. Service busway shall conform to the specifications in (A) through (I) below or be a listed busway suitable for services.
(A) Ampacity and Ratings of Busbars. Ampacity and ratings of busbars shall be in accordance with 230.42(A).
(B) Length. Service busway shall be limited to a maximum of 3.0 m (10 ft) in length, unless otherwise approved by special permission.
C) Insulation. Busbars and busbar joints shall be insulated with a material listed for the purpose and rated for use at a minimum of 600 volts.
(D) Enclosure. Enclosure shall be fabricated from aluminum, minimum 3.2 mm (1/8 in.) thick, or other non-magnetic material approved by the commissioner.
(E) Enclosure Vents. Ventilating openings shall be permitted in the sides and bottom of the enclosure. The top of the enclosure must be solid.
(F) Mounting. Busbars shall be mounted on insulating supports, properly spaced and braced to withstand the maximum available short circuit current.
(G) Clearance. A minimum clearance of 102 mm (4 in.) shall be provided from the phase bars to the enclosure.
(H) Plating. All busbar joints and connections shall be plated with silver, tin or nickel.
(I) Accessibility. All busbar joints and connections shall be accessible.

ARTICLE 382
Nonmetallic Extensions

Section 382 Part II – After subheading "Part II. Installation" of the Article, add a sentence to read as follows and delete remainder of the Article:

Part II. Installation
382.12 Uses Not Permitted. Installation of non-metallic extensions shall not be permitted.
382.10 DELETED.
382.15 DELETED.
382.26 DELETED.
382.30 DELETED.
382.40 DELETED.
382.42 DELETED.
382.56 DELETED.
382.100 DELETED.
382.104 DELETED.
382.112 DELETED.
382.120 DELETED.

ARTICLE 388
Surface Nonmetallic Raceways

SECTION 388.12
Section 388.12 – Add a new Item (8) to the list of items in Section 388.12 to read as follows:

(8) In any building exceeding three stories above grade.

ARTICLE 394
Concealed Knob-and-Tube Wiring

SECTION 394.12
Article 394 Part II – After subheading "Part II. Installation" of the Article, add a sentence to read as follows and delete remainder of the Article.
II. Installation
394.12 Uses Not Permitted. Installation of Concealed Knob-and-Tube Wiring shall not be permitted.
394.10 DELETED.
394.17 DELETED.
394.19 DELETED.
394.23 DELETED.
394.30 DELETED.
394.42 DELETED.
394.56 DELETED.
394.104 DELETED.

ARTICLE 404
Switches

SECTION 404.10
Section 404.10(A) – Revise Section 404.10(A) to read as follows:

(A) DELETED.

ARTICLE 406
Receptacles, Cord Connectors, and Attachment Plugs (Caps)

SECTION 406.2
Section 406.2. Revise the opening paragraph in Section 406.2 to read as follows:
406.2 Definitions. The definitions in this section shall apply only within this article.
Section 406.2. Revise the definition of "Child Care Facility" in Section 406.2 to read as follows:
Child Care Facility. A building or structure, or portion thereof, for educational, supervisory, or personal care services for more than two children 7 years old or less.

ARTICLE 408
Switchboards, Switchgear, and Panelboards

SECTION 408.10
Section 408.10 – Add a new Section 408.10 to Part I to read as follows:
408.10 Listing Requirements. Switchboards, Switchgear, and Panelboards shall be listed.
Informational Note: For further information on listing standards, see UL 891 for Switchboards, UL 1558 for Switchgear, and UL 67 for Panelboards.

SECTION 408.11
Section 408.11 – Add new Section 408.11 to Part I read as follows:
408.11 Modification of Equipment. For the purpose of this section, the modification of equipment shall be considered equipment that is changed in rating, dimension, configuration or altered from the original manufacturer's design.
The modification of equipment shall use design qualified parts verified under applicable standards and shall be performed by an approved qualified person in accordance with any instructions provided by the manufacturer.

The modified equipment shall be marked with the name, trademark or other descriptive marking by which the organization responsible for modification of the electrical equipment can be identified, along with the date and description of the modification.

SECTION 408.60
Section 408.60 – Add a new Section 408.60 to Part IV to read as follows:
408.60 Freestanding Switchboards and Switchgear. Freestanding switchboards and switchgear, which require rear access, shall have hinged rear doors fastened by captive screws or suitable latches. Freestanding switchboards and switchgear~~,~~ which do not require rear access~~,~~ shall have non-removable rear covers.

SECTION 408.61
Section 408.61 – Add a new Section 408.61 to Part IV to read as follows:
408.61 Barriers in Switchboards and Switchgear Rated Over 150 Volts to Ground. Barriers fabricated from materials identified for the use shall be placed between adjacent sections of the switchboard and between the switchboard and its pull box, whether located at the top or bottom of the equipment. All openings in the barriers for busbars and cables shall be as small as practicable.

ARTICLE 410
Luminaires, Lampholders, and Lamps

SECTION 410.151
Section 410.151(B) – Add an Informational Note to Section 410.151(B) to read as follows:
Informational Note: For energy code compliance, see the applicable provisions of the NYC Energy Conservation Code.

ARTICLE 422
Appliances

SECTION 422.12
Section 422.12 – Add an Informational Note at the end of "Exception No. 2" in Section 422.12 to read as follows:
Informational Note: For Safety, Controls, and Electrical requirement for Low-Pressure Steam-Heating Boiler and Low-Pressure Hot-Water Heating Boiler, see NYC Mechanical Code, Chapter 10, "Safety and Pressure Relief Valves and Controls". For definition of Low-Pressure Hot Water Heating Boiler and Low-Pressure Steam-Heating Boiler refer to the NYC Mechanical Code.

ARTICLE 430
Motors, Motor Circuits, and Controllers

SECTION 430.5
Table 430.5 – Revise Table 430.5 to add two new lines after the line beginning "Resistors and reactors" to read as follows:

Equipment/Occupancy	Article	Section
Services	230	
Switchboards, Switchgears, and Panelboards	408	

ARTICLE 445
Generators

SECTION 445.10
Section 445.10 – Revise the Informational Note in Section 445.10 to read as follows:

Informational Note: See NFPA 37, Standard for the Installation and Use of Stationary Combustion Engines and Gas Turbines, for information on the location of generator exhaust. Also see NYC Mechanical Code Chapter 8, Section MC 811.

ARTICLE 450
Transformers and Transformer Vaults (Including Secondary Ties)

SECTION 450.14
Section 450.14 – Revise Section 450.14 to read as follows:
450.14 Disconnecting Means
(A) Location. Transformers, other than Class 2 or Class 3 transformers, shall have a disconnecting means located either in sight of the transformer or in a remote location. Where located in a remote location, the disconnecting means shall be lockable open in accordance with 110.25, and its location shall be field marked on the transformer.
(B) Rating. For all step-up transformer applications over 225kVA, the selection of the Primary Disconnect and Step-Up Transformer shall be considered as an engineered system and shall be installed in accordance with 110.3(B) and in compliance with 110.9 and 110.10. The Primary Disconnect device shall be capable of handling the maximum inrush current of the specific transformer being installed. The selection shall be made by a registered design professional engaged primarily in the design, installation, or maintenance of electrical systems. The selection shall be documented and made available to those authorized to design, install, inspect, maintain, and operate the system.

SECTION 450.25
Section 450.25 – Revise Section 450.25 to read as follows:
450.25 Askarel-Insulated Transformers. New installation of Askarel-insulated transformers shall not be permitted.

SECTION 450.42
Section 450.42 – Revise Section 450.42 to read as follows:

450.42 Walls, Roofs, and Floors. The vault shall be of such dimension as to permit the installation of all electrical equipment in accordance with 110.26 or 110.34 as applicable. The vault shall be of fireproof construction with a minimum fire resistance rating of three hours with floors, walls and ceilings 152 mm (6 in.) thick if made of concrete, or 203 mm (8 in.) thick if made of brick, or 203 mm (8 in.) thick if made of filled cement block. All building steel forming part of the vault construction shall have a comparable fire resistance rating. Each compartment within a vault shall be built to the same specifications in respect to the thickness of walls and fireproof door, as the vault. The floors shall have approved structural strength for the load imposed thereon to be installed in the vault. The floors and walls, to the height of the sill, shall be given a hard impervious finish and painted to prevent the absorption of oil.
Exception: Where transformers are protected with automatic sprinkler, carbon dioxide, water spray, or approved gas suppression system, construction of 1-hour rating shall be permitted.
Informational Note No. 1: For additional information, see ANSI/ASTM E119-18a, Method for Fire Tests of Building Construction and Materials.
Informational Note No. 2: A typical 3-hour construction is 150 mm (6 in.) thick reinforced concrete.

SECTION 450.43
Section 450.43(A) – Revise Section 450.43(A) to read as follows:

(A) Type of Door. Each doorway leading into a vault from the building interior shall be provided with a tight-fitting door that has a minimum rating of 3 hours. Where practicable, basement vaults or vaults with opening up on a roof shall be provided with an outside entrance so that no entrance directly into the vault from the interior of the building will be necessary. Where entrance into the vault is from the interior of the building, the vault shall open into a vestibule, passage hall or switchboard room not commonly in public use.

Exception: Where transformers are protected with an automatic sprinkler, water spray, carbon dioxide, or approved gas suppression system, construction of 1-hour rating shall be permitted.
Informational Note: For additional information, see NFPA 80-2016, Standard for Fire Doors and Other Opening Protectives.

SECTION 450.46
Section 450.46 – Revise Section 450.46 to read as follows:

450.46 Drainage. Where practicable, vaults containing more than 100 kVA transformer capacity shall be provided with a drain or other means that will carry off any accumulation of oil or water in the vault unless local conditions make this impracticable. Such drain or other means shall be permitted to discharge only water accumulation and prevent discharge of transformer oil or coolant into a public or private sewer and shall comply with the New York City Construction Codes and other authorities having applicable regulations. The floor shall be pitched to the drain where provided.

ARTICLE 480
Storage Batteries

SECTION 480.1
Section 480.1 – Retitle the Informational Note in Section 480.1 "Informational Note No. 1" and add a new Informational Note to read as follows:
Informational Note No. 2: Refer to Article 706, Energy Storage Systems, for additional requirements when Storage Batteries are used in such a system.

SECTION 480.10
Section 480.10(A) – Revise "Informational Note No. 1" in Section 480.10(A) to read as follows:
Informational Note No. 1: Refer to the NYC Mechanical Code and the NYC Fire Code for mechanical ventilation requirements, including ventilation rates. Refer to the Fire Code for supervision and monitoring of mechanical ventilation system requirements.

ARTICLE 500
Hazardous (Classified) Locations, Classes I, II, & III, Divisions 1 & 2

SECTION 500.8
Section 500.8(A)(3) – Revise Item (3) in the list of items in Section 500.8(A) to read as follows:
(3) Evidence acceptable to the authority having jurisdiction.

ARTICLE 502
Class II Locations

SECTION 502.100
Section 502.100(B)(2) – Revise Section 502.100(B)(2) to read as follows:
(2) Containing Askarel. The use of transformers containing askarel is prohibited.
(1) DELETED
(2) DELETED
(3) DELETED

ARTICLE 503
Class III Locations

SECTION 503.160
Section 503.160 – Add a new Informational Note at the end of Section 503.160 to read as follows:
Informational Note: Refer to NYC Fire Code and NYC Rules and Regulations for additional requirements.

ARTICLE 506
Zone 20, 21, & 22 Locations for Combustible Dusts or Ignitable Fibers/Flyings

SECTION 506.9
Section 506.9(A)(3) – Revise Item (3) in the list of Items in Section 506.9(A) to read as follows:
(3) Evidence acceptable to the authority having jurisdiction.

ARTICLE 517
Health Care Facilities
SECTION 517.17

Section 517.17(D) – Add a new Informational Note at the end of Section 517.17(D) to read as follows:
Informational Note: Where manufacturer's instructions are not available for existing equipment with ground fault protection, a qualified person may perform testing and calibration to determine the tripping ground fault current and time delay setting for such equipment.

SECTION 517.26

Section 517.26(2) – Revise Section 517.26(2) to read as follows:
(2) DELETED.

SECTION 517.30

Section 517.30(B)(2) – Revise Section 517.30(B)(2) as follows:
(2) DELETED.

SECTION 517.31
Section 517.31(C)(3)(1) – Revise Item (1) in the list of items in Section 517.31(C)(3) to read as follows:
(1) Nonflexible metal raceways, Type MI cable, or Type RTRC marked with the suffix –XW. Nonmetallic raceways shall not be used for branch circuits that supply patient care areas.
Section 517.31(C)(4) – Add a new Section 517.31(C)(4) to read as follows:
(4) Generator Control Wiring. Control conductors installed between the transfer equipment and the emergency generator shall be kept entirely independent of all other wiring and shall meet the conditions of 700.10(D)(1).

SECTION 517.32
Section 517.32 – Revise Section 517.32 to read as follows:
517.32 Branches Requiring Automatic Connection.
(A) Those functions of patient care depending on lighting or appliances that are connected to the essential electrical system shall be divided into the life safety branch and the critical branch, as described in 517.33 and 517.34.
(B) The life safety and critical branches shall be installed and connected to the alternate power source specified in 517.30(A) and (B) so that all functions specified herein for the life safety and critical branches are automatically restored to operation within 10 seconds after interruption of the normal source. {99:6.7.5.3.1}

SECTION 517.43
Section 517.43 – Revise the title and first paragraph of Section 517.43 to read as follows:
517.43 Automatic Connection to Life Safety Branch. The life safety branch shall be installed and connected to the alternate source of power specified in 517.41 so that all functions specified herein for the life safety branch are automatically restored to operation within 10 seconds after interruption of the normal source.

SECTION 517.44
Section 517.44 – Revise the opening paragraph in Section 517.44 to read as follows:

517.44 Connection to Equipment Branch. The equipment branch shall be installed and connected to the alternate power source such that equipment described in 517.44(A) is automatically restored to operation at appropriate time-lag intervals following the energizing of the life safety branch. {99:6.7.5.l.4.2(A)}
Section 517.44(B) – Revise Item (3) in the list of items in Section 517.44(B) to read as follows:
(3) Optional Connections to the Equipment Branch. Additional illumination, receptacles, and equipment shall be permitted to be connected only to the equipment branch.

ARTICLE 518
Assembly Occupancies

SECTION 518.1
Section 518.1 – Revise Section 518.1 to read as follows:
518.1 Scope. This article covers all buildings or portions of buildings or structures classified as Assembly Occupancies in the New York City Construction Codes.

SECTION 518.2
Section 518.2(A) – Revise the opening paragraph in Section 518.2(A) to read as follows:

(A) General. Assembly Occupancies shall be classified as places of assembly in accordance with New York City Construction Codes and the Fire Code and shall include, but not limited to, the following:

Armories	Exhibition halls
Assembly halls	Gymnasiums
Auditoriums	Mortuary chapels
Bowling lanes	Multipurpose rooms
Club rooms	Museums
Conference rooms	Places of awaiting transportation
Courtrooms	Places of religious worship
Dance halls	Pool rooms
Dining and drinking facilities	Restaurants
Skating rinks	

Section 518.2(B) – Revise Section 518.2(B) to read as follows:
(B) Multiple Occupancies. Where an assembly occupancy forms a portion of a building containing other occupancies, Article 518 applies only to that portion of the building considered an assembly occupancy. Occupancy of any room or space for assembly purposes by less than 75 persons in a building of other occupancy, and incidental to such other occupancy, shall be classified as part of the other occupancy and subject to the provisions applicable thereto.

SECTION 518.4
Section 518.4(B) – Revise Section 518.4(B) to read as follows:
(B) DELETED.

SECTION 518.4
Section 518.4(C) – Revise Section 518.4(C) to read as follows:
(C) DELETED.

ARTICLE 520
Theaters, Motion Picture & Television Studios & Similar Locations

SECTION 520.5
Section 520.5(C) – Revise Section 520.5(C) to read as follows:
(C) DELETED.

ARTICLE 525
Carnivals, Circuses, Fairs, and Similar Events

SECTION 525.20
Subsection 525.20(G) – Revise Section 525.20(G) to read as follows:
(G) Protection. Flexible cords or cables accessible to the public shall be arranged to minimize the tripping hazard and shall be covered with nonconductive matting secured to the walkway surface or protected with another approved cable protection method, provided that the matting or other protection method does not constitute a greater tripping hazard than the uncovered cables. Burying cables shall be permitted. Buried cables shall be identified at the surface. The requirements of 300.5 shall not apply.

ARTICLE 545
Manufactured Buildings and Relocatable Structures

SECTION 545.1
Section 545.1 – Revise Section 545.1 to read as follows:
545.1 Scope. Part I of this article covers requirements for department-approved manufactured building and building components as herein defined. Part II covers relocatable structures and the conductors that connect relocatable structures to a supply of electricity.
Exception: Factory manufactured one and two-family homes or multiple dwellings of not more than two stories or less in height, provided such multiple dwellings are not intended for use as hotels or motels, are not subject to the requirement of this code. Such dwellings shall comply with NY State Uniform Fire Prevention, Building Codes, and governing laws for Manufactured Buildings, as stipulated in NYS Executive Law section 383 as amended.
Informational Note: As per Title 19 NYCRR Part 1209.5, an Insignia of Approval will be attached to manufactured homes installed in the State of New York.

SECTION 545.6
Section 545.6 – Revise the Exception in Section 545.6 to read as follows:
Exception: DELETED.

ARTICLE 550
Mobile Homes, Manufactured Homes, and Mobile Home Parks

SECTION 550.15
Section 550.15 – Revise Section 550.15 to read as follows:
550.15 Wiring Methods and Materials. Except as specifically limited in this section, the wiring methods and materials included in this Code shall be used in mobile homes. Where conductors are terminated, they shall be used with equipment listed and identified for the conductor materials.

ARTICLE 551
Recreational Vehicles and Recreational Vehicle Parks

SECTION 551.47
Section 551.47(L) – Revise Section 551.47(L) to read as follows:
(L) Receptacle Faceplates. Metal faceplates shall comply with 406.6(A). Nonmetallic faceplates shall comply with 406.6(C).

ARTICLE 552
Park Trailers

SECTION 552.48
Section 552.48(K) – Revise Section 552.48(K) to read as follows:

(K) Receptacle Faceplates. Metal faceplates shall comply with 406.6(A). Nonmetallic faceplates shall comply with 406.6(C).

ARTICLE 590
Temporary Installations

SECTION 590.1

Section 590.1 – Add new Informational Notes Nos. 1 and 2 at the end of Section 590.1 to read as follows:
Informational Note No. 1: See Chapter 1 of Title 28 of the New York City Administrative Code for retroactive requirements of Section 28-315.8.2 as it pertains to "Connections for Temporary External Generators."
Informational Note No. 2: See Section G304.5 of Appendix G of the NYC Building Code for additional construction standards with respect to temporary external generator connections in areas of special flood hazard.

SECTION 590.9

Section 590.9 – Add a new Section 590.9 to read as follows:
590.9 Sidewalk Shed Lighting. All sidewalk shed lighting installations shall comply with the following conditions in addition to all other relevant provisions of this code:
(1) All lighting shall be installed in a metal raceway approved for outdoor use. Branch circuits installed within such metal raceway shall comply with the additional equipment grounding requirement of 250.118(1).
(2) All junction boxes shall be suitable for damp or wet locations.
(3) A minimum wire size of 14 AWG shall be used for the installation.
(4) All luminaires shall be high-efficacy type and suitable for wet locations.
Informational Note: High-Efficacy lamps are those lamps with 60 lumens/ watt for lamps over 40 watts, 50 lumens/ watt for lamps over 15 watts to 40 watts, and 40 lumens/ watt for lamps 15 watts or less.
(5) Ground-Fault Circuit Interrupter (GFCI) protection is required on receptacles and lighting.
(6) The panel supplying power to the sidewalk shed lighting shall have a directory that clearly indicates which circuit is being used to supply power.

ARTICLE 600
Electric Signs and Outline Lighting

SECTION 600.1

Section 600.1 – Retitle the Informational Note in Section 600.1 "Informational Note No. 1" and add a new Informational Note No. 2 at the end of Section 600.1 to read as follows:
Informational Note No. 2: All plastic materials to be used in the manufacturing of electric signs shall be in accordance with the Chapter 26 of the NYC Building Code. Outdoor signs shall comply with Appendix H of the NYC Building.

SECTION 600.3

Section 600.3 – Add new Subsections (C), (D), and (E) to Section 600.3 to read as follows:
(C) Inspection. Electric signs manufactured for installation in the city shall be inspected by the department and approved prior to installation. The department may direct that such inspection take place at the factory before final assembly or at the place of installation.
(D) Relocated Signs. The relocation of an approved sign from one location to another may be permitted without inspection provided that no alterations in or additions to the existing sign are made, and the application to connect at the new location shows the previous location, lettering, and the connected electrical load of the sign.
(E) Receptacles. Only receptacles for sign maintenance shall be installed in or on sign enclosures.

SECTION 604.12:

Section 604.12 revise to read as follows:

604.12 Uses Not Permitted. Manufactured wiring system types shall not be permitted where limited by the applicable article in Chapter 3 for the wiring method used in its construction. Manufactured wiring systems shall not be used for emergency exit signs or emergency lighting.

ARTICLE 605
Office Furnishings

SECTION 605.1
Section 605.1(A) – Revise Section 605.1(A) to read as follows:

605.1(A) Covered. This article covers electrical equipment, lighting accessories, and wiring systems used to connect, contained within, or installed on office furnishings. All such office furnishings shall be listed and labeled. Furniture systems that are not listed shall be installed using wiring methods in accordance with Chapter 3.
Informational Note: Refer to Annex A, Product Safety Standards, for applicable standards.

SECTION 605.5
Section 605.5 – Revise Section 605.5 to read as follows:

605.5 Office Furnishing Interconnections. The electrical connection between office furnishings shall be flexible assemblies listed and approved for the intended use with office furnishings.

ARTICLE 620
Elevators, Dumbwaiters, Escalators, Moving Walks, Platform Lifts, and Stairway Chairlifts

SECTION 620.13
Subsection 620.13(E) – Add a new Subsection 620.13(E) and an Informational Note to read as follows:
(E) Fire Protection. Where the following elevator types are provided, the feeder and branch-circuit conductors that provide normal or legally required standby power, control signals, communication with the car, lighting, heating, air conditioning, ventilation, and fire detecting systems shall be protected by construction having a fire-resistance rating of not less than 2 hours, or shall be circuit integrity cable having a fire-resistance rating of not less than 2 hours, or shall be protected by a listed electrical circuit protective system having a fire-resistance rating of not less than 2 hours.
(1) Fire Service Access Elevator, where such conductors are located outside the elevator hoistway and machine room.
(2) Occupant Evacuation Elevator, where such conductors are located outside the elevator hoistway, machine room, control room and control space.
Exception: Where encased in concrete, which provides a 2-hour fire-resistance rating.
Informational Note: For additional information on Fire Service Access Elevator and Occupant Evacuation Elevator, refer to Chapter 30 of the NYC Building Code and applicable rules.

SECTION 620.21
Section 620.21– Revise the opening paragraph of Section 620.21 to read as follows:
620.21 Wiring Methods. Conductors, cables, and optical fiber cables located in hoistways, escalator and moving walk wellways, platform lifts, stairway chairlift runways, machinery spaces, control spaces, in or on cars, machine rooms, and control rooms, not including the traveling cables connecting the car or counterweight and hoistway wiring, shall be installed in rigid metal conduit, intermediate metal conduit, electrical metallic tubing, or wireways, or shall be Type MC, MI, or AC cable unless otherwise permitted in 620.21(A) through (C). Unused conductors in an enclosure shall be insulated or protected from accidental contact with exposed live parts.
Exception: Cords and cables of listed cord-and-plug-connected equipment shall not be required to be installed in a raceway.

Informational Note: When an elevator is classified as a Fire Service Access Elevator or occupant evacuation operation elevator, some building codes require additional protection for conductors that are located outside of the elevator hoistway and machine room.

SECTION 620.24
Section 620.24(C) – Revise Informational Note No.1 in Section 620.24(C) to read as follows:
Informational Note No. 1: For additional power requirements and the current reference standard for "Safety Code for Elevators and Escalators," see Appendix K of Chapter 30 of the NYC Building Code.

SECTION 620.42
Section 620.42 – Revise Section 620.42 to read as follows:
620.42 Hazardous (Classified) Locations. In hazardous (classified) locations, traveling cables shall be of a type approved for hazardous (classified) locations as permitted in 501.10(B)(2)(7), 502.10(A)(2)(6), 503.10(A)(3)(6), 505.15(C)(2), and 506.15(A)(6).

SECTION 620.62
Section 620.62 – Revise Section 620.62 to read as follows:

620.62 Coordination of Overcurrent Protective Devices. Where more than one driving machine disconnecting means is supplied by the same source, the overcurrent protective devices in each disconnecting means shall be coordinated in accordance with either (A) or (B).
Selective coordination shall be selected by a licensed professional engineer or other qualified person engaged primarily in the design, installation, or maintenance of electrical systems. The selection and device setting shall be documented and made available to those authorized to design, install, inspect, maintain, and operate the system.
(A) New Elevator Systems. Elevator system(s) overcurrent devices shall be selectively coordinated with all supply-side overcurrent protective devices.
(B) Modifications to Previously Approved Elevator Systems. Elevator system(s) overcurrent devices shall have limited level coordination with all supply-side overcurrent protective devices.
Exception No. 1: Selective coordination shall not be required between transformer primary and secondary overcurrent protective devices where only one overcurrent device or set of overcurrent devices exists on the transformer secondary.
Exception No. 2: Selective coordination shall not be required between overcurrent protective devices of the same rating located in series where no loads are connected in parallel with the downstream device.

ARTICLE 625
Electric Vehicle Power Transfer System

SECTION 625.1
Section 625.1 – Add Informational Note No. 3 at the end of Section 625.1 to read as follows:
Informational Note No.3: See Section 406 of the NYC Building Code for additional requirements to support Electric Vehicle Charging Stations for open and enclosed public parking garages and open parking lots. Refer to the NYC Energy Conservation Code, and Section 28-315 of the NYC Administrative Code for additional requirements regarding electrical vehicle charging stations.

ARTICLE 640
Audio Signal Processing, Amplification, and Reproduction Equipment

SECTION 640.3
Section 640.3(J) – Revise Section 640.3(J) to read as follows:
(J) DELETED.

ARTICLE 645
Information Technology Equipment

SECTION 645.3
Section 645.3(B) – Revise Item (3) in the list of items in Section 645.3(B) to read as follows:
(3) Fire alarm systems: 760.135(C) and Table 760.154

SECTION 645.11
Section 645.11 – Retitle the Informational Note in Section 645.11 "Informational Note No. 1" and add a new Informational Note No. 2 at the end of Section 645.11 to read as follows:
Informational Note No. 2: In addition to the requirements of this Article, UPS shall be installed in accordance with Chapter 5 of the NYC Building Code and the NYC Fire Code.

SECTION 645.27
Section 645.27 – Revise Section 645.27 to read as follows:

645.27 Coordination of Overcurrent Protective Devices. Critical operations data system(s) overcurrent protective devices shall be coordinated in accordance with either (A) or (B).
Selective coordination shall be selected by a licensed professional engineer or other qualified persons engaged primarily in the design, installation, or maintenance of electrical systems. The selection shall be documented and made available to those authorized to design, install, inspect, maintain, and operate the system.
(A) New Systems. Critical operations data system(s) overcurrent devices shall be selectively coordinated with all supply-side overcurrent protective devices.
(B) Modifications to Previously Approved Systems. Critical operations data system(s) overcurrent devices shall have limited level coordination with all supply-side overcurrent protective devices.

ARTICLE 646
Modular Data Center

SECTION 646.3
Section 646.3(D) – Revise Section 646.3(D) to read as follows:
646.3(D) Electrical Classification of Data Circuits. Section 725.121(A)(4) shall apply to the electrical classification of listed information technology equipment signaling circuits. Sections 725.139(D)(1) and 805.133(A)(1)(b) shall apply to the electrical classification of Class 2 and Class 3 circuits in the same cable with communications circuits.

ARTICLE 668
Electrolytic Cells

SECTION 668.1
Section 668.1 – Revise Section 668.1 to read as follows:
668.1 Scope. This article applies to the installation of the electrical components and accessory equipment of electrolytic cells, electrolytic cell lines, and process power supply for the production of aluminum, cadmium, chlorine, copper, fluorine, hydrogen peroxide, magnesium, sodium, sodium chlorate, and zinc.
Not covered by this article are cells used as a source of electric energy and for electroplating processes and cells used for the production of hydrogen.
No new electrolytic cell line shall be installed, nor any existing cell line modified, without approval from the department.
Informational Note No. 1: In general, any cell line or group of cell lines operated as a unit for the production of a particular metal, gas, or chemical compound may differ from any other cell lines producing the same product because of variations in the particular raw materials used, output capacity, use of proprietary methods or process practices, or other modifying factors to the extent that detailed Code requirements become overly restrictive and do not accomplish the stated purpose of this Code.

Informational Note No. 2: For further information, see IEEE 463-2013, Standard for Electrical Safety Practices in Electrolytic Cell Line Working Zones.

ARTICLE 680
Swimming Pools, Fountains, and Similar Installations

SECTION 680.1

Section 680.1 – Add an Informational Note to Section 680.1 to read as follows:

Informational Note: Refer to Section 47 of Article 165 of the New York City Health Code, for illumination level, lighting, emergency lighting illumination, wiring for public and commercial use.

SECTION 680.10

Section 680.10 – Revise Section 680.10 to read as follows:

680.10 Electric Pool Water Heaters. All electric pool water heaters shall have the heating elements subdivided into loads not exceeding 48 amperes and protected at not over 60 amperes. The ampacity of the branch-circuit conductors and the rating or setting of overcurrent protective devices shall not be less than 125 percent of the total nameplate-rated load. All such circuits shall be provided with GFPE. Electric water heaters of the immersion or submersible type shall not be permitted.

SECTION 680.41

Section 680.41 – Revise Section 680.41 to read as follows:

680.41 Emergency Switch for Spas and Hot Tubs. A clearly labeled emergency shutoff or control switch for the purpose of stopping the motor(s) that provide power to the recirculation system and jet system shall be installed at a point readily accessible to the users and not less than 1.5 m (5 ft) away, adjacent to, and within sight of the spa or hot tub. This requirement shall not apply to one-family dwellings where the spa or the hot tub is provided with an integral shutoff or control switch.

ARTICLE 690
Solar Photovoltaic (PV) Systems

SECTION 690.1

Section 690.1 – Add the following sentence to the end of Section 690.1 and add two additional Informational Notes Nos. 3 and 4 to read as follows:

A detailed diagram of the photovoltaic system must be made available upon request of the department.

Informational Note No. 3: Photovoltaic systems adhered or attached to the roof covering shall be labeled to identify the fire classification in accordance with Chapter 15 of the NYC Building Code.

Informational Note No. 4: Rooftop installations of photovoltaic systems shall comply with the rooftop area access requirements of the NYC Fire Code.

SECTION 690.4

Section 690.4(C) – Revise Section 690.4(C) to read as follows:

(C) Equipment Installation. The installation of equipment referenced in 690.4(B) and all associated wiring and interconnections shall be performed only by qualified persons who are licensed master electricians or licensed special electricians.

SECTION 690.12

Section 690.12 – Add new Informational Note to Section 690.12 to read as follows:

Informational Note: Where rapid shutdown function is provided, the location of the rapid shutdown initiation equipment shall be coordinated with FDNY as required.

ARTICLE 691
Large-Scale Photovoltaic (PV) Electric Supply Stations

SECTION 691.6
Section 691.6 – Revise Section 691.6 to read as follows:
691.6 Engineered Design. Comply with the requirements in 110.2.

SECTION 691.7
Section 691.7 – Revise Section 691.7 to read as follows:
691.7. DELETED.

SECTION 691.10
Section 691.10 – Revise Section 691.10 to read as follows:
691.10 Arc-Fault Mitigation. PV systems that do not comply with the requirements of 690.11, shall be noted in the documentation required in 691.6, and special permission is required.

ARTICLE 695
Fire Pumps

SECTION 695.2
Section 695.2 – Revise Section 695.2 to add new definitions for "Fire pump," "Fire pump, automatic standpipe," "Fire pump, foam," "Fire pump, limited service," "Fire pump, special service," "Fire pump, sprinkler booster pump," and "Fire pump, water mist system" in alphabetical order to read as follows:

Fire pump. A pump exclusively used to boost water supply pressures in a fire protection system.
Fire pump, automatic standpipe. A fire pump located at or below street level or as required, at the design flood elevation, that supplies the lower 300 feet (91.4 m) of an automatic standpipe system or a combined standpipe and sprinkler system. This does not apply to Manual Wet Standpipe systems which are combined with sprinkler systems.
Fire pump, foam. A fire pump used to boost water supply pressures in a fire protection system where such system uses firefighting foam as an additive.
Fire pump, limited service. A fire pump with a motor rating not exceeding 30 hp and utilizing a limited service fire pump controller.

Informational Note: Limited service fire pumps include sprinkler booster, water mist, sprinkler mist, foam, or special service fire pumps that employs a listed limited service fire pump controller.

Fire pump, special service. A fire pump that is located above street level and above flood level, and that receives its water supply from a gravity tank or suction tank.
Fire pump, sprinkler booster pump. A fire pump that supplies sprinkler systems only.
Fire pump, water mist system. A fire pump used to boost water supply pressures in a fire protection system where such system utilizes water misting technology.

SECTION 695.3
Section 695.3 – Revise the Informational Note to read as follows:
Informational Note: For occupancy and equipment to be provided with emergency power, transfer equipment location, fuel and additional requirements, see Chapter 27 of the NYC Building Code.
Section 695.3(A)(1) – Revise Section 695.3(A)(1) to read as follows:
(1) Electric Utility Service Connection. A fire pump shall be permitted to be supplied by a separate service, or from a connection located ahead of and not within the same cabinet, enclosure, vertical switchgear section, or vertical switchboard section as the service disconnecting means. The connection shall be located and arranged so as to minimize the possibility of damage by fire from within the premises and from exposing hazards. A tap ahead of the service disconnecting means shall comply with 230.82(5). The service equipment shall comply with the labeling requirements in 230.2 and the location requirements in 230.72(B). {20:9.2.2(1)}. Metering of fire pumps shall be current transformer driven or bypass type such that meter removal will not interrupt service to the fire pump. Metering may be dedicated to the fire pump or coincident with other building power use.
Section 695.3(B) – Revise Section 695.3(B) to read as follows:

(B) Multiple Sources. Where required by the New York City Construction Codes, power shall be supplied from an approved combination of one or more of the sources in 695.3(A) and an on-site standby generator complying with 695.3(D).

(1) Individual Sources. An approved combination of two or more of the sources from 695.3(A).

(2) Individual Source and On-site Standby Generator. An approved combination of one or more of the sources in 695.3(A) and an on-site standby generator complying with 695.3(D). {20:9.3.4}

Exception to 695.3(B)(1) and (B)(2): An alternate source of power shall not be required where a back-up engine-driven fire pump, back-up steam turbine-driven fire pump, or back-up electric motor-driven fire pump with an independent power source in accordance with 695.3(A) or (C) is installed.

Section 695.3(D)(2) – Revise Section 695.3(D)(2) to read as follows:

(2) Connection. A connection on the load side of a generator disconnecting means shall not be permitted.

SECTION 695.4

Section 695.4(B)(2)(a)(1) – Revise Section 695.4(B)(2)(a)(1) to read as follows:

(1) Overcurrent protective device(s) shall be rated to carry indefinitely the sum of the locked-rotor current of the largest fire pump motor and the pressure maintenance pump motor(s) and the full-load current of all of the other pump motors and associated fire pump accessory equipment when connected to this power supply. Where the locked-rotor current value does not correspond to a standard overcurrent device size, the next standard overcurrent device size shall be used in accordance with 240.6. The requirement to carry the locked-rotor currents indefinitely shall not apply to conductors or devices other than overcurrent devices in the fire pump motor circuit(s). {20:9.2.3.4}

The provisions of this section shall be used for sizing overcurrent protective devices for a Limited Service Fire Pump.

Section 695.4(B)(2)(b) – Revise Section 695.4(B)(2)(b) to read as follows:

(b) On-Site Standby Generators. Overcurrent protective devices between an on-site standby generator and a fire pump controller shall be selected and sized to allow for instantaneous pickup of the full pump room load but shall not be larger than the value selected to comply with 430.62 to provide short-circuit protection only. {20:9.6.1.1}

Informational Note: The provisions of this section shall be permitted to be used for sizing overcurrent protective devices for a Limited Service Fire Pump.

Section 695.4(B)(3) – Revise Section 695.4 (B)(3) to read as follows:

(3) Disconnecting Means. All disconnecting devices that are unique to the fire pump loads shall be red in color and comply with items 695.4(B)(3)(a) through 695.4(B)(3)(e).

Section 695.4(B)(3)(e)– Revise Section 695.4 (B)(3)(e) to read as follows:

(e) Supervision. The power continuity shall be supervised by one of the following:

(1) Central station signals confirming power source availability and pump running where central station connection is provided as required by building occupancy or use.

(2) Local signaling device, audible and visual, for power source availability and pump running that is activated at a continuously attended location where central station connection is not otherwise required.

SECTION 695.6

Section 695.6(A)(2)(4) – Retitle Exception at the end of Section 695.6(A)(2)(4) as Exception No.1 and add Exception No. 2 to read as follows:

Exception No. 2 to (A)(2)(4): Limited Service Fire Pumps Controller. Limited service fire pump controller feeder conductors shall be installed in rigid metal conduit (steel RMC) or intermediate metal conduit (steel IMC) and shall not be required to be installed in accordance with this subsection. Where connected to multiple sources of supply in accordance with subsection 695.3(B) and provided with means of automatic transfer, the limited service fire pump controller feeder conductors shall be permitted to be installed in electrical metallic tubing (EMT) and shall not be required to be installed in accordance with this subsection.

Section 695.6(A)(2)(5) – Add new Section 695.6(A)(2)(5) to read as follows:

(5) Outside the building. The conductors shall be protected from potential damage by fire, structural failure, or operational accident. When installed on exterior of building, it shall be located 9.0 m (30 ft) away from adjacent buildings or combustible materials or installed in accordance with one of the methods specified in 695.6(A)(2)(4).
Section 695.6(D) – Revise Section 695.6(D) to read as follows:
(D) Pump Wiring. All wiring from the controllers to the pump motors shall be in rigid metal conduit, intermediate metal conduit, or electrical metallic tubing with watertight fittings. Liquidtight flexible metal conduit (maximum of 915mm (36 in.)) is permitted for the final connection to motor terminal housing. Electrical connections at motor terminal boxes shall be made with a listed means of connection. Twist-on, insulation-piercing-type, and soldered wire connectors shall not be permitted for this purpose.
Section 695.6(I)(1) – Revise Section 695.6(I)(1) to read as follows:

(1) The junction box shall be securely mounted at an elevation of at least 300mm (12 in.) above the floor level.

SECTION 695.14

Section 695.14(E)– Revise Section 695.14(E) to read as follows:
(E) Electric Fire Pump Control Wiring Methods. All electric motor-driven fire pump control wiring shall be in rigid metal conduit, intermediate metal conduit, or electrical metallic tubing with watertight fittings.
Section 695.14(F) – Add exception at the end of Section 695.14(F) to read as follows:
Exception to 695.14(F)(1) and (F)(2): The control conductors located in the electrical equipment room where they originate and in the fire pump room shall not be required to have the minimum 2-hour fire separation or fire resistance rating.

ARTICLE 700
Emergency Systems

SECTION 700.1
Section 700.1 – Add a new Informational Note No. 5 at the end of Section 700.1 to read as follows:
Informational Note No. 5: For the occupancy groups and equipment for which emergency power must be provided, transfer equipment locations, power source enclosure fire rating and other applicable requirements, see Chapter 27 of the NYC Building Code.

SECTION 700.3
Section 700.3 - Revise Section 700.3(A) to read as follows:
(A) Conduct or Witness Test. Inspection and testing requirements shall be performed in accordance with Chapter 17 of the New York City Building Code.
Section 700.3 - Revise Section 700.3(B) to read as follows:
(B) Tested Periodically. Systems shall be periodically tested in accordance with the schedule and requirements set forth in the New York City Fire Code to ensure the systems are maintained in proper operating condition.
Section 700.3 - Revise Section 700.3(D) to read as follows:
(D) Written Record. A written record shall be kept on premises of such tests and maintenance.
Section 700.3 - Revise Section 700.3(E) to read as follows:
(E) Testing Under Load. Means for testing all emergency lighting and power systems during maximum anticipated load conditions shall be provided.
Informational Note: For information on testing and maintenance of emergency power supply systems (EPSSs), see the NYC Fire Code and its amended referenced standard NFPA 110, Standard for Emergency and Standby Power Systems.
Section 700.3 – Revise the opening paragraph in Section 700.3(F) to read as follows:
(F) Temporary Source of Power for Maintenance or Repair of the Alternate Source of Power. If the emergency system relies on a single alternate source of power, the emergency system shall include permanent switching means to connect a portable or temporary alternate source of power, which shall be available for the

duration of the maintenance or repair. The permanent switching means to connect a portable or temporary alternate source of power shall comply with the following:

SECTION 700.5
Section 700.5 – Add new Sections 700.5(F) and 700.5(G) to read as follows:
(F) Manual Operation. Means shall be provided to manually operate the switch without hazard to personnel.
(G) Permanent Connections for Portable Generators. Where a permanent connection is made for a portable generator, a disconnecting means and overcurrent protection shall be provided at the point of installation for the portable generator. Capacity of the permanent connection shall not exceed the capacity of the permanent installation.

SECTION 700.6
Section 700.6 – Revise the opening paragraph of Section 700.6 to read as follows:
700.6 Signals. Where required by the New York City Building Code, audible and visual signal devices shall be provided, for the purposes described in 700.6(A) through (D) and shall announce at a constantly attended location.

SECTION 700.10
Section 700.10 – Revise Section 700.10(A)(2) to read as follows:

(2) An acceptable means of marking shall include, but is not limited to, a permanently affixed identification nameplate, yellow in color with black lettering. Accessible cable or raceway systems shall be marked at intervals not to exceed 3 m (10 ft) or identified by a continuous yellow outer finish along raceways entire length.

SECTION 700.11
Section 700.11 – Add a new Section 700.11 to read as follows:
700.11 Generator Supply Conductors without Overcurrent Protection.
(A) Conductors Ampacity. See 445.13 of this code.
(B) Installation of Generator Conductors. Conductors from the generator output terminal to the first overcurrent device shall be installed in accordance with 230.6.
(C) Overcurrent Devices. The number of overcurrent devices supplied by the generator shall not be limited.

SECTION 700.12
Section 700.12(B) – Revise Section 700.12(B) to read as follows:
(B) Equipment Design and Location. Equipment shall be designed and located so as to minimize the hazards that might cause complete failure due to flooding, fires, icing, and vandalism.
In areas of special flood hazard, as defined in G201.2 of Appendix G of the New York City Building Code, installation of equipment shall comply with the additional requirements of Appendix G of the New York City Building Code.
Equipment for sources of power as described in 700.12(C) thorough (H) shall be installed either in spaces fully protected by approved automatic fire protection systems or in spaces with a 2-hour fire rating where located within the following:
(1) Assembly occupancies for more than 1000 persons
(2) Buildings above 23 m (75 ft) in height in occupancy groups - assembly, educational, residential, detention and correctional, business, and mercantile
(3) Educational occupancies with more than 300 occupants
Informational Note No. 1: For the definition of Use and Occupancy Classification, see Chapter 3 of the NYC Building Code.
Informational Note No. 2: For information regarding power system reliability, see IEEE 3006.5-2014, Recommended Practice for the Use of Probability Methods for Conducting a Reliability Analysis of Industrial and Commercial Power Systems.

Informational Note No. 3: For the occupancy groups and equipment for which emergency power must be provided, transfer equipment locations, power source enclosure fire rating and other applicable requirements, see Chapter 27 of the NYC Building Code.
Section 700.12(C) – Add an Informational Note at the end of Section 700.12(C) to read as follows:
Informational Note: See Chapter 27 of NYC Building Code, NYC Fire Code, and Articles 480 and 706 for additional requirements for storage batteries.
Section 700.12 – Revise Section 700.12(D)(2)(a) to read as follows:
(a) On-Site Fuel Supply. Where internal combustion engines are used as the prime mover, an on-site fuel supply shall be provided with an on-premises fuel supply sufficient for not less than 6 hours' operation of the system.
Section 700.12 – Revise the exception in Section 700.12(D)(2)(c) to read as follows:
Exception: Emergency generators relying on natural gas as a fuel supply, where allowed by the NYC Building Code, shall not be required to maintain an on-site fuel supply.
Section 700.12 - Add an Informational Note after Section 700.12(D)(2)(d) to read as follows:
Informational Note: Operational requirements in other codes and regulations may specify fuel supplies that support longer durations of operation for certain occupancies. See Articles 517 and 708.
Section 700.12 – Add a new Section 700.12(D)(6) to read as follows:
(6) Grounding of Temporary Generators Connected to Building Wiring System. Temporary generators used to supply building wiring systems shall comply with 250.35(A) for separately derived systems or 250.35(B) for non-separately derived systems.
Section 700.12 – Revise Section 700.12(F) to read as follows:
(F) DELETED.
Section 700.12 – Revise Section 700.12(G) to read as follows:
(G) Fuel Cell System. Fuel cell systems shall be permitted to be used as a source of power for emergency systems in Group R-2 occupancies and shall be of suitable rating and capacity to supply and maintain the load for not less than 6 hours of full-demand operation. Installation of a fuel cell system shall meet the requirements of Parts II through VIII of Article 692. Where a single fuel cell system serves as the normal supply for the building or group of buildings concerned, it shall not serve as the sole source of power for the emergency standby system.
Section 700.12 - Revise Section 700.12(H) to read as follows:
(H) DC Microgrid Systems. DC Microgrid systems shall not be permitted unless approved by the AHJ. The system shall be capable of being isolated from all non-emergency sources.
DC microgrid systems used as a source of power for emergency systems shall be of sufficient rating and capacity to supply and maintain the total emergency load for not less than 6 hours of full demand operation.
Where a DC microgrid system source serves as the normal supply for the building or group of buildings concerned, it shall not serve as the sole source of power for the emergency standby system.

SECTION 700.31
Section 700.31 – Revise Section 700.31 to read as follows:
700.31 Ground Fault Protection of Equipment. The alternate source for emergency systems shall not be permitted to have ground fault protection for equipment with automatic disconnecting means. Ground fault indication of the emergency source shall be provided pursuant to 700.6(D).

SECTION 700.32
Section 700.32 – Revise the first two paragraphs in Section 700.32 to read as follows:
700.32 Coordination of Overcurrent Protective Devices. Overcurrent protective devices shall be coordinated in accordance with (A) or (B). Selective coordination shall be selected by a licensed professional engineer or other qualified person engaged primarily in the design, installation, or maintenance of electrical systems. The selection shall be documented and made available to those authorized to design, install, inspect, maintain, and operate the system.
(A) New Emergency Systems. Emergency system(s) overcurrent devices shall be selectively coordinated with all supply-side overcurrent protective devices.
(B) Modifications to Previously Approved Emergency Systems. Emergency system(s) overcurrent devices shall have limited level coordination with all supply-side overcurrent protective devices.

Exception to (A) and (B): Selective coordination shall not be required between two overcurrent devices located in series if no loads are connected in parallel with the downstream device.

ARTICLE 701
Legally Required Standby Systems

SECTION 701.3

Section 701.3 – Revise Section 701.3 to read as follows:

(A) Conduct or Witness Test. Inspection and testing requirements shall be performed in accordance with New York City Building Code Chapter 17.

(B) Tested Periodically. Systems shall be periodically tested in accordance with the schedule and requirements set forth in the New York City Fire Code to ensure the systems are maintained in proper operating condition.

(C) Maintenance. Legally required standby system equipment shall be maintained in accordance with manufacturer instructions and industry standards.

(D) Written Record. A written record of such tests and maintenance shall be kept on premises.

(E) Testing Under Load. Means for testing legally required standby systems under load shall be provided.

Informational Note: For information on testing and maintenance of legally required standby systems, see NYC Fire Code and its amended referenced standard NFPA 110, Standard for Emergency and Standby Power Systems.

SECTION 701.5

Section 701.5 – Add new Sections 701.5(E) and 701.5(F) to read as follows:

(E) Manual Operation. Means shall be provided to manually operate the switch without hazard to personnel.

(F) Permanent Connections for Portable Generators. Where a permanent connection is made for a portable generator, a disconnecting means and overcurrent protection shall be provided at the point of connection for the portable generator. Capacity shall not exceed the capacity of the permanent installation.

SECTION 701.6

Section 701.6 - Revise the opening paragraph in Section 701.6 to read as follows:

701.6 Signals. Where required by the New York City Building Code, audible and visual signal devices shall be provided for the purposes described in 701.6(A) through (D), and shall announce at a constantly attended location.

SECTION 701.11

Section 701.11 – Add a new Section 701.11 to read as follows:

701.11 Generator Supply Conductors without Overcurrent Protection.

(A) Conductors Ampacity. See 445.13 of this code.

(B) Installation of Generator Conductors. Conductors from the generator output terminal to the first overcurrent device shall be installed in accordance with 230.6.

(C) Overcurrent Devices. The number of overcurrent devices supplied by the generator shall not be limited.

SECTION 701.12

Section 701.12 – Add an Informational Note at the end of Section 701.12(C) to read as follows:

Informational Note: See Chapter 27 of the NYC Building Code, NYC Fire Code, and Articles 480 and 706 for additional requirements for storage batteries.

Section 701.12 - Revise Section 701.12(D)(2) to read as follows:

(2) Internal Combustion Engines as Prime Mover. Where internal combustion engines are used as the prime mover, an on-site fuel supply shall be provided with an on-premises fuel supply sufficient for not less than 6 hours of full-demand operation of the system. Where power is needed for the operation of the fuel transfer pumps to deliver fuel to a generator set day tank, the pumps shall be connected to the legally required standby power system.

Informational Note: Operational requirements in other codes and regulations may specify fuel supplies that support longer durations of operation for some occupancies. See Articles 517 and 708.

Section 701.12 - Revise Exception in Section 701.12(D)(3) to read as follows:
Exception: Legally required standby generators relying on natural gas as a fuel supply where allowed by the NYC Building Code shall not be required to maintain an on-site fuel supply.
Section 701.12 - Add a new Section 701.12(D)(6) to read as follows:
(6) Grounding of Temporary Generators Connected to Building Wiring System. Temporary generators used to supply building wiring systems shall comply with 250.35 (A) for separately derived systems or 250.35(B) for non-separately derived systems.
Section 701.12 – Revise Section 701.12(F) to read as follows:
(F) DELETED.
Section 701.12 – Revise Section 701.12(G) to read as follows:
(G) DELETED.
Section 701.12 – Revise Section 701.12(H) to read as follows:
(H) Fuel Cell System. Fuel cell systems used as a source of power for legally required standby systems shall be of suitable rating and capacity to supply and maintain the total load for not less than 6 hours of full-demand operation. Installation of a fuel cell system shall meet the requirements of Parts II through VIII of Article 692. Where a single fuel cell system serves as the normal supply for the building or group of buildings concerned, it shall not serve as the sole source of power for the legally required standby system.
Section 701.12 – Revise Section 701.12(I) to read as follows:
(I) DC Microgrid Systems. Microgrid systems shall not be permitted unless approved by the AHJ. Sources connected to a DC microgrid system shall be permitted where the system is capable of being isolated from all sources that are not legally required.
A DC microgrid system used as a source of power for legally required systems shall be of suitable rating and capacity to supply and maintain the total legally required load for not less than 6 hours of full-demand operation. Where a DC microgrid system source serves as the normal supply for the building or group of buildings concerned, it shall not serve as the sole source of power for the legally required standby system.

SECTION 701.31
Section 701.31 – Revise Section 701.31 to read as follows:
701.31 Ground Fault Protection of Equipment. The alternate source for legally required standby systems shall not be permitted to have ground fault protection for equipment with automatic disconnecting means. Ground fault indication of the legally required standby source shall be provided pursuant to 701.6(D).

SECTION 701.32
Section 701.32 – Revise Section 701.32 to read as follows:
701.32 Coordination of Overcurrent Protective Devices. Overcurrent protective devices shall be coordinated in accordance with (A) or (B). Selective coordination shall be selected by a licensed professional engineer or other qualified person engaged primarily in the design, installation, or maintenance of electrical systems. The selection shall be documented and made available to those authorized to design, install, inspect, maintain, and operate the system.
(A) New Legally Required Standby Systems. Legally required standby system(s) overcurrent devices shall be selectively coordinated with all supply-side overcurrent protective devices.
(B) Modifications to Previously Approved Legally Required Standby Systems. Legally required standby system(s) overcurrent devices shall have limited level coordination with all supply-side overcurrent protective devices.
Exception to (A) and (B): Selective coordination shall not be required between two overcurrent devices located in series if no loads are connected in parallel with the downstream device.

ARTICLE 702
Optional Standby Systems

SECTION 702.1
Section 702.1 – Add a new Informational Note at the end of Section 702.1 to read as follows:
Informational Note: For optional standby power system classification, power source enclosure fire rating, and additional requirements see Chapter 27 of the NYC Building Code.

ARTICLE 705
Interconnected Electric Power Production Sources

SECTION 705.11
Section 705.11 - Revise Section 705.11(C)(2) to read as follows:
(2) In other than dwelling units, supply side source connection conductors shall be installed in accordance with the requirements of Article 230.

SECTION 705.30
Section 705.30 - Revise Section 705.30(C) to read as follow:
(C) Transformers. The following apply to the installation of transformers:
(1) For the purpose of overcurrent protection, the primary side of transformers with sources on each side shall be the side connected to the largest source of available fault current.
(2) Transformer secondary conductors shall be protected in accordance with 240.21 (C).

SECTION 705.40
Section 705.40 – Add a new Informational Note No. 3 at the end of Section 705.40 to read as follows:
Informational Note No. 3: Utility companies may have additional requirements for interconnecting such power production sources.

ARTICLE 706
Energy Storage Systems

SECTION 706.1
Section 706.1 – Add a paragraph after the opening paragraph in Section 706.1 to read as follows:
An Energy Storage System ("ESS") shall be of a chemistry that is recognized by the New York City Construction Codes, the New York City Fire Code, and other applicable New York City laws, rules and regulations, unless otherwise approved by the department. In addition to an electrical permit, the equipment shall be filed and approved by the department in accordance with Article 113 of the administrative code.
Section 706.1 – Add a new Informational Note No. 4 to read as follows:
Informational Note No. 4: Contact the Office of Technical Certification and Research ("OTCR") for evaluation requirements of ESS battery chemistry not addressed or recognized by the NYC Construction Codes.

SECTION 706.20
Section 706.20 – Revise Informational Notes Nos. 1-4 in Section 706.20(A) to read as follows:
Informational Note No. 1: See Chapter 6 of the NYC Fire Code and rules promulgated by the fire department for ventilation considerations for specific battery chemistries.
Informational Note No. 2: Some storage technologies do not require ventilation.
Informational Note No. 3: A source for design of ventilation of battery systems is IEEE 1635-2018/ASHRAE Guideline 21-2018 Guide for the Ventilation and Thermal Management of Batteries for Stationary Applications.
Informational Note No. 4: Fire protection considerations are addressed in the NYC Fire Code and rules promulgated by the fire department.

ARTICLE 725
Class 1, 2, & 3 Remote-Control, Signaling, & Power-Limited Circuits

SECTION 725.24
Section 725.24 – Revise Section 725.24 to read as follows:
725.24 Mechanical Execution of Work. Class 1, Class 2, and Class 3 circuits shall be installed in a neat and workmanlike manner. Cables and conductors installed exposed on the surface of ceilings and sidewalls shall be supported by the building structure in such a manner that the cable will not be damaged by normal building use. Such cables shall be supported and secured by approved non-combustible straps, staples, cable ties, hangers or

similar fittings and related installation accessories designed and installed so as not to damage the cables. The installation shall also comply with 300.4(D).
Informational Note No.1: Paint, plaster, cleaners, abrasives, corrosive residues, or other contaminants can result in an undetermined alteration of Class 1, Class 2, Class 3, and Power Limited Tray Cable (PLTC) properties.
Informational Note No.2: Exposed wiring is intended to be securely held in place to avoid entanglement of fire response personnel during fire conditions.

SECTION 725.25
Section 725.25 – Revise Section 725.25 to read as follows:
725.25 Abandoned Cables, Power Sources and Other Associated Equipment. The accessible portion of abandoned Class 2, Class 3, and PLTC cables shall be removed. Where cables are identified for future use with a tag, the tag shall be of sufficient durability to withstand the environment involved. Abandoned cables, power sources and other associated equipment shall be removed. Power sources and other associated equipment tagged for future use shall be de-energized.

SECTION 725.48
Section 725.48(B)(1) – Revise Section 725.48(B)(1) to read as follows:

(1) **In a Cable, Enclosure, or Raceway.** Class 1 circuits and power-supply circuits shall be permitted to occupy the same cable, enclosure, or raceway without a barrier only where the equipment powered is functionally associated. Class I circuits shall be permitted to be installed together with the conductors of electric light, power, and medium power network-powered broadband communications circuits where separated by a barrier.

SECTION 725.136
Section 725.136 – Revise Section 725.136 to read as follows:
725.136 Separation from Electric Light, Power, Class 1, and Medium-Power Network-Powered Broadband Communications Cables.
(A) General. Cables and conductors of Class 2 and Class 3 circuits shall not be placed in any cable, cable tray, compartment, enclosure, manhole, outlet box, device box, raceway, or similar fitting with conductors of electric light, power, Class 1, and medium-power network-powered broadband communications circuits unless permitted by 725.136(B) through (I).
(B) Separated by Barriers. Class 2 and Class 3 circuits shall be permitted to be installed together with the conductors of electric light, power, Class 1, and medium power network-powered broadband communications circuits where they are separated by a barrier.
(C) Raceways Within Enclosures. In enclosures, Class 2 and Class 3 circuits shall be permitted to be installed in a raceway to separate them from Class 1 and medium-power network-powered broadband communications circuits.
(D) Associated Systems Within Enclosures. Class 2 and Class 3 circuit conductors in compartments, enclosures, device boxes, outlet boxes, or similar fittings shall be permitted to be installed with electric light, power, Class 1, and medium-power network-powered broadband communications circuits where they are introduced solely to connect the equipment connected to Class 2 and Class 3 circuits, and where (1) or (2) applies:
(1) The electric light, power, Class 1 and medium-power network-powered broadband communications circuit conductors are routed to maintain a minimum of 6 mm (0.25 in.) separation from the conductors and cables of Class 2 and Class 3 circuits.
(2) The circuit conductors operate at 150 volts or less to ground and also comply with one of the following:
a. The Class 2 and Class 3 circuits are installed using Type CL3, CL3R, or CL3P or permitted substitute cables, provided these Class 3 cable conductors extending beyond the jacket are separated by a minimum of 6 mm (0.25 in.) or by a nonconductive sleeve or nonconductive barrier from all other conductors.
b. The Class 2 and Class 3 circuit conductors are installed as a Class 1 circuit in accordance with 725.41.
(E) Enclosures with Single Opening. Class 2 and Class 3 circuit conductors entering compartments, enclosures, device boxes, outlet boxes, or similar fittings shall be permitted to be installed with Class 1 and medium-power network-powered broadband communications circuits where they are introduced solely to connect the equipment

connected to Class 2 and Class 3 circuits. Where Class 2 and Class 3 circuit conductors must enter an enclosure that is provided with a single opening, they shall be permitted to enter through a single fitting (such as a tee), provided the conductors are separated from the conductors of the other circuits by a continuous and firmly fixed nonconductor, such as flexible tubing.

(F) Manholes. Underground Class 2 and Class 3 circuit conductors in a manhole shall be permitted to be installed with Class 1 and medium power network-powered broadband communications circuits where one of the following conditions is met:

(1) The electric light, power, Class 1, and medium-power network-powered broadband communications circuit conductors are in a metal enclosed cable or Type UF cable.

(2) The Class 2 and Class 3 circuit conductors are permanently and effectively separated from the conductors of other circuits by a continuous and firmly fixed nonconductor, such as flexible tubing, in addition to the insulation or covering on the wire.

(3) The Class 2 and Class 3 circuit conductors are permanently and effectively separated from conductors of the other circuits and securely fastened to racks, insulators, or other approved supports.

(G) Cable Trays. Class 2 and Class 3 circuit conductors shall be permitted to be installed in cable trays, where the conductors of the electric light and Class 1 circuits are separated by a solid fixed barrier of a material compatible with the cable tray or where the Class 2 or Class 3 circuits are installed in Type MC cable.

(H) In Hoistways. In hoistways, Class 2 or Class 3 circuit conductors shall be installed in rigid metal conduit, intermediate metal conduit or electrical metallic tubing. For elevators or similar equipment, these conductors shall be permitted to be installed as provided in 620.21.

(I) Other Applications. For other applications, conductors of Class 2 and Class 3 circuits shall be separated by at least 50 mm (2 in.) from conductors of any electric light, power or medium-power network-powered broadband communications circuits unless one of the following conditions is met:

(1) Either all of the electric light, power, Class 1 and medium-power network-powered broadband communications circuit conductors or all of the Class 2 and Class 3 circuit conductors are in a raceway or in metal-sheathed, metal-clad, non–metallic-sheathed, Type TC, or Type UF cables; or

(2) All of the electric light, power, and medium-power network-powered broadband communications circuit conductors are permanently separated from all of the Class 2 and Class 3 circuit conductors by a continuous and firmly fixed nonconductor, such as porcelain tubes or flexible tubing, in addition to the insulation on the conductors.

SECTION 725.139

Section 725.139(E)(1) – Revise Item (1) in the list of items in Section 725.139(E)(1) to read as follows:

(1) DELETED.

SECTION 725.144

Section 725.144 – Revise the first sentence in Section 725.144 to read as follows:

725.144 Transmission of Power and Data. Sections 725.144(A), (B), and (C) shall apply to Class 2 and Class 3 circuits that transmit power and data to a powered device.

Section 725.144(C) - Add a new Section 725.144(C) to read as follows:

(C) Use of Class 2-LP or Class 3-LP Cables to Transmit Power and Data for Emergency and Egress Lighting Systems.

(1) System design shall be permitted by qualified persons under engineering supervision.

(2) System Design shall be in accordance with requirements as listed In Article 700 Emergency Systems.

ARTICLE 760
Fire Alarm Systems

SECTION 760.1

Section 760.1 – Revise Section 760.1 to read as follows:

760.1 Scope. This article covers the installation of wiring and equipment of fire alarm systems including all circuits controlled and powered by the fire alarm system.

Informational Note No. 1: Fire alarm systems include fire detection and alarm notification, sprinkler waterflow, and sprinkler supervisory systems. Circuits controlled and powered by the fire alarm system include circuits for the control of building systems safety functions, elevator capture, elevator shutdown, door release, smoke doors and damper control, fire doors and damper control and fan shutdown, but only where these circuits are powered by and controlled by the fire alarm system. For further information on the installation and monitoring of integrity requirements for fire alarm systems, refer to NFPA 72, National Fire Alarm Code, as amended by Appendix Q of the NYC Building Code.
Informational Note No. 2: Class 1, 2, and 3 circuits are defined in Article 725.
Informational Note No. 3: See Section 907 of the NYC Building Code for components description and use.

SECTION 760.2
Section 760.2 – Revise Section 760.2 to add new definitions for "Dedicated Function Fire Alarm System (DFS)," "Dedicated Function Fire Alarm Control Unit (DFCU)" and "Releasing Fire Alarm System (RFAS)" in alphabetical order to read as follows:
Dedicated Function Fire Alarm System (DFS). A protected premises fire alarm system installed specifically to perform emergency control function(s) where a building fire alarm system is not required. (NFPA 72 - 3.3.103.4.2 as amended by Appendix Q of NYC Building Code.)
Dedicated Function Fire Alarm Control Unit (DFCU). A protected premises fire alarm control unit that is intended to operate specifically identified emergency control function(s). {NFPA 72 – 3.3.100.2.1 as amended by Appendix Q of the NYC Building Code.}
Informational Note: Examples of a dedicated function fire alarm control unit include a supervisory control unit and either an automatic sprinkler alarm or an elevator recall control.
Releasing Fire Alarm System (RFAS). A protected premises fire alarm system that is part of a fire suppression system and/or that provides control inputs to a fire suppression system related to the fire suppression system's sequence of operations and outputs for other signaling and notification. {NFPA 72 - 3.3.103.4.3 as amended by Appendix Q of the NYC Building Code.}
Informational Note: Examples of a releasing service fire alarm system include pre-action and clean air agent systems.

SECTION 760.3
Section 760.3 – Revise Section 760.3(F) to read as follows:
(F) Optical Fiber Cables. Where optical fiber cables are utilized for fire alarm circuits, the cables shall be supervised and installed in EMT, IMC or RMC and terminated in equipment listed for fire alarm use. Where installed underground between buildings, optical fiber cables shall be permitted to be installed in non-metallic conduit buried or concrete encased.
Section 760.3 – Revise Section 760.3(L) to read as follows:
(L) DELETED
Section 760.3 – Revise Section 760.3(M) to read as follows:
(M) DELETED
Section 760.3 – Revise the Exception to Section 760.3(O) to read as follows:
Exception: DELETED.
SECTION 760.24
Section 760.24 – Revise Section 760.24(B) to read as follows:
(B) Circuit Integrity (CI) Cable. Where permitted to be exposed, Circuit Integrity (CI) cable shall be supported at a distance not exceeding 610 mm (24 in.) Cable supports and fasteners shall be steel.
Informational Note: For additional information, refer to Sections 760.52(A), 760.130(B)(1), and 760.131(A), as applicable.

SECTION 760.32
Section 760.32 – Revise the Informational Note in Section 760.32 to read as follows:
Informational Note: An example of a protective device suitable to provide protection is a device tested to the requirements of ANSI/UL 497B, Standard for Protectors for Data Communications and Fire Alarm Circuits.

SECTION 760.33

Section 760.33 -Add a new Section 760.33 to read as follows:

760.33 Fire Alarm System and Equipment Grounding. Fire alarm system and equipment grounding shall be installed in accordance with the following:

(A) Grounding Electrode Conductor. Each service or separately derived system supplying a fire alarm system shall be provided with a separate grounding electrode conductor originating at any point on the building grounding electrode system and sized and installed in accordance with Part III of Article 250.

(B) Equipment Grounding Conductor. Where there are conduits supplying 120V to the fire command center, control unit or distributed control cabinets, a separate green insulated equipment grounding conductor shall be sized and installed in accordance with Article 250, Table 250.122.

SECTION 760.41

Section 760.41- Revise Section 760.41 to read as follows:

760.41 NPLFA Circuit Power Source Requirements. The power source for fire alarm circuits shall comply with (A) through (E).

(A) Primary Power Source. All fire alarm circuits shall be provided with a primary power source not exceeding 600 volts nominal supplied by utility company power or isolated plant. The primary power supply to the fire alarm system shall comply with the following:

(1) Primary Power Supply for the Fire Alarm System(s). Where a fire alarm system is installed as required by the New York City Building Code, primary power supply shall be connected to the primary power source ahead of all building service disconnecting means so that the building service disconnecting means can be opened without de-energizing the fire alarm supply.

(2) Primary Power Supply for Dedicated Function Fire Alarm System. Primary power supply for Dedicated Function Fire Alarm System shall be permitted to be connected to the power supply through the protected area of such system by means of a connection ahead of the disconnecting means for the power supply to the protected area.

(3) Primary Power Supply for Releasing Fire Alarm System(s). Where the building is not equipped with an automatic or manual fire alarm system power riser, primary power supply for Releasing Fire Alarm System shall be permitted to be connected to the power supply through the protected area of such system by means of a connection ahead of the disconnecting means for the power supply to the protected area.

(4) For Nonrequired (Voluntary) Fire Alarm Systems Primary Power Supply. Primary power supply for nonrequired (voluntary) fire alarm system shall be permitted to be connected to the power supply through the protected area of such system by means of a connection ahead of the disconnecting means for the power supply to the protected area.

Informational Note: Dedicated Function Fire Alarm System (required and voluntary) and Releasing Fire Alarm System may also use the connected means defined in paragraph (1) where available.

(B) Secondary Power Source. Where an emergency power system is provided or required to be provided for emergency system loads, the fire alarm circuits shall be connected to the emergency power system. The secondary power supply shall be connected such that all other disconnecting means serving other building emergency loads can be opened without de-energizing the facility fire alarm secondary power supply.

All building fire alarm systems connected to an emergency generator shall be provided with a dedicated transfer switch and be connected ahead of the emergency generator overcurrent protective devices as follows:

(1) 208Y/120 volts systems-by a dedicated fused disconnecting means.

(2) 480Y/277 volts systems-by a dedicated fused disconnecting means on the secondary of the associated transformer.

(C) Battery. Regardless of whether a secondary power source is also provided, each fire alarm system shall be equipped with a storage battery power supply sized to meet the operating power requirements of the system in accordance with (1), (2) or (3) below and shall automatically connect to and operate the fire alarm system upon failure of the primary or secondary power supply or sources.

(1) With Voice Communications Capability. Supervisory operation for 24 hours followed by full load operation for 6 hours for systems with voice communications capability.

Informational Note: A 45-minute period of voice and alarm operation at the maximum connected load shall be considered equivalent to 6 hours of total system operation.

(2) Without Voice Communications Capability. Supervisory operation for 24 hours followed by full load operation for 15 minutes for systems without voice communications capability.
(3) DFS and RFAS. Supervisory operation for 24 hours followed by full load operation for 15 minutes.
(D) Arrangement of Power Sources. One source of power shall be connected to the fire alarm system at all times. The primary and secondary power sources shall be arranged and controlled by an automatic transfer switch dedicated to the fire alarm system such that the secondary source will be automatically connected to the fire alarm system should the primary power source fail. The following conditions shall be met where applicable:
(1) Intermediary devices between the fire alarm system power supply and the power source, other than fused disconnect switches, transformers and automatic transfer switches are prohibited. Such disconnect switches, transformers and automatic transfer switches shall supply only the fire alarm system and other systems specifically permitted by applicable New York City rules and regulations.
(2) The primary and secondary power source shall each be provided with a means of disconnecting from the fire alarm system. Each disconnecting means shall consist of a fused disconnect switch, locked in the ON position. The key shall be kept on premises and made accessible only to authorized personnel. Such disconnect shall be painted red and permanently identified as a fire alarm circuit and labeled as to system/location served.
(3) The fire alarm system fused disconnect switch on the transformer secondary side shall comply with the requirements of the primary and secondary power source fused disconnect switches pursuant to Article 240.
(4) For buildings served at up to 300 volts to ground, the service voltage shall be transformed to 208/120 volts and a fire alarm fused disconnect, provided within a circuit length of ten feet, shall be connected at the transformer secondary on the 208/120 volt side.
(5) Approved disconnecting means assembly, such as fusible panel boards with compact branch fused disconnects or fusible switches, with selectively coordinated overcurrent protection device shall be provided where multiple circuits are required to support the fire alarm system and related auxiliaries.
(E) Branch Circuit. An individual branch circuit shall be required for the supply of the power source. The location of the branch circuit overcurrent protective device shall be permanently identified. The circuit disconnecting means shall have red identification, shall be accessible only to qualified personnel, shall not contain any splices, and shall be identified as "FIRE ALARM CIRCUIT". This branch circuit shall not be supplied through ground-fault circuit interrupter or arc-fault circuit interrupters. Where splicing is necessary, a listed method utilizing irreversible mechanical wire termination shall be permitted. The fire alarm branch-circuit disconnecting means shall be permitted to be secured in the "on" position.

SECTION 760.43
Section 760.43 – Revise Section 760.43 to read as follows:
760.43 NPLFA Circuit Overcurrent Protection. Overcurrent protection for conductors 14 AWG and larger shall be provided in accordance with the conductor ampacity without applying the ampacity adjustment and correction factors of 310.15 to the ampacity calculation.
Exception: This section does not apply to other articles of this Code that permit or require other overcurrent protection.

SECTION 760.46
Section 760.46 – Revise Section 760.46 to read as follows:

760.46 NPLFA Circuit Wiring. Installation of non-power limited fire alarm feeders and branch circuits shall be in accordance with applicable portions of 110.3(B), 300.7, 300.11, 300.15, 300.17, 300.19(B) and other appropriate articles of Chapter 3 using raceway methods described in Articles 342, 344, and 358, or use Type MI Cable in accordance with Article 332. For the last 914 mm (3 ft) of NPLFA branch circuit, a Flexible Metallic Conduit (FMC) or Liquidtight Flexible Metallic Conduit (LFMC) shall be permitted.
Exception No. 1: As provided in 760.48 through 760.52.
Exception No. 2: This section does not apply where other articles of this Code require other methods.
Exception No. 3: Where other articles of this code require other wiring to be used, a listed electrical protective system with minimum 2-hour fire rating shall be permitted.

SECTION 760.48

Section 760.48 – Revise Section 760.48(A) to read as follows:

760.48 Conductors of Different Circuits in Same Cable, Enclosure, or Raceway.

(A) NPLFA Circuits. Non-power limited fire alarm circuit conductors shall not be permitted to occupy the same cable, enclosure or raceway with circuit conductors of other systems.

Section 760.48 – Revise Section 760.48(B) to read as follows:

(B) Fire Alarm with Power-Supply Circuits. Power supply and fire alarm circuit conductors shall be permitted in the same enclosure only where connected to the same equipment.

SECTION 760.49

Section 760.49 – Revise Section 760.49 to read as follows:

(A) Sizes and Use. Only copper conductors size 14 AWG and larger shall be permitted to be used as NPLFA circuit conductors.

(B) Insulation. Insulation on conductors shall be suitable for 600 volts, 90 C, and shall comply with Article 310. Conductors shall be Type THHN, THWN/THHN, TFFN, TFN, FEP, RHH, RHW2, XHH, XHHW, MI or listed electrical protective systems. Application of conductor ampacity shall be in accordance with 110.14 for terminal device ratings.

(C) Conductor Materials. Conductors shall be solid copper up to size 10 AWG. Stranded copper conductors shall be used for sizes 8 AWG and larger.

SECTION 760.51

Section 760.51 – Revise Section 760.51 to read as follows:

(A) NPLFA Circuits. Where only non–power-limited fire alarm circuit conductors are in a raceway, the number of conductors shall be determined in accordance with 300.17. The ampacity adjustment factors given in 310.15(C)(1) shall apply if such conductors carry continuous load in excess of 10 percent of the ampacity of each conductor.

(B) DELETED.

(C) DELETED.

SECTION 760.52

Section 760.52 – Add a new Section 760.52 to read as follows:

760.52 NPLFA Mechanical Execution of Work. Installation shall comply with the following:

(A) Mechanical Rooms, Elevator Rooms, Garages and Loading Docks. All wiring installed up to 2.4m (8 ft) above the finished floor in garages, loading docks, mechanical rooms, and elevator rooms shall meet the installation requirements of Article 344. All wiring installed over 2.4m (8 ft) above the finished floor shall meet the installation requirements of Articles 332, 342, 344 or 358. Where flexibility is required after installation, Flexible Metallic Conduit (FMC) or Liquidtight Flexible Metallic Conduit (LFMC) shall be permitted up to 36" at the last termination.

Exception No. 1: For mechanical rooms and elevator rooms having a floor area of less than 900 square feet, installation pursuant to Articles 332, 342, 344 or 358 is permitted without height limitation.

Exception No. 2: Where pathway survivability is required, a listed electrical protective system with minimum 2-hour fire rating shall be permitted.

(B) Installation. Installation of raceways, boxes, enclosures, cabinets and wiring shall conform to the following requirements:

(1) Covers of boxes, enclosures and cabinets shall be painted red and permanently identified as to use.

(2) Penetrations through rated walls, ceilings and floors shall be fire stopped.

(3) Raceways or wiring shall not penetrate the top of any control equipment cabinet or enclosure.

(4) Raceways shall not be installed in stairs enclosures unless they are serving the stairways.

Informational Note: Refer to Chapter 10 of the NYC Building Code for raceway requirements allowed in stairs enclosures.

SECTION 760.53

Section 760.53 – Revise Section 760.53 to read as follows:

760.53 DELETED.

SECTION 760.121
Section 760.121 - Revise Section 760.121(B) to read as follows:
(B) Branch Circuit. For power source requirements, refer to 760.41.

SECTION 760.124
Section 760.124 – Revise the Informational Note in Section 760.124 to read as follows:
Informational Note: DELETED.

SECTION 760.127
Section 760.127 – Revise the Exception in Section 760.127 to read as follows:
Exception: DELETED.

SECTION 760.130
Section 760.130 – Revise Section 760.130 to read as follows:
(A) NPLFA Wiring Methods and Materials. Installation shall be in accordance with 760.46, and conductors shall be solid or stranded copper.
Exception: The ampacity adjustment factors given in 310.15(B)(3)(a) shall not apply.
(B) PLFA Wiring Methods and Materials. Power-limited fire alarm conductors and cables described in 760.179 shall be installed as detailed in 760.130(B)(1), (B)(2), or (B)(3) of this section and 300.7. Devices shall be installed in accordance with 110.3(B), 300.11(A) and 300.15 with all wiring supported from the building structure independently.
(1) In Raceways, Exposed on Ceilings or Sidewalls, or Fished in Concealed Spaces. In raceways or exposed above 2.4m (8 ft) on the surface of ceiling and sidewalls, or fished in concealed spaces, cable splices or terminations shall be made in listed fittings, boxes, enclosures, fire alarm devices, or utilization equipment. Where installed exposed, cables shall be supported at a maximum of 1.5m (5 ft) spacing and installed in such a way that maximum protection against physical damage is afforded by building construction. Where located within 2.4m (8 ft) of the floor, cables shall be installed in raceway as per Article 342, 344, 358 or 386. Where flexibility is required after installation, Flexible Metallic Conduit (FMC) or Liquidtight Flexible Metallic Conduit (LFMC) shall be permitted up to 36 inches at the last termination.
(2) Passing Through a Floor or Wall. Cables shall be installed in metal raceways where passing through a floor or wall to a height of 2.4m (8 ft) above the floor, unless adequate protection can be afforded by building construction such as detailed in 760.130(B)(1) or unless an equivalent solid guard is provided.
Informational Note: Protection by building construction includes, but is not limited to, raised floors, shafts, telephone and communications equipment rooms and closets, and rooms used exclusively for fire alarm equipment.
(3) In Hoistways. Cables shall be installed in rigid metal conduit, intermediate metal conduit, or electrical metallic tubing, where installed in hoistways.
Exception: As provided for in 620.21 for elevators and similar equipment.
(4) Terminations and Splices. Terminations and splices shall be made in listed fittings, boxes, enclosures, fire alarm devices or utilization equipment. Splices shall be limited to locations where the conditions of installation require the use of splices. Splices and terminations in riser cables are prohibited except where made in fire alarm equipment terminal cabinets. Mechanical connections shall be listed in accordance with UL 486A - 486C or if soldered, conductors shall first be joined so as to be mechanically and electrically secure prior to soldering. Temperature rating of completed splices shall be equal to or exceed the temperature rating of the highest rated conductor.
(5) Physical Protection. Where a Smoke Control System is provided, all wiring, regardless of voltage, shall be installed in raceways.
Informational Note: For additional information on Smoke Control System wiring requirements, refer to Chapter 9 of the NYC Building Code.

SECTION 760.131

Section 760.131 – Add a new Section 760.131 to read as follows:

760.131 PLFA Mechanical Execution of Work. Installation shall conform to the following requirements:

(A) Mechanical Rooms, Elevator Rooms, Garages and Loading Docks. All wiring installed up to 2.4m (8 ft) above the finished floor in garages, loading docks, mechanical rooms, and elevator rooms shall meet the installation requirements of Article 344. Wiring installed above 2.4m (8 ft) above finished floor shall meet the installation requirement of Articles 342, 344, and 358, or use Type MI Cable in accordance with Article 332. Where flexibility is required after installation, Flexible Metallic Conduit (FMC) or Liquidtight Flexible Metallic Conduit (LFMC) shall be permitted up to 36 inches at the last termination.

Exception: For mechanical rooms and elevator rooms having a floor area of less than 900 square feet, installation pursuant to Articles 332, 342, 344 or 358 is permitted without height limitation.

(B) Releasing Fire Alarm Systems. Suppression systems activated by automatic fire detection and using fire alarm cables shall be installed pursuant to Articles 332, 342, 344 or 358. Such systems shall include, but not be limited to, pre-action sprinkler, deluge sprinkler, water mist, clean air agent, Halon, range hood, CO2, and dry chemicals."

(C) Installation. Installation of raceways, boxes, enclosures, cabinets and wiring shall conform to the following requirements:

(1) Covers of boxes, enclosures and cabinets shall be painted red and permanently identified as to use.

(2) Penetrations through rated walls, ceilings and floors shall be firestopped.

(3) Raceways or wiring shall not penetrate the top of any control equipment cabinet or enclosure.

(4) Raceways shall not be installed in stair enclosures unless they are serving the stairways.

Informational Note: For allowed raceways that are serving stairs enclosures, refer to Section 1023.5 of the NYC Building Code.

(3) Cables shall be secured by cable ties, straps or similar fittings designed and installed so as not to damage cables. Such fittings shall be secured in place at intervals not exceeding 1.5m (5 ft) on center and within 300 mm (1 ft) of associated cabinet, enclosure, or box.

SECTION 760.135

Section 760.135 – Revise Section 760.135(B) to read as follows:

(B) Ducts Specifically Fabricated for Environmental Air. The following cables shall be permitted in ducts specifically fabricated for environmental air as described in 300.22 (B), if they are directly associated with the air distribution system:

(1) Types FPLP "NYC Certified Fire Alarm Cable" and FPLP-CI cables in lengths as short as practicable to perform the required function

(2) Types FPLP "NYC Certified Fire Alarm Cable" and FPLP-CI installed in raceways that are installed in compliance with 300.22(B)

Informational Note: For information on fire protection of wiring installed in fabricated ducts, see 4.3.4.1 and 4.3.11.3.3 of NFPA 90A-2018, Standard for the Installation of Air-Conditioning and Ventilating Systems.

Section 760.135 – Revise Section 760.135(C) to read as follows:

(C) Other Spaces Used for Environmental Air (Plenums). The following cables shall be permitted in other spaces used for environmental air as described in 300.22(C):

(1) Type FPLP "NYC Certified Fire Alarm Cable".

(2) Type FPLP "NYC Certified Fire Alarm Cable" installed in plenum communications raceways.

(3) Types FPLP "NYC Certified Fire Alarm Cable" and FPLP-CI cables supported by open metallic cable trays or cable tray systems.

(4) Types FPLP "NYC Certified Fire Alarm Cable" installed in raceways that are installed in compliance with 300.22(C).

(5) Types FPLP "NYC Certified Fire Alarm Cable" supported by solid bottom metal cable trays with solid metal covers in other spaces used for environmental air (plenums) as described in 300.22(C).

(6) Types FPLP "NYC Certified Fire Alarm Cable" installed in plenum communications raceways, riser communications raceways, or general-purpose communications raceways supported by solid bottom metal cable trays with solid metal covers in other spaces used for environmental air (plenums) as described in 300.22(C).

Section 760.135 – Revise Section 760.135(D) to read as follows:
(D) Risers — Cables in Vertical Runs. Type FPLP "NYC Certified Fire Alarm Cable" shall be permitted in vertical runs penetrating one or more floors and in vertical runs in a shaft:
Informational Note: See 300.21 for firestop requirements for floor penetrations.
Section 760.135 – Revise Section 760.135(E) to read as follows:
(E) Risers — Cables in Metal Raceways. Type FPLP "NYC Certified Fire Alarm Cable" shall be permitted in metal raceways in a riser having firestops at each floor:
Informational Note: See 300.21 for firestop requirements for floor penetrations.
Section 760.135 – Revise Section 760.135(F) to read as follows:
(F) Risers — Cables in Fireproof Shafts. Type FPLP "NYC Certified Fire Alarm Cable" shall be permitted to be installed in fireproof riser shafts having firestops at each floor.
Informational Note: See 300.21 for firestop requirements for floor penetrations.
Section 760.135 – Revise Section 760.135(G) to read as follows:
(G) Risers — One- and Two-Family Dwellings. Type FPLP "NYC Certified Fire Alarm Cables" shall be permitted in one- and two-family dwellings.
Section 760.135 – Revise Section 760.135(H) to read as follows:
(H) Other Building Locations. Type FPLP "NYC Certified Fire Alarm Cable" shall be permitted to be installed in building locations other than the locations covered in 770.113(B) through (H).

SECTION 760.136
Section 760.136 – Revise Section 760.136(D)(2) to read as follows:
(2) The circuit conductors operate at 150 volts or less to ground and also comply with one of the following:
a. The fire alarm power-limited circuits are installed using Type FPLP "NYC Certified Fire Alarm Cable" provided these power-limited cable conductors extending beyond the jacket are separated by a minimum of 6 mm (0.25 in.) or by a nonconductive sleeve or nonconductive barrier from all other conductors.
b. DELETED.
Section 760.136 – Revise Section 760.136(F) to read as follows:
(F) In Hoistways. In hoistways, power-limited fire alarm circuit conductors shall be installed in rigid metal conduit, intermediate metal conduit, or electrical metallic tubing. For elevators or similar equipment, these conductors shall be permitted to be installed as provided in 620.21.
Section 760.136 – Revise Section 760.136(G)(1) to read as follows:

(1) Either (a) all of the electric light, power, Class 1, nonpower-limited fire alarm, and medium-power network powered broadband communications circuit conductors or (b) all of the power-limited fire alarm circuit conductors are in a raceway or metal-sheathed or metal-clad cables.

SECTION 760.139
Section 760.139 – Revise Section 760.139 to read as follows:
760.139 DELETED.

SECTION 760.142
Section 760.142 – Revise Section 760.142 to read as follows:
760.142 Conductor Size. Conductors shall not be smaller than 18 AWG in size.

SECTION 760.154
Section 760.154 – Revise Section 760.154 to read as follows:
760.154 DELETED.

SECTION 760.176
Section 760.176 – Revise Section 760.176(G) to read as follows:
(G) NPLFA Cable Markings. Non-power-limited fire alarm circuit cables shall be permitted to be marked with a maximum usage voltage rating of 150 volts. Cables that are listed for circuit integrity shall be identified with the suffix "CI" as defined in 760.176(F).

SECTION 760.179

Section 760.179 – Revise Section 760.179(B) to read as follows:

(B) Conductor Size. The size of conductors in single or multi-conductor cables shall not be smaller than 18 AWG.

Section 760.179 – Revise Section 760.179(D) to read as follows:

(D) Type FPLP. Type FPLP power-limited fire alarm plenum cable shall be listed as being suitable for use in ducts, plenums, and other space used for environmental air and shall also be listed as having adequate fire-resistant and low smoke–producing characteristics. Type FPLP power-limited fire alarm cable shall be listed with the following additional requirements:

(1) Type FPLP only; minimum insulation thickness 15 mils; minimum temperature 150 C.

(2) Red colored jacket overall; minimum thickness 25 mils.

(3) Cable shall bear additional description "ALSO CLASSIFIED FOR USE AS FIRE ALARM CABLE IN NEW YORK CITY," and shall be legible without removing jacket.

Informational Note: One method of defining a cable that is low-smoke producing cable and fire-resistant cable is that the cable exhibits a maximum peak optical density of 0.50 or less, an average optical density of 0.15 or less, and a maximum flame spread distance of 1.52 m (5 ft) or less when tested in accordance with NFPA 262-2019, Standard Method of Test for Flame Travel and Smoke of Wires and Cables for Use in Air-Handling Spaces.

Section 760.179 – Revise Section 760.179(E) to read as follows:

(E) DELETED.

Section 760.179(F) – Revise Section 760.179(F) to read as follows:

(F) DELETED.

Section 760.179 – Revise Section 760.179(G) to read as follows:

(G) Fire Alarm Circuit Integrity (CI) Cable or Electrical Circuit Protective System. Cables that are used for survivability of critical circuits under fire conditions shall meet either 760.179(G)(1) or (G)(2).

Informational Note No. 1: Fire alarm circuit integrity (CI) cable and electrical circuit protective systems may be used for fire alarm circuits to comply with the survivability requirements of NFPA 72-2019, National Fire Alarm and Signaling Code, 12.4.3 and 12.4.4, that the circuit maintain its electrical function during fire conditions for a defined period of time.

Informational Note No. 2: One method of defining circuit integrity (CI) cable or an electrical circuit protective system is by establishing a minimum 2-hour fire-resistive rating for the cable when tested in accordance with ANSI/UL 2196-2017, Standard for Fire Test for Circuit Integrity of Fire-Resistive Power, Instrumentation, Control and Data Cables

Informational Note No. 3: UL guide information for electrical circuit protective systems (FHIT) contains information on proper installation requirements for maintaining the fire rating.

(1) Circuit Integrity (CI) Cables. Circuit integrity (CI) cables specified in 760.179(D) and used for survivability of critical circuits shall have an additional classification using the suffix "CI." Circuit integrity (CI) cables shall only be permitted to be installed in a raceway where specifically listed and marked as part of an electrical circuit protective system as covered in 760.179(G)(2).

(2) Electrical Circuit Protective System. Cables specified in 760.179(D) and (G)(1), which are part of an electrical circuit protective system, shall be identified with the protective system number and hourly rating printed on the outer jacket of the cable and installed in accordance with the listing of the protective system.

Section 760.179 – Revise Section 760.179(H) to read as follows:

(H) DELETED.

Section 760.179 – Revise Section 760.179(I) to read as follows:

(I) Cable Marking. The cable shall be marked in accordance with subsection 760.179(D)(3) and its rating marked as "NYC Certified Fire Alarm Cable". Cables that are listed for circuit integrity shall be identified with the suffix CI as defined in 760.179(G).

Informational Note: Voltage ratings on cables may be misinterpreted to suggest that the cables may be suitable for Class 1, electric light, and power applications.

Exception: Voltage markings shall be permitted where the cable has multiple listings and voltage marking is required for one or more of the listings.

Section 760.179 – Revise Section 760.179(J) to read as follows:
(J) Insulated Continuous Line-Type Fire Detectors. Insulated continuous line-type fire detectors shall be rated in accordance with 760.179(C), listed as being resistant to the spread of fire in accordance with 760.179(D), marked in accordance with 760.179(I), and the jacket compound shall have a high degree of abrasion resistance.

ARTICLE 770
Optical Fiber Cables

SECTION 770.2
Section 770.2 - Revise the definition of "Abandoned Optical Fiber Cable" in Section 770.2 to read as follows:
Abandoned Optical Fiber Cable. Installed optical fiber cable that is not terminated at equipment other than a connector and not identified for future use with a tag securely fixed to each end and indicating the location of the opposing end.

SECTION 770.25
Section 770.25 – Revise Section 770.25 to read as follows:
770.25 Abandoned Cables, Power Sources and Other Associated Equipment. The accessible portion of abandoned optical fiber and other cables, power sources, and other associated equipment shall be removed. Where cables are identified for future use with a tag, such tag shall be of sufficient durability to withstand the environment involved. Power sources and other associated equipment tagged for future use shall be de-energized.

SECTION 770.47
Section 770.47- Revise Section 770.47 to read as follows:
770.47 Underground Optical Fiber Cables Entering Buildings. Underground optical fiber cables entering buildings shall comply with 770.47(A) and (B).
(A) Underground Systems with Electric Light, Power or Class 1 Circuit Conductors. Underground conductive optical fiber cables entering buildings with electric light, power, Class 1, or circuit conductors in a raceway, handhole enclosure, or manhole shall be located in a section separated from such conductors by means of brick, concrete, or tile partitions or by means of a suitable barrier.
(B) Direct-Buried Cables and Raceways. Direct-buried conductive optical fiber cables shall be separated by at least 300 mm (12 in.) from conductors of any electric light, power or Class 1 circuit conductors.
Exception No. 1: Direct-buried conductive optical fiber cables shall not be required to be separated by at least 300 mm (12 in.) from electric service conductors where electric service conductors are installed in raceways or have metal cable armor.
Exception No. 2: Direct-buried conductive optical fiber cables shall not be required to be separated by at least 300 mm (12 in.) from electric light or power branch-circuit or feeder conductors, or Class 1 circuit conductors where electric light or power branch-circuit or feeder conductors or Class 1 circuit conductors are installed in a raceway or in metal-sheathed, metal-clad, or Type UF or Type USE cables.
Informational Note: Utility company installation standards may require more stringent separation clearance for underground communication cables.

SECTION 770.48
Section 770.48(B)(3) – Revise Item (3) in the list of items in Section 770.48(B) to read as follows:
(3) DELETED.

SECTION 770.133
Section 770.133(A) – Revise Section 770.133(A) to read as follows:
(A) In Cable Trays and Raceways. Conductive optical fiber cables contained in an armored or metal-clad-type sheath and nonconductive optical fiber cables shall be permitted to occupy the same cable tray or raceway with conductors for electric light, power, Class 1, Type ITC, or medium-power network-powered broadband communications circuits operating at 1000 volts or less. Conductive optical fiber cables without an armored or metal-clad-type sheath shall not be permitted to occupy the same cable tray or raceway with conductors for

electric light, power, Class 1, Type ITC, or medium-power network-powered broadband communications circuits, unless all of the conductors of electric light, power, Class 1, and medium-power network-powered broadband communications circuits are separated from all of the optical fiber cables by a permanent barrier or listed divider.
Section 770.133(B)(2) – Revise Section 770.133(B)(2) to read as follows:
(2) The conductors for electric light, power, Class 1, Type ITC, or medium-power network-powered broadband communications circuits operate at 1000 volts or less.
Section 770.133(C)(2) – Revise item (2) in the list of items in Section 770.133(C) to read as follows:
(2) DELETED.
Section 770.133(E) – Add a new Section 770.133(E) to read as follows:
(E) Electrical Equipment Rooms. Fiber optic circuits and equipment shall not be installed in Electrical Equipment Rooms unless otherwise permitted in this code.
Exception No 1: Optical fiber cables and equipment used for fire alarm systems, control, and monitoring of electrical equipment and/or associated components shall be permitted.
Exception No 2: Antenna and associated cabling intended for emergency life-safety use shall be permitted.

ARTICLE 800
General Requirements for Communications Systems

SECTION 800.24
Section 800.24 – Revise the opening paragraph in Section 800.24 to read as follows:
800.24 Mechanical Execution of Work. Circuits and equipment shall be installed in a neat and workmanlike manner. Cables installed exposed on the surface of ceilings and sidewalls shall be supported by approved non-combustible straps, staples, cable ties, hangers, or similar fittings and related installation accessories designed and installed so as not to damage the cables. The installation shall also conform to 300.4 and 300.11. Nonmetallic cable ties and other nonmetallic cable accessories used to secure and support cables in other spaces used for environmental air (plenums) shall be listed as having low smoke and heat release properties in accordance with 805.170(C).
Section 800.24 – Add a new Informational Note in Section 800.24 to read as follows:
Informational Note No. 4: Exposed wiring should be securely held in place to avoid entanglement of fire response personnel during fire conditions.

SECTION 800.25
Section 800.25 – Revise Section 800.25 to read as follows:
800.25 Abandoned Cables, Power Sources & Other Associated Equipment. The accessible portion of abandoned cables, power sources and other associated equipment shall be removed. Power sources and other special equipment tagged for future use shall be de-energized. Where cables are identified for future use with a tag, such tag shall be of sufficient durability to withstand the environment involved.

SECTION 800.110
Section 800.110(C)(1) – Revise Section 800.110(C)(1) to read as follows:
(1) Horizontal Support. Cable routing assemblies shall be supported where run horizontally at intervals not to exceed 900 mm (3 ft) and at each end or joint, unless listed for other support intervals. In no case shall the distance between supports exceed 3 m (10 ft). In corridors and exits, the distance between supports shall not exceed 900 mm (3 ft) regardless of listing.
Section 800.110(D) – Revise Section 800.110(D) to read as follows:
(D) Cable Trays. Wires, cables and communications raceways shall be permitted to be installed in metal cable tray. Listed nonmetallic cable tray systems may be used as permitted in Section 392.10(D). Ladder cable trays shall be permitted to support cable routing assemblies.

SECTION 800.113
Section 800.113 -Add an "Informational Note No. 1" and "Informational Note No. 2" after the opening paragraph to read as follows:

Informational Note No. 1: Refer to Article 760 for Fire Alarm wiring requirements.
Informational Note No. 2: For Auxiliary Radio Communication System installation, refer to NYC Building Code, Reference Standards, and NYC Fire Code.

ARTICLE 805
Communications Circuits

SECTION 805.133
Section 805.133 - Revise the opening paragraph in Section 805.133 to read as follows:
805.133 Installation of Communications Wires, Cables, and Equipment. Communications wires and cables from the protector to the equipment or, where no protector is required, communications wires and cables attached to the outside or inside of the building shall comply with 805.133(A) through 805.133(C).
Section 805.133(C) - Add a new Section 805.133(C) to read as follows:
(C) Electrical Equipment Rooms. Communications equipment and cabling shall not be installed in Electrical Equipment Rooms.
Exception No. 1: Communications equipment and cabling for control and monitoring of electrical equipment and/or associated components shall be permitted.
Exception No. 2: Antenna and associated cabling intended for emergency life-safety use shall be permitted.

ARTICLE 820
Community Antenna Television and Radio Distribution System

SECTION 820.2
Section 820.2 – Revise Section 820.2 to read as follows:
820.2. DELETED.

SECTION 820.133
Section 820.133(A)(1)(b) - Revise Section 820.133(A)(1)(b) to read as follows:
(b) *Electric Light, Power, Class 1, and Medium-Power Network-Powered Broadband Communications Circuits.* Coaxial cable shall not be placed in any raceway, compartment, outlet box, junction box, or other enclosures with conductors of electric light, power, Class 1, or medium-power network-powered broadband communications circuits.
Exception No. 1: Coaxial cable shall be permitted to be placed in any raceway, compartment, outlet box, junction box, or other enclosures with conductors of electric light, power, Class 1, or medium-power network-powered broadband communications circuits where all of the conductors of electric light, power, Class 1, and medium-power network-powered broadband communications circuits are separated from all of the coaxial cables by a permanent barrier or listed divider.
Exception No. 2: Coaxial cable shall be permitted to be placed in outlet boxes, junction boxes, or similar fittings or compartments with power conductors where such conductors are introduced solely for power supply to the coaxial cable system distribution equipment. The power circuit conductors shall be routed within the enclosure to maintain a minimum 6 mm (1/4 in.) separation from coaxial cables.
Section 820.133(A)(2) – Revise Section 820.133(A)(2) to read as follows:
(2) Other Applications. Coaxial cable shall be separated at least 50 mm (2 in.) from conductors of any electric light, power, Class 1, or medium-power network-powered broadband communications circuits.
Exception No. 1: Separation shall not be required where either (1) all of the conductors of electric light, power, Class 1, and medium-power network-powered broadband communications circuits are in a raceway, or in metal-sheathed, metal-clad, nonmetallic-sheathed, Type AC or Type UF cables, or (2) all of the coaxial cables are encased in a raceway.
Exception No. 2: Separation shall not be required where the coaxial cables are permanently separated from the conductors of electric light, power, Class 1, and medium-power network-powered broadband communications circuits by a continuous and firmly fixed nonconductor, such as porcelain tubes or flexible tubing, in addition to the insulation on the wire.
Section 820.133(C) – Add a new Section 820.133(C) to read as follows:

(C) Electrical Equipment Rooms. Television and radio equipment and cabling shall not be installed in Electrical Equipment Rooms unless otherwise permitted in this code.

ARTICLE 830
Network-Powered Broadband Communications Systems

SECTION 830.133
Section 830.133(A)(1)(e) – Revise the opening paragraph of Section 830.133(A)(1)(e) to read as follows:
(e) *Electric Light, Power, Class 1, Non-Powered Broadband Communications Circuit Cables.* Network-powered broadband communications cable shall not be placed in any raceway, cable tray, compartment, outlet box, junction box, or similar fittings with conductors of electric light, power, or Class 1 circuit cables.
Section 830.133(A)(1)(e) – Revise "Exception No. 1" in Section 830.133(A)(1)(e) to read as follows:
Exception No. 1: Where all of the conductors of electric light, power, Class 1 circuits are separated from all of the network-powered broadband communications cables by a permanent barrier or listed divider.
Section 830.133(A)(2) - Revise Section 830.133(A)(2) to read as follows:
(2) Other Applications. Network-powered broadband communications cable shall be separated at least 50 mm (2 in.) from conductors of any electric light, power, and Class 1 circuits.
Exception No. 1: Separation shall not be required where: (1) all of the conductors of electric light, power, and Class 1 circuits are in a raceway, or in metal-sheathed, metal-clad, nonmetallic-sheathed, Type AC, or Type UF cables, or (2) all of the network-powered broadband communications cables are encased in a raceway.
Exception No. 2: Separation shall not be required where the network-powered broadband communications cables are permanently separated from the conductors of electric light, power, and Class 1 circuits by a continuous and firmly fixed nonconductor, such as porcelain tubes or flexible tubing, in addition to the insulation on the wire.
Section 830.133(C) – Add a new Section 830.133(C) to read as follows:
(C) Electrical Equipment Rooms. Broadband communications equipment and cabling shall not be installed in Electrical Equipment Rooms.
Exception No. 1: Broadband communication equipment and cabling for control and monitoring of electrical equipment and/or associated components shall be permitted.
Exception No. 2: Broadband communication equipment intended for emergency life-safety use shall be permitted.

§ 25. Licenses issued prior to the effective date of this local law in accordance with chapter 3 of title 27 of the administrative code of the city of New York, repealed by section 1 of this local law, shall remain in effect in accordance with their terms until they expire or are otherwise revoked or suspended by the department. Renewals of such licenses shall be in accordance with chapter 4 of title 28 of the administrative code of the city of New York, as amended by this local law.

§ 26. Nothing in this local law is intended to affect, alter, or amend the jurisdiction of the board of standards and appeals relating to electrical work, the New York city electrical code, or decisions of the commissioner of buildings with respect to matters relating to electrical work.

§ 27. This local law takes effect 180 days after it is enacted into law and applies to work performed pursuant to applications for construction document approval filed on and after such effective date except that:

(i) at the option of an owner, the technical requirements of the New York city electrical code, added by section 24 of this local law, may apply to applications that are filed prior to such effective date for electrical work with respect to the construction of new buildings;

(ii) at the option of an owner, the technical requirements of the New York city electrical code, added by section 24 of this local law, may apply to applications that are filed not less than 90 days prior to such effective date for electrical work in existing buildings; and

(iii) the commissioner of buildings may 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 Housing and Buildings.

Int. No. 437

By Council Members Sanchez, Farías, Cabán, Yeger, Louis and Salaam (by request of the Mayor).

A Local Law to amend the administrative code of the city of New York, in relation to the license term for master electrician and special electrician licenses

Be it enacted by the Council as follows:

Section 1. Subdivision g of section 27-3014 of Chapter 3 of title 27 of the administrative code of the city of New York, as renumbered by local law 39 for the year 2011, is amended to read as follows:

g. Each license and seal shall be issued for [one year] *three years* and the full fee shall be payable irrespective of the date of issue.

§ 2. Subdivision a of Section 27-3015 of Chapter 3 of title 27 of the administrative code of the city of New York, as amended by local law 39 for the year 2011, is amended to read as follows:

a. Any license and seal issued hereunder shall expire [one year] *three years* from the year of issuance on the licensee's date of birth for that year irrespective of the date of issue. Such license may be renewed every [year] *three years* thereafter without examination, provided application for such renewal, accompanied by the renewal fees prescribed above and such information as may be required by the commissioner to ensure compliance with section 27-3016 of this chapter and evidence of insurance coverage in compliance with section 27-3013 of this chapter, shall have been filed prior to the expiration of the existing license.

1. Where an applicant can show good and sufficient cause for his or her inability to renew his or her license and seal before its expiration, the commissioner may, upon submission of a complete application for late renewal within ninety (90) days after the expiration of such license, permit the issuance, without examination, of a new license and seal upon payment of the prescribed fees for such new license and seal within said ninety days. The commissioner may promulgate rules authorizing the renewal of a license up to six months after the expiration of such license for extenuating circumstances.

2. No license shall be renewed and no new license and seal shall be issued unless all outstanding fees required by section 27-3018 of this code have been paid.

3. Renewal shall also be subject to the licensee's good moral character. As provided in department rule, the licensee's failure to clear open violations in a timely manner may result in the refusal to renew a license until the violations are resolved.

4. The commissioner may promulgate rules requiring applicants for the renewal of master or special electrician's licenses to submit proof, in such form as he or she shall determine, that, [in each year of] <u>during</u> the license term, such applicant completed at least eight hours of continuing education courses approved by the department. Such proof shall be submitted with the license renewal application.

§ 3. This local law takes effect immediately.

Referred to the Committee on Housing and Buildings.

Int. No. 438

By Council Members Sanchez, the Public Advocate (Mr. Williams), Restler, Won, Farías, Cabán, Ayala, Louis and Salaam.

A Local Law to amend the administrative code of the city of New York, in relation to requiring cooperative corporations to provide financial information to prospective purchasers of cooperative apartments

Be it enacted by the Council as follows:

Section 1. Title 26 of the administrative code of the city of New York is amended by adding a new chapter 35 to read as follows:

CHAPTER 35
SALES OF COOPERATIVE APARTMENTS

§ 26-3501 Definitions. As used in this chapter, the following terms have the following meanings:

Cooperative corporation. The term "cooperative corporation" means any corporation that grants persons the right to reside in a cooperative apartment, that right existing by such person's ownership of certificates of stock, proprietary lease, or other evidence of ownership of an interest in such entity.

Prospective purchaser. The term "prospective purchaser" means a person who has made an offer to purchase the proprietary lease and the ownership interest in a cooperative corporation from a prospective seller.

Prospective seller. The term "prospective seller" means a person who has a proprietary lease and an ownership interest in a cooperative corporation and who is offering to sell such proprietary lease and ownership interest.

§ 26-3502 Financial disclosure by a cooperative corporation. a. After an offer to purchase a proprietary lease and an ownership interest in a cooperative corporation from a prospective seller by a prospective purchaser has been accepted by the prospective seller, the cooperative corporation must provide disclosure of its finances to the prospective purchaser within 14 days of a request for such information by the prospective purchaser or an agent of the prospective purchaser. Such financial disclosure must include, at a minimum:

1. The assets and liabilities of the cooperative corporation, including current cash flow, debt and operating expenses;

2. Any capital improvements underway or planned, and the cost of such improvements;

3. The amount in the reserve fund, if any; and

4. The most recent budget, or a statement that the cooperative corporation does not prepare a budget.

b. Any cooperative corporation that fails to provide financial disclosure to a prospective purchaser in accordance with subdivision a of this section shall be liable for a civil penalty in the amount of $500. The civil penalty established by this section may be recovered in a proceeding before the office of administrative trials and hearings.

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

Referred to the Committee on Housing and Buildings.

Int. No. 439

By Council Members Sanchez, Restler, Cabán, Menin, Ayala, Louis, Salaam, Krishnan and Brewer (by request of the Brooklyn Borough President).

A Local Law to amend the New York city charter, in relation to tracking mitigation strategies in final environmental impact statements as part of the uniform land use review process

Be it enacted by the Council as follows:

Section 1. Section 206 of the New York city charter, as added by local law number 175 for the year 2016, is amended to read as follows:

§ 206. Tracking of commitments *and mitigation measures and conditions identified under the city environmental quality review process*.

a. For the purposes of this section, *the following terms have the following meanings*:

Block. The term "block" has the meaning given to that term in section 12-10 of the zoning resolution.

Commitment. The term "commitment" means:

1. any commitment made by letter by the mayor or a representative designated by the mayor to the council or a council member that relates to a covered land use application on which the city or a not-for-profit corporation of which a majority of its members are appointed by the mayor is either the applicant or co-applicant; or

2. any commitment made by letter by the mayor or a representative designated by the mayor to the council or a council member for which a funding amount of one $1,000,000 or more is set forth in the letter establishing

such commitment in relation to a covered land use application on which neither the city nor a not-for-profit corporation of which a majority of its members are appointed by the mayor is either the applicant or co-applicant.

Covered land use application. The term "covered land use application" means any land use application:

1. that the city planning commission has approved or approved with modifications for a matter described in paragraphs 1, 3, 4, 5, 6, 8, 10, or 11 of subdivision a of section 197-c or a change in the text of the zoning resolution pursuant to section 200 or 201;

2. for which a decision by the city planning commission has been approved or approved with modifications by the council pursuant to section 197-d and is not subject to further action pursuant to subdivisions e or f of such section; and

3. that involves at least four adjacent blocks of real property.

Condition. The term "condition" means any condition identified in a conditional negative declaration, issued in connection with a covered land use application.

Mitigation measure. The term "mitigation measure" means any mitigation measure that would eliminate or otherwise reduce a potential significant adverse impact identified in a final environmental impact statement, issued in connection with a covered land use application.

b. Such agency as the mayor shall designate shall establish and maintain:

1. a publicly accessible online searchable list of all commitments [described in this section] that relate to [an application that:

(1) the city planning commission has approved or approved with modifications for a matter described in paragraph one, three, four, five, six, eight, ten, or eleven of subdivision a of section one hundred ninety-seven-c or a change in the text of the zoning resolution pursuant to section two hundred or two hundred one;

(2) the commission decision has been approved or approved with modifications by the council pursuant to section one hundred ninety-seven-d and is not subject to further action pursuant to subdivision e or f of such section; and

(3) involves at least four adjacent blocks of real property.

c. Such list shall include all commitments made by letter by the mayor or a representative designated by the mayor to the council or a council member that relate to an application described in subdivision b of this section on which the city or a not-for-profit corporation of which a majority of its members are appointed by the mayor is either the applicant or co-applicant.

d. Such list shall include any commitment made by letter by the mayor or a representative designated by the mayor to the council or a council member for which a funding amount of one million dollars or more is set forth in the letter establishing such commitment in relation to an application described in subdivision b of this section on which neither the city nor a not-for-profit corporation of which a majority of its members are appointed by the mayor is either the applicant or co-applicant.

e.] *covered land use applications; and*

2. a publicly accessible online searchable list of all mitigation measures and conditions that relate to covered land use applications.

c. 1. Within [thirty] *120* days of final council approval of a [commission decision described in this section] *covered land use application,* the designated agency shall submit to the *speaker of the* council and record on [such list] the *list of* commitments described in *paragraph 1 of subdivision b of* this section *any commitment related to such covered land use application,* including a description of each *such* commitment, the target commencement and completion dates, the application number, the agency [or agencies] responsible for implementation of such commitment, and any funding amount set forth in the letter establishing the commitment. The designated agency may include other information that it deems relevant.

[f. Beginning June 30, 2017, and annually thereafter] *2. Within 120 days of final council approval of a covered land use application, the designated agency shall submit to the speaker of the council and record on the list of mitigation measures and conditions described in paragraph 2 of subdivision b of this section any mitigation measures or conditions, including a description of each mitigation measure or condition, the target commencement and completion dates, the application number, and the agency responsible for implementation of such mitigation measure or condition. The designated agency may include other information that the agency deems relevant.*

d. 1. On or before June 30 of each year, the designated agency shall report to the mayor and the speaker of the council information relating to commitments that have been recorded pursuant to this section, including any changes to [information] *the list of commitments* described in *paragraph 1 of* subdivision [e] *b* that indicate progress toward the fulfillment of each such commitment and whether the commitment has been completed within the preceding year.

2. Beginning June 30, 2021, and annually thereafter, the designated agency shall report to the mayor and the speaker of the council information relating to mitigation measures and conditions that have been recorded pursuant to this section, including any changes to the list of mitigation measures and conditions described in paragraph 2 of subdivision b that indicate progress toward the fulfillment of each such mitigation measure or condition and whether the mitigation measure or condition has been completed or fulfilled within the preceding year.

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

Referred to the Committee on Land Use.

Int. No. 440

By Council Members Stevens, Schulman and Salaam.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of homeless services to designate eligibility specialists at shelters

Be it enacted by the Council as follows:

Section 1. Section 21-325 of the administrative code of the city of New York, as added by local law number 124 for the year 2021, is redesignated section 21-325.1.

§ 2. Section 21-325 of the administrative code of the city of New York, as added by local law number 143 for the year 2021, is redesignated section 21-325.2.

§ 3. Chapter 3 of title 21 of the administrative code of the city of New York is amended by adding a new section 21-333 to read as follows:

§ 21-333 Eligibility specialists. a. Definitions. For purposes of this section, the following terms have the following meanings:

Adult. The term "adult" means any person 18 years of age or older.

Benefits. The term "benefits" means public assistance benefits as such benefits are defined by the commissioner.

Eligibility specialist. The term "eligibility specialist" means a case manager or other staff employed by the department, or by a provider under contract or similar agreement with the department, who is assigned to work in a shelter to help clients in such shelter understand their eligibility for benefits, and who is distinct from a housing specialist described by section 21-303.

Shelter. The term "shelter" means temporary emergency housing provided by the department or by a provider under contract or similar agreement with the department.

b. The commissioner shall ensure that eligibility specialists are available at each shelter and shall maintain a ratio at each shelter of at least 1 full-time eligibility specialist for up to every 25 adult residents.

c. The commissioner shall establish a training program for eligibility specialists that shall include, but not be limited to, a focus on establishing expertise in benefits available to shelter residents.

d. The commissioner shall develop definite program goals by which the commissioner shall assess the performance of eligibility specialists in matching as expeditiously as possible eligible shelter residents with available benefits.

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

Referred to the Committee on General Welfare.

Int. No. 441

By Council Members Stevens, Restler, Zhuang, Schulman, Menin, Salaam and Marmorato.

A Local Law to amend the administrative code of the city of New York in relation to improving young adults' access to voter registration materials by requiring the department of education of the city of New York and the board of elections of the city of New York to provide students with registration materials in appropriate languages and to track and report on the efficacy of distributing registration materials to students

Be it enacted by the Council as follows:

Section 1. Section 3-209 of the administrative code of the city of New York is amended to read as follows:

§ 3-209 *Young Adult Voter Registration.*

a. Short title. This section shall be known and may be cited as the "Young Adult Voter Registration Act."

b. *Coded voter registration forms. The board of elections of the city of New York shall assign a code to each geographic school district and create voter registration materials that include these codes. Upon request by the department of education of the city of New York, the city board of elections shall provide voter registration forms, either in printed form or in a format suitable for printing, to each public or private high school within the city that are coded for the geographic school district in which that high school is physically located.*

c. *Provision of voter registration materials to students and graduates.*[Registration of voters.]

1. Each public or private high school within the city shall distribute[make available] during the school year to seniors such materials as may be published by the board of elections relating to voter registration and, where appropriate, shall provide [applications for registration and enrollment,]*students with voter registration forms that contain the appropriate code assigned by the city board of elections*, and may assist in the execution of such applications.

[c.]*2.* [Registration of graduating seniors.] The department of education of the city of New York shall provide a postage paid [board of elections of the city of New York] voter registration form *containing the appropriate code assigned by the city board of elections* to each graduating student who receives a high school diploma, including but not limited to a Regents, local, general equivalency or Individualized Education Program diploma. The department shall deliver such voter registration form to each graduating student at the same time and in the same manner as it delivers diplomas to each such student.

[d]*3.* [Forms to be available at school.] The *city* department of education [of the city of New York] shall ensure that postage paid [board of elections] voter registration forms *containing the appropriate code assigned by the city board of elections* are available in the main or central office of each high school under the jurisdiction of the department for students who wish to obtain one. The department shall also ensure that each such high school provides adequate notice to its students of the availability of such forms in its main or central office.

[e.]*4.* [Sufficient quantity of forms.] The *city* department *of education* shall request from the *city* board of elections *or otherwise obtain*[of the city of New York] a sufficient quantity of voter registration forms to meet the requirements of this subdivision*, including forms in any language authorized by the state or city board of elections that the city department of education deems appropriate for the students at each school*.

d. Annual Reporting.

1. The city department of education shall report on what steps it has taken to comply with this section and to promote student voter registration as part of its annual report to the New York city council pursuant to subsection (b) of section 522 of the New York city charter. That report shall include, by borough and school, the number of students who were seventeen or eighteen years old during the relevant school year and the manner in which registration materials were distributed or made available to students.

2. Consistent with subsection four of section 3-212 of the New York state election law, which requires the city board of elections to include in its annual report to the local legislature a detailed description of existing programs to enhance voter registration, the city board of elections shall specify, by geographic school district: (a) in what form the registration forms were distributed, and if in printed form, how many such forms were distributed, (b) in which language(s) they were distributed, and (c) how many forms were completed and returned to the board.

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

Referred to the Committee on Governmental Operations, State & Federal Legislation.

Int. No. 442

By Council Members Stevens, Riley, Williams, Louis, Schulman, Salaam and Paladino.

A Local Law to amend the administrative code of the city of New York, in relation to restricting social media usage for youth

Be it enacted by the Council as follows:

Section 1. Chapter 4 of title 20 of the administrative code of the city of New York is amended by adding a new subchapter 15 to read as follows:

SUBCHAPTER 15
SOCIAL MEDIA

§ 20-699.12 a. Definitions. For purposes of this section, the following terms have the following meanings:

Social media. The term "social media" means any website, program, or application that allows users to disseminate information to a network of users who are able to share, interact with, and comment on such information. Such dissemination of information to users is moderated by proprietary and often undisclosed algorithms that are often used to identify the user's interest, and maximize their engagement.

Social media company. The term "social media company" means an individual or entity that provides a social media website, program, or application.

Youth. The term "youth" means any person under the age of 17.

b. Restricted social media usage. A social media company shall prohibit:

1. Youth from using social media for longer than 1 hour per day, unless waived by a parent or guardian in writing; and

2. The targeting, advertising, or suggestion to youth of groups, services, products, posts, accounts, or users.

c. Private right of action. Any person, including any organization, alleging a violation of this subchapter may bring a civil action against a social media company, in accordance with applicable law, in any court of competent jurisdiction. A prevailing party may recover:

1. An award of reasonable attorney fees and court costs;

2. An amount equal or greater to $5000 per each incident of violation; and

3. Actual damages for financial, physical, and emotional harm incurred by the person bringing the action, if the court determines that the harm is a direct consequence of the violation or violations.

d. Enforcement powers of the department. The department may impose an administrative fine of $5000 for each violation of this section.

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

Referred to the Committee on Children and Youth.

Int. No. 443

By Council Members Stevens, Riley, Williams, Menin, Narcisse, Louis, Schulman, Salaam, Marmorato and Paladino.

A Local Law in relation to requiring the city to report on the impact of social media on the mental health of young people

Be it enacted by the Council as follows:

Section 1. Reporting on impacts of social media a. Definitions. For purposes of this section, the following terms have the following meanings:

Department. The term "department" means the department of youth and community development, in consultation with the department of health and mental hygiene.

Social media. The term "social media" means any website or application of which the primary purpose is to enable users to create and share content and participate in social networking with other users that are also creating and sharing content and participating in social networking.

Youth. The term "youth" means any person under the age of 18.

b. Report. No later than October 1, 2023, and annually thereafter for 5 consecutive years, the department shall submit to the mayor and the speaker and post on its website, a report relating to the impact of social media on youth. Such report shall include, but need not be limited to:

1. The impacts that social media has on the mental health of youth;

2. A list of the most used social media applications for youth;

3. A detailed description of the social media applications and types of use of such applications that cause the greatest harm to youth;

4. The department's recommendations, based on their findings, of what age is appropriate for youth to start using social media and how such use should look;

5. The department's recommendations, based on their findings, of how much time per day or week is a safe and healthy amount for youth to be using social media; and

6. The negative impacts of advertisements on youth that target youth through social media.

§ 2. This local law will take effect immediately and is deemed repealed upon submission of the final report required by paragraph b of section 1 of this local law.

Referred to the Committee on Children and Youth.

Int. No. 444

By Council Members Stevens, Narcisse, Riley, Williams, Lee, Restler, Schulman, Salaam, Hanif, Won, Cabán, Farías, Avilés, Hudson, Banks and Louis.

A Local Law to amend the administrative code of the city of New York, in relation to the provision of mental health services for children visiting incarcerated individuals

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 Mental health services for child visitors. The commissioner of correction shall establish a mental health services program at city jails for visitors under the age of 18. Such program shall provide referrals to mental health services and, whenever practicable, onsite mental health services. Participation in such program shall be on a voluntary basis.

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

Referred to the Committee on Criminal Justice.

Int. No. 445

By Council Members Stevens, Sanchez, Restler, Schulman, Menin, Salaam and Marmorato (by request of the Bronx Borough President).

A Local Law to amend the administrative code of the city of New York, in relation to requiring the provision of notices regarding the obligation to maintain retaining walls

Be it enacted by the Council as follows:

Section 1. Article 103 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. Notice of obligation to maintain retaining walls. The department shall, at least once per year, send a notice by mail regarding the obligation to maintain retaining walls pursuant to article 305 of chapter three of this title. Such notice shall be sent to each person responsible for maintaining a retaining wall of which the department has knowledge and shall include information regarding the obligation to maintain retaining walls in a safe condition, how to comply with such obligation, how to identify potential problems with retaining walls and penalties for failure to maintain retaining walls.

§ 2. This local law takes effect immediately.

Referred to the Committee on Housing and Buildings.

Int. No. 446

By Council Members Stevens, Gutiérrez, Brewer, Feliz, Restler, Zhuang, Schulman, Menin, Salaam and Marmorato.

A Local Law to amend the administrative code of the city of New York, in relation to waiving parks permit fees for schools and child day care centers and providing an online system for school permit applications

Be it enacted by the Council as follows:

Section 1. Chapter one of title 18 of the administrative code of the city of New York is amended by adding a new section 18-158 to read as follows:

§18-158 Permit fee waiver for groups of children. a. Any school that provides educational instruction at or below the twelfth grade level or any child day care center that applies for a permit for the use of any park services under the jurisdiction of the commissioner shall not be required to pay any fee for such permit.

b. The commissioner shall provide a method for such schools and day care centers to apply for such permits through the department's website for no charge.

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

Referred to the Committee on Parks and Recreation.

Int. No. 447

By Council Members Stevens, Hanks, Schulman, Menin, Salaam, Brewer and Marte (by request of the Bronx Borough President).

A Local Law to amend the administrative code of the city of New York, in relation to reporting on crossing guard deployment.

Be it enacted by the Council as follows:

Section 1. Section 14-118 of the administrative code of the city of New York is amended by adding a new subdivision d to read as follows:

d. The commissioner shall create a deployment map of the stationed crossing guard locations in New York City. Such map shall also be posted on the department website.

§ 2. This local law takes effect immediately.

Referred to the Committee on Public Safety.

Int. No. 448

By Council Members Stevens, Hanks, Schulman, Salaam and Marmorato (by request of the Bronx Borough President).

A Local Law to amend the administrative code of the city of New York, in relation to an advisory board on crossing guard deployment.

Be it enacted by the Council as follows:

Section 1. Section 14-118 is amended to add a new subdivision d to read as follows:

d. Advisory board on crossing guard deployment. 1. There shall be an advisory board ("the board") to advise the commissioner concerning matters related to the deployment of crossing guards as provided for in this section.

2. The board shall be comprised of the commissioner, or his or her designee; the commissioner of the department of transportation, or his or her designee; and the commissioner of the department of education, or his or her designee.

3. No member of the board shall be removed except for cause and upon notice and hearing by the appropriate appointing official.

4. Members of the advisory board shall serve without compensation and shall meet no less often than every three months. The advisory board shall seek community input on proposed policy recommendations, including through consultation with local community boards and the chancellor's parent advisory council.

5. The actions of the advisory board shall include, but not be limited to:

(a) conducting an assessment of the optimal headcount and station locations of crossing guards in New York City, including but not limited to, an evaluation of traffic patterns, shifting populations, and the needs of particular schools and programs; and

(b) making specific recommendations for changes and/or improvements, if any, to crossing guard deployment, including, but not limited to, optimal headcount and station locations.

6. The board shall hold at least one public meeting prior to issuance of the report pursuant to paragraph 7 of this section shall be open to the public, provided however that such meeting is no sooner than three months prior to the date of the issuance of such report. The department shall notify the public as to the time, place and subject of such meeting.

7. The board shall report its findings and recommendations on or before March 1, 2023, and thereafter in biannual reports, and submit such reports to the mayor, the commissioner and the speaker of the council. Such report shall include, but not be limited to: (a) an assessment of the optimal headcount and station locations of

crossing guards in New York City; (b) proposed actions to be taken by the department in response to recommendations; and (c) an accounting for all task force actions, including a summary of each advisory board meeting and description of community input gathered in the course of the advisory board's work.

§ 2. This local law takes effect immediately.

Referred to the Committee on Public Safety.

Int. No. 449

By Council Members Stevens, Restler, Won, Schulman, Salaam and Marmorato (by request of the Bronx Borough President).

A Local Law to amend the administrative code of the city of New York, in relation to the creation of a commercial landlord watch list

Be it enacted by the Council as follows:

Section 1. Chapter 10 of title 22 of the administrative code of the city of New York is amended by adding a new section 22-1007 to read as follows:

§ 22-1007 Commercial landlord watch list. a. Definitions. For the purposes of this section, the following terms have the following meanings:

Commercial landlord. The term "commercial landlord" means an owner of a covered property, provided that, if the owner of a covered property is an entity, such term includes any individual who owns a controlling interest in, or who is responsible for managing the day-to-day affairs of, such entity.

Commercial tenant. The term "commercial tenant" means a person or entity lawfully occupying a covered property pursuant to a lease, rental agreement, license agreement or month to month tenancy.

Covered property. The term "covered property" means any building or portion of a building (i) that is lawfully used for buying, selling or otherwise providing goods or services, or for other lawful business, commercial, professional services or manufacturing activities, and (ii) for which a certificate of occupancy authorizing residential use of such building or such portion of a building has not been issued.

Department of buildings violation. The term "department of buildings violation" means a violation of a law or rule enforced by the department of buildings.

b. No later than January 1 of each year, the commissioner shall post on the department's website a commercial landlord watch list. Such watch list shall include any commercial landlord who:

1. Within the past 10 years, has been found by a court of competent jurisdiction to have engaged in commercial tenant harassment within the meaning of section 22-902; or

2. Within the past three years, has engaged in a pattern of behavior that in the opinion of the commissioner is consistent with harassment or exploitation of a commercial tenant. The commissioner shall base such opinion on any information the commissioner deems relevant, including any information collected by any agency. In reaching such opinion, the commissioner shall consider, at a minimum, the following information:

(a) The number and severity of department of buildings violations charged against a covered property (or a building containing a covered property) owned by the commercial landlord;

(b) Whether a tax lien has been imposed upon a covered property (or a building containing a covered property) owned by the commercial landlord; and

(c) The number of commercial tenants evicted by the commercial landlord.

c. For each commercial landlord included on the commercial landlord watch list, the watch list shall provide the following information:

1. The name of the commercial landlord;

2. The number of covered properties owned by the commercial landlord;

3. The number of times, within the past 10 years, the commercial landlord has been found by a court of competent jurisdiction to have engaged in commercial tenant harassment within the meaning of section 22-902; and

4. Any fact underlying the commissioner's opinion that, within the past three years, the landlord has engaged in a pattern of behavior consistent with harassment or exploitation of a commercial tenant.

d. The commissioner shall promulgate rules further specifying the criteria for inclusion on the commercial landlord watch list. The commissioner may also promulgate rules specifying exemptions from the commercial landlord watch list as well as criteria for removal of a commercial landlord from the commercial landlord watch list where the commissioner's analysis of the commercial landlord's behavior has changed.

e. Upon request of the commissioner, all agencies shall cooperate with the department and furnish the department with such information, reports and assistance as the commissioner may require to implement this section.

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

Referred to the Committee on Small Business.

Int. No. 450

By Council Members Stevens, Krishnan, Restler, Won, Zhuang, Schulman, Salaam, Brewer and Marmorato.

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. 451

By Council Member Ung.

A Local Law to amend the administrative code of the city of New York, in relation to suspending or revoking stoop line stand licenses after repeated violations

Be it enacted by the Council as follows:

Section 1. Section 20-240.1 of the administrative code of the city of New York is amended by adding a new subdivision e to read as follows:

e. The commissioner shall, after due notice and opportunity to be heard, suspend or revoke the stoop line stand license of any person found to have committed 5 or more violations of section 20-237 or any rules promulgated thereunder within a 12-month period. A stoop line stand license suspended pursuant to this subdivision shall be suspended for at least 1 year. Any person subject to a stoop line stand license revocation pursuant to this subdivision shall be ineligible to apply for a new stoop line stand license for 1 year after the date of the stoop line stand license's revocation.

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

Referred to the Committee on Consumer and Worker Protection.

Int. No. 452

By Council Member Ung.

A Local Law to amend the administrative code of the city of New York, in relation to banning the use of commercial char broilers on or in connection with mobile food vending units

Be it enacted by the Council as follows:

Section 1. Subchapter 6 of chapter 1 of title 24 of the administrative code of the city of New York is amended by adding a new section 24-149.7 to read as follows:

§ 24-149.7 Commercial charbroiling on or in connection with mobile food vending units. a. Prohibition. No person shall operate a commercial char broiler on or in connection with a mobile food vending unit.

b. Enforcement. 1. A person who violates subdivision a of this section or any rule promulgated thereunder is liable for civil penalties as prescribed by section 24-178 and any rules promulgated thereunder.

2. For a subsequent violation of subdivision a of this section committed after the date of a first violation of such subdivision, the commissioner may seize and impound the commercial char broiler. Where such char

broiler cannot be detached from a mobile food vending unit, the commissioner may seize and hold the entire mobile food vending unit.

3. A party affected by a seizure pursuant to this subdivision is entitled to a hearing within 10 days after such seizure, in accordance with the rules of the board. Such a party may obtain an expedited hearing by submitting written notice to the board, in which case the board shall hold such expedited hearing within 24 hours of service of such request, in accordance with the rules of the board. The board shall issue a final decision and order thereon within 3 days after the conclusion of a hearing or expedited hearing held pursuant to this paragraph.

§ 2. The table of civil penalties in subparagraph (i) of paragraph (3) of subdivision (a) of section 24-178 of the administrative code of the city of New York is amended by adding a new row in numerical order to read as follows:

24-149.7	*400*	*1600*

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

Referred to the Committee on Environmental Protection, Resiliency and Waterfronts.

Int. No. 453

By Council Member Ung.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the establishment of intake centers for families with children

Be it enacted by the Council as follows:

Section 1. Section 1. Chapter 3 of title 21 of the administrative code of the city of New York is amended by adding a new section 21-328 to read as follows:

§ 21-328 Establishment of intake centers for families with children. a. Definitions. For the purposes of this section, the following terms have the following meanings:

Family intake center. The term "family intake center" means a department facility that accepts and processes applications for shelter from families with children.

Shelter. The term "shelter" means housing provided to individuals and families by the department or a provider under contract or similar agreement with the department.

b. Within two years of the effective date of the local law that added this section, and each year thereafter, the department shall establish at least one new family intake center in a borough without an existing family intake center. Each such family intake center shall be located in a geographic area that is easily accessible and in close proximity to public transportation. The department shall not be required to open any additional family intake centers so long as the department maintains at least one operational family intake center in each borough.

§ 2. This local law takes effect immediately.

Referred to the Committee on General Welfare.

Int. No. 454

By Council Members Ung, Restler and Hanif.

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. 455

By Council Members Ung and Restler.

A Local Law to amend the administrative code of the city of New York, in relation to prohibiting smoking on sidewalks immediately adjoining parks, imposing civil penalties for violating such prohibition, and increasing civil penalties for smoking in parks

Be it enacted by the Council as follows:

Section 1. Paragraph 3 of subdivision d of section 17-503 of the administrative code of the city of New York, as amended by local law number 152 for the year 2013, is amended to read as follows:

3. Any park or other property under the jurisdiction of the department of parks and recreation, *and any sidewalk immediately adjoining such park*; provided, however, that this paragraph shall not apply to: (a) the sidewalks immediately adjoining [parks, squares and] public places *that are not parks*; (b) any pedestrian route through any park strip, median or mall that is adjacent to vehicular traffic; (c) parking lots; and (d) theatrical productions.

§ 2. Paragraph 3 of subdivision e of section 17-508 of the administrative code of the city of New York, as amended by local law number 147 for the year 2017 and redesignated by local law number 80 for the year 2021, is amended to read as follows:

3. Every person who violates subdivision d of this section [shall be] <u>is</u> liable for a civil penalty of [one hundred dollars] *$100* for each violation, except that every person who violates subdivision d of this section by smoking[,] or using an electronic cigarette[,] in a pedestrian plaza as prohibited by paragraph [seven] *7* of subdivision c of section 17-503 [or] *is liable for a civil penalty of $50 for each violation, and every person who violates subdivision d of this section by smoking or using an electronic cigarette* in a park or *on* other property under the jurisdiction of the department of parks and recreation, *or on any sidewalk immediately adjoining such park,* as prohibited by paragraph [three] *3* of subdivision d of section 17-503 [shall be] *is* liable for a civil penalty of [fifty dollars] *$50* for [each] *a first* violation *and $200 for each subsequent violation committed within a period of 12 months*. Every owner of a class A multiple dwelling who violates subdivision d-1 of this section, and every tenant-shareholder, condominium unit owner and tenant who violates subdivision d-2 of this section, [shall be] *is* liable for a civil penalty of [one hundred dollars] *$100* for each violation, provided that a violation of paragraph [two] *2*, [three] *3* or [four] *4* of subdivision d-1 [shall be] *is* considered a single violation regardless of whether such owner failed to disclose a smoking policy, to provide notification of adoption of such policy or a material change to such policy, or to make available copies of such policy to more than one person.

§ 3. This local law takes effect immediately.

Referred to the Committee on Health.

Int. No. 456

By Council Member Ung.

A Local Law to amend the administrative code of the city of New York, in relation to department of housing preservation and development 421-a notices

Be it enacted by the Council as follows:

Section 1. Title 26 of the administrative code of the city of New York is amended by adding a new chapter 36 to read as follows:

CHAPTER 36
421-a NOTICES

§ 26-3601 Definitions. As used in this chapter, the following terms have the following meanings:

Department. The term "department" means the department of housing preservation and development.

Designated citywide languages. The term "designated citywide languages" has the same meaning as in section 23-1101.

Notice. The term "notice" means all communications sent by the department regarding a property tax benefit under section 421-a of the real property tax law or any successor provision.

§ 26-3602 Certified mail. The department shall send all notices via certified mail.

§ 26-3603 Language access. The department, in consultation with relevant agencies, shall provide a pamphlet written in the designated citywide languages with all notices. The pamphlet must, at minimum, identify the accompanying notice as coming from the department and advise the recipient of the right to request an interpreter.

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

Referred to the Committee on Housing and Buildings.

Int. No. 457

By Council Member Ung.

A Local Law to amend the administrative code of the city of New York, in relation to department of transportation approval prior to issuing or renewing a stoop line stand license

Be it enacted by the Council as follows:

Section 1. Section 20-239 of the administrative code of the city of New York, as amended by local law number 5 for the year 2013, is amended to read as follows:

§ 20-239 Approval. [A] *a. The commissioner shall not issue or renew a license for a* stoop line stand [shall not be licensed] unless the location thereof has been approved *in writing* by the department of transportation. [No license shall be approved or renewed if the] *The* department of transportation *shall not approve the location of a stoop line stand if it* determines that the stoop line stand poses an obstruction to the free use of sidewalks by pedestrians. *In making such determination, the department of transportation shall consider the area's pedestrian volume, the site visit described in subdivision b of this section where applicable, and any other factors the department of transportation deems relevant.*

b. If the location of a proposed or existing stoop line stand is within 10 feet of a permanent structure that narrows the clear path of the sidewalk for a length of 10 feet or more, the department of transportation shall conduct a site visit to assess the stoop line stand's impact on the free use of sidewalks by pedestrians prior to issuing the approval required pursuant to subdivision a of this section.

c. Notwithstanding anything in this subchapter to the contrary, if the department of transportation determines that a stoop line stand which is permitted to extend more than [four] *4* feet in width pursuant to section 20-237 of this subchapter poses an obstruction to the free use of sidewalks by pedestrians solely because the width of such stoop line stand exceeds [four] *4* feet, the commissioner shall approve or renew such license at a width of [four] *4* feet.

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

Referred to the Committee on Transportation and Infrastructure.

Int. No. 458

By Council Members Ung, Restler and Won.

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. 459

By Council Members Ung and Restler.

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. 460

By Council Members Ung, Lee, Cabán and Joseph.

A Local Law in relation to requiring the department of homeless services to report on the feasibility of partnering with community-based nonprofit organizations to accept and process applications for shelter intake from families with children

Be it enacted by the Council as follows:

Section 1. Definitions. For the purposes of this local law, the following terms shall have the following meanings:

Department. The term "department" means the department of homeless services.

Shelter. The term "shelter" means housing provided to individuals and families by the department or a provider under contract or similar agreement with the department.

§ 2. a. No later than September 30, 2022, the department shall deliver to the mayor and the speaker of the council a report on the feasibility of partnering with community-based nonprofit organizations in neighborhoods throughout the city of New York to accept and process applications for shelter intake from families with children.

b. Such report shall include, without limitation:

1. Any barriers to allowing community-based nonprofit organizations to accept and process applications for shelter intake;

2. The training requirements to implement such a program;

3. Access to databases or other systems that would be required to accept and process such applications;

4. Any issues relating to requirements and procedures regarding confidentiality and data privacy;

5. Plans for overcoming any barriers or issues identified; and

6. Any other information the department deems relevant.

§ 3. This local law takes effect immediately.

Referred to the Committee on General Welfare.

Int. No. 461

By Council Members Ung, Lee and Menin.

A Local Law to amend the administrative code of the city of New York, in relation to requiring human translation of the 311 app

Be it enacted by the Coues. No. 189ncil 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 23-311 to read as follows:

§ 23-311 Human translation. a. Definitions. For purposes of this section, the following terms have the following meanings:

App store. The term "app store" means a mobile device platform that allows smartphone users to locate and download mobile device applications.

Designated citywide languages. The term "designated citywide languages" has the same meaning as in section 23-1101.

b. No later than January 31, 2024, the department of information technology and telecommunications shall ensure that its 311 mobile device platforms are human translated into the designated citywide languages required pursuant to section 23-1101, and that the translated platforms are available for download on its website and in app stores.

§ 2. Subdivisions a and b of section 23-309 of the administrative code of the city of New York are amended to read as follows:

a. Within 30 days of the effective date of a local law that the commissioner or head of any agency or office determines would provide an individual with the opportunity to make a new request for service from such agency or office, such commissioner or head shall notify the commissioner of information technology and telecommunications and the 311 customer service center of the potential need to add a request for service or complaint type to, or update a request for service or complaint type on, the 311 customer service center, website and mobile device platforms. *All additions or updates pursuant to this subdivision shall be translated in conformity with the requirements of section 23-311 within 30 days of the date on which a request for service or complaint type was added or updated.*

b. No later than February 1, 2024, and every February 1 thereafter, the director of the 311 customer service center shall report to the mayor and speaker of the council all requests for service or complaint types that were added to or updated on the 311 customer service center, website and mobile device platforms during the previous year in accordance with this section. Such report shall be posted on the website of the 311 customer service center and shall include (i) the date when each such request for service or complaint type was added to or updated on the 311 customer service center, website and mobile device platforms; [and] (ii) an explanation of any obstacles experienced by the 311 customer service center or relevant agency in adding such request for service or complaint types to, or updating such request for service or complaint types on, the 311 customer service center, website and mobile device platforms*; and (iii) the date on which the added or updated request for service or complaint type was translated in conformity with the requirements of section 23-311*.

§ 3. This local law takes effect immediately.

Referred to the Committee on Technology.

Int. No. 462

By Council Members Ung, Moya and Restler.

A Local Law to amend the administrative code of the city of New York, in relation to limiting the parking of motor vehicles by dealers.

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 hereby amended to add a new section 19-170.3 to read as follows:

§ 19-170.3 Limitation on parking of motor vehicles by dealers. a. It shall be unlawful for any dealer, as defined in section four hundred fifteen of the vehicle and traffic law, to park, store or otherwise maintain a motor vehicle upon any street of the city for the purpose of:

(i) displaying such motor vehicle for sale, or (ii) greasing or repairing such motor vehicle, except in the case of an emergency repair.

b. It shall be unlawful for any dealer, as defined in section four hundred fifteen of the vehicle and traffic law, to park, store, or otherwise maintain on any street a motor vehicle that is in the dealer's possession while awaiting repair or subsequent return to the owner or lessee of such motor vehicle. Any dealer in possession of a motor vehicle awaiting repair or subsequent return to the owner or lessee of such motor vehicle shall, at all times, display a placard, clearly legible through the motor vehicle's forward windshield, indicating the name, address, license number and telephone contact information of such dealer.

c. Each violation of this section shall be punishable by a fine of not less than two hundred fifty dollars and not more than four hundred dollars. For purposes of this section, every day that any single motor vehicle is parked illegally shall be considered a separate violation.

d. If an owner or lessee of a motor vehicle receives a summons for a parking violation on the date and time such motor vehicle was in the possession of a dealer awaiting repair or subsequent return to such owner or lessee, it shall be an affirmative defense that such motor vehicle was in the possession of such dealer at the time of the violation alleged in the summons. If such defense is successful, the commissioner is authorized to issue a summons, violation, or to otherwise prosecute the dealer in possession of such motor vehicle on the date and time of the offense alleged in the original summons.

e. Any motor vehicle parked in violation of subdivision a of this section shall be subject to impoundment. Any motor vehicle impounded pursuant to this subdivision shall not be released until all applicable towing and storage fees have been paid. The commissioner may promulgate rules concerning the procedure for the impoundment and release of motor vehicles pursuant to this subdivision.

f. If a motor vehicle is impounded or receives a summons while in the possession of a dealer who is not the owner or lessee of such motor vehicle, such owner or lessee shall have a private cause of action against any dealer who was in possession of the motor vehicle at the time of such impoundment or the issuance of such summons.

g. The penalties and fees provided for in this section shall be in addition to any other penalties, fees or remedies provided by law or regulation.

§2. This local law takes effect immediately.

Referred to the Committee on Transportation and Infrastructure.

Res. No. 189

Resolution calling on the New York State Legislature to pass, and the voters to approve, an amendment to the New York State Constitution to move New York City elections to even-numbered years to coincide with Gubernatorial elections.

By Council Member Ung.

Whereas, In New York City elections for Mayor, Public Advocate, Comptroller, City Council and Borough Presidents are held on odd-numbered years; and

Whereas, New York City elections have been held in odd-numbered years since 1894; and

Whereas, In New York elections for all statewide officials, Assembly Members and State Senators are held on even-numbered years; and

Whereas, Presidential elections are held on even-numbered years; and

Whereas, Elections for United States Congress are held on even-numbered years; and

Whereas, In 2021, a year where New Yorkers were electing a new Mayor, a new Comptroller, four new Borough Presidents and new Council members in many districts only 23% of registered voters cast a ballot; and

Whereas, Over the past 20 years, turnout in New York City for state elections has averaged 35.6%; and

Whereas, Over the past 20 years, turnout in New York City in municipal elections has averaged less than 30%; and

Whereas, Over the past 20 years, turnout in New York City for Presidential elections has averaged 60.7%; and

Whereas, According to Citizens Union, cities that have moved local elections from odd- to even-years have all seen increased turnout; and

Whereas, Moving municipal elections in New York City to even-numbered to coincide with Gubernatorial elections would likely increase voter turnout; and

Whereas, Voters in Gubernatorial elections tend to be more demographically representative of the electorate as a whole; and

Whereas, Data suggests that turnout would increase the most for younger voters and voters of color if municipal elections were to be moved to even-numbered years; and

Whereas, Additional election cycles require voters to expend additional resources to learn how and where to vote and to make an additional trip to the polls; and

Whereas, When Representatives are elected by a small number of voters they are only accountable to a limited portion of their constituents; and

Whereas, Consolidating elections into even-numbered years to coincide with Gubernatorial elections will greatly decrease the cost of election administration; 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 voters to approve, an amendment to the New York State Constitution to move New York City elections to even-numbered years to coincide with Gubernatorial elections.

Referred to the Committee on Governmental Operations, State & Federal Legislation.

Res. No. 190

Resolution calling upon the Metropolitan Transportation Authority to make bus and subway announcements in the four most commonly spoken languages in New York City.

By Council Member Ung.

Whereas, New York City has always been a city of immigrants, welcoming individuals from around the world in search of a better life for themselves and their families; and

Whereas, According to the Department of City Planning, New York City is home to one of the most diverse populations in the world with more than three million foreign-born residents from more than 200 countries who speak over 200 languages; and

Whereas, According to a 2019 Department of Consumer and Worker Protection report, one out of every three New Yorkers was born outside of the United States, one out of every two New Yorkers speaks a language other than English at home and almost one out of every four, or 1.8 million New Yorkers, are Limited English Proficient (LEP); and

Whereas LEP individuals have a limited ability to read, write, speak and understand English; and

Whereas, The Metropolitan Transportation Authority (MTA) bus and subway system is an essential mode of transportation and means of mobility for millions of New Yorkers, with a bus ridership of 1,129,831 and a subway ridership of 2,830,147 on February 23, 2022; and

Whereas, Despite the nearly two million LEP New Yorkers, MTA buses and subways continue to routinely make announcements only in English; and

Whereas, According to Mobility Lab, in a case study of immigrants using New Jersey Transit, a majority said they had difficulty understanding English-only announcements and suggested multilingual announcements, among other things, to ease the language barrier; and

Whereas, Public transit systems in the United States make announcements in languages other than English, including the Southeastern Pennsylvania Transportation Authority service announcements in Spanish and the

Washington Metropolitan Area Transit Authority announcements on service disruptions and emergency information in Spanish; and

Whereas, Public transit systems outside of the United States make announcements in various languages, including the Tokyo Metro having prerecorded English announcements and Paris Metro announcements translated into English and other languages; and

Whereas, in July 2020, the MTA launched a public service announcement campaign consisting of recorded announcements in the subway, bus and commuter rail system encouraging riders to wear face masks, in both English and Spanish for the first time, indicating the feasibility of MTA buses and subways routinely having non-English recorded announcements; and

Whereas, MTA bus and subway announcements in languages other than English would reflect the commitment of the State to all New Yorkers, promote transit access and thus the general welfare of LEP New Yorkers and put New York City transit language access policy on par with cities across the United States and the world; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the Metropolitan Transportation Authority to make subway and bus announcements in the four most commonly spoken languages in New York City.

Referred to the Committee on Transportation and Infrastructure.

Int. No. 463

By Council Members Vernikov and Restler.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the creation of a publicly accessible online database and notification system for towed vehicles

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 14-184.1 to read as follows:

§ 14-184.1 Public online database for towed vehicles. a. The department shall create a centralized online database, accessible through the department's website, to allow vehicle owners to track information on towed vehicles within the city. Such information shall include, but need not be limited to, the make and model of the vehicle, the license plate number, the reason the vehicle was towed, the tow operator, and the location and hours during which the vehicle may be retrieved.

b. The department shall create a notification system that allows vehicle owners to opt-in to text or electronic mail alerts notifying the owner that the owner's vehicle information has been entered into the online database.

c. The information required pursuant to subdivision a must be published on the online database within 2 hours after any vehicle is towed by the department, any tow operator authorized pursuant to section 20-498 or section 20-524, or any other entity, including but not limited to the sheriff or any city marshal. The information shall be published on the online database by the entity towing the vehicle.

§ 2. Section 20-528 of the administrative code of the city of New York, as added by local law number 3 for the year 1996, is amended to read as follows:

§ 20-528. Police precinct notification. a. Within two hours subsequent to the towing of any motor vehicle pursuant to any provision of this code, any rules promulgated pursuant thereto or any rules promulgated by the department of transportation pursuant to any other provision of law, the tow truck operator or his or her designee shall notify the local police precinct either in person or by electronic submission that the vehicle was towed. Such information shall be made available, upon request, to the owner of the vehicle or to any person authorized by the owner to have possession of the vehicle[.], *and shall be entered into the police department online database for towed vehicles pursuant to section 14-184.1.* Such list shall include the make and model of the vehicle, its license plate number, the reason why the vehicle was towed and the location and hours during which the vehicle may be retrieved.

b. The provisions of subdivision a shall not apply where such towing is conducted in the physical presence of or with the consent of a person in charge of the vehicle. [or where, within two hours of such towing, information relating to such towing is entered by or on behalf of a governmental official or agency into the New York statewide police information network.]

§ 3. This local law takes effect 180 days after becoming law.

Referred to the Committee on Public Safety.

Int. No. 464

By Council Members Vernikov and Yeger.

A Local Law to amend the administrative code of the city of New York, in relation to clearly identifying city-licensed vehicles that are powered by lithium-ion batteries

Be it enacted by the Council as follows:

Section 1. Section 19-514 of the administrative code of the city of New York is amended by adding a new subdivision j to read as follows:

j. Any licensed vehicle or commuter van that is powered by a lithium-ion battery shall display an emblem, approved by the commission and prominent on such vehicle's exterior, that identifies such vehicle as one powered by a lithium-ion battery.

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

Referred to the Committee on Transportation and Infrastructure.

Int. No. 465

By Council Member Vernikov.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of housing preservation and development to submit reports on veteran preference in Mitchell-Lama developments

Be it enacted by the Council as follows:

Section 1. Section 26-2701 of the administrative code of the city of New York, as added by local law 218 for the year 2019, is amended to read as follows:

§ 26-2701. Definitions.

As used in this chapter, the following terms have the following meanings:

Department. The term "department" means the department of housing preservation and development.

Mitchell-Lama development. The term "Mitchell-Lama development" means a housing development organized pursuant to article two of the private housing finance law and supervised by the department.

Veteran. The term "veteran" shall have the same meaning as set forth in section 85 of the civil service law.

Veteran preference. The term "veteran preference" means the preference in admission as set forth in section 31 of the private housing finance law.

Waiting list. The term "waiting list" means a list of applicants from which the managing agent of a Mitchell-Lama development is required to process potential tenants or shareholders as applicable for subsequent occupancies of such development.

§ 2. Chapter 27 of title 26 of the administrative code of the city of New York is amended by adding a new section 26-2703 to read as follows:

§ 26-2703 Mitchell-Lama veteran preference report. By September 1, 2023 and by September 1 of each year thereafter, the department shall submit to the mayor, the speaker of the council and the public advocate, a report on veteran preference in Mitchell-Lama developments that have been digitized and are incorporated into the housing portal required by section 26-1802. Such report shall be disaggregated by each Mitchell-Lama development and include, but need not be limited to, the following:

1. The number of veterans or their surviving spouses that have applied for occupancy;

2. The number of veterans or their surviving spouses that were selected for occupancy;

3. For each such applicant, the type of documentary proof used to establish the applicant's veteran status;

4. The systems or processes in place to ensure that applicants given a veteran preference are veterans; and

4. The number of persons who applied for occupancy and claimed veteran status but did not provide satisfactory documentary proof of veteran status.

§ 3. This local law takes effect immediately.

Referred to the Committee on Veterans.

Int. No. 466

By Council Members Vernikov and Holden.

A Local Law to amend the administrative code of the city of New York, in relation to the creation of a public database to track the expenditure of funds in connection with increased migrant arrivals

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 6-148 to read as follows:

§ 6-148 Migrant arrival funding database. a. Definitions. For purposes of this chapter, the following terms have the following meanings:

Emergency. The term "emergency" means the local state of emergency declared by the mayor on October 7, 2022 in emergency executive order No. 224, or any executive order renewing or extending such emergency.

Emergency funds. The term "emergency funds" means any funds distributed in relation to the emergency, including, but not limited to funds used for construction, housing, shelter, food, water, healthcare, mental health counseling, legal representation, transportation, job placement, and job training.

Recipient. The term "recipient" means any agency, person, or entity, including any individual, sole proprietorship, partnership, association, joint venture, limited liability company, corporation, or any other form of business, awarded funds for the purposes of addressing the emergency.

b. The comptroller shall establish and maintain an interactive database to be published on a publicly accessible webpage. The interactive database shall include summaries of the disbursement of emergency funds. The data included in such database shall be available in a format that permits automated processing and shall be available without any registration requirement, license requirement, or restrictions on their use, provided that the city may require a third party providing to the public any data from such database, or any application utilizing such data, to explicitly identify the source and version of the data, and a description of any modifications made to such data. The comptroller shall provide the following information on a quarterly basis, disaggregated by contract type:

1. For each construction project, including emergency shelter construction, the name of the contractor, and subcontractor, if known, and a detailed description of the project, including, but not limited to:

(a) physical address;

(b) block and lot numbers, if applicable;

(c) estimated dates of start and completion;

(d) purpose of the project in relation to the emergency;

(e) the value and type of funding provided, including but not limited to grants, loans; contracts, or other such forms of financial assistance; and

(f) the total number of additional jobs to be created and retained over the life of the construction project.

2. For each executed city procurement contract associated with emergency funds:

(a) the name of the contract vendor;

(b) contract identification number;

(c) purpose of the contract;

(d) original contract value in dollars;

(e) revised contract value in dollars, if applicable;

(f) whether the contract was awarded subject to public bidding;

(g) original contract start and end date;

(h) revised contract end date, if applicable;

(i) contract status;

(j) information on the contract recipient's qualification for receipt of emergency funds; and

(k) the total number and description of the jobs expected to be created and retained over the life of the contract.

3. For each local, state, or federal grant or loan issuance providing emergency funds:

(a) the recipient name;

(b) the purpose of the grant or loan;

(c) the grant or loan award amount;

(d) whether the grant or loan was subject to a selective award process and the nature of that process;

(e) grant or loan name;

(f) award status;

(g) information on the grant or loan recipient's qualification for receipt of emergency funds; and

(h) the total number and description of the jobs expected to be created and retained over the life of the project, if applicable.

4. The total number of migrants served using emergency funds.

c. The webpage required pursuant to this section shall not be used to distribute information which, if disclosed, would jeopardize compliance with local, state, or federal law; threaten public health, welfare, or safety; harm the competitive economic position of a party; or harm a migrant.

d. The comptroller shall continue to provide such data on a quarterly basis for the duration of the emergency.

e. This section shall not be construed to create a private right of action to enforce its provisions. Failure to comply with this section shall not result in liability for the city. The city shall not be deemed to warranty the completeness, accuracy, content or fitness for any particular purpose or use of any information provided by the city pursuant to this section, including information provided to the city by a third party or information provided by the city that is based upon information provided by a third party.

§ 2. This local law takes effect immediately.

Referred to the Committee on Contracts.

Int. No. 467

By Council Members Williams and Salaam.

A Local Law to amend the New York city fire code, in relation to inspections of sprinkler system and standpipe system fire department connections

Be it enacted by the Council as follows:

Section 1. Subdivision 4 of section 903.5 of the New York city fire code is amended to read as follows:

4. Fire department connections shall be hydrostatically tested at least once every [5] *3* years, in accordance with FC912.6.

§ 2. Subdivisions 4 and 5 of section 903.5.1 of the New York city fire code are amended to read as follows:

4. Fire department connections shall be hydrostatically tested at least once every [5] *3* years in accordance with FC912.6.

5. Upon order of the commissioner, but at least once every year, a flow test of the sprinkler system shall be conducted. Such test shall be conducted at the owner's risk by his or her representative, who shall be a licensed master plumber or licensed master fire suppression contractor. At least one such flow test shall be conducted before a representative of the department at least once every [5] *3* years. A report of each test, on an approved form, shall be certified by such licensed master plumber or licensed master fire suppression contractor and shall be kept for not less than 5 years and made available for inspection by any representative of the department.

§ 3. Subdivisions 4 and 5 of section 903.5.2 of the New York city fire code are amended to read as follows:

4. Fire department connections shall be hydrostatically tested at least once every [5] *3* years in accordance with FC912.6.

5. Upon order of the commissioner, but at least once every year, a flow test of the sprinkler system shall be conducted; provided, however, that where there is a pressure gauge installed at or near the inspector's test location that is checked during the required monthly inspection described in FC903.5.2(1) to make certain the system design pressure is being maintained, a flow test of the sprinkler system shall be conducted upon order of the commissioner, but at least once every 30 months. Such test shall be conducted at the owner's risk by his or her representative, who shall be a plumber or licensed master fire suppression contractor. At least one such test shall be conducted before a representative of the department at least once every [5] *3* years. A report of each test, on a form prepared by the department, shall be certified by such plumber or licensed master fire suppression contractor and shall be kept for not less than 5 years and made available for inspection by any representative of the department.

§ 4. Section 905.2.1 of the New York city fire code, as amended by local law number 148 for the year 2013, is amended to read as follows:

905.2.1. Standpipe hydrostatic pressure and flow tests. Upon order of the commissioner, but at least once every [5] *3* years, the standpipe system shall be subjected to a hydrostatic pressure test and a flow test to demonstrate its suitability for department use. These tests shall be conducted in compliance with the requirements of the rules and shall be conducted at the owner's risk, by his or her representative before a representative of the department.

§ 5. Section 912.6 of the New York city fire code, as amended by local law number 148 for the year 2013, is amended to read as follows:

912.6. Maintenance. Sprinkler system and standpipe system fire department connections shall be periodically inspected, tested, serviced and otherwise maintained in accordance with FC901.6 and NFPA 25. Upon order of the commissioner, but at least once every [5] *3* years, such fire department connections shall be subjected to a hydrostatic pressure test to demonstrate their suitability for department use. The test shall be conducted in accordance with the rules and at the owner's risk, by his or her representative before a representative of the department.

§ 6. This local law takes effect immediately.

Referred to the Committee on Fire and Emergency Management.

Int. No. 468

By Council Members Williams, Yeger, Won and Salaam.

A Local Law to amend the administrative code of New York, in relation to the department of transportation posting information on traffic control device and speed reducer requests on its website

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 19-185.1 to read as follows:

§ 19-185.1 Publication of traffic control device and speed reducer requests. No later than November 1, 2023, the commissioner shall make available on a website information regarding traffic control device and speed reducer requests. The website must be searchable by case number and address.

b. For each request the website shall include, but need not be limited to, the following information:

1. Case number;

2. General topic;

3. Issue;

4. Status;

5. Resolution;

6. Reason for approval or denial of the request; and

7. If approved, the timeline for completion of request.

c. The commissioner shall update the website as soon as practicable upon any update or change to a request.

§ 2. This local law takes effect immediately.

Referred to the Committee on Transportation and Infrastructure.

Int. No. 469

By Council Members Williams, Stevens, Riley and Salaam.

A Local Law in relation to requiring a study and report on in-person altercations among youth and their associated activity on online platforms

Be it enacted by the Council as follows:

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

Agency. The term "agency" has the same meaning as set forth in subdivision 1 of section 1-112 of the administrative code of the city of New York.

Commissioner. The term "commissioner" means the commissioner of youth and community development.

Department. The term "department" means the department of youth and community development.

Youth. The term "youth" means individuals under 24 years of age who attend programs funded by the department.

b. Study. The commissioner, in collaboration with the director of the mayor's office for neighborhood safety and the prevention of gun violence, shall conduct a study on in-person verbal or physical altercations among youth. Through such study, the commissioner shall, as practicable, identify:

1. Each such altercation;

2. The reasons for each such altercation, including but not limited to any relevant activity on online platforms by youth who are involved in such altercation;

3. The response, if any, by an agency to each such altercation;

4. Strategies the department and other agencies can use to monitor and identify the activity of individuals under 24 years of age on online platforms in order to prevent in-person verbal or physical altercations among such individuals; and

5. Strategies the department and other agencies can use to counsel such individuals on their activity on online platforms in order to prevent such altercations.

c. Report. 1. No later than 6 months after the effective date of this local law, the commissioner, in collaboration with the director of the mayor's office for neighborhood safety and the prevention of gun violence, shall submit to the speaker of the council and mayor a report on the findings of the study required by subdivision b of this section. Such report shall include a table in which each row references a specific in-person verbal or physical altercation identified under subdivision b of this section, indicated by a unique identification number. To the extent such information is available to the commissioner, each such row shall include, but not be limited to, the following information, set forth in separate columns:

(a) The unique identification number required under this subdivision;

(b) Details of the altercation;

(c) Details of any relevant activity on online platforms by youth that led to the altercation; and

(d) Whether an agency responded to the altercation.

2. Such report shall also include the strategies identified under paragraphs 4 and 5 of subdivision b of this section.

3. All data in such report shall be reported in a machine-readable format.

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

§ 2. This local law takes effect immediately.

Referred to the Committee on Children and Youth.

Int. No. 470

By Council Members Williams and Riley.

A Local Law to amend the administrative code of the city of New York, in relation to the licensing of tire shops

Be it enacted by the Council as follows:

Section 1. Chapter 2 of title 20 of the administrative code of the city of New York is amended by adding a new subchapter 38 to read as follows:

SUBCHAPTER 38
TIRE SHOPS

§ 20-565 Definitions.
§ 20-565.1 Tire shop license; application; fee.
§ 20-565.2 Issuance of license.
§ 20-565.3 Denial, renewal, suspension and revocation of license.
§ 20-565.4 Display of license.
§ 20-565.5 Facilities and inspections.
§ 20-565.6 Rulemaking.

§ 20-565 Definitions. As used in this subchapter, the following terms have the following meanings:

Tire. The term "tire" means a tire for use on motor vehicles that have a gross vehicle weight of ten thousand pounds or less.

Tire shop. The term "tire shop" means any individual, partnership, corporation, limited liability company, joint venture association or other business entity that predominately engages in the repair, retail, mounting and balancing, or alignment of tires. "Tire shop" shall not include:

1. Any business entity that is wholly or partially engaged in repairing or diagnosing motor vehicle malfunctions or repairing motor vehicle bodies or components other than tires and is required to register as a repair shop pursuant to article 12-A of the vehicle and traffic law; or

2. Any business that is wholly or partially engaged in selling or leasing motor vehicles and requires registration pursuant to article 16 of the vehicle and traffic law or pursuant to section 20-265; or

3. Any business that is wholly or partially engaged in towing or booting vehicles and requires a license pursuant to section 20-496 or section 20-531.

§ 20-565.1 Tire shop license; application; fee. a. License required. It shall be unlawful for any person to own, control or operate a tire shop without first having obtained a license for such business in the manner

provided in this subchapter. All licenses issued pursuant to this subchapter shall be valid for no more than two years and expire on the date the commissioner prescribes by rule.

b. License application. An application for a license required under this subchapter or for any renewal thereof shall be made to the commissioner in such form or manner as the commissioner shall prescribe by rule, provided that such application shall include, but need not be limited to:

1. The name and address of the applicant;

2. An email address that the applicant monitors where the department can send license application materials, official notifications, and other correspondence;

3. If the applicant does not reside in the city, the name and address of a registered agent within the city upon whom process or other notification may be served; and

4. A signed statement certifying compliance with all applicable laws, regulations and rules including:

(a) that the applicant is in compliance with section 16-118;

(b) that the applicant is in compliance with section 16-122;

(c) that the applicant is in compliance with section FC 3401.2 of the New York city fire code;

(d) that the applicant is in compliance with section 4-12 of title 34 of the rules of the city of New York, regarding the use of roadways, or a successor provision; and

(e) that the applicant is in compliance with sections 27-1905 and 27-1913 of the environmental conservation law.

c. Fee. There shall be a biennial fee of $200 for a license to operate a tire shop.

§ 20-565.2 Issuance of license. A license to operate a tire shop shall be granted in accordance with the provisions of this subchapter, chapter 1 of this title, and applicable rules of the commissioner.

§ 20-565.3 Denial, renewal, suspension and revocation of license. In addition to any powers of the commissioner and not in limitation thereof, the commissioner may deny or refuse to renew any license required under this subchapter and may suspend or revoke such license, after due notice and opportunity to be heard, if the applicant or licensee, or, where applicable, any of its officers or principals, directors, members, managers, employees or other ownership interest of the organization, is found to have:

1. Committed two or more violations of any provision of this subchapter or any rules promulgated thereunder in the preceding two years; or

2. Made a material false statement or concealed a material fact in connection with the filing of any application pursuant to this subchapter.

§ 20-565.4 Display of license. Each licensee shall conspicuously display a true copy of the license issued pursuant to this subchapter in close proximity to the main entrance door of each licensee's tire shop in such a manner that the license is visible from outside the building where such center is located.

§ 20-565.5 Facilities and inspections. a. The commissioner may inspect a tire shop for violations of this subchapter and rules promulgated pursuant to this subchapter.

b. The commissioner may determine whether a tire shop operated pursuant to a license issued under this subchapter is suitable for the proper storage and handling of tires.

§ 20-565.6 Rulemaking. The commissioner shall promulgate such rules as the commissioner deems necessary to effectuate the provisions of this subchapter.

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

Referred to the Committee on Consumer and Worker Protection.

Int. No. 471

By Council Members Williams, Marte, Restler, Salaam and Brewer.

A Local Law in relation to establishing a New York city freedom trail task force

Be it enacted by the Council as follows:

Section 1. Freedom trail 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.

Freedom trail. The term "freedom trail" means a walkable tour of historical sites in the city associated with the abolitionist movement and Underground Railroad, including sites that have been marked and sites that remain unmarked, that are linked through unifying signage, programs, or maps.

Task force. The term "task force" means the New York city freedom trail task force established by this local law.

§ 2. Task force established. There is hereby established a task force to be known as the New York city freedom trail task force.

§ 3. Duties. The task force shall study and report on the feasibility of creating two freedom trails in the city: a freedom trail in lower Manhattan and a citywide freedom trail. The task force shall make recommendations for historical sites in lower Manhattan and citywide to be featured on such freedom trails, as well as for legislation and policy in furtherance of that objective. Those recommendations shall take into account the potential educational and cultural value of the freedom trails to persons in the city, the projected costs of implementing any recommended programs, anticipated effects on stakeholders, and any other considerations the task force deems relevant.

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

1. The commissioner of cultural affairs or such commissioner's designee, who shall serve as chair;

2. The commissioner of transportation or such commissioner's designee;

3. The commissioner of parks and recreation or such commissioner's designee;

4. The commissioner of small business services or such commissioner's designee;

5. The chair of the landmarks preservation commission or such chair's designee;

6. Five members appointed by the mayor; and

7. Three members appointed by the speaker of the council.

b. Appointed members shall include academic or historical scholars and representatives of institutions, organizations, corporations, or associations that are organized or operated primarily for historical, cultural, educational, religious, or charitable purposes.

c. 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.

d. All appointments required by this section shall be made no later than 90 days after the effective date of this local law.

e. 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. 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 14 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 three. The task force shall hold at least two public meetings prior to submission of the report, as required by section six, to solicit public comment on the establishment of the freedom trails.

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 1 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 legislation and policy relating to the freedom trails, including the task force's recommendations for the feasibility of establishing the freedom trails. The report shall include a summary of information the task force considered in formulating its recommendations. In formulating its recommendation the task force shall consider the following:

1. The feasibility of establishing the freedom trails;

2. Potential sites along the freedom trails;

3. Methods or systems that would be necessary to link the sites along the freedom trails;

4. The extent of coordination among relevant city agencies and organizations that would be necessary to the implementation and operation of the freedom trails; and

5. Outreach and educational materials and efforts, including technological tools, that would be necessary to support the operation of the freedom trails.

b. The commissioner of cultural affairs shall publish the task force's report electronically on the website of the department of cultural affairs no later than 14 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 Cultural Affairs, Libraries and International Intergroup Relations.

Int. No. 472

By Council Members Williams, the Public Advocate (Mr. Williams), Ung, Restler and Salaam.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the borough presidents to provide equal employment opportunity trainings to community board members

Be it enacted by the Council as follows:

Section 1. Chapter 5 of title 3 of the administrative code of the city of New York is amended by adding a new section 3-511 to read as follows:

§ 3-511 Community board member training. Each borough president shall provide equal employment opportunity training to community board members including, but not limited to, anti-sexual harassment training and anti-discrimination training. Borough presidents may coordinate with other government agencies, such as the department of citywide administrative services, to provide such trainings.

§ 2. This local law takes effect immediately.

Referred to the Committee on Governmental Operations, State & Federal Legislation.

Int. No. 473

By Council Members Williams, Stevens, Restler, Salaam and Krishnan.

A Local Law to amend the New York city charter, in relation to offering community service in lieu of civil penalties for certain littering violations

Be it enacted by the Council as follows:

Section 1. The opening paragraph and paragraphs (a) and (b) of subdivision 4 of section 1049 of the New York city charter, as added by local law number 73 for the year 2016, are amended to read as follows:

4. Notwithstanding any other provision of law, in the conduct of an adjudication relating to a natural person accused of committing a specified violation, as defined in paragraph (b) of this subdivision, an administrative law judge or a hearing officer shall offer the respondent the option to perform community service in lieu of a monetary civil penalty.

(a) For purposes of this section, the term "community service" means performing services for a public or not-for profit corporation, association, institution, or agency in lieu of payment of a monetary civil penalty. Such services may include, but are not limited to, attendance at programs, either in person or web-based, designed to benefit, improve, or educate either the community or the respondent.

(b) For purposes of this section, the term "specified violation" means a violation of: subparagraph (i) of paragraph 9 of subdivision a of section 533; section 10-125 of the administrative code; subdivision 1 of section 16-118 of the administrative code*; paragraph (a) of subdivision 2 of section 16-118 of the administrative code*; subdivision 6 of section 16-118 of the administrative code, with respect to the act of public urination; section 18-146 of the administrative code, excluding paragraphs 2, 3, 21, 23, and 24 of subdivision c; or subdivision (a) of section 24-218 of the administrative code. Specified violations shall not include violations arising during the course of conducting any commercial activity or violations arising from any activity carried out for a commercial purpose, except that a violation of paragraph 15 of section 18-146 of the administrative code is a specified violation, regardless of whether such violation arose during the course of conducting a commercial activity or from an activity carried out for a commercial purpose.

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

Referred to the Committee on Public Safety.

Int. No. 474

By Council Members Williams, Won and Restler (by request of the Brooklyn Borough President).

A Local Law to amend the administrative code of the city of New York, in relation to establishing dynamic parking zones

Be it enacted by the Council as follows:

Section 1. Subdivision f of section 19-167 of the administrative code of the city of New York, as added by local law number 171 for the year 2021, is amended to read as follows:

f. Notification of changes involving parking meters. 1. New parking meter installation. Prior to the installation of new parking meters covering at least four contiguous blockfaces, the department shall forward notice of such installation to the affected council member(s) and community board(s) by electronic mail.

(a) Within 10 business days after receipt of such notice: (i) the affected council member(s) may submit recommendations, comments or both regarding such notice to the department; and (ii) the affected community board(s) may submit recommendations or comments regarding such notice, or request a presentation regarding such installation, which where practicable shall be made to such community board(s) within 30 days of such request.

(b) Any recommendations or comments received by the department pursuant to this subdivision shall be reviewed prior to the installation of such new parking meters.

2. Existing parking meter alterations. Prior to making changes to parking meter rates or replacing a parking meter with a different type of parking meter, the department shall provide at least 30 days written notice of such changes by regular first-class mail and electronic mail to the community board and council member in whose district the affected parking meters are or will be located and shall post such written notice on the department's website*, provided that this paragraph shall not apply to a dynamic parking zone implemented by the department pursuant to section 19-167.1*. Such notice shall at a minimum provide the following information:

(a) Parking rates. The notice shall include the proposed new rate, the location(s) of the meters affected by such rate change and the earliest date such new rate will go into effect.

(b) Change in meter type. The notice shall include the location(s) where meters will be converted and the earliest date on which such converted meters will go into operation.

§ 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 19-167.1 to read as follows:

§ 19-167.1 Dynamic parking program. a. Definitions. For purposes of this section, the following terms have the following meanings:

Dynamic parking rate. The term "dynamic parking rate" means the real-time adjustment of on-street parking pricing dependent on demand and supply.

Dynamic parking zone. The term "dynamic parking zone" means an area of contiguous blocks designated by the department for inclusion in the dynamic parking program.

b. Program. The department shall establish a dynamic parking program including determining by rule when and how dynamic parking rates shall be applied in dynamic parking zones pursuant to subdivisions c and d of this section, and provided that real-time adjustments to a dynamic parking rate may be made no more than once an hour.

c. Dynamic parking zones. The department shall designate at least one dynamic parking zone in each borough where a dynamic parking rate will apply. The locations and boundaries of the dynamic parking zones shall be determined by the department based on factors including but not limited to existing traffic congestion, rates of illegal parking citations issued, and the amount of commercial activity in such area.

d. Dynamic parking rates. Within each dynamic parking zone, the department shall establish a dynamic parking rate fee structure with a minimum and maximum hourly fee. The department may change the minimum and maximum hourly fees for a dynamic parking zone only after providing at least seven days written notice to the community board(s) and council member(s) in whose district(s) the zone will be located and posting such written notice on the department's website.

e. Notice. Upon the establishment of a dynamic parking zone pursuant to subdivision c of this section, the department shall provide at least 30 days' written notice of the proposed zone by regular first-class mail and electronic mail to the community board(s) and council member(s) in whose district(s) the zone will be located and shall post such written notice on the department's website. Such notice shall at a minimum provide a description of the boundaries of the proposed dynamic parking zone, the proposed new dynamic parking rates, and the earliest date such new rates will go into effect.

f. Exceptions. This section shall not apply to a vehicle bearing a permit issued pursuant to paragraph 15 of subdivision a of section 2903 of the charter or section 1203-h of the vehicle and traffic law.

g. Reporting. Not later than July 1, 2024, and by July 1 biannually thereafter, the commissioner shall post publicly on the department's website and submit to the mayor and the speaker of the council a report on the dynamic parking program established by this section, including but not limited to:

1. A description of each dynamic parking zone including the dynamic parking rates in such zone;

2. Whether the amount of available parking in each zone increased during the dynamic parking program;

3. The rate of citations issued for parking violations in each zone and the rate of such citations issued prior to the dynamic parking program;

4. Any other localized benefits such as vehicle emissions reductions experienced during the dynamic parking program;

5. Any technological or logistical constraints impacting the dynamic parking program in each dynamic parking zone and any action that may be taken to lessen such constraints; and

6. Whether additional zones should be added.

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

Referred to the Committee on Transportation and Infrastructure.

Res. No. 191

Resolution calling on the State Legislature to pass, and the Governor to sign, A. 8681/S. 7527, to prohibit prosecutors from using creative expression as evidence against a criminal defendant without clear and convincing proof that there is a literal, factual nexus between the creative expression and the facts of the case.

By Council Members Williams, Stevens and Salaam.

Whereas, A. 8681, introduced by Assembly Member Catalina Cruz and pending in the New York State Assembly, and companion bill S. 7527, introduced by State Senator Brad Hoylman and pending in the New York State Senate, seek to amend the Criminal Procedure Law by prohibiting prosecutors from using creative expression as evidence against a criminal defendant without clear and convincing proof that there is a literal and factual nexus between the creative expression and the facts of the case, in an effort to protect freedom of expression in New York State; and

Whereas, Article I, Section 8 of the New York State Constitution protects the right to freely express oneself, whether through speaking, writing or other creative outlets, enhancing protection of free expression guaranteed in the First Amendment of the United States Constitution; and

Whereas, According to the New York State Court of Appeals, New York State is "a cultural center for the Nation" that has "long provided a hospitable climate for the free exchange of ideas"; and

Whereas, In criminal proceedings in the United States, courts have perpetrated a disturbing trend of admitting creative expression into evidence as proof of wrongdoing; and

Whereas, Admitting creative expression into evidence to convict criminal defendants has a chilling effect on fundamental rights which the Federal and New York State Constitutions safeguard, and exacerbates bias against black and brown defendants who exercise their rights in particular forms of expression, like rap music, that are the subject of discriminatory associations linking black and brown people with criminal conduct; and

Whereas, Standards for the admissibility of evidence in New York State criminal proceedings do not adequately protect a defendant's creative expression from being used against them; and

Whereas, An enhanced standard demanding clear and convincing proof that creative expression has a literal and factual nexus to the facts of the case would provide stronger protection of fundamental rights and would mitigate the risk such evidence poses for exacerbating racial biases that judges and juries show against black and brown criminal defendants, especially; now, therefore, be it

Resolved, That the Council of the City of New York calls on the State Legislature to pass, and the Governor to sign, A. 8681/S. 7527, to prohibit prosecutors from using creative expression as evidence against a criminal defendant without clear and convincing proof that there is a literal, factual nexus between the creative expression and the facts of the case.

Referred to the Committee on Public Safety.

Res. No. 192

Resolution calling on the New York State Legislature to pass, and the Governor to sign, A.84/S.296A, in relation to prohibiting the search, with or without a warrant, of geolocation and keyword data of people who are under no individual suspicion of having committed a crime.

By Council Members Williams, Stevens and Salaam.

Whereas, A 2011 International Library of Ethics publication described a "pacing problem" phenomenon in which there is a "growing gap between the pace of science and technology and the lagging responsiveness of legal and ethical oversight [which] society relies on to govern emerging technologies"; and

Whereas, A geofence is a defined virtual geographic perimeter, or area, that is overlaid over a real-world area for a period of time, and can be used for the collection, or pushing, of data in that area; and

Whereas, The National Association of Criminal Defense Lawyers defines geofence warrants as a type of reverse warrant where the government seeks a court order to learn who was within a "geofence" during a specific period of time, and explains that geofence warrants can be used by a government to compel technology companies to produce geolocation data, or information about devices interacting with a company's technology within a particular geographic region; and

Whereas, Similarly, a government might also seek a reverse warrant for search data, also referred to as keyword data, wherein it seeks a court order to learn the identities of persons who entered particular terms into a search engine; and

Whereas, According to Slate Magazine's Future Tense and Forbes, the first publicly available example of the use of a keyword warrant was in 2017 when a Minnesota judge signed off on a warrant that required Google to provide information on anyone who searched for a fraud victim's name from within the city of Edina, the location where a crime being investigated had taken place; and

Whereas, In its semiannual transparency report, Google disclosed that it had received 49,001 search warrants in 2021, as compared with 10,383 search warrants a few years earlier, in 2017;

Whereas, Google also released a supplemental document pertaining to geofence warrants to share that the company has seen a dramatic rise in geofence information requests to the point that as of 2020 geofence warrants made up more than 25% of all warrants received by them in the U.S., increasing from 982 geofence warrants in 2018 to 11,554 such warrants in 2020; and

Whereas, A broad range of technological and civil liberty organizations including the Electronic Frontier Foundation (EFF), the New York Civil Liberties Union (NYCLU), and the Surveillance Technology Oversight Project (S.T.O.P.) have advocated to prohibit the issuance of these warrants due to their concerns regarding possible violations of constitutional protections against unlawful search and the consequences thereof; and

Whereas, The EFF published an article on May 13, 2022 in which it described the harms of geofence and keyword warrants, both for a possible invasion of privacy and for the potential to involve innocent bystanders that would become connected to criminal investigations due to otherwise innocuous search terms or coincidental geographic proximity; and

Whereas, On April 13, 2019, The New York Times reported on a case in which a geofence warrant issued in Phoenix, Arizona led to detectives falsely arresting and imprisoning a person in connection to an ongoing murder investigation; and

Whereas, On March 3, 2022, a federal judge in the U.S. District Court for the Eastern District of Virginia ruled that Virginia authorities' usage of a geofence warrant was an unconstitutional violation of Fourth Amendment rights,

Whereas, The use of these warrants is occurring New York, as Gothamist reported on August 12, 2019 that the Office of the District Attorney of Manhattan was able to obtain the geolocation data of persons through a geofence warrant; and

Whereas, A.84A, sponsored by Assembly Member Dan Quart in the New York State Assembly and companion bill S.296A, sponsored by State Senator Zellnor Myrie in the New York State Senate, would prohibit the search, with or without a warrant, of geolocation and keyword data of people who are under no suspicion of having committed a crime; and

Whereas, Civil liberty and technology associations like the ACLU, EFF, S.T.O.P., and NYCLU have expressed support for this legislation, as has Reform Government Surveillance, a technology coalition which includes companies like Google, Microsoft, and Meta, which released a statement supporting the adoption of the legislation; now, therefore, be it

Resolved, That the Council of the City of New York calls on the New York State Legislature to pass, and the Governor to sign, A.84A/S.296A, in relation to prohibiting the search, with or without a warrant, of geolocation and keyword data of people who are under no individual suspicion of having committed a crime.

Referred to the Committee on Public Safety.

Res. No. 193

Resolution designating October as Youth Empowerment Month annually in the City of New York to recognize, appreciate, and celebrate the successes of young people and their contributions to school and community life.

By Council Members Williams, Riley, Stevens, Salaam and Marmorato.

Whereas, New York City (NYC) youths and young adults up to 25 years of age have an important and constructive role to play in NYC communities; and

Whereas, According to the U.S. Department of Health and Human Services' *Key Substance Use and Mental Health Indicators in the United States: Results from the 2020 National Survey on Drug Use and Health*, herein called *National Survey*, about 17 percent of young people aged 12 to 25 said that they had felt depressed for at least one period of two weeks or longer during the past year and had also had issues with their sleeping, eating, energy, concentration, or feelings of self-worth; and

Whereas, According to the *National Survey*, the percentage of young people aged 12 to 25 experiencing depression has been on a steady rise since 2013; and

Whereas, According to the Mayo Clinic, social media can provide teens with support and a social network, which might help them avoid depression, but excessive use of social media can also increase anxiety and depression and expose them to bullying and peer pressure; and

Whereas, Looking for ways to reach out to young people to support them in resolving their day-to-day issues and, in the long run, in increasing their self-esteem is a necessary and valuable role for school and community leaders to play; and

Whereas, Many agencies and community leaders focus their efforts on young people who have been marginalized—including those living in underserved communities, those living in immigrant and low-income households, those caught in the epidemic of gun violence, and those struggling with personal issues—and rightly so; and

Whereas, According to Linette Townsley, Youth Services Committee Chair of Community Board 12 in Queens, NYC needs to pay attention to its young people who are excelling in school and giving back to the community, to recognize them and let them know that they are appreciated, and to guide them as they plan for their futures; and

Whereas, Many prominent organizations, NYC agencies, and community leaders have joined with Community Board 12 to plan, provide resources, or host activities for the first commemoration of Youth Empowerment Month in October, 2023, including the National Association for the Advancement of Colored People (NAACP), National Action Network, National Urban League, NYC Department of Youth and Community Development (DYCD), local pastors, and more; and

Whereas, Although the idea for Youth Empowerment Month was born in Queens, sponsors for this first Youth Empowerment Month have reached out to and brought in youth and supportive community leaders and organizations from every NYC borough; and

Whereas, Pastor Tina Booker, who founded Radikal4kidz, a youth outreach organization, praised the idea of a month devoted to young people and called for their involvement in choosing the kinds of events to be held during Youth Empowerment Month in years to come; and

Whereas, Events for Youth Empowerment Month can include college fairs, art installations, days of community service, documentary movie screenings, lectures and discussions on current issues, music and dance performances, block parties, resources such as those from the U.S. Small Business Administration for youth entrepreneurs that young people might not even be aware of, and more; and

Whereas, Every NYC community can and should find a local community leader to create its own Youth Empowerment Month agenda and find its own ways to celebrate its young people; and

Whereas, It is fitting that NYC take some time to focus its resources and energy on its young people, who hold the future of the City in their hands and who, when coming together, can inspire each other to continue doing great things; now, therefore, be it

Resolved, That the Council of the City of New York designates October as Youth Empowerment Month annually in the City of New York to recognize, appreciate, and celebrate the successes of young people and their contributions to school and community life.

Referred to the Committee on Cultural Affairs, Libraries and International Intergroup Relations.

Res. No. 194

Resolution designating the fourth week of November annually as The Shangri-Las Week in the City of New York, celebrating the 60th anniversary of "Leader of the Pack" in 2024, and recognizing The Shangri-Las' indelible impact on the music of the 1960s and ever since.

By Council Members Williams, Brannan and Salaam.

Whereas, Mary Weiss and her older sister Elizabeth (Betty) teamed up with twins Marguerite (Marge) and Mary Ann Ganser to form The Shangri-Las, which they named after a local Queens restaurant; and

Whereas, The Shangri-Las from Andrew Jackson High School in Cambria Heights, Queens, took up the "girl group" mantle with their Billboard Hot 100 Number (No.) 1 hit "Leader of the Pack" in the week ending November 28, 1964, knocking The Supremes' "Baby Love" out of the No.1 spot; and

Whereas, The four teenagers had gotten their start listening to a cappella groups of young men on Queens street corners and then began their own harmonizing at the local playground and at dances; and

Whereas, Mary Weiss became The Shangri-Las' lead vocalist on their biggest hits when she was just 15 and was the only consistent member of the group, as the other three cycled in and out; and

Whereas, The Shangri-Las had six Top 40 singles between 1964 and 1966, starting in the summer of 1964 with "Remember (Walkin' in the Sand)," which was written by George "Shadow" Morton, who was working with Brill Building hitmakers Ellie Greenwich and Jeff Barry, and which included a performance by an unknown teenaged Billy Joel on piano; and

Whereas, "Remember (Walkin' in the Sand)" got The Shangri-Las a contract with Red Bird, the record label of the prolific team of Jerry Leiber and Mike Stoller; and

Whereas, "Remember (Walkin' in the Sand)" climbed to No. 5 on the Billboard Hot 100 and gave audiences its memorably wrenching "oh no, oh no, oh no no no no no" lyric; and

Whereas, According to Billboard, the song's "mix of pounding piano chords, tempo switches, histrionically belted and tensely sung-spoken vocals, despairing lyrics and evocative sound effects proved a perfect introduction to the teenage mini-operas that would ultimately became [The Shangri-Las'] signature"; and

Whereas, Later that same year, "Leader of the Pack" came along to tell the story of the tragic crash of the motorcycle-riding bad boy Jimmy, loved in the song by lead singer Mary Weiss, who was torn between her parents and her boyfriend and who "deliver[ed] one of the unforgettable vocal performances of '60s pop," with a "rawness and unguardedness to her wailing vocal" unmatched by her peers, according to Billboard; and

Whereas, Early in the song, Mary Weiss sang songwriter Morton's now-famous lines, "My folks were always putting him down/They say he came from the wrong side of town/They told me he was bad, but I knew he was sad/That's why I fell for the leader of the pack"; and

Whereas, According to Morton, "I was asking [Mary] to be an actress, not just a singer" in the tale of heartbreak, as she talks back and forth with her back-up singers, who help her set the stage for the drama; and

Whereas, Billboard explains the musical brilliance of the song, backed up by motorcycle engine sounds, noting that "the song's sonics are heightened to near-operatic levels: drum thumps approximate loudly echoing heartbeats on the chorus, reverb-soaked, minor-key piano gives the feeling of an impending thunderstorm on the bridge, and the group is elevated to an angelic choir on the heavenly outro, singing the fallen Leader home"; and

Whereas, The Shangri-Las were known for their edgier-than-typical songs, full of teen angst and sometimes suggestive lyrics, including in "Leader of the Pack," which was originally banned in England; and

Whereas, Later hits for The Shangri-Las included "I Can Never Go Home Anymore" at No. 6, once described by Amy Winehouse as "the saddest song in the world," and the tuneful "Give Him a Great Big Kiss" at No. 18, with the catchy line "you best believe I'm in love L-U-V"; and

Whereas, Often dressed in leather pants or jumpsuits and boots, The Shangri-Las brought a new tougher look to the girl groups of the 1960s, who were known for their formal gowns, once referred to as "old people's clothes," by a young Mary Weiss, who later explained that she just "didn't like chiffon dresses and high heels"; and

Whereas, The Shangri-Las influenced vocalists from the Ramones to Debbie Harry to Amy Winehouse, and their songs were covered by vocalists from Marianne Faithfull to Aerosmith to Twisted Sister to Blondie to The Carpenters to Bette Midler to Alvin and the Chipmunks; and

Whereas, At the peak of their career, The Shangri-Las were invited to perform at the 1965 World's Fair in Queens; and

Whereas, The pioneering Shangri-Las stopped recording in 1968, amidst contractual legal problems, after a short, but brilliant, career that included performing in the United States on television and with James Brown and others as well as in the United Kingdom on television and with The Animals, The Beatles, and The Rolling Stones; and

Whereas, Mary Weiss, who left the music industry for decades and then released a well-reviewed solo album in 2007, entitled *Dangerous Game*, said in an interview at that time that she loved being in the studio again, noting "That's my home" and "I just want to rock 'n' roll"; and

Whereas, The Ganser twins died in 1970 and 1996 and Mary Weiss recently died on January 19, 2024; and

Whereas, Betty Weiss Nelson is the sole surviving member of the groundbreaking girl group, a term that Mary Weiss never liked because she felt that "women were considered products" in a music industry that gave them no power; and

Whereas, The Shangri-Las, four teenagers from Queens, put girl groups from New York City on the map in 1964 and remarkably influenced generations of musicians who followed; now, therefore, be it

Resolved, That the Council of the City of New York designates the fourth week of November annually as The Shangri-Las Week in the City of New York, celebrates the 60th anniversary of "Leader of the Pack" in 2024, and recognizes The Shangri-Las' indelible impact on the music of the 1960s and ever since.

Referred to the Committee on Cultural Affairs, Libraries and International Intergroup Relations.

Int. No. 475

By Council Members Won and Restler.

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. 476

By Council Member Won.

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. 477

By Council Members Won and Restler.

A Local Law to amend the administrative code of the city of New York, in relation to reporting on student disenrollment from public schools and placements following disenrollment

Be it enacted by the Council as follows:

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

CHAPTER 29 REPORT ON STUDENT DISENROLLMENT

§ 21-1000 Report on student disenrollment. a. Definitions. For the purposes of this section, the term "student" means any pupil under the age of 21 as of September first of the school year being reported, who does not have a have a high school diploma and who is enrolled in a school, excluding any child who is less than four years of age on or before December thirty-first of the school year being reported.

b. Not later than August 31, 2023, and annually thereafter, the department shall submit to the mayor and the speaker of the council a report regarding student disenrollment from schools. Such report shall include but not be limited to the following information for the previous reporting period, to the extent practicable:

1. The total number of students who disenrolled from public schools and such number broken down by:

(a) Community school district;

(b) Borough;

(c) Age group;

(d) Grade level; and

(e) Race or ethnicity of such students;

2. The total number of students who disenrolled from public schools and transferred to a school in another school district, and the location of the school district where such students transferred; and

3. A list of schools where students enrolled following disenrollment from public schools, including the total number of students who chose each school and the age group, grade level, and race or ethnicity of such students.

c. No information that is otherwise required to be reported pursuant to this section shall be reported in a manner that would violate any applicable provision of federal, state or local law relating to the privacy of student information. If a category contains between zero and five students, or contains an amount that would allow the amount of another category that is five or less to be deduced, the number shall be replaced with a symbol.

§ 2. This local law takes effect immediately.

Referred to the Committee on Education.

Int. No. 478

By Council Members Won and Restler.

A Local Law to amend the administrative code of the city of New York, in relation to requiring agencies to translate and distribute to community-based organizations emergency information in the designated citywide languages

Be it enacted by the Council as follows:

Section 1. Paragraph 5 of subdivision b of section 23-1102 of the administrative code of the city of New York, as added by local law number 30 for the year 2017, is amended to read as follows:

5. incorporate planning to address language access needs in the agency's emergency preparedness and response, *including considering providing emergency notifications in the designated citywide languages*;

§ 2. Section 23-1102 of the administrative code of the city of New York is amended to add a new subdivision e to read as follows:

e. Each covered agency shall translate into the designated citywide languages and distribute to relevant community-based organizations any document that the federal and state government provides to such agency that relates to a declaration of emergency affecting the city.

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

Referred to the Committee on Governmental Operations, State & Federal Legislation.

Int. No. 479

By Council Members Won 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. 480

By Council Member Won.

A Local Law to amend the administrative code of the city of New York, in relation to police department transparency in the use of surveillance technology

Be it enacted by the Council as follows:

Section 1. Section 14-188 administrative code of the city of New York, as added by local law number 65 for the year 2020 is amended to read as follows:

§ 14-188 Annual surveillance reporting and evaluation. a. Definitions. As used in this section, the following terms have the following meanings:

Surveillance technology. The term "surveillance technology" means equipment, software, or systems capable of, or used or designed for, collecting, retaining, processing, or sharing audio, video, location, thermal, biometric, or similar information, that is operated by or at the direction of the department. Surveillance technology does not include:

1. routine office equipment used primarily for departmental administrative purposes;
2. parking ticket devices;
3. technology used primarily for internal department communication; or
4. cameras installed to monitor and protect the physical integrity of city infrastructure.

Surveillance technology impact and use policy. The term "surveillance impact and use policy" means a written document that includes the following information:

1. a description of the capabilities of a surveillance technology;

2. rules, processes and guidelines issued by the department regulating access to or use of such surveillance technology as well as any prohibitions or restrictions on use, including whether the department obtains a court authorization for such use of a surveillance technology, and, if so, the specific type of court authorization sought;

3. safeguards or security measures designed to protect information collected by such surveillance technology from unauthorized access, including but not limited to the existence of encryption and access control mechanisms;

4. policies and/or practices relating to the retention, access, and use of data collected by such surveillance technology;

5. policies and procedures relating to access or use of the data collected through such surveillance technology by members of the public;

6. [whether] *names of* all entities outside the department, *including local government entities, state government entities, federal government entities, or private entities, that* have access to the information and data collected by such surveillance technology, including: (a) [whether the entity is a local governmental entity, state governmental entity, federal governmental entity or a private entity,(b)] the type of information and data that may be disclosed [by] to each such entity, and [(c)] *(b)* [any] *the specific* safeguards or restrictions imposed by the department on [such] *each such* entity regarding the use or dissemination of the information collected by such surveillance technology;

7. whether any training is required by the department for an individual to use such surveillance technology or access information collected by such surveillance technology;

8. a description of internal audit and oversight mechanisms within the department to ensure compliance with the surveillance technology impact and use policy governing the use of such surveillance technology;

9. any tests or reports regarding the health and safety effects of the surveillance technology; and

10. any potentially disparate impacts of the *surveillance technology and* surveillance technology impact and use policy on any protected groups as defined in the New York city human rights law.

b. Publication of surveillance technology impact and use policy. The department shall propose a surveillance technology impact and use policy and post such proposal on the department's website, at least 90 days prior to the use of any new surveillance technology. Such impact and use policies shall be published for all distinct *surveillance technologies utilized by the department, regardless of whether such technology overlaps in functionality or capability with any other technology for which a separate impact and use statement exists*.

c. Existing surveillance technology. For existing surveillance technology as of the effective date of the local law that added this section, the department shall propose a surveillance technology impact and use policy and post such proposal on the department's website within 180 days of such effective date.

d. Addendum to surveillance technology impact and use policies. When the department seeks to acquire or acquires enhancements to surveillance technology or uses such surveillance technology for a purpose or in a manner not previously disclosed through the surveillance technology impact and use policy, the department shall provide an addendum to the existing surveillance technology impact and use policy describing such enhancement or additional use.

e. Upon publication of any proposed surveillance technology impact and use policy, the public shall have 45 days to submit comments on such policy to the commissioner.

f. The commissioner shall consider public comments and provide the final surveillance technology impact and use policy to the speaker and the mayor, and shall post it on the department's website no more than 45 days after the close of the public comment period established by subdivision e of this section.

§ 2. Section 803 of the New York city charter is amended by adding a new subdivision c-1 to read as follows:

c-1. The commissioner shall prepare annual audits of surveillance technology impact and use policies as defined in section 14-188 of the administrative code that shall:

1. assess whether the New York city police department's use of surveillance technology, as defined in section 14-188 of the administrative code, complies with the terms of the applicable surveillance technology impact and use policy;

2. describe any known or reasonably suspected violations of the surveillance technology impact and use policy, including but not limited to complaints alleging such violations made by individuals pursuant to paragraph (6) of subdivision c of this section; and

3. publish recommendations, if any, relating to revisions of any surveillance technology impact and use policies.

§ 3. This local law takes effect immediately.

Referred to the Committee on Public Safety.

Int. No. 481

By Council Members Won and Restler.

A Local Law to amend the administrative code of the city of New York, in relation to information on affordable internet programs and community-based internet services

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
AFFORDABLE INTERNET PROGRAMS AND COMMUNITY-BASED INTERNET SERVICES

§ 23-1301 Definitions. As used in this chapter, the following terms have the following meanings:

Affordable internet program. The term "affordable internet program" means a program that provides discounts to households to help pay for broadband internet service or internet connected devices.

Community-based internet service. The term "community-based internet services" means a service that provides internet service through infrastructure built, used and managed by local communities.

Department. The term "department" means the department of information technology and telecommunications.

§ 23-1302 Information on affordable internet programs. a. Written materials. No later than February 1, 2023, the department shall coordinate with community-based organizations to provide materials with information on affordable internet programs and community-based internet services to communities in the city. Such materials shall include, but need not be limited to, the following information:

1. Descriptions of affordable internet programs and community-based internet services available to households in the city;

2. Eligibility criteria for such affordable internet programs and community-based internet services; and

3. Instructions on how to apply for such affordable internet programs and community-based internet services.

b. Distribution. No later than February 1, 2023, and annually thereafter, the department shall provide the materials required by subdivision a of this section electronically and in hard copy to community-based organizations for distribution to individuals served by such organizations. The department shall provide updated materials electronically and in hard copy to such community-based organizations if any substantial changes are made to affordable internet programs and community-based internet services available to households in the city.

c. Website. No later than February 1, 2023, the department shall post on its website the information about affordable internet programs and community-based internet services required by subdivision a of this section, including links to websites that allow individuals to apply for each affordable internet program and community-based internet service.

§ 2. This local law takes effect 30 days after it becomes law.

Referred to the Committee on Technology.

Int. No. 482

By Council Members Won and Stevens.

A Local Law to amend the administrative code of the city of New York, in relation to a public procurement database

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 Public procurement database. a. The mayor shall establish and maintain a searchable public online database containing the following information for each agency procurement exceeding the small purchase limits established pursuant to section 314 of the charter:

1. a unique contracting process identifier;

2. details of the purchasing agency, including the name of such agency, such agency address, and point of contact;

3. prior to a solicitation, a summary outlining the requirements of a procurement, including, but not limited to, statements explaining:

(a) the purpose of the procurement and rationale;

(b) the planned method of evaluating proposals;

(c) the proposed term of the contract;

(d) the procurement timeline, including, but not limited to, the anticipated start date for new contracts, anticipated solicitation release date, approximate proposal submission deadline and anticipated award announcement date;

(e) funding information, including, but not limited to, total funding available for the procurement and sources of funding, anticipated number of contracts to be awarded, average funding level available for such contracts, anticipated funding minimums, maximums or ranges per award, if applicable; and

(f) proposed vendor performance reporting requirements.

4. upon production of a solicitation document, a summary outlining the information contained within such document including, but not limited to, statements explaining:

(a) the procurement method and purpose;

(b) the category of the procurement;

(c) a description in plain language of the scope of goods or services to be procured;

(d) the submission method and period for bids;

(e) the eligibility criteria of the bidder;

(f) the evaluation and award criteria;

(g) the estimated award date or period;

(h) the estimated starting and scheduled completion date of the contract;

(i) the public comment period; and

(j) the date and reason for any modification or amendment to the solicitation document, if applicable.

5. upon selection of a bidder for an award, a summary outlining such award, including, but not be limited to, statements explaining:

(a) the award date, description, and value;

(b) details of the selected bidder; including legal name, address, and point of contact;

(c) a description in plain language of the scope of goods or services to be provided pursuant to such award;

(d) the estimated starting and completion dates of the contract;

(e) the date and reason for any modification or amendment to such award; and

(f) the number and list of other responding bidders not selected for such award.

6. upon award of a contract, a summary outlining the basic information of such contract including, but not limited to, statements explaining:

(a) the contract date, type, and category;

(b) the name of the agency that awarded such contract;

(c) identifying details of the contractor, including such contractor's legal name, organization identification, address, and contact point;
(d) a description in plain language of the scope of goods or services to be provided pursuant to the contract;
(e) the method of such award;
(f) the dollar amount of the maximum expenditure authorized under such contract;
(g) the starting and anticipated completion date of such contract;
(h) the date and reason for any modification or amendment to such contract, if applicable; and
(i) the registration number assigned to such contract by the comptroller.
7. upon agency expenditures pursuant to a contract, details of each spending transaction against the contract, including:
(a) the date, value, payer, and payee of such transaction;
(b) a list of key milestones for contract implementation pursuant to such expenditure, including the status of such milestones;
(c) warrants for work completed or supplies furnished including relevant vouchers rendered by the commissioner or director of the contracting agency pursuant to such expenditure;
(d) any subcontract relating to such expenditure;
(e) any order of additional work relating to such expenditure, if any; and
(f) information regarding contractor performance pursuant to such expenditure as required by section 6-116.1;
§ 2. This local law takes effect 120 days after it becomes law.

Referred to the Committee on Contracts.

Int. No. 483

By Council Members Won, Menin, Gutiérrez, Restler and Brewer.

A Local Law to amend the New York city charter, in relation to a program to provide public access to wireless networks

Be it enacted by the Council as follows:

Section 1. Section 15 of the New York city charter, as amended by local law number 14 for the year 2022, is amended by adding a new subdivision l to read as follows:

l. 1. The office of operations shall coordinate with the department of citywide administrative services, the office of cyber command and the department of information technology and telecommunications to establish a program whereby city agencies provide wireless network access for the public to utilize the internet.

2. No later than October 1, 2022, and annually thereafter, the office of operations shall coordinate with the department of citywide administrative services, the office of cyber command and the department of information technology and telecommunications, to submit a report to the mayor and the speaker of the council on wireless networks used by city agencies. Such report shall include, but need not be limited to, the following information:

(a) A list of the city agencies that are capable of providing secure wireless network access to the public, according to the most recent wireless network security standards established by the office of cyber command;

(b) A list of the city agencies that are capable of providing secure wireless network access to the public, according to the most recent wireless network security standards established by the office of cyber command, and are able to provide space in a publicly accessible area for individuals to use such secure wireless network access;

(c) The locations of the buildings or areas where such space in a publicly accessible area can be provided; and

(d) Any updates to wireless network security standards established by the office of cyber command.

3. No later than December 1, 2022, and annually thereafter, each agency that has been identified as capable of providing secure wireless network access to the public, and is able to provide space in a publicly accessible

area for individuals to use such secure wireless network access pursuant to subparagraph (b) of paragraph 2, shall submit a plan to the office of operations to provide public access to such agency's secure wireless network. Such plan shall include the following information:

(a) At least one location in a publicly accessible area that can be used by individuals to access the agency's secure wireless network;

(b) The steps the agency will take to ensure the wireless network connection is secure and accessible;

(c) Any changes or updates that have been or will be made to the agency's wireless network that could impact its security or accessibility; and

(d) Any obstacles to providing public access to the wireless network used by the agency.

4. The office of operations, in coordination with the department of citywide administrative services, the office of cyber command and the department of information technology and telecommunications, shall review each plan submitted by an agency, and shall submit a finalized plan to each such agency including any modifications that such offices or department deems necessary. No later than 60 days after receiving such a finalized plan, each agency shall implement such plan to provide wireless network access to the public.

5. Each agency that has been identified as capable of providing secure wireless network access to the public, and is able to provide space in a publicly accessible area for individuals to use such secure wireless network access pursuant to subparagraph (b) of paragraph 2, shall provide public access to such agency wireless network, free of charge, provided that such network meets the most recent wireless security standards established by the office of cyber command. Each agency shall make such space available for public use in accordance with the rules promulgated by the office of operations.

6. The following information shall be posted to the office of operations website and on the city's official website:

(a) A list of the locations of city agencies that provide wireless network access to the public;

(b) Information on how to properly and safely connect to a secure wireless network;

(c) Information on how to address common technical issues that may arise when trying to connect to a wireless network; and

(d) Rules and regulations for individuals to connect to a wireless network provided by an agency.

7. The city shall not be liable for any damages resulting from connection to any agency's wireless network, including, but not limited to, damage to equipment, breach of security, or loss of data.

§ 2. This local law takes effect 30 days after it becomes law, except that the director of the office of operations shall take such actions as are necessary to implement this local law, including the promulgation of rules, before such date.

Referred to the Committee on Technology.

Int. No. 484

By Council Members Won, Williams, Menin and Gutiérrez.

A Local Law to amend the New York city charter, in relation to a public review of electronic services developed by city agencies

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
ELECTRONIC SERVICES

§ 3400. Definitions. As used in this chapter, the following terms have the following meanings:

Agency. The term "agency" means any agency, the head of which holds office upon appointment of the mayor and those units within the executive office of the mayor designated by the mayor to be covered by the

provisions of chapter 16 of the charter. Such term does not include agencies headed by boards, commissions, or other multi-member bodies, whether appointed by the mayor or otherwise, nor to elected officials, nor to other agencies the heads of which are appointed by officials other than the mayor or by multi-member bodies.

Electronic service. The term "electronic service" means any mobile application, website or digital platform used by an agency that facilitates interaction from the general public for the purpose of providing services or benefits. Such term shall not include publications or websites made available by an agency for informational purposes only.

Program participant. The term "program participant" means an individual who has been selected by an agency to participate in a public review of such agency's electronic service.

Relevant communities. The term "relevant communities" means the intended users of a particular electronic service or individuals who would benefit from the use of such electronic service, which may be a subset or subsets of New York city residents or owners of businesses located in the city.

§ 3401. Public review of electronic services. a. Each agency, prior to operating for public use any electronic service, shall conduct a review of such electronic service by members of relevant communities, in order to provide such service's intended users the opportunity to recommend improvements relating to the accessibility, operation and functionality of such electronic service. No agency may implement an electronic service unless such agency conducts a public review of such service pursuant to this chapter, except as permitted by subdivision e of this section. An agency shall consider the language access and digital literacy needs of relevant communities when developing an electronic service. Electronic services already in use on or before the effective date of the local law that added this chapter shall not be required to undergo a public review pursuant to this chapter. The director of the office of operations shall promulgate rules governing the procedure for agencies to conduct a public review of an electronic service.

b. Website. The mayor's office of operations, in collaboration with the department of citywide administrative services and the department of information technology and telecommunications, shall maintain a website to provide the public with information about any public review of an electronic service conducted by an agency. Such website shall allow individuals to submit an application electronically to participate in any such public review.

c. Outreach. An agency implementing an electronic service shall conduct outreach about the public review of such electronic service no later than 60 days before the public review occurs.

1. Such outreach shall include, but not be limited to:

(a) Publishing a notice of such public review on the agency's website;

(b) Sending a notice of such public review to the mayor's office of operations who shall post such notice on the website required by subdivision b of this section; and

(c) Sending a notice of such public review by mail and electronically to any community boards and community organizations that work with the relevant communities.

2. Any notice of public review required by this subdivision shall include, but need not be limited to, the following information:

(a) Contact information for the agency, including a mailing address or e-mail address;

(b) Information on how to access the public review website where applications may be submitted to participate in the public review;

(c) A brief description of the proposed electronic service;

(d) The dates that the public review will take place;

(e) The means by which the agency will conduct the public review, including whether the review will be held in-person or remotely;

(f) Qualifications for participation in the public review, including any relevant communities from which the agency will select program participants, and the reasons why the agency selected such relevant communities; and

(g) Any other information the agency deems useful.

d. Application for participation. Applications to participate in a public review of an electronic service shall be submitted through the website required by subdivision b of this section. Such application shall include the applicant's name, contact information, and a description of why such applicant should participate in the public review.

e. Participant selection. 1. An agency shall select 200 program participants for each public review of an electronic service required by subdivision a of this section. If the agency cannot obtain the required number of program participants, such agency shall conduct the review with as many program participants as possible.

2. If an agency obtains fewer than 10 program participants, the agency may operate the electronic service for public use without conducting the public review required by this chapter. In such event, the agency shall report to the mayor's office of operations a summary of the outreach such agency conducted, including a plan to increase outreach and improve participation in subsequent public reviews. The mayor's office of operations shall post such summary and plan on the website required by subdivision b of this section.

f. Recommendations. An agency shall consider comments and recommendations made by program participants regarding the accessibility, operation and functionality of a proposed electronic service. After consideration of the comments and recommendations presented by program participants, an agency may operate the electronic service for public use. Upon making an electronic service available for public use, the agency shall submit to the mayor's office of operations, who shall post on the website required by subdivision b of this section, a report including, but not limited to, the following information:

1. Any modifications made to a proposed electronic service in response to comments and recommendations made by program participants, and the reasons the agency made such modifications; and

2. If no modifications are made, the reasons why an agency did not make modifications to an electronic service, including the reasons why the electronic service will meet the needs of relevant communities without any modifications.

g. Exception. An agency may submit a request to the mayor's office of operations to operate an electronic service for public use without conducting the public review required by this chapter, if such electronic service is needed for immediate public use. The mayor's office of operations shall approve or deny an agency's request within five days of receiving such request. An agency shall not be required to conduct the public review required by this chapter if such agency can demonstrate an immediate public need for an electronic service, including but not limited to, public access to an electronic service developed pursuant to an emergency executive order.

§ 3402. Private right of action. Nothing in this chapter shall be construed to create a private right of action.

§ 2. This local law takes effect 180 days after it becomes law, except that the director of the office of operations shall take such actions as are necessary to implement this local law, including the promulgation of rules, before such date.

Referred to the Committee on Technology

Int. No. 485

By Council Members Won, Gutiérrez and Menin.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the 311 customer service center to provide assistance relating to affordable internet programs

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 Affordable internet programs. a. Definitions. As used in this section, the term "affordable internet program" means a program that provides discounts to households to help pay for broadband internet service or internet connected devices.

b. The 311 customer service center shall provide assistance relating to affordable internet programs to individuals who call the 311 customer service center. Such assistance shall include, but need not be limited to, providing information on affordable internet programs, including eligibility requirements for such programs, and instructions on how to apply for affordable internet programs.

§ 2. This local law takes effect 30 days after it becomes law.

Referred to the Committee on Technology.

Int. No. 486

By Council Members Won, Gutiérrez and Menin.

A Local Law to amend the New York city charter, in relation to information on affordable internet programs for students and families

Be it enacted by the Council as follows:

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

§ 1077. Affordable internet programs for students and families. a. Definitions. As used in this section, the following terms have the following meanings:

Affordable internet program. The term "affordable internet program" means a program that provides discounts to households to help pay for broadband internet service or internet connected devices.

Department. The term "department" means the department of information technology and telecommunications.

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

b. No later than August 1, 2023, and annually thereafter, the department shall develop written materials containing information about the availability of affordable internet programs for students and families. Such materials shall include, but need not be limited to, the following information:

1. Descriptions of affordable internet programs available to students and families;

2. Eligibility for such affordable internet programs; and

3. Instructions on how to apply for such affordable internet programs.

c. The department shall provide the materials required by subdivision b of this section to the department of education for distribution to each school, to be shared with every student of each such school at the beginning of each academic year. The department of education shall ensure that such materials are provided in hard copy to all schools in sufficient quantity to satisfy the requirements of this section.

d. The department shall provide assistance with applying for affordable internet programs at each school, with permission from and in coordination with the department of education.

e. The department shall post on its website the information about affordable internet programs required by subdivision b of this section, including links to websites that allow individuals to apply for each affordable internet program.

f. No later than August 1, 2024, and annually thereafter, the department shall submit to the mayor and the speaker of the council a report on the distribution of materials about affordable internet programs and the assistance provided with applying for affordable internet programs as required by this section. The report shall include, but need not be limited to, the following information for the previous academic year:

1. The total number of schools that provided such materials to students;

2. The total number of schools that did not provide such materials to students, if any;

3. The total number of individuals at each school who sought assistance with applying for affordable internet programs; and

4. Any issues with providing such materials to students or assisting individuals with applying for affordable internet programs.

§ 2. This local law takes effect 30 days after it becomes law.

Referred to the Committee on Technology.

Res. No. 195

Resolution calling on the New York State Legislature to pass, and the Governor to sign, the Crypto Regulation, Protection, Transparency, and Oversight Act to strengthen regulation of the cryptocurrency industry and protect investors.

By Council Member Won.

Whereas, Cryptocurrency is a digital currency in which virtual coins are minted, transactions are verified and records maintained by a decentralized system using cryptography principles, rather than a central bank; and

Whereas, The cryptocurrency sector has grown dramatically since its inception in 2009 and there are now more than 24,000 different cryptocurrencies with a market capitalization of over one trillion dollars, according to CoinMarketCap; and

Whereas, Companies market cryptocurrency to low-income, Black, and Latino or Hispanic communities as a means of financial inclusion and wealth generation by emphasizing low barriers to entry and promises of high returns, according to the Brookings Institution; and

Whereas, According to a survey by NORC at the University of Chicago, nearly 44 percent of Americans who own and are trading crypto are people of color and over 35 percent have household incomes under $60,000 annually; and

Whereas, Compared with the traditional financial system, cryptocurrency is very lightly regulated, and U.S. Securities and Exchange Commission Chairman Gary Gensler has characterized the sector as a "Wild West" due to its lack of investor protections; and

Whereas, The lack of regulation makes cryptocurrency investors vulnerable to fraud, hacks, scams and abuse and enables illicit activity by cybercriminals, drug cartels, money launderers, and terrorist organizations; and

Whereas, Conflicts of interest are widespread in the cryptocurrency sector and many operators of virtual currency trading platforms are themselves heavily invested in virtual currencies and trade on their own platforms without oversight; and

Whereas, Many cryptocurrency trading exchanges have few, if any, rules about insider trading and are not appropriately monitored for market manipulation or other harmful trading activity; and

Whereas, The cryptocurrency market is extremely volatile, with dramatic price fluctuations in 2022 causing two trillion dollars in losses and leading numerous firms in the sector to file for bankruptcy, losing billions of dollars in investments with no recourse for customers, according to Bloomberg; and

Whereas, According to the Joint Economic Committee, 2022 set records for the scale of cryptocurrency theft and fraud, with more than $3 billion lost in hacks of exchanges and even more lost through digital asset versions of securities schemes such as "pump and dumps" and "rug pulls;" and

Whereas, At a February 2023 City Council hearing, Queens District Attorney Melinda Katz testified that her office has seen an increase in cryptocurrency crimes and scams, prompting her to create a Cyber Crime Unit within the Major Economic Crimes Bureau; and

Whereas, New York City is the financial center of the world, and likewise is a hub for innovation in the cryptocurrency industry with many companies and startups focused on cryptocurrency operating within the city; and

Whereas, Greater regulation of the cryptocurrency sector could help reduce speculation, protect investors, improve consumer confidence, and provide a safe space for innovation to continue; and

Whereas, On May 5, 2023, New York State Attorney General announced the Crypto Regulation, Protection, Transparency, and Oversight (CRPTO) Act; and

Whereas, The CRPTO Act would require cryptocurrency companies to meet many of the same registration, disclosure, audit and business conduct rules as the traditional finance industry; and

Whereas, The CRPTO Act would help eliminate conflicts of interest by prohibiting common ownership of cryptocurrency issuers, marketplaces, brokers, and investment advisers as well as banning brokers from borrowing or lending customer assets; and

Whereas, The CRPTO Act would better protect investors and prevent money laundering or other illegal activity by requiring brokers to know essential facts about their customers and requiring platforms to reimburse customers who are the victims of unauthorized asset transfers and transfers resulting from fraud; 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 Crypto Regulation, Protection, Transparency, and Oversight Act to strengthen regulation of the cryptocurrency industry and protect investors.

Referred to the Committee on Consumer and Worker Protection.

Res. No. 196

Resolution calling on the New York State Legislature to pass, and the Governor to sign, S.1037/A.423 to require public schools to obtain prior written consent from parents or eligible students before releasing their personal information to third party contractors.

By Council Members Won, Joseph, Farias, Krishnan, Gutiérrez and Hudson.

Whereas, Currently, the New York City (NYC) Department of Education (DOE) shares students' names, parents' names, mailing addresses, ZIP codes, and grade levels with outside vendors; and

Whereas, The NYC DOE allows families to opt out of, rather than allowing them to opt into, the sharing of that information by filling out and submitting a form for each child by a specific deadline—a practice that has caused parents to complain about being targeted for marketing without their consent; and

Whereas, S.1037, introduced on January 9, 2023, by State Senator Robert Jackson, representing the 31st State Senate District in Manhattan, would amend the State education law to require the written consent of public school parents or eligible students before their personal information can be provided to a third party contractor (specifically, to a shared learning infrastructure service provider or a data dashboard operator), which might use that information for commercial gain; and

Whereas, Companion bill A.423, introduced on January 9, 2023, by State Assembly Member Harvey Epstein, representing the 74th State Assembly District in Manhattan, would provide for the same restriction on releasing personal data of public school students to third party contractors; and

Whereas, S.1037/A.423 would require the NYC DOE to change from using its opt-out system requiring parents to opt out of sharing their information by submitting a removal form to implementing an opt-in system requiring the NYC DOE to obtain written consent before sharing any personal information about students; 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.1037/A.423 to require public schools to obtain prior written consent from parents or eligible students before releasing their personal information to third party contractors, who might use that information for commercial gain.

Referred to the Committee on Education.

Int. No. 487

By Council Member Yeger.

A Local Law to amend the administrative code of the city of New York and the New York city fire code, in relation to penalties for the possession, sale, lease, or rental of unsafe powered bicycles, powered mobility devices, and storage batteries and the assembly or sale of second-use lithium-ion batteries

Be it enacted by the Council as follows:

Section 1. Section 20-610 of the administrative code of the city of New York, as added by local law number 39 for the year 2023, is amended to read as follows:

§ 20-610 [Sale] *Possession, sale,* lease, and rental of powered bicycles, powered mobility devices, and storage batteries for such devices. a. No person shall *possess,* distribute, sell, lease, rent or offer for sale, lease or rental a powered bicycle unless:

1. The electrical system for such bicycle has been certified by an accredited testing laboratory for compliance with Underwriters Laboratories (UL) standard 2849, or such other safety standard as the department has established by rule in consultation with the fire department; and

2. Such certification or the logo, wordmark, or name of such accredited testing laboratory is displayed: (i) on packaging or documentation provided at the time of sale for such powered bicycle; or (ii) directly on such powered bicycle or the battery of such bicycle.

b. No person shall *possess,* distribute, sell, lease, rent, or offer for sale, lease, or rental, a powered mobility device unless:

1. The electrical system for such powered mobility device has been certified by an accredited testing laboratory for compliance with Underwriters Laboratories (UL) standard 2272, or such other safety standard as the department has established by rule in consultation with the fire department; and

2. Such certification or the logo, wordmark, or name of such accredited testing laboratory is displayed: (i) on packaging or documentation provided at the time of sale for such powered mobility device; or (ii) directly on such powered mobility device or the battery of such device.

c. No person shall *possess,* distribute, sell, lease, rent or offer for sale, lease or rental a storage battery for a powered bicycle or powered mobility device unless:

1. Such storage battery has been certified by an accredited testing laboratory for compliance with Underwriters Laboratories (UL) standard 2271, or such other safety standard as the department has established by rule in consultation with the fire department; and

2. Such certification, or the logo, wordmark, or name of such accredited testing laboratory is displayed: (i) on packaging or documentation provided at the time of sale for such storage battery; or (ii) directly on such storage battery.

d. No powered bicycle or powered mobility device, or storage battery for a powered bicycle or powered mobility device, shall be required to display the certification or the logo, wordmark, or name of an accredited testing laboratory as required by subdivision a, b, or c of this section if such powered bicycle, powered mobility device, or storage battery: (i) is being sold or leased second-hand, or is being rented; and (ii) does not include packaging, or does not include printed documentation, at the time of distribution, sale, lease, rental or offer for sale, lease or rental, as applicable.

e. A person who [violates] *possesses a powered bicycle, powered mobility device, or storage batteries for such device in violation of* subdivision a, b, or c of this section, or any rule promulgated thereunder, [is liable for a civil penalty as follows] *shall:*

1. For the first violation, *be liable for* a civil penalty of zero dollars; and

2. For each subsequent violation issued for the same offense on a different day within [two] *2* years of the date of a first violation, *be liable for* a civil penalty of not more than [one thousand dollars] *$1,000.*

f. A person who distributes, sells, leases, rents, or offers for sale, lease, or rent a powered bicycle, powered mobility device, or storage batteries for such device in violation of subdivision a, b, or c of this section, or any rule promulgated thereunder, shall:

1. Be liable for a civil penalty of not more than $1,000 for each violation issued for the same offense on a different day within 2 years; and

2. Be guilty of a misdemeanor punishable by imprisonment for not more than 1 year.

[f.] *g.* Each failure to comply with subdivision a, b, or c of this section with respect to any one stock keeping unit constitutes a separate violation.

§ 2. Section FC 109 of the New York city fire code is amended by adding a new section 109.2.5 to read as follows:

109.2.5 Penalties for violations related to second-use batteries. Any person who violates FC 309.3.5 shall be liable for a civil penalty of not more than $1,000 for each violation issued for the same offense on a different

day within 2 years. Such person shall also be guilty of a misdemeanor punishable by imprisonment for not more than 1 year.

§ 3. This local law takes effect immediately.

Referred to the Committee on Fire and Emergency Management.

Int. No. 488

By Council Members Yeger and Vernikov.

A Local Law to amend the New York city charter, in relation to the reporting of revenue from the issuance of violations and the imposition of related fines

Be it enacted by the Council as follows:

Section 1. This bill shall be known and may be cited as the "Fine Accountability Act."

§ 2. Section 487 of the New York city charter is amended by adding a new subdivision h to read as follows:

h. By January 1, April 1, July 1, and October 1 of each year, the commissioner shall report the amount of revenue collected pursuant to violations and fines issued by the department since the previous report issued under this subdivision. Such data shall be disaggregated by the community board district in which the violation occurred. Such report shall be delivered to the council and each community board, and shall be posted on the department's website.

§ 3. Paragraphs (3) and (4) of subdivision e of section 556 of the New York city charter, as added by a vote of the electors on November 2, 2021, are amended, and a new paragraph (5) is added to such subdivision, to read as follows:

(3) provide for membership on such state or federally authorized committees as may be appropriate to the discharge of the department's functions, powers and duties; [and]

(4) *by January 1, April 1, July 1, and October 1 of each year, report the amount of revenue collected pursuant to violations and fines issued by the department since the previous report issued under this paragraph. Such data shall be disaggregated by the community board district in which the violation occurred. Such report shall be delivered to the council and each community board, and shall be posted on the department's website; and*

(5) perform such other acts as may be necessary and proper to carry out the provisions of this chapter and the purposes of the mental hygiene law.

§ 4. Section 645 of the New York city charter is amended by adding a new subdivision (e) to read as follows:

(e) By January 1, April 1, July 1, and October 1 of each year, the commissioner shall report the amount of revenue collected pursuant to violations and fines issued by the department since the previous report issued under this subdivision. Such data shall be disaggregated by the community board district in which the violation occurred. Such report shall be delivered to the council and each community board, and shall be posted on the department's website.

§ 5. Section 753 of the New York city charter is amended by adding a new subdivision g to read as follows:

g. By January 1, April 1, July 1, and October 1 of each year, the commissioner shall report the amount of revenue collected pursuant to violations and fines issued by the department since the previous report issued under this subdivision. Such data shall be disaggregated by the community board district in which the violation occurred. Such report shall be delivered to the council and each community board, and shall be posted on the department's website.

§ 6. Section 2203 of the New York city charter is amended by adding a new subdivision (j) to read as follows:

(j) By January 1, April 1, July 1, and October 1 of each year, the commissioner shall report the amount of revenue collected pursuant to violations and fines issued by the department since the previous report issued under this subdivision. Such data shall be disaggregated by the community board district in which the violation occurred. Such report shall be delivered to the council and each community board, and shall be posted on the department's website.

§ 7. Section 2903 of the New York city charter is amended by adding a new subdivision e to read as follows:

e. By January 1, April 1, July 1, and October 1 of each year, the commissioner shall report the amount of revenue collected pursuant to violations and fines issued by the department since the previous report issued under this subdivision. Such data shall be disaggregated by the community board district in which the violation occurred. Such report shall be delivered to the council and each community board, and shall be posted on the department's website.

§ 8. This local law shall take effect immediately, and the first reports required by this law shall be due by October 1, 2022, covering revenue collected from January 1, 2022 until the date each such report is issued.

Referred to the Committee on Governmental Operations, State & Federal Legislation.

Int. No. 489

By Council Members Yeger and Vernikov.

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.

Int. No. 490

By Council Members Yeger and Vernikov.

A Local Law to amend the administrative code of the city of New York, in relation to requiring a searchable dashboard for notices of violation issued by the department of sanitation

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
DASHBOARDS

§ 23-901 Definitions. As used in this chapter, the following terms have the following meanings:

Dashboard. The term "dashboard" means a data visualization tool publicly available on the internet that includes a customizable interface and uses current data from one or more sources.

Department. The term "department" means the department of information technology and telecommunications or any successor agency.

§ 23-902 Notices of violation. Within 180 days after the effective date of the local law that added this section, the department of sanitation shall, in conjunction with the department, create a dashboard consisting, at a minimum, of data on all notices of violation issued by the department of sanitation on or after January 1, 2019. Such data shall include, but need not be limited to, the number of notices of violation issued each month, searchable by the issuing agent, date, type of violation and by address, block, community district and borough in which such violation was issued.

§ 2. This local law takes effect immediately.

Referred to the Committee on Sanitation and Solid Waste Management.

Int. No. 491

By Council Members Yeger and Vernikov.

A Local Law to amend the administrative code of the city of New York, in relation to the suspension of alternate side of the street parking rules and parking meter rules during and after snowfalls

Be it enacted by the Council as follows:

Section 1. Section 19-163.1 of the administrative code of the city of New York, as added by local law number 68 for the year 2008, is amended to read as follows:

§ 19-163.1 Suspension of parking, *parking meter and muni-meter* rules during *and after* snowfalls. All alternate side of the street parking rules shall be suspended during *and for forty-eight hours following the conclusion of* any snowfall that causes the department of sanitation to suspend its street sweeping operations[, provided that the department may reinstate alternate side of the street parking rules after twenty-four hours if it determines, after consulting with the department of sanitation, that alternate side of the street parking is necessary to immediately commence curbside snow removal]. *Whenever alternate side of the street parking rules are suspended during a snowfall, parking meter and muni-meter rules shall be suspended for the same duration of time.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Transportation and Infrastructure.

Int. No. 492

By Council Member Yeger.

A Local Law to amend the administrative code of the city of New York, in relation to illegal curb cuts and requiring local community board notification of curb cut applications

Be it enacted by the Council as follows:

Section 1. Section 19-147 of the administrative code of the city of New York is amended by adding new subdivisions h and i to read as follows:

h. Illegal curb cuts. If the department receives any complaint of an illegal curb cut, it shall investigate such complaint within 30 days. If the department determines that a curb cut was created without the required permits, the department shall within three days of such determination paint such curb cut green to indicate that such curb cut is available for parking and shall order the owner or owners of the property benefited by such curb cut to correct the violation by either restoring the curb to its proper condition or by obtaining the proper work permits

and final sign-off from the department within 30 days. Failure to correct such violation pursuant to an order of the department within the time designated therein shall be a continuing violation until the curb cut is corrected to the satisfaction of the department. For the purposes of this section, the term "curb cut" means a break in a curb to allow access from the roadway and across the sidewalk to a legal parking space within the property line.

i. Notwithstanding any other provisions of law, within six months after the department becomes aware of an illegal curb cut, the department shall restore the curb to its original condition, unless the owner restores such curb cut or obtains the required permits and sign-off for such curb cut. The department shall recover the cost of restoring the curb from the owner of any property that benefited from the illegal curb cut, the person responsible for creating the illegal curb cut, or all such persons. The recovery of such costs shall be in addition to any civil penalty imposed in accordance with subdivision h of this section.

§ 2. Article 108 of chapter 1 of title 28 of the administrative code of the city of New York is amended by adding a new section 28-108.4 to read as follows:

§ 28-108.4 Community board notification. Within seven days of receipt of each new application for a permit to create a curb cut, the department shall notify the community board of the community district within which the proposed curb cut would be created of such application. The community board shall have 60 days from the date of notification to submit comments and recommendations to the department with respect to such application. The department shall consider these comments and recommendations in its decision to grant or deny a permit for a curb cut and shall inspect any location proposed as the location of a curb cut prior to the issuance of a permit to create a curb cut. For the purposes of this section, the term "curb cut" means a break in a curb to allow access from the roadway and across the sidewalk to a legal parking space within the property line.

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

Referred to the Committee on Transportation and Infrastructure.

Int. No. 493

By Council Members Yeger and Vernikov.

A Local Law to amend the administrative code of the city of New York, in relation to expanding notice requirements and requiring a comment period prior to the installation of a neighborhood loading zone

Be it enacted by the Council as follows:

Section 1. Subdivision a of section 19-170.2 of the administrative code of the city of New York is amended by adding a new definition of "neighborhood loading zone" in alphabetical order to read as follows:

Neighborhood loading zone. The term "neighborhood loading zone" means a loading zone on a residential street, as such term is defined in subdivision b of section 19-170, specifically designated as a neighborhood loading zone by department signage.

§ 2. Subdivision d of section 19-170.2 of the administrative code of the city of New York, as added by local law number 168 for the year 2021, is amended to read as follows:

d. 1. No later than January 1, 2023, the department shall provide publicly accessible information, through the open data portal or the department's website, regarding the location of all loading zones. Such information shall be updated on an annual or more frequent basis.

2. The department shall publish the location of any newly installed neighborhood loading zone through the open data portal or on the department's website no later than 5 days after the department installs the neighborhood loading zone.

§ 3. Section 19-170.2 of the administrative code of the city of New York is amended by adding new subdivisions e and f to read as follows:

e. 1. At least 90 days before the installation of a neighborhood loading zone, and in addition to any notice required pursuant to section 19-175.2 or any other provision of law or rules, the department shall provide notice

of installation of the neighborhood loading zone to the council member and community board in whose district the neighborhood loading zone is to be installed. Such notice shall include but not be limited to details regarding the proposed location of the neighborhood loading zone, the anticipated date of installation of the neighborhood loading zone, and a method to participate in the comment period required by subdivision f of this section. The department shall also provide such notice to any property owners, community-based organizations, and members of the general public that have formally requested to be notified of installation of a neighborhood loading zone and to other individuals or organizations that the department deems appropriate.

2. At least 90 days before the installation of a neighborhood loading zone, and in addition to any notice required pursuant to section 19-175.2 or any other provision of law or rules, the department shall post in conspicuous locations at least 4 physical notices of installation of the neighborhood loading zone, including but not limited to details regarding the proposed location of the neighborhood loading zone, the anticipated date of installation of the neighborhood loading zone, and a method to participate in the comment period required by subdivision f of this section, on each of the following blockfaces, as such term is defined in section 19-167:

(a) The blockface on which the neighborhood loading zone is to be installed;

(b) The blockface opposite the one on which the neighborhood loading zone is to be installed;

(c) Each blockface that is directly adjacent to the blockface on which the neighborhood loading zone is to be installed; and

(d) Each blockface that is directly adjacent to the blockface opposite the one on which the neighborhood loading zone is to be installed.

f. Beginning at least 60 days but not more than 75 days before the installation of a neighborhood loading zone, the department shall afford the public 30 days to submit comments to the department on the installation of the neighborhood loading zone. The department shall consider the comments, if any, submitted pursuant to this subdivision and may incorporate corresponding changes into its plan for installation of the neighborhood loading zone.

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

Referred to the Committee on Transportation and Infrastructure.

Int. No. 494

By Council Members Yeger, Brannan, Holden, Louis and Feliz (by request of the Brooklyn Borough President).

A Local Law to amend the administrative code of the city of New York, in relation to prohibiting late fees for self-storage units

Be it enacted by the Council as follows:

Section 1. Chapter 5 of title 20 of the administrative code of the city of New York is amended by adding a new subchapter 26 to read as follows:

SUBCHAPTER 26
SELF-STORAGE FACILITIES

§ 20-880 Definitions. For purposes of this subchapter, the following terms have the following meanings:

Late fee. The term "late fee" means any fee that an occupant is required to pay to the owner of a self-storage facility for failure to pay an occupancy fee by a specified date.

Occupancy agreement. The term "occupancy agreement" means any written agreement, electronic or printed, that establishes or modifies the terms, conditions, rules or any other provisions concerning the use and occupancy of a self-storage facility and any one or more individual storage spaces therein.

Occupancy fee. The term "occupancy fee" means any unconditional fee that an occupant is required to pay to the owner of a self-storage facility for occupancy of and access to a storage space at such self-storage facility.

Occupant. The term "occupant" means a person entitled to the use of the storage space at a self-storage facility under a written occupancy agreement or such person's successor or assignee.

Self-storage facility. The term "self-storage facility" means any real property or a portion thereof that is designed and used for the purpose of occupying storage space by occupants who are to have access thereto for the purpose of storing and removing personal property.

§ 20-881 Late fees prohibited. a. It shall be unlawful for any self-storage facility to charge a late fee.

b. This subchapter does not apply to any occupancy agreement executed prior to the effective date of the local law that added this subchapter, except that any extension, renewal, amendment or modification of such occupancy agreement occurring on or after the effective date of such local law shall make such occupancy agreement subject to this subchapter.

§ 20-882 Penalties and enforcement. a. Any person that violates any provision of this subchapter or any rule promulgated pursuant to this subchapter shall be subject to a civil penalty that shall not exceed $1,000 per violation. Violations under this subchapter shall accrue for each instance that an occupant is charged a late fee in violation of this subchapter or any rule promulgated pursuant to this subchapter. A proceeding to recover any civil penalty authorized pursuant to this subchapter may be brought in any tribunal established within the office of administrative trials and hearings or within any agency of the city designated to conduct such proceedings.

b. A civil action may be brought by the corporation counsel on behalf of the city in any court of competent jurisdiction to recover any or all of the following:

1. Any civil penalty authorized pursuant to this section;

2. Injunctive relief to restrain or enjoin any activity in violation of this subchapter;

3. Restitution of an amount not to exceed the amount of late fees collected by a self-storage facility that exceeded the maximum amounts permitted pursuant to this subchapter; and

4. Attorneys' fees and costs, and such other remedies as a court may deem appropriate.

c. The corporation counsel may initiate any investigation to ascertain such facts as may be necessary for the commencement of a civil action pursuant to this section, and in connection therewith shall have the power to issue subpoenas to compel the attendance of witnesses and the production of documents, to administer oaths and to examine such persons as are deemed necessary.

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

Referred to the Committee on Consumer and Worker Protection.

Int. No. 495

By Council Members Yeger, Brannan, Holden and Feliz (by request of the Brooklyn Borough President).

A Local Law to amend the administrative code of the city of New York, in relation to limiting increases of occupancy fees for self-storage units and restricting the reasons for termination of an occupancy agreement

Be it enacted by the Council as follows:

Section 1. Chapter 5 of title 20 of the administrative code of the city of New York is amended by adding a new subchapter 26 to read as follows:

SUBCHAPTER 26
SELF-STORAGE FACILITIES

§ 20-880 Definitions. For purposes of this subchapter, the following terms have the following meanings:

Occupancy agreement. The term "occupancy agreement" means any written agreement, electronic or printed, that establishes or modifies the terms, conditions, rules or any other provisions concerning the use and occupancy of a self-storage facility and any one or more individual storage spaces therein.

Occupancy fee. The term "occupancy fee" means the total of all upfront and recurring fees that an occupant is required to pay to the owner of a self-storage facility for occupancy of and access to a storage space at such self-storage facility, excluding any penalty fees, calculated on an annual basis.

Occupant. The term "occupant" means a person entitled to the use of the storage space at a self-storage facility under a written occupancy agreement or such person's successor or assignee.

Self-storage facility. The term "self-storage facility" means any real property or a portion thereof that is designed and used for the purpose of occupying storage space by occupants who are to have access thereto for the purpose of storing and removing personal property.

§ 20-881 Occupancy fee increases. a. It shall be unlawful for any self-storage facility to increase the occupancy fee for any individual storage space at a rate greater than 2 percent per year so long as such storage space is occupied continuously by the same occupant.

b. This subchapter shall apply to all occupancy agreements in effect on or after the effective date of the local law that added this subchapter.

§ 20-882 Occupancy termination. It shall be unlawful for any self-storage facility to terminate any occupancy for any reason other than failure of the occupant to pay any fees required pursuant to the occupant's occupancy agreement.

§ 20-883 Penalties and enforcement. a. Any person that violates any provision of this subchapter or any rule promulgated pursuant to this subchapter shall be subject to a civil penalty that shall not exceed $2,500 per violation. Violations under this subchapter shall accrue on an annual basis for each storage space for which an occupant is charged an occupancy fee in violation of this subchapter or any rule promulgated pursuant to this subchapter. A proceeding to recover any civil penalty authorized pursuant to this subchapter may be brought in any tribunal established within the office of administrative trials and hearings or within any agency of the city designated to conduct such proceedings.

b. A civil action may be brought by the corporation counsel on behalf of the city in any court of competent jurisdiction to recover any or all of the following:

1. Any civil penalty authorized pursuant to this section;

2. Injunctive relief to restrain or enjoin any activity in violation of this subchapter;

3. Restitution of an amount not to exceed the amount of occupancy fees collected by a self-storage facility that exceeded the maximum amounts permitted pursuant to this subchapter; and

4. Attorneys' fees and costs, and such other remedies as a court may deem appropriate.

c. The corporation counsel may initiate any investigation to ascertain such facts as may be necessary for the commencement of a civil action pursuant to this section, and in connection therewith shall have the power to issue subpoenas to compel the attendance of witnesses and the production of documents, to administer oaths and to examine such persons as are deemed necessary.

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

Referred to the Committee on Consumer and Worker Protection.

Res. No. 197

Resolution calling upon the New York State Legislature to pass, and the Governor to sign, A.6584A/S.5125A, which would exclude from State income tax up to $10,200 of unemployment compensation benefits earned by a resident of the State.

By Council Members Yeger and Vernikov.

Whereas, Almost 3.9 million New Yorkers lost their jobs and collected unemployment in 2020; and

Whereas, From the start of the COVID-19 pandemic in March 2020, no other large American city has been hit as hard, or has struggled as much to replenish its labor force, as New York City ("NYC" or "City"); and

Whereas, According to the New York State ("State") Department of Labor, the City's current unemployment rate of 7.6 percent is nearly double the national average of 4 percent; and

Whereas, While the country as a whole has regained more than 90 percent of lost jobs since the pandemic began, NYC has regained roughly 7 of every 10 jobs; and

Whereas, The federal American Rescue Plan Act, which was signed into law in March 2021, includes a retroactive provision making the first $10,200 per taxpayer of 2020 unemployment benefits nontaxable for individuals with modified federal Adjusted Gross Income of less than $150,000; and

Whereas, The federal exclusion of unemployment compensation from federal tax does not also apply to State tax; and

Whereas, Of the states that tax income, California, New Jersey, Oregon, Pennsylvania and Virginia already fully exempt unemployment benefits, while Delaware recently exempted unemployment benefits from state taxes; and

Whereas, A.6584A, sponsored by State Assembly Member Peter Abbate, and S.5125A, sponsored by State Senator Simcha Felder, would remove the State income tax requirement on the first $10,200 of unemployment benefits in 2020; 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.6584A/S.5125A, which would exclude from State income tax up to $10,200 of unemployment compensation benefits earned by a resident of the State.

Referred to the Committee on Governmental Operations, State & Federal Legislation.

Res. No. 198

Resolution calling on the New York State Legislature to include safety to others and the community as factors to consider in recognizance and bail determinations.

By Council Members Yeger, Borelli, Holden, Vernikov, Ariola and Carr.

Whereas, New York Criminal Procedure Law §510.30 details the factors and criteria to be considered in determining whether a defendant may be granted release on recognizance or bail; and

Whereas, Under New York State law, the safety of others and the community are not factors which a judge may consider in determining whether a defendant may be granted release on recognizance or bail; and

Whereas, Under the Bail Reform Act of 1984, the safety of others and the community are factors which may be considered in determining whether a defendant charged with committing federal crimes may be granted release on recognizance or bail; and

Whereas, New York is the only state which does not allow public safety to be a consideration in determining whether a defendant may be granted release on recognizance or bail; and

Whereas, Mayor Eric Adams, former Mayor Bill de Blasio and numerous district attorneys from across New York State have called on the legislature to include public safety amongst the factors to be considered; and

Whereas, Permitting judges to consider the safety of others and the community in determining whether a defendant may be released is necessary to ensure public safety; be it

Resolved, that the Council of the City of New York calls upon the New York State Legislature to include the safety of others and the community as factors in determining whether a defendant may be granted release on recognizance or bail.

Referred to the Committee on Public Safety.

Preconsidered L.U. No. 19

By Council Member Brannan:

2257 Grand Ave: Block 3208, Lot 46, Bronx, Community District 5, Council District 14.

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

Preconsidered L.U. No. 20

By Council Member Brannan:

Red Oak: Block 1861, Lot 10, Manhattan, Community District 7, Council District 7.

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

Preconsidered L.U. No. 21

By Council Member Salamanca:

Application number N 240220 HIX (Drake Park & Enslaved People's Burial Ground) Designation by the Landmarks Preservation Commission of Joseph Rodman Drake Park & Enslaved People's Burial Ground, Oak Point Avenue, (Block 2772, Lot 170), Borough of the Bronx, Community District 2, Council District 17.

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Sitings and Dispositions (preconsidered but laid over by the Committee on Land Use and the Subcommittee on Landmarks, Public Sitings and Dispositions).

Preconsidered L.U. No. 22

By Council Member Salamanca:

Application number N 240022 HIQ (Barkin, Levin & Company Office Pavilion) Designation by the Landmarks Preservation Commission of Barkin, Levin & Company Office Pavilion, (Block 522, p/o Lot 29), Borough of the Queens, Community District 1, Council District 22.

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Sitings and Dispositions (preconsidered but laid over by the Committee on Land Use and the Subcommittee on Landmarks, Public Sitings and Dispositions).

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Preconsidered L.U. No. 23

By Council Member Salamanca:

Application number N 240222 HIM (Modulightor Building) Designation by the Landmarks Preservation Commission of Modulightor Building, 246 East 58th Street (Block 1331, Lot 128), Borough of the Manhattan, Community District 6, Council District 4.

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Sitings and Dispositions (preconsidered but laid over by the Committee on Land Use and the Subcommittee on Landmarks, Public Sitings and Dispositions).

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Preconsidered L.U. No. 24

By Council Member Salamanca:

Application number C 230255 ZMK (Jennings Hall Expansion) submitted by St. Nicks Alliance pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 13b: changing from an R6B District to an R7A District and changing from an R7A District to an R7X District, Borough of Brooklyn, Community District 1, Council District 34.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises (preconsidered but laid over by the Committee on Land Use and the Subcommittee on Zoning).

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Preconsidered L.U. No. 25

By Council Member Salamanca:

Application number N 230256 ZRK (Jennings Hall Expansion) submitted by St. Nicks Alliance 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 34.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises (preconsidered but laid over by the Committee on Land Use and the Subcommittee on Zoning).

Preconsidered L.U. No. 26

By Council Member Salamanca:

Application number C 230306 ZMQ (21-17 37th Avenue Rezoning) submitted by 21-17 37th Ave LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 9b, by changing from an M1-1 District to an M1-5 District property bounded a line 90 feet northeasterly of 37th Avenue, 22nd Street, 37th Avenue, and 21st Street, 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 Committee on Land Use and the Subcommittee on Zoning)**.**

Preconsidered L.U. No. 27

By Council Member Salamanca:

Application number C 230241 ZMM (East 94th Street Rezoning) submitted by LM East 94 LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 6b, changing from an M1-4 District to a C2-8 District and changing from an M1-4 District to a C4-6 District, Borough of Manhattan, Community District 8, Council District 5.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises (preconsidered but laid over by the Committee on Land Use and the Subcommittee on Zoning)**.**

Preconsidered L.U. No. 28

By Council Member Salamanca:

Application number N 230242 ZRM (East 94th Street Rezoning) submitted by LM East 94 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 Manhattan, Community District 8, Council District 5.

Referred to the Committee in Land Use and the Subcommittee on Zoning and Franchises (preconsidered but laid over by the Committee on Land Use and the Subcommittee on Zoning).

NEW YORK CITY COUNCIL

A N N O U N C E M E N T S

Thursday, February 29, 2024

Committee on Civil & Human Rights jointly with the Nantasha Williams, Chairperson
Committee on Consumer and Worker Protection Julie Menin, Chairperson
Oversight - Fair Lending Practices Enforcement – Steps to Financial Equity.
Int 69 - By Council Members Restler, Cabán, Williams, Stevens, Gutiérrez and Hudson - A Local Law to amend the administrative code of the city of New York, in relation to forbidding agreements to shorten the period in which claims and complaints of unlawful discriminatory practices, harassment or violence may be filed and in which civil actions may be commenced.
Int 401 By the Public Advocate (Mr. Williams) and Council Member Louis - **A Local Law** to amend the administrative code of the city of New York, in relation to prohibiting discrimination in the issuance of credit and requiring creditors to disclose to potential borrowers how their rate is calculated.
Int 242 - By Council Members Hudson and Williams - **A Local Law** to amend the administrative code of the city of New York, in relation to the creation of a truth, healing, and reconciliation process.
Int 279 - By Council Members Louis, Williams and Hudson - **A Local Law** in relation to creating a task force to consider the impact of slavery and past injustices for African Americans in New York city and reparations for such injustices.
Committee Room – 250 Broadway, 16th Floor……..……..……..……..... 10:00 a.m.

Committee on Hospitals Mercedes Narcisse, Chairperson
Oversight - Addressing the Healthcare Staffing Crisis - Examining Residency Conditions and Worker Concerns.
Committee Room – 250 Broadway, 14th Floor……..…..…….....……..... 10:00 a.m.

Committee on Housing and Buildings jointly with the Pierina Ana Sanchez, Chairperson
Committee on Fire and Emergency Management Joann Ariola, Chairperson
Oversight – Fire Safety in Buildings: Two Years After Twin Parks.
Int 6 - By Council Members Avilés, Restler, Stevens, Gennaro, Gutiérrez and Hudson - **A Local Law** to amend the administrative code of the city of New York, in relation to tenant education and outreach on residential vacate orders due to damage caused by fires.
Proposed Int 17-A - By Council Member Brannan, Louis, Restler, Stevens, Gennaro, Brewer, Hudson, Dinowitz, Bottcher, Won and Schulman (by request of the Queens Borough President) - **A Local Law** to amend the administrative code of the city of New York and the New York city building code, in relation to electric vehicle charging stations in open parking lots and parking garages
Int 88 - By Council Members Sanchez, Louis, Restler, Gutiérrez, Hudson, Feliz, Marte, Rivera, Stevens, De La Rosa, Won, Schulman and Marmorato - **A Local Law** to amend the New York city fire and building codes and the administrative code of the city of New York, in relation to the qualifications of individuals to perform periodic inspection, test and maintenance fire and smoke dampers and smoke control systems
Int 89 - By Council Members Sanchez, Abreu, Hudson, Louis, Yeger, Restler, Gutiérrez, Feliz, Stevens, Won, Menin and Schulman - **A Local Law** to amend the administrative code of the city of New York, in relation to notification of certain local officials of fires located within their jurisdiction.
Int 126 - By Council Members Borelli, Ariola, Riley and Schulman - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring provision of body armor to fire department employees providing emergency medical services.
Int 127 - By Council Members Borelli, Ariola, Riley and Schulman - **A Local Law** to amend the administrative code of the city of New York, in relation to providing de-escalation and self-defense training to fire department employees providing emergency medical services.
Council Chambers – City Hall……...…...……...…..…...……..……...……...…...10:00 a.m.

Subcommittee on Landmarks, Public Sitings and Dispositions Kamillah Hanks, Chairperson
See Land Use Calendar
Committee Room – City Hall……..……...……...…..……..…...11:00 a.m.

Subcommittee on COVID & Infectious Diseases jointly with the Francisco P. Moya, Chairperson
Committee on Health Lynn C. Schulman, Chairperson
Oversight – Addressing the Decline in Childhood Vaccination Rates.
Committee Room – 250 Broadway, 16th Floor……..…..…….....……..... 1:00 p.m.

Committee on Education Rita Joseph, Chairperson
Oversight - Implementing the State Class Size Law in New York City
Int 45 - By Council Members Joseph, Louis, Brooks-Powers, Avilés, Farías, Cabán, Stevens, Gennaro, Rivera, Schulman, Gutiérrez, Krishnan, Hudson, Nurse, Hanks, Salaam, Marte, Riley, Banks, Bottcher, Won and Marmorato - **A Local Law** to amend the New York city charter and the administrative code of the city of New York, in relation to requiring the New York city department of education to report actual class sizes and expand reports on the amount of students in special programs in New York city public schools.
Council Chambers – City Hall……...……...……..…...…...……...…..……..…...1:00 p.m.

Committee on Small Business Oswald Feliz, Chairperson
Oversight - SBS Coordination with Business Improvement Districts (BIDs).
Committee Room – 250 Broadway, 14th Floor……..…..…….....……..... 1:00 p.m.

Friday, March 1, 2024

Committee on General Welfare Diana I. Ayala, Chairperson
Oversight - DSS Manipulation of Monthly Eligibility Rate Reporting.
Int 210 - By Council Members Hanif, Restler, Gutiérrez, De La Rosa, Hudson, Sanchez, Nurse, Won, Avilés, Rivera, Krishnan and Marte - A Local Law to amend the administrative code of the city of New York, in relation to prohibiting the department of social services or any other city agency from imposing length of shelter stay restrictions in a shelter of any type.
Int 349 - By Council Member Nurse - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring quarterly reports on removals involving individuals experiencing homelessness and the outcomes for those individuals.
Committee Room – City Hall……..……...……...…..……..…...10:00 a.m.

Committee on Environmental Protection,
Resiliency and Waterfronts James F. Gennaro, Chairperson
Oversight - Installation of Solar Photovoltaic Systems and Battery Storage Capacity.
Int 129 - By Council Members Brannan and Dinowitz (by request of the Queens Borough President) - **A Local Law** to amend the administrative code of the city of New York, in relation to mandating the construction of solar canopies in certain parking lots.
Int 347 - By Council Member Nurse - **A Local Law** to amend the administrative code of the city of New York, in relation to fees for the installation of solar power energy systems.
Int 353 - By Council Members Nurse, Gennaro, De La Rosa, Avilés, Sanchez, Menin, Joseph, Restler, Schulman, Won and Brannan - **A Local Law** to amend the administrative code of the city of New York, in relation to the installation of solar photovoltaic systems on city-owned property.
Int 354 - By Council Members Nurse, Gennaro, De La Rosa, Avilés, Sanchez, Menin, Joseph, Restler, Schulman and Won - **A Local Law** to amend the administrative code of the city of New York, in relation to utilizing city-owned lots for energy storage systems
Committee Room – 250 Broadway, 16th Floor……..…..…….....……..... 1:00 p.m.

Committee on Governmental Operations,
State & Federal Legislation Lincoln Restler, Chairperson
Oversight - Examining the Preliminary Mayor's Management Report.
Council Chambers – City Hall……...……...……..…..…...……...…..……..…...1:00 p.m.

Committee on Parks and Recreation Shekar Krishnan, Chairperson
Oversight - Improving Water Safety at the City's Beaches and Pools.
Int 130 - By Council Member Brewer - **A Local Law** to amend the administrative code of the city of New York, in relation to composting plant waste in parks.
Int 275 - By Council Member Krishnan - **A Local Law** to amend the administrative code of the city of New York, in relation to the length of the season and operating hours for city beaches and pools.
Committee Room – City Hall…….……...……..…..…...……...…..……..…...1:00 p.m.

Monday, March 4, 2024

Council Chambers, City Hall

10:00 a.m. Finance Committee
10:00 a.m. Office of Management and Budget
1:00 p.m. Comptroller
2:00 p.m. Independent Budget Office
3:00 p.m. Department of Finance
4:00 p.m. Public

Tuesday, March 5, 2024

Council Chambers, City Hall

10:00 a.m. Immigration Committee
10:00 a.m. Office of Immigrant Affairs
11:30 a.m. Office of Asylum Seeker Operations
1:30 p.m. Public

250 Broadway, 16th Floor Hearing Room

11:30 a.m. Governmental Operations, State & Federal Legislation Committee
11:30 a.m. Department of Citywide Administrative Services
12:30 p.m. Law Department
1:30 p.m. Office of Administrative Trials and Hearings
2:30 p.m. Board of Elections
3:30 p.m. Department of Records and Information Services
4:00 p.m. Public

Committee Room, City Hall

1:00 p.m. Hospitals Committee
1:00 p.m. Health + Hospitals
3:00 p.m. Public

Wednesday, March 6, 2024

Committee on Housing and Buildings Pierina Ana Sanchez, Chairperson

Oversight - The 2023 Housing and Vacancy Survey.

Preconsidered Int ___ - By Council Member Sanchez - **A Local Law** to amend the administrative code of the city of New York, in relation to continuation of the New York city rent stabilization law of nineteen hundred sixty-nine.

Preconsidered Res ___ - By Council Member Sanchez - **Resolution** determining that a public emergency requiring rent control in the City of New York continues to exist and will continue to exist on and after April 1, 2024.

Council Chambers – City Hall……...…...……..…..…...…….……...……..…...10:00 a.m.

Committee on Education Rita Joseph, Chairperson

Oversight - Remote Learning Failures in New York City Public Schools.

Council Chambers – City Hall……...…...……..…..…...…….……...……..…...1:00 p.m.

Thursday, March 7, 2024

Committee on Health Lynn C. Schulman, Chairperson

Proposed Int 1-A - By the Speaker (Council Member Adams) and Council Members Schulman, Powers, Menin, Brooks-Powers, Restler, Gennaro, Brewer, Hudson, Rivera, Brannan, Gutiérrez and Ariola - **A Local Law** in relation to the naming of the Paul A. Vallone Queens Animal Care Center.

Council Chambers – City Hall……...…...……..…..…...…….……...……..…...10:00 a.m.

Stated Council Meeting

Council Chambers – City Hall……...…..Agenda – 1:30 p.m.

NEW YORK CITY COUNCIL

New York City Council Budget and Oversight Hearings on
The Preliminary Budget for Fiscal Year 2025
The Preliminary Capital Plan for Fiscal Years 2024-2028, and
The Fiscal 2024 Preliminary Mayor's Management Report

Monday, March 4, 2024

Council Chambers, City Hall

10:00 a.m.	Finance Committee
10:00 a.m.	Office of Management and Budget
1:00 p.m.	Comptroller
2:00 p.m.	Independent Budget Office
3:00 p.m.	Department of Finance
4:00 p.m.	Public

Tuesday, March 5, 2024

Council Chambers, City Hall

10:00 a.m.	Immigration Committee
10:00 a.m.	Office of Immigrant Affairs
11:30 a.m.	Office of Asylum Seeker Operations
1:30 p.m.	Public

250 Broadway, 16th Floor Hearing Room

11:30 a.m.	Governmental Operations, State & Federal Legislation Committee
11:30 a.m.	Department of Citywide Administrative Services
12:30 p.m.	Law Department
1:30 p.m.	Office of Administrative Trials and Hearings
2:30 p.m.	Board of Elections
3:30 p.m.	Department of Records and Information Services
4:00 p.m.	Public

Committee Room, City Hall

1:00 p.m. Hospitals Committee
1:00 p.m. Health + Hospitals
3:00 p.m. Public

Friday, March 8, 2024

Council Chambers, City Hall

10:00 a.m. Criminal Justice Committee
10:00 a.m. Department of Probation
11:00 a.m. Department of Correction
1:30 p.m. Board of Correction
2:30 p.m. Public

250 Broadway, 16th Floor Hearing Room

11:30 a.m. Technology Committee
11:30 a.m. Office of Technology & Innovation
12:30 p.m. Public

Committee Room, City Hall

1:00 p.m. Aging Committee
1:00 p.m. Department for the Aging
3:00 p.m. Public

Monday March 11, 2024

Council Chambers, City Hall

10:00 a.m. General Welfare Committee
10:00 a.m. Department of Social Services (Human Resources Administration and Department of Homeless Services)
1:30 p.m. Public

Committee Room, City Hall

1:00 p.m. Housing and Buildings Committee
1:00 p.m. Department of Housing Preservation and Development
2:30 p.m. Department of Buildings
4:30 p.m. Public

Tuesday March 12, 2024

250 Broadway, 16th Floor Hearing Room

11:30 a.m.	Small Business Committee
11:30 a.m.	Department of Small Business Services
12:30 p.m.	Public

Council Chambers, City Hall

12:00 p.m.	Cultural Affairs, Libraries, & International Intergroup Relations Committee
12:00 p.m.	Libraries
2:00 p.m.	Department of Cultural Affairs
4:00 p.m.	Public

Committee Room, City Hall

1:00 p.m.	Public Housing Committee
1:00 p.m.	New York City Housing Authority
3:00 p.m.	Public

Thursday March 14, 2024

Council Chambers, City Hall

10:00 a.m.	Transportation and Infrastructure Committee
10:00 a.m.	MTA/NYC Transit
12:00 p.m.	Department of Transportation
2:00 p.m.	Taxi and Limousine Commission
3:00 p.m.	Department of Design and Construction
4:00 p.m.	Public

250 Broadway, 16th Floor Hearing Room

11:30 a.m.	Oversight and Investigations Committee
11:30 a.m.	Department of Investigation
1:30 p.m.	Public

Committeee Room, City Hall

1:00 p.m. Sanitation and Solid Waste Management Committee
1:00 p.m. Department of Sanitation
3:00 p.m. Public

Friday, March 15, 2024

Council Chambers, City Hall

10:00 a.m. Fire and Emergency Management Committee
10:00 a.m. Fire/Emergency Medical Service
12:00 p.m. NYC Emergency Management
1:00 p.m. Public

250 Broadway, 16th Floor Hearing Room

11:30 a.m. Civil and Human Rights
11:30 a.m. City Commission on Human Right
12:30 p.m. Equal Employment Practice Commission
1:30 p.m. Public

Committee Room, City Hall

1:00 p.m. Economic Development Committee
1:00 p.m. Economic Development Corporation
3:00 p.m. Public

Monday, March 18 2024

Council Chambers, City Hall

10:00 a.m. Education Committee

10:00 a.m. Department of Education (Expense)
1:30 p.m. School Construction Authority (Capital)
2:30 p.m. Public

Committee Room, City Hall

1:00 p.m. Higher Education Committee
1:00 p.m. City University of New York
3:00 p.m. Public

Wednesday, March 20, 2024

Council Chambers, City Hall

10:00 a.m. Public Safety
10:00 a.m. Police Department
1:00 p.m. Civilian Complaint Review Board
2:00 p.m. District Attorneys/Special Narcotics Prosecutor
4:00 p.m. Public

Committee Room, City Hall

1:00 p.m. Consumer Affairs and Worker Protection Committee
1:00 p.m. Department of Consumer and Worker Protection
2:30 p.m. Public

Thursday March 21, 2024

Council Chambers, City Hall

10:00 a.m. Health Committee jointly with the Committee on Mental Health, Disabilities, & Addiction
10:00 a.m. Department of Health and Mental Hygiene
12:30 p.m. Medical Examiner
1:30 p.m. Public

250 Broadway, 16th Floor Hearing Room

11:30 a.m. Land Use Committee
11:30 a.m. Landmarks Preservation Commission
12:30 p.m. Department of City Planning
1:30 p.m. Public

Committee Room, City Hall

1:00 p.m. Parks & Recreation Committee
1:00 p.m. Department of Parks & Recreation
3:00 p.m. Public

Friday March 22, 2024

Council Chambers, City Hall

10:00 a.m. Children and Youth
10:00 a.m. Department of Youth and Community Development
1:00 p.m. Administration for Children's Services
3:00 p.m. Public

250 Broadway, 16th Floor Hearing Room

11:30 a.m. Environmental Protection, Resiliency and Waterfronts
11:30 a.m. Department of Environmental Protection
1:00 p.m. Public

Committee Room, City Hall

1:00 p.m. Contracts Committee
1:00 p.m. Mayor's Office of Contract Services
2:30 p.m. Public

Monday March 25, 2024

Council Chambers, City Hall

10:00 a.m. Veterans
10:00 a.m. Department of Veteran Affairs
11:00 a.m. Public

rev. 2.20.24

The following comments were among the remarks made by the Speaker (Council Member Adams) during the Communication from the Speaker segment of this meeting:

On behalf of the Council, the Speaker (Council Member Adams) expressed her condolences to Council Member Abreu and his family on the passing of his grandmother Francisca Gonzalez. She noted that Ms. Gonzalez would be missed by her family, her friends, and her community.

The Speaker (Council Member Adams) acknowledged the death of 33 year-old construction worker Juan Tamay Ganzhi. Mr. Ganzhi was killed on the job during a partial building collapse on February 2, 2024 in Council Member Yeger's district.

The Speaker (Council Member Adams) acknowledged the death of 36 year-old bodega worker Nazim Berry. Mr. Berry lost his life to gun violence on February 27, 2024 in Council Member Hudson's district.

The Speaker (Council Member Adams) acknowledged the death of 27 year old journalist Fazil Khan. Mr. Khan died in a fire in Council Member Salaam's district on February 23, 2024. She noted that Mr. Khan was known for his generosity and kindness -- he was survived by his mother, his grandmother, and five siblings.

On behalf of the Council, the Speaker (Council Member Adams) offered her thoughts and condolences to the friends and families of the deceased mentioned above.

* * *

The Speaker (Council Member Adams) acknowledged that March 1st would mark thirty years since the death of 16 year-old Ari Halberstam. She noted that Ari was the son of community leader and friend Devorah Halberstam. The Speaker (Council Member Adams) spoke of how Ms. Halberstam worked to keep Ari's memory alive by establishing Crown Height's Jewish Children's Museum in his honor. She noted that Ms. Halberstam had also sought ways to combat gun violence and to bridge communities together. The Speaker (Council Member Adams) thanked Ms. Halberstam for channeling her pain and grief into efforts that would continue to impact the city and which would help create a better future for our children.

The Speaker (Council Member Adams) thanked the Council staff, especially the Legislative Divisions and the Legislative Document Unit including Ruthie DelFranco and Jillian Jeffries, for their hard work in preparing that day's Stated Meeting Agenda with over 500 bills being introduced. The Speaker (Council Member Adams) acknowledged their dedication in making that day's Stated Meeting possible – those assembled in the Chambers applauded in appreciation.

Whereupon on motion of the Speaker (Council Member Adams), the Majority Leader and Acting President Pro Tempore (Council Member Farías) adjourned these proceedings to meet again for the Stated Meeting on Thursday, March 7, 2024.

MICHAEL M. McSWEENEY, City Clerk
Clerk of the Council

Editor's Transcript Note: For the transcript of these proceedings, please refer to the respective attachment section of items introduced or adopted at this Stated Meeting of February 28, 2024 on the New York City Council website at https://council.nyc.gov.