

## THE COUNCIL

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*Minutes of the Proceedings for the*

### **STATED MEETING**

*of*

Thursday, February 8, 2024, 2:25 p.m.

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

#### Council Members

Adrienne E. Adams, *The Speaker*

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

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 51 Council Members marked present at this Stated Meeting held in the Council Chambers at City Hall, New York, N.Y. (including Council Members Cabán and Moya who participated remotely).*

### **INVOCATION**

The Invocation was delivered by: Bishop Hugh Nelson, Ebenezer Urban Ministry Church of God, located at 660 Powell Street, Brooklyn, N.Y. 11212.

We humble our hearts, O Lord,  
acknowledging you as Lord and Savior.  
We're grateful for the privilege you have granted to us  
to be in a country which recognizes the power of prayer.  
We thank you, Lord, and as we gather in these chambers,  
as you have chosen each of us,  
not so much representing ourselves  
as representing our constituents,  
Father, will you grant wisdom,  
knowledge, and understanding?  
Your words are clear,  
unless you build a house, the builders build in vain;  
unless you watch over the city, the watchmen watch in vain.  
And, so we humbly bow our hearts,  
and I ask that you grant grace and wisdom,  
with all of the floor deliberations,  
Lord, we seek for one thing, that you might be pleased,  
and that our community, our city, will be enhanced.  
Grant your blessings upon this time  
we pray in thy name, which is above our name,  
we ask in Jesus name,  
Amen.

Council Member Banks moved spread the Invocation in full upon the record.

### **ADOPTION OF MINUTES**

Council Member Carr moved that the Minutes of the Stated Meeting of January 18, 2024 be adopted as printed.

**MESSAGES & PAPERS FROM THE MAYOR**

M-14

**Communication from the Mayor - Submitting Preliminary Expense, Revenue, and Contract Budget for Fiscal Year 2025, pursuant to Sections 225 and 236 of the New York City Charter.**

**(For text of this Budget-related material, please refer to the Mayor's Office of Management and Budget at 255 Greenwich Street, Suite 8, New York, N.Y. 10007; also online, please refer to the OMB website at <https://www.nyc.gov/site/omb/publications/finplan01-24.page> )**

Referred to the Committee on Finance.

M-15

**Communication from the Mayor – Submitting January 2024 Financial Plan Detail for Fiscal Years 2024-2028, pursuant to Sections 101 and 213 of the New York City Charter.**

**(For text of this Budget-related material, please refer to the Mayor's Office of Management and Budget at 255 Greenwich Street, Suite 8, New York, N.Y. 10007; also online, please refer to the OMB website at <https://www.nyc.gov/site/omb/publications/finplan01-24.page> )**

Referred to the Committee on Finance.

M-16

**Communication from the Mayor - Submitting Geographic Reports for Expense Budget for Fiscal Year 2025, pursuant to Sections 100 and 231 of the New York City Charter.**

**(For text of this Budget-related material, please refer to the Mayor's Office of Management and Budget at 255 Greenwich Street, Suite 8, New York, N.Y. 10007; also online, please refer to the OMB website at <https://www.nyc.gov/site/omb/publications/finplan01-24.page> )**

Referred to the Committee on Finance.

M-17

**Communication from the Mayor - Submitting Departmental Estimates for Fiscal Year 2025, pursuant to Sections 100, 212 and 231 of the New York City Charter.**

**(For text of this Budget-related material, please refer to the Mayor's Office of Management and Budget at 255 Greenwich Street, Suite 8, New York, N.Y. 10007; also online, please refer to the OMB website at <https://www.nyc.gov/site/omb/publications/finplan01-24.page> )**

Referred to the Committee on Finance

M-18

**Communication from the Mayor - Submitting the Preliminary Capital Budget, Fiscal Year 2025, pursuant to Section 213 and 236 of the New York City Charter.**

**(For text of this Budget-related material, please refer to the Mayor's Office of Management and Budget at 255 Greenwich Street, Suite 8, New York, N.Y. 10007; also online, please refer to the OMB website at <https://www.nyc.gov/site/omb/publications/finplan01-24.page> )**

Referred to the Committee on Finance.

M-19

**Communication from the Mayor - Submitting the Preliminary Capital Commitment Plan, Fiscal Year 2025, Volumes 1, 2, 3, & 4, pursuant to Section 219 of the New York City Charter.**

**(For text of this Budget-related material, please refer to the Mayor's Office of Management and Budget at 255 Greenwich Street, Suite 8, New York, N.Y. 10007; also online, please refer to the OMB website at <https://www.nyc.gov/site/omb/publications/finplan01-24.page> )**

Referred to the Committee on Finance.

M-20

**Communication from the Mayor – Submitting Preliminary Mayor's Management Report (PMMR) for Fiscal Year 2024, pursuant to Section 12 of the New York City Charter.**

**(For text of this Budget-related material, please refer to the Mayor's Office of Management and Budget at 255 Greenwich Street, Suite 8, New York, N.Y. 10007; also online, please refer to the OMB website at <https://www.nyc.gov/site/omb/publications/finplan01-24.page> )**

Received, Ordered, Printed and Filed.

M-21

**Communication from the Mayor - Submitting the Preliminary Certificate, setting forth the maximum amount of debt and reserves which the City, and the NYC Municipal Water Finance Authority, may soundly incur for capital projects for Fiscal Year 2025 and the ensuing three fiscal years, and the maximum amount of appropriations and expenditures for capital projects which may soundly be made during each fiscal year, pursuant to Section 235 of the New York City Charter.**

January 16, 2024

Honorable Members of the Council

Honorable Brad Lander, Comptroller

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

Honorable Members of the City Planning Commission

Ladies and Gentlemen:

I hereby certify on a preliminary basis that, as of this date, in my opinion, the City of New York (the "City"), the New York City Municipal Water Finance Authority and the New York City Transitional Finance Authority may soundly issue debt and expend reserves to finance total capital expenditures of the City for fiscal year 2025 and the ensuing three fiscal years, in maximum annual amounts as set forth below:

2025	\$12,855	Million
2026	13,597	Million
2027	14,641	Million
2028	14,726	Million

Certain capital expenditures are herein assumed to be financed from the proceeds of sale of bonds by the City and the New York City Transitional Finance Authority. Amounts of expenditures to be so financed have been included in the total amounts listed above and are estimated to be as follows in fiscal years 2025 — 2028:

2025	\$10,533	Million
2026	11,158	Million
2027	12,137	Million
2028	11,997	Million

Certain water and sewer capital expenditures are herein assumed to be financed from the proceeds of the sale of bonds by the New York City Municipal Water Finance Authority. Amounts of expenditures to be so financed have been included in the total amounts listed in the first paragraph hereof and are estimated to be as follows in fiscal years 2025 — 2028:

2025	\$2,322	Million
2026	2,439	Million
2027	2,504	Million
2028	2,729	Million

I further certify on a preliminary basis that, as of this date, in my opinion, the City may newly appropriate in the Capital Budget for fiscal year 2025, and may include in the capital program for the ensuing three fiscal years, amounts to be funded by City debt, New York City Transitional Finance Authority debt or, with respect to water and sewer projects, debt of the New York City Municipal Water Finance Authority, not to exceed the following:

2025	\$10,028	Million
2026	14,375	Million
2027	14,326	Million
2028	13,270	Million

Sincerely,

Eric Adams  
Mayor

Received, Ordered, Printed and Filed.

M-22

**Communication from the Mayor - Submitting the name of Amy E. Millard to the Council for its advice and consent concerning her appointment to the New York City Conflicts of Interest Board, pursuant to Section 2602 of the New York City Charter.**

January 31, 2024

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

Dear Speaker Adams:

Pursuant to Section 2602 of the New York City Charter, I am pleased to present the name of Amy E. Millard to the City Council for advice and consent concerning her appointment to the New York City Conflicts of Interest Board.

If appointed, Ms. Millard will serve for a term of six years beginning April 1, 2024, and expiring March 31, 2030.

I send my thanks to you and the Members of the City Council for reviewing this nomination.

Sincerely,

Eric Adams  
Mayor

EA:ek

cc: Amy E. Millard, Esq.  
Lisa Zomberg, Chief Counsel to the Mayor and City Hall  
Milton L. Williams, Chair, New York City Conflicts of Interest Board  
Carolyn Miller, Executive Director, New York City Conflicts of Interest Board

Referred to the Committee on Rules, Privileges and Elections.

M-23

**Communication from the Mayor - Submitting the name of Milton L. Williams to the Council for its advice and consent concerning his reappointment to the New York City Conflicts of Interest Board, pursuant to Section 2602 of the New York City Charter.**

January 31, 2024

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

Dear Speaker Adams:

Pursuant to Section 2602 of the New York City Charter, I am pleased to present the name of Milton L. Williams to the City Council for advice and consent concerning his reappointment to the New York City Conflicts of Interest Board.

If reappointed, Mr. Williams will serve for a term of six years beginning April 1, 2024, and expiring March 31, 2030.

I send my thanks to you and the Members of the City Council for reviewing this nomination.

Sincerely,

Eric Adams  
Mayor

EA:ek

cc Milton L. Williams, Chair, New York City Conflicts of Interest Board  
Lisa Zomberg, Chief Counsel to the Mayor and City Hall  
Carolyn Miller, Executive Director, New York City Conflicts of Interest Board

Referred to the Committee on Rules, Privileges and Elections.



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

M-24

**Communication from the Office of Management & Budget - Withdrawal of M 0183-2023 (MN-2) - Appropriation of new City revenues in Fiscal Year 2024, pursuant to Section 107(e) of the New York City Charter.**

January 29, 2024

TO THE CITY COUNCIL

Dear Council Members:

MN-2, which was previously submitted to the City Council on December 7, 2023, is hereby withdrawn. Thank you for your attention to this matter.

Sincerely,

Jacques Jiha, Ph.D.  
Budget Director

Received, Ordered, Printed and Filed.

M-25

**Communication from the Office of Management & Budget - Transfer City funds between various agencies in Fiscal Year 2024 to implement changes to the City's expense budget, pursuant to Section 107(b) of the New York City Charter (MN-3).**

February 1, 2024

TO THE CITY COUNCIL

Dear Council Members:

In accordance with Section 107(b) of the New York City Charter, I request your approval to transfer City funds between various agencies in fiscal year 2024 to implement changes in the City's expense budget.

This modification (MN-3) will implement expense budget changes which were reflected in the City's January Financial Plan and in addition, as requested by the City Council, this modification reflects the funding for the reallocation of City Council initiatives that were included in the FY 2024 Adopted Budget.

Appendix A details State, Federal and other funds impacted by these changes.

Your approval of modification MN-3 is respectfully requested.

Sincerely,

Jacques Jiha, Ph.D.  
Budget Director

**(For text of the MN-3 and Appendix A numbers, please see the New York City Council website at <https://council.nyc.gov/> for the respective attachments section of the M-25 of 2024 files)**

Referred to the Committee on Finance.

M-26

**Communication from the Office of Management & Budget - Appropriation of new City revenues in Fiscal Year 2024, pursuant to Section 107(e) of the New York City Charter (MN-4).**

February 1, 2024

TO THE CITY COUNCIL

Dear Council Members:

In accordance with Section 107(e) of the New York City Charter, I seek your approval to appropriate new City revenues in fiscal year 2024 in the amount of \$2.4 billion.

This modification (MN-4) implements revenue budget changes reflected in the City's November and January Financial Plans. The \$2.4 billion of new revenues combined with additional resources of \$400 million from Prior Year Payables will be used pay for Program to Eliminate the Gap partial restorations from the November Plan, Rental and Cash Assistance, foster care and adoption services, HIV/AIDS Services Administration expenses and various initiatives. The revenues will also partially fund both Carter Cases and the prepayment of fiscal year 2025 debt service in fiscal year 2024.

Your approval of modification MN-4 is respectfully requested.

Sincerely,

Jacques Jiha, Ph.D.  
Budget Director

**(For text of the MN-4 numbers, please see the New York City Council website at <https://council.nyc.gov/> for the respective attachments section of the M-26 of 2024 files)**

Referred to the Committee and Finance.

## **PETITIONS & COMMUNICATIONS**

M-27

**Communication from the Speaker - Submitting an annual report pursuant to Rule 2.75b in relation to complaints of sexual harassment as defined by the Council's Anti-Discrimination and Harassment Policy.**

**(For text of report, please see the New York City Council website at <https://council.nyc.gov/> for the respective attachments section of the M-27 of 2024 files)**

Received, Ordered, Printed and Filed.

**LAND USE CALL-UPS**

M-28

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

**Pursuant to Sections 11.20(b-d) of the Council Rules and Section 197-d(b)(3) of the New York City Charter, the Council hereby resolves that the action of the City Planning Commission on Application No. C 240047 PQM (Timbale Terrace) shall be subject to Council review. This item is related to Application No. C 240046 HAM.**

Coupled on Call-up vote.

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

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

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

## REPORTS OF THE STANDING COMMITTEES

### Report of the Committee on Aging

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

Report for Int. No. 25-A

**Report of the Committee on Aging 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 provision of senior citizen rent increase exemption application forms pre-populated with applicable data to eligible persons living in city-supervised Mitchell-Lama housing.**

The Committee on Aging, to which the annexed proposed amended local law, as preconsidered, was referred on February 8, 2024, respectfully

### REPORTS:

#### I. INTRODUCTION

On February 8, 2024, the Committee on Aging, chaired by Council Member Crystal Hudson, held a vote on Introduction Number 0025-A (Proposed Preconsidered Introduction Number 25-A), sponsored by Council Member Eric Dinowitz, in relation to provision of senior citizen rent increase exemption application forms pre-populated with applicable data to eligible persons living in city-supervised Mitchell-Lama housing. Int. No. 25-A passed with 7 votes in the affirmative, with no nays or abstentions.

On January 26, 2024, the Committee on Aging heard Int. No. 25-A (Preconsidered Introduction Number 25-A). Witnesses invited to testify included representatives from the New York City (“NYC” or “City”) Department for the Aging (“DFTA” or “NYC Aging”), the NYC Department of Housing Preservation and Development (HPD), older adult advocacy groups and organizations, and other interested stakeholders.

#### II. BACKGROUND

##### *Older Adults in New York City*

Older adults are driving most of the population growth in New York State (“NYS” or “State”).<sup>1</sup> In NYC, the population of residents aged 65 years and older increased by 36% over the past decade, from 1,010,156 in 2011 to 1,373,495 in 2021.<sup>2</sup> Older New Yorkers currently account for 16.2% of the City’s population.<sup>3</sup> Among the boroughs, Queens is home to the largest older adult population of any county in the State, while Brooklyn is home to the second largest older adult population.<sup>4</sup> By 2040, NYC Aging projects the population of older adults to reach 1.86 million, or 20.6% of the City’s population.<sup>5</sup>

Over the past decade, according to the Center for an Urban Future, NYC’s older adult population has become more diverse than ever.<sup>6</sup> Across the five boroughs, the older immigrant population increased by 49%, and in

<sup>1</sup> Jonathan Bowles, Eli Dvorkin & Charles Shaviro, *Keeping Pace with an Aging New York State*, Center for an Urban Future (Jan. 2023), accessible at <https://nycfuture.org/research/keeping-pace-with-an-aging-new-york-state>.

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

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

<sup>5</sup> NYC Department for the Aging, *Commissioner’s Message* (n.d.), accessible at <https://www.nyc.gov/site/dfta/about/commissioners-message.page>.

<sup>6</sup> Jonathan Bowles, Eli Dvorkin & Charles Shaviro, *Keeping Pace with an Aging New York State*, Center for an Urban Future (Jan. 2023), accessible at <https://nycfuture.org/research/keeping-pace-with-an-aging-new-york-state>.

Staten Island, it grew by 67%, which is the fastest rate in NYC and the second-fastest among all counties in the State.<sup>7</sup> Meanwhile, the number of Black, Hispanic, and Asian older adults has outpaced the older white population.<sup>8</sup> As the City's older adult population has grown, so has the number of older adults living in poverty.<sup>9</sup> Among the boroughs, the Bronx has a 25% older adult poverty rate, which is the highest of any county or city in the State, and Brooklyn has the fourth highest adult poverty rate in the State at 20.9%.<sup>10</sup>

### *Seniors First*

In order to best serve NYC's growing older adult population, which is more likely to be low-income, rent-burdened, and living on a fixed income than other City residents, HPD developed Seniors First, a three-pronged strategy that includes the following indicated by bold text.<sup>11</sup>

**Aging in Place**, which is an initiative that works with buildings already receiving financing through an HPD Preservation loan program to assess and finance in-unit and building-wide modifications to assist seniors and people with disabilities maintain independent, safe and comfortable lives.<sup>12</sup> As part of the initiative, residents in HPD-financed buildings receive a survey to select apartment modifications, which will be completed in conjunction with building rehabilitation through a Preservation loan program.<sup>13</sup>

**Developing New Senior Housing on NYC Public Housing Authority ("NYCHA") Land**, in which NYCHA allocates a pipeline of underused sites to create new senior housing to expand its commitment to affordable housing development above the 10,000 affordable apartments already planned through NextGeneration NYCHA, a 10-year strategic plan launched in 2015 to protect and preserve public housing.<sup>14</sup> HPD will finance these projects through the Senior Affordable Rental Apartments Program (SARA), which provides gap financing in the form of low interest loans to support the construction and renovation of affordable housing for seniors, 62+ years in age, with low incomes.<sup>15</sup>

**Supporting Seniors through Preservation**, which is an initiative targeting approximately 170 buildings created through the United States (U.S.) Housing and Urban Development Section 202 program with 14,000 apartments as well as other existing older adult housing developments.<sup>16</sup>

### *Affordable Housing Lottery*

HPD and the NYC Housing Development Corporation (HDC) create affordable housing opportunities for eligible New Yorkers by financing subsidized apartments that are available to buy or rent through a randomized lottery system.<sup>17</sup> Of the affordable housing projects, HPD and HDC set aside 7% of units for applicants with disability (5% for mobility and 2% for vision).<sup>18</sup> Features of these "disability set-aside units," which are designed per Uniform Federal Accessibility Standards, depend on the reasonable accommodation required by the

<sup>7</sup> *Id.*

<sup>8</sup> *Id.*

<sup>9</sup> *Id.*

<sup>10</sup> *Id.*

<sup>11</sup> NYC Department of Housing Preservation & Development, Seniors First (n.d.), accessible at <https://www.nyc.gov/site/hpd/services-and-information/seniors-first.page>.

<sup>12</sup> NYC Department of Housing Preservation & Development, Aging in Place (n.d.), accessible at <https://www.nyc.gov/site/hpd/services-and-information/aging-in-place.page#:~:text=Aging%20in%20Place%20is%20an,%2C%20safe%2C%20and%20comfortable%20lives.>

<sup>13</sup> *Id.*

<sup>14</sup> NYC Department of Housing Preservation & Development, Seniors First (n.d.), accessible at <https://www.nyc.gov/site/hpd/services-and-information/seniors-first.page>.

<sup>15</sup> NYC Department of Housing Preservation & Development, Senior Affordable Rental Apartments (n.d.), accessible at <https://www.nyc.gov/site/hpd/services-and-information/senior-housing.page>.

<sup>16</sup> NYC Department of Housing Preservation & Development, Seniors First (n.d.), accessible at <https://www.nyc.gov/site/hpd/services-and-information/seniors-first.page>.

<sup>17</sup> NYC Department of Housing Preservation & Development, *Affordable Housing Guide for People with Disabilities* (Jan. 2022), 3, accessible at <https://www.nyc.gov/assets/hpd/downloads/pdfs/services/affordable-housing-guide-for-applicants-with-disabilities.pdf>.

<sup>18</sup> *Id.*

resident's disability.<sup>19</sup> A mobility set-aside unit includes a floor plan designed to be accessible to someone with a mobility disability, which could include removable under-counter cabinets, certain heights for kitchen appliances and counters, and other features.<sup>20</sup> A vision or hearing set-aside unit could include alarm systems that utilize loud tones, flashing lights or vibrations, or smart appliances with communication technology.<sup>21</sup> Affordable housing applicants with a disability, however, are not only considered for disability set-aside units; their application is also considered for any other unit for which they qualify in that development.<sup>22</sup>

### ***Senior Citizen Rent Increase Exemption: History and Eligibility***

The Senior Citizen Rent Increase Exemption (“SCRIE”) program provides rent exemptions from all or part of certain rent increases for senior citizens who live in rent-controlled, rent-stabilized, rent-regulated, Mitchell-Lama, and other qualifying subsidized housing, and whose household incomes are below statutory limits.<sup>23</sup> The SCRIE program reimburses property owners with real property tax credits equal to the amount in forgone rent.<sup>24</sup>

First established by NYS law in 1970, the SCRIE program was made available to tenants living in rent-controlled and rent-stabilized apartments.<sup>25</sup> The legislation gave municipalities the option to provide the SCRIE program for its seniors and decide on the income eligibility requirements. That same year, the New York City Council (“Council”) adopted SCRIE in NYC.<sup>26</sup> In 1976, eligibility for the SCRIE program was extended to eligible tenants in certain rental and cooperative apartments in buildings subject to Articles II, IV, V or XI of the NYS Private Housing Finance Law or subject to a federally insured mortgage pursuant to Section 213 of the National Housing Act, otherwise known as “Mitchell-Lama” apartments.<sup>27</sup>

In NYC, the SCRIE program was first entirely administered by HPD. Later, the administration of SCRIE for rent-controlled and rent-stabilized apartments was transferred to DFTA, while the administration of SCRIE for Mitchell-Lama apartments remained with HPD.<sup>28</sup> In July 2005, the NYS Legislature passed legislation amending various laws enabling the SCRIE program to expand the class of heads of households eligible to participate in the rent increase exemption and tax abatement programs to include disabled persons.<sup>29</sup> The Council passed conforming legislation on July 27, 2005, and the program came into effect October 10, 2005.<sup>30</sup> In September 2009, as a result of a local law passed by the Council, DFTA transferred administration of SCRIE to DOF with respect to rent-controlled and rent-stabilized apartments.<sup>31</sup> However, SCRIE applicants living in a Housing Development (HDFC) or Mitchell-Lama apartment must contact HPD to apply for SCRIE.<sup>32</sup>

To become eligible for the SCRIE program, applicants must meet the following eligibility criteria:

1. Be at least 62 years old;
2. Be named on the lease/rent order or have been granted succession rights in a rent-controlled, rent-stabilized, or a rent-regulated hotel apartment or 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 NYS Private Housing Finance Law;
3. Have a combined household income for all members of the household that is \$50,000 or less; and
4. Spend more than one-third of monthly household income on rent.<sup>33</sup>

<sup>19</sup> *Id.*

<sup>20</sup> *Id.*

<sup>21</sup> *Id.*

<sup>22</sup> *Id.* at 4.

<sup>23</sup> Benefits Plus Learning Center, *SCRIE: Overview*, <https://benefitsplus.cssny.org/pbm/housing-programs-services/scrie/overview>.

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

<sup>25</sup> See generally N.Y. Real Prop. Tax Law § 467-b.

<sup>26</sup> See Local Law 31 of 1970.

<sup>27</sup> See Local Law 40 of 1976.

<sup>28</sup> *Supra* note 12.

<sup>29</sup> See Chapter 188 of the Laws of 2005.

<sup>30</sup> See Local Law 76 of 2005.

<sup>31</sup> See Local Law 44 of 2009.

<sup>32</sup> NYC.gov, *Freeze Your Rent: Qualifications & Eligibility*, <https://www.nyc.gov/site/rentfreeze/qualifications/qualifications.page>.

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

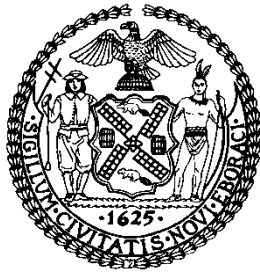
To apply for SCRIE benefits for rent-controlled and rent-stabilized apartments, eligible individuals may fill out an online application through the NYC Tenant Access Portal page or by filling out and mailing a paper application found on NYC.gov.<sup>34</sup> SCRIE application forms for HPD-administered housing can be mailed or emailed to [scrie@hpd.nyc.gov](mailto:scrie@hpd.nyc.gov); there is no online application system currently available.<sup>35</sup> These forms are blank and not pre-populated with any information.<sup>36</sup>

### III. LEGISLATIVE ANALYSIS

#### Int. No. 25-A

This bill would require HPD to provide an application form for the SCRIE program to eligible residents in city-aided limited profit housing company developments with all applicable data electronically populated in such application form for such resident. After residents submit their annual income affidavits to HPD, the bill would require HPD to digitize the data contained in the affidavits and use such data to populate SCRIE application forms for residents that appear to be eligible for SCRIE. The populated form would be provided to potentially eligible residents along with a letter explaining the features of the SCRIE program and information on how to review the application form and apply for the program. Since its initial hearing, the bill was amended to provide HPD with greater flexibility to process annual income affidavit information for the purposes of populating SCRIE enrollment forms, to no longer require that HPD coordinate with the New York City Department of Finance to verify income information or digitize annual income affidavit information, and the effective date was amended to one year after becoming law.

(The following is the text of the Fiscal Impact Statement for Preconsidered Int. No. 25-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: Preconsidered Int. No. 25-A

COMMITTEE: Aging

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to provision of senior citizen rent increase exemption application forms pre-populated with applicable

**SPONSOR(S):** Council Members Dinowitz, Yeger, Stevens, Riley, Won, Nurse, Brooks-Powers, Avilés, Narcisse, Cabán, Ariola, Marmorato, Brannan, Brewer, Ayala, Rivera, Powers, Gennaro, Sanchez, Salaam,

<sup>34</sup> NYC.gov, *Freeze Your Rent: SCRIE Forms*, <https://www.nyc.gov/site/rentfreeze/tools/scrie-applications.page>.

<sup>35</sup> N.Y.C. Dep't of Housing Preservation & Development, *Senior Citizen Rent Increase Exemption (SCRIE)*, <https://www.nyc.gov/assets/hpd/downloads/pdfs/services/scrie-application.pdf>.

<sup>36</sup> *Id.*



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data to eligible persons living in city-supervised Mitchell-Lama housing. Hudson, Schulman, Ossé, Holden, Hanks, Menin, Marte, Joseph, Hanif, Salamanca, Carr, Abreu, Farías, Krishnan, Paladino, Louis, Zhuang, Restler, Gutiérrez, Banks, Feliz, and Vernikov.

**SUMMARY OF LEGISLATION:** Preconsidered Int. No. -A would require the Department of Housing Preservation and Development (HPD) to provide an application form for the senior citizen rent increase exemption (SCRIE) program to eligible residents in City-aided limited profit housing company developments with all applicable data electronically populated in such application form for such resident. After residents submit their annual income affidavits to HPD, the bill would require HPD to digitize the data contained in the affidavits and use such data to populate SCRIE application forms for residents that appear to be eligible for SCRIE. The populated form would be provided to potentially eligible residents along with a letter explaining the features of the SCRIE program and information on how to review the application form and apply for the program, no later than 90 days after HPD receives a resident’s annual income affidavit.

**EFFECTIVE DATE:** This local law would take effect one year after becoming law.

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

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY25</b>	<b>FY Succeeding Effective FY26</b>	<b>Full Fiscal Impact FY26</b>
<b>Revenues</b>	\$0	\$0	\$0
<b>Expenditures</b>	\$452,000	\$90,000	\$90,000
<b>Net</b>	\$452,000	\$90,000	\$90,000

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

**IMPACT ON EXPENDITURES:** It is anticipated that there would be a one-time cost of \$452,000 resulting from the enactment of this legislation for HPD to create a system to digitize and maintain the data contained in the income affidavits. The ongoing costs to maintain this system are anticipated to be \$90,000 annually. It is anticipated that HPD will also utilize existing resources and staff 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  
Mayor’s Office of City Legislative Affairs  
Department of Housing Preservation and Development

**ESTIMATE PREPARED BY:** Saiyemul Hamid, Financial Analyst

**ESTIMATE REVIEWED BY:** Julia K. Haramis, Unit Head  
Chima Obichere, Deputy Director  
Jonathan Rosenberg, Managing Deputy Director  
Kathleen Ahn, Counsel

**LEGISLATIVE HISTORY:** The legislation was first considered by the Committee on Aging (Committee) as a Pre-Considered Introduction on January 26, 2024 and the bill was laid over. The legislation was subsequently amended to Proposed Pre-considered Intro. No. -A and the amended version, Proposed Pre-considered Intro. No. -A will be considered by the Committee on February 8, 2024. Upon successful vote by the Committee,

Proposed Pre-considered Intro. No. -A will be submitted to the full Council for introduction and a vote on February 8, 2024.

**DATE PREPARED:** February 5, 2024.

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

**(The following is the text of Preconsidered Int. No. 25-A:)**

Preconsidered Int. No. 25-A

By Council Members Dinowitz, Yeger, Stevens, Riley, Won, Nurse, Brooks-Powers, Avilés, Narcisse, Cabán, Ariola, Marmorato, Brannan, Brewer, Ayala, Rivera, Powers, Gennaro, Sanchez, Lee, Salaam, Hudson, Schulman, Ossé, Holden, Hanks, Menin, Marte, Joseph, Hanif, Salamanca, Carr, Abreu, Farías, Krishnan, Paladino, Louis, Zhuang, Restler, Gutiérrez, Banks, Feliz, Vernikov, Williams, Bottcher and Mealy.

**A Local Law to amend the administrative code of the city of New York, in relation to provision of senior citizen rent increase exemption application forms pre-populated with applicable data to eligible persons living in city-supervised Mitchell-Lama housing**

*Be it enacted by the Council as follows:*

Section 1. Chapter 7 of title 26 of the administrative code of the city of New York is amended by adding a new section 26-606.1 to read as follows:

§ 26-606.1 Assistance for residents eligible to apply to the senior citizen rent increase exemption program.

a. *Definitions. For purposes of this section, the term “resident” means a person who occupies a dwelling unit in a city-aided limited profit housing company development, who:*

*(i) has submitted an annual income affidavit to the supervising agency; and*

*(ii) appears to be eligible for the senior citizen rent increase exemption program, based upon review of applicable information available to the supervising agency.*

*b. No later than 90 days after the supervising agency receives a resident’s annual income affidavit, the supervising agency shall provide such resident with an application form for the senior citizen rent increase exemption program that contains all applicable data electronically populated in such application form for such resident. In addition, the supervising agency shall provide a letter to such resident with such application form that explains the features of the senior citizen rent increase exemption program; the purpose of such application form; and information on how to review, complete, modify as necessary, and return such application form to the supervising agency. Such letter shall also contain any relevant contact information for the supervising agency or any other agency that may provide assistance with review, completion, and submission of such application form.*

*c. To meet the requirements of this section, the supervising agency shall digitize the information contained in each annual income affidavit submitted to such supervising agency.*

*d. This section does not preclude the supervising agency from accepting annual income affidavits and application forms for the senior citizen rent increase exemption program prepared on a paper form, via a web-based application portal, or other electronic form submission technology.*

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

CRYSTAL HUDSON, Chairperson;, LINDA LEE, DARLENE MEALY, LYNN C. SCHULMAN, CHRIS BANKS, YUSEF SALAAM, SUSAN ZHUANG; 7-0-0; Committee on Aging, February 8, 2024. *Other Council Members Attending: Council Members Dinowitz, Williams and Stevens.*

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**

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

Report for Res. No. 6

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

The Committee on Finance, to which the annexed preconsidered resolution was referred on February 8, 2024, respectfully

#### **REPORTS:**

Introduction. The Council of the City of New York (the “Council”) annually adopts the City’s budget covering expenditures other than for capital projects (the “expense budget”) pursuant to Section 254 of the Charter. On June 30, 2021, the Council adopted the expense budget for fiscal year 2022 with various programs and initiatives (the “Fiscal 2022 Expense Budget”). On June 13, 2022, the Council adopted the expense budget for fiscal year 2023 with various programs and initiatives (the “Fiscal 2023 Expense Budget”). On June 30, 2023, the Council adopted the expense budget for fiscal year 2024 with various programs and initiatives (the “Fiscal 2024 Expense Budget”).

Analysis. In an effort to continue to make the budget process more transparent, the Council is providing a list setting forth new designations and/or changes in the designation of certain organizations receiving funding in accordance with the Fiscal 2024, Fiscal 2023, and Fiscal 2022 Expense Budgets (“Charts”).

This Resolution, dated February 8, 2024, approves the new designations and the changes in the designation of certain organizations receiving local, aging, youth, boroughwide, and Speaker’s initiative to address citywide needs discretionary funding and funding for certain initiatives in accordance with the Fiscal 2024 Expense Budget; approves the changes in designation of certain organizations receiving local and community safety and victims’ services discretionary funding and funding for a certain initiative in accordance with the Fiscal 2023 Expense Budget; approves the changes in the designation of certain organizations receiving local discretionary funding and funding for a certain initiative in accordance with the Fiscal 2022 Expense Budget; amends the description for the Description/Scope of Services of certain organizations receiving local, aging, and Speakers initiative to address citywide needs discretionary funding in accordance with the Fiscal 2024 Expense Budget; and amends the description for the Description/Scope of Services of certain organizations receiving local discretionary funding in accordance with the Fiscal 2023 Expense Budget. All new designations and changes in designations are as described in the attached Charts and the Resolution text.

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

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

Description of Above-captioned Resolution. In the above-captioned Resolution, the Council would approve the new designation and changes in the designation of certain organizations to receive funding in the Fiscal 2024, Fiscal 2023, and Fiscal 2022 Expense Budgets. Such Resolution would take effect as of the date of adoption.

*Accordingly, this Committee recommends its adoption.*

**(The following is the text of Preconsidered Res. No. 6:)**

Preconsidered Res. No. 6

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

By Council Member Brannan.

**Whereas**, On June 30, 2023, the Council of the City of New York (the “City Council”) adopted the expense budget for Fiscal Year 2024 with various programs and initiatives (the “Fiscal 2024 Expense Budget”); and

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

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

**Whereas**, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2024 and Fiscal 2023 and Fiscal 2022 Expense Budgets by approving the new designation and changes in the designation of certain organizations receiving local, aging, youth, boroughwide, and Speaker’s initiative discretionary funding, and by approving the new designation and changes in the designation of certain organizations to receive funding pursuant to certain initiatives in accordance therewith; and

**Whereas**, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2024 and Fiscal 2023 Expense Budgets by approving new Description/Scope of Services for certain organizations receiving local, aging, and Speaker’s initiative discretionary funding; now, therefore, be it

**Resolved**, That the City Council approves the new designations and changes in the designation of certain organizations receiving local discretionary funding pursuant to the Fiscal 2024 Expense Budget, as set forth in Chart 1; and be it further

**Resolved**, That the City Council approves the changes in the designation of certain organizations receiving aging discretionary funding in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 2; and be it further

**Resolved**, That the City Council approves the changes in the designation of certain organizations receiving youth discretionary funding in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 3; and be it further

**Resolved**, That the City Council approves the new designation and the change in the designation of certain organizations receiving funding pursuant to the Speaker’s Initiative to Address Citywide Needs in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 4; and be it further

**Resolved**, That the City Council approves the new designation of a certain organization receiving funding pursuant to the A Greener NYC Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 5; and be it further

**Resolved**, That the City Council approves the changes in the designation of certain organizations receiving funding pursuant to the Cultural After-School Adventure (CASA) Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 6; and be it further

**Resolved**, That the City Council approves the new designations and change in the designation of certain organizations receiving funding pursuant to the Cultural Immigrant Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 7; and be it further

**Resolved**, That the City Council approves the new designations and change in the designation of certain organizations receiving funding pursuant to the Neighborhood Development Grant Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 8; and be it further

**Resolved,** That the City Council approves the change in the designation of a certain organization receiving funding pursuant to the Parks Equity Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 9; and be it further

**Resolved,** That the City Council approves the changes in the designation of certain organizations receiving funding pursuant to the Support Our Older Adults Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 10; and be it further

**Resolved,** That the City Council approves the new designation and changes in the designation of certain organizations receiving funding pursuant to the Food Pantries Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 11; and be it further

**Resolved,** That the City Council approves the changes in the designation of certain organizations receiving funding pursuant to the Crisis Management System Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 12; and be it further

**Resolved,** That the City Council approves the change in the designation of a certain organization receiving funding pursuant to the Ending the Epidemic Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 13; and be it further

**Resolved,** That the City Council approves the changes in the designation of certain organizations receiving funding pursuant to the Mental Health Services for Vulnerable Populations Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 14; and be it further

**Resolved,** That the City Council approves the new designations of certain organizations receiving funding pursuant to the Afterschool Enrichment Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 15; and be it further

**Resolved,** That the City Council approves the new designation of a certain organization receiving funding pursuant to the Mental Health Workforce Retention and Development Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 16; and be it further

**Resolved,** That the City Council approves the new designation of a certain organization receiving funding pursuant to the Viral Hepatitis Prevention Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 17; and be it further

**Resolved,** That the City Council approves the new designation of a certain organization receiving funding pursuant to the Geriatric Mental Health Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 18; and be it further

**Resolved,** That the City Council approves the new designation and change in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 19; and be it further

**Resolved,** That the City Council approves the change in the designation of certain organizations receiving funding pursuant to the Community Safety and Victim Services Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 20; and be it further

**Resolved,** That the City Council approves the change in the designation of certain organizations receiving funding pursuant to the Support Our Seniors Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 21; and be it further

**Resolved,** That the City Council approves the change in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 22; and be it further

**Resolved,** That the City Council approves the change in the designation of certain organizations receiving funding pursuant to the Support Our Seniors Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 23; and be it further

**Resolved,** That the City Council amends the Purpose of Funds for certain organizations receiving funding in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 24; and be it further

**Resolved,** That the City Council amends the Purpose of Funds for certain organizations receiving funding in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 25.

**(For text of the Exhibit Charts, please refer to the attachments section of [the Res. No. 6 of 2024 file](#) in the legislation section of the New York City Council website at <https://council.nyc.gov>)**

JUSTIN BRANNAN, *Chairperson*; DIANA I. AYALA, FRANCISCO P. MOYA, KEITH POWERS, FARAH N. LOUIS, SELVENA N. BROOKS-POWERS, DAVID M. CARR, GALE A. BREWER, AMANDA C. FARIAS, KAMILLAH M. HANKS, CRYSTAL HUDSON, CHI A. OSSÉ, PIERINA A. SANCHEZ, ALTHEA V. STEVENS, NANTASHA M. WILLIAMS, JULIE WON, YUSEF SALAAM; 17-0-0; Committee on Finance, February 8, 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 Health**

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

Report for Int. No. 93-A

**Report of the Committee on Health 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 department of health and mental hygiene to develop a citywide population health agenda.**

The Committee on Health, to which the annexed proposed amended local law, as preconsidered, was referred on February 8, 2024, respectfully

### **REPORTS:**

#### **I. INTRODUCTION**

On February 8, 2024, the Committee on Health, chaired by Council Member Lynn Schulman, held a vote on Introduction Number 0093-A (Proposed Preconsidered Introduction Number 93-A) (hereafter “Int. No. 93-A”), sponsored by Council Member Schulman, in relation to requiring the New York City Department of Health and Mental Hygiene (DOHMH) to develop a citywide population health agenda. Int. No. 93-A passed with 7 votes in the affirmative, with no nays or abstentions. On January 31, 2024, the Committee on Health heard Int. No. 93-A (Preconsidered Introduction Number 93-A). Witnesses invited to testify included representatives from DOHMH, healthcare providers, advocates, and other members of the public.

#### **II. BACKGROUND**

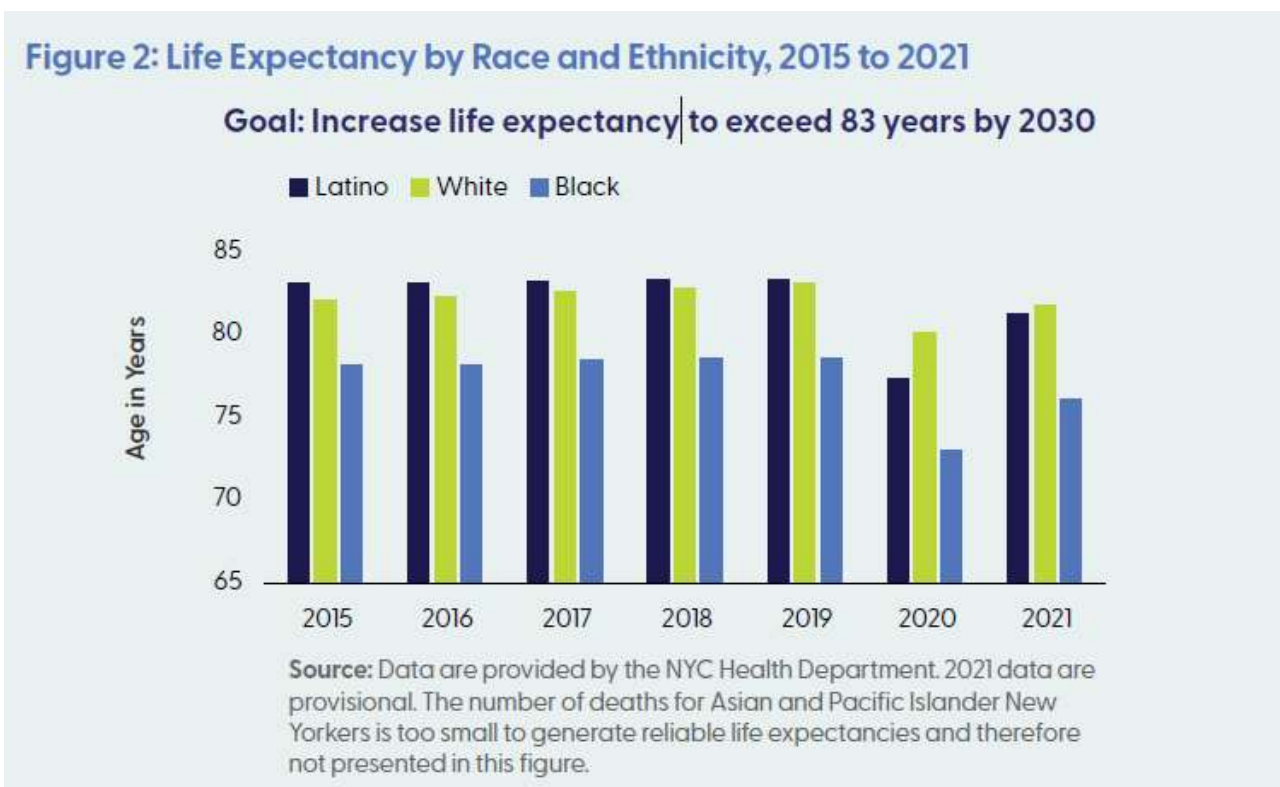
The United States (U.S.) Centers for Disease Control and Prevention (CDC) defines “life expectancy” as the average number of years of life a person who has attained a given age can expect to live.<sup>1</sup> According to DOHMH, New York City (NYC) recently experienced the biggest and fastest drop in life expectancy in a century, falling from 82.6 years in 2019 to 78 years in 2020.<sup>2</sup> DOHMH states that although COVID-19 was the

<sup>1</sup> *National Vital Statistics System, Life Expectancy*, CDC (Nov. 29, 2023), <https://www.cdc.gov/nchs/nvss/life-expectancy.htm>.

<sup>2</sup> *NYC Department of Health and Mental Hygiene, Healthy NYC: New York City’s Campaign for Healthier, Longer Lives* (2023). Available at: <https://www.nyc.gov/assets/doh/downloads/pdf/about/healthynyc.pdf>.

major driver of this decline in life expectancy, other health crises – including overdoses, suicide, and violence – also contributed, and despite improvements in chronic disease outcomes, heart-related disease, and cancer continue to be the top causes of death among all racial and ethnic groups.<sup>3</sup> However, the largest decreases in life expectancy occurred among Black and Latino New Yorkers; for Black New Yorkers, the pandemic worsened existing disparities.<sup>4</sup> The chart below shows life expectancy by race and ethnicity for the years 2015 to 2021:

Source: HealthyNYC



In response to the decline in life expectancy in NYC, on November 1, 2023, Mayor Eric Adams, Commissioner of Health and Mental Hygiene (Commissioner) Dr. Ashwin Vasani, and Chair Schulman, launched “Healthy NYC,” a campaign to improve and extend the average lifespan of all New Yorkers to 83 years by 2030.<sup>5</sup> The campaign sets targets to address the greatest drivers of premature death, including chronic and diet-related diseases, screenable cancers, overdose, suicide, maternal mortality, violence, and COVID-19, with an emphasis on gains across racial and ethnic groups.<sup>6</sup> According to DOHMH, Healthy NYC will:

<sup>3</sup> *Id.*

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

<sup>5</sup> Press Release, *Mayor Adams, Health Commissioner Dr. Vasani Launch Ambitious Whole-of-Government Campaign to Extend Lifespan of All New Yorkers*, Office of the Mayor (Nov. 1, 2023), <https://www.nyc.gov/office-of-the-mayor/news/839-23/mayor-adams-health-commissioner-dr-vasani-launch-ambitious-whole-of-government-campaign-extend>.

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

1. Establish an overall life expectancy goal to exceed 83 years by 2030, and sub-goals to address primary causes of death and health inequities;<sup>7</sup>
2. Highlight citywide priority strategies that will have the greatest impact on reducing drivers of overall death, excess death, and premature death, with a focus on prevention;<sup>8</sup>
3. Monitor progress using the latest data available and a strengthened public health state system;<sup>9</sup> and
4. Include reporting on the City's progress toward such goals.<sup>10</sup>

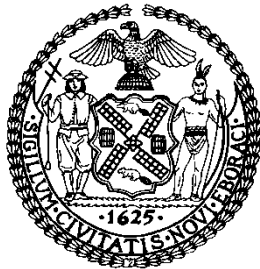
### III. LEGISLATIVE ANALYSIS

#### a. Int. No. 93-A

This bill would require DOHMH to develop a 5-year population health agenda for the purpose of improving public health outcomes, addressing health disparities, and improving quality of and access to health care for New Yorkers to increase life expectancy and improve health. This bill would also require DOHMH to submit such agenda to the Mayor, the Speaker of the Council, and post such agenda on the department's website. This bill would also require the Commissioner to submit annual reports to the Mayor and the Speaker of the Council that describe DOHMH's progress towards achieving the goals in the population health agenda.

Since its initial hearing, the bill received technical edits and was amended to require DOHMH to develop the population health agenda for the purposes of increasing life expectancy and improving health.

**(The following is the text of the Fiscal Impact Statement for Preconsidered Int. No. 93-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, DIRECTOR**

**FISCAL IMPACT STATEMENT**

**PROPOSED INTRO. NO:  
Pre-Considered Int. No. 93-A**

**COMMITTEE: Health**

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**TITLE:** 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 a citywide population health agenda.

**SPONSOR(S):** By Council Members Schulman, Narcisse, Gennaro, Menin, Krishnan, Lee, Marmorato, Riley, Powers, Dinowitz, Marte and Won.

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<sup>7</sup> *Supra* note 2.

<sup>8</sup> *Id.*

<sup>9</sup> *Id.*

<sup>10</sup> *Id.*



**SUMMARY OF LEGISLATION:** This bill would require the Department of Health and Mental Hygiene (DOHMH or Department) to develop a 5-year population health agenda for the purpose of improving public health outcomes, addressing health disparities, and improving quality of and access to health care for New Yorkers to increase life expectancy and improve health. This bill would also require DOHMH to submit such an agenda to the Mayor, the Speaker of the Council, and post it on the Department’s website.

**EFFECTIVE DATE:** This local law would take effect immediately.

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

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY25</b>	<b>FY Succeeding Effective FY26</b>	<b>Full Fiscal Impact FY25</b>
<b>Revenues</b>	\$0	\$0	\$0
<b>Expenditures</b>	\$0	\$0	\$0
<b>Net</b>	\$0	\$0	\$0

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

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

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

**SOURCE OF INFORMATION:** New York City Council Finance Division  
New York City Office of Management and Budget

**ESTIMATE PREPARED BY:** Danielle Glants, Financial Analyst

**ESTIMATE REVIEWED BY:** Florentine Kabore, Unit Head  
Chima Obichere, Deputy Director  
Kathleen Ahn, Counsel  
Jonathan Rosenberg, Managing Deputy Director

**LEGISLATIVE HISTORY:** The legislation was first considered by the Committee on Health (Committee) as a Pre-Considered Introduction on January 31, 2024 and the bill was laid over. The legislation was subsequently amended to Proposed Pre-considered Intro. No. –A, and the amended version, Proposed Pre-considered Intro. No. -A will be considered by the Committee on February 8, 2024. Upon successful vote by the Committee, Proposed Pre-considered Intro. No. -A will be submitted to the full Council for introduction and a vote on February 8, 2024.

**DATE PREPARED:** February 2, 2024.

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

**(The following is the text of Int. No. 93-A:)**

## Preconsidered Int. No. 93-A

By Council Members Schulman, Narcisse, Gennaro, Menin, Krishnan, Lee, Marmorato, Riley, Powers, Dinowitz, Marte, Won, De La Rosa, Joseph, Hudson, Louis, Ariola, Farías, Rivera, Brannan, Borelli, Feliz, Gutiérrez, Sanchez, Brewer, Carr, Cabán, Bottcher, Nurse, Salaam, Hanif, Brooks-Powers, Ayala, Williams and Mealy.

**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 a citywide population health agenda**

*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 *Citywide population health agenda. a. The department shall develop a citywide population health agenda for the purpose of improving public health outcomes, addressing health disparities, and improving quality of and access to health care for New Yorkers to increase life expectancy and improve health. In developing such agenda, the department shall consult or seek input from relevant stakeholders, public health experts, and any other persons the commissioner deems relevant. At minimum, the department shall identify in such agenda its population health goals for the next 5 years and strategies for achieving such goals. No later than September 30, 2028, and every 5 years thereafter, the commissioner shall submit such agenda to the mayor and the speaker of the council and post such agenda on the department's website.*

*b. No later than September 30, 2029, and annually thereafter no later than September 30 of any year in which a citywide population health agenda is not required to be submitted pursuant to subdivision a of this section, the commissioner shall submit to the mayor and the speaker of the council, and post on the department's website, a comprehensive report that describes the department's progress toward achieving the goals identified in the most recently submitted agenda.*

§ 2. No later than September 30, 2024, and annually thereafter no later than September 30 of any year until September 30, 2027, the commissioner of health and mental hygiene shall submit to the mayor and the speaker of the council, and post on the department's website, a comprehensive report that describes the department of health and mental hygiene's progress toward achieving the goals identified in the HealthyNYC population health agenda released November 1, 2023.

§ 3. This local law takes effect immediately.

LYNN C. SCHULMAN, *Chairperson*; JAMES F. GENNARO, , CARMEN N. De La ROSA, JULIE MENIN, MERCEDES NARCISSE, SUSAN ZHUANG; JOANN ARIOLA, KRISTY MARMORATO, 8-0-0; *Absent*: Council Members Oswald J. Feliz and Kalman Yeger; Committee on Health, February 8, 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. 1

**Report of the Committee on Land Use in favor of approving, as modified, Application number C 230091 ZMQ (Whitestone Lanes Rezoning) submitted by Mar Mar Realty, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 10a, changing from an M1-1 District to an R7A District, Borough of Queens, Community District 7, Council District 20.**

The Committee on Land Use, to which the annexed Land Use item was referred on January 18, 2024 (Minutes, page 75), respectfully

### REPORTS:

**(For text of the updated report, please see the Report of the Committee on Land Use for L.U. No. 1 & Res. No. 36 printed in the General Orders Calendar section of these Minutes)**

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

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, AMANDA C. FARÍAS, CRYSTAL HUDSON, PIERINA A. SANCHEZ, JOSEPH C. BORELLI, 9-0-0; *Absent*: Shaun Abreu and Kamillah M. Hanks; Committee on Land Use, February 6, 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. 2

**Report of the Committee on Land Use in favor of approving, as modified, Application number N 230092 ZRQ (Whitestone Lanes Rezoning) submitted by Mar Mar Realty, LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of Queens, Community District 7, Council District 20.**

The Committee on Land Use, to which the annexed Land Use item was referred on January 18, 2024 (Minutes, page 75), respectfully

### REPORTS:

**(For text of the updated report, please see the Report of the Committee on Land Use for L.U. No. 2 & Res. No. 37 printed in the General Orders Calendar section of these Minutes)**

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

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, AMANDA C. FARIÁS, CRYSTAL HUDSON, PIERINA A. SANCHEZ, JOSEPH C. BORELLI, 9-0-0; *Absent*: Shaun Abreu and Kamillah M. Hanks; Committee on Land Use, February 6, 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. 3

**Report of the Committee on Land Use in favor of approving Application number C 230344 ZMM (2226 Third Avenue) submitted by REEC Third Ave., 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 R7B District to a C4-6 District and establishing a Special East Harlem Corridors District (EHC), Borough of Manhattan, Community District 11, Council District 8.**

The Committee on Land Use, to which the annexed Land Use item was referred on January 18, 2024 (Minutes, page 75) and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

**SUBJECT**

**MANHATTAN CB-11 – THREE APPLICATIONS RELATED TO 2226 THIRD AVENUE**

**C 230344 ZMM (L.U. No. 3)**

City Planning Commission decision approving an application submitted by REEC Third Ave., LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 6b:

1. changing from an R7B District to a C4-6 District property bounded by a line 75 feet southerly of East 122nd Street, a line 100 feet westerly of Third Avenue, East 121st Street, and a line 150 feet westerly of Third Avenue;
2. establishing a Special East Harlem Corridors District (EHC) bounded by a line 75 feet southerly of East 122nd Street, a line 100 feet westerly of Third Avenue, East 121st Street and a line 150 feet westerly of Third Avenue;

as shown on a diagram (for illustrative purposes only) dated July 10, 2023, and subject to the conditions of CEQR Declaration E-713.

**N 230345 ZRM (L.U. No. 4)**

City Planning Commission decision approving an application submitted by REEC Third Ave., 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 regulations for floor area and loading in Article XIII, Chapter 8 (Special East Harlem

Corridors District) and modifying APPENDIX F (Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas) for the purpose of establishing a Mandatory Inclusionary Housing area.

**C 230346 ZSM (L.U. No. 5)**

City Planning Commission decision approving an application submitted by REEC Third Ave., LLC, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 138-42 of the Zoning Resolution to allow a reduction in the number of required loading berths from three to one loading berth, in connection with a proposed commercial building on property located at 2226 Third Avenue (Block 1770, Lot 36), in a C4-6 District, within the Special East Harlem Corridors District (EHC).

**INTENT**

To approve the amendment to rezone the project area from an R7B zoning district to a C4-6 zoning district and establish a Special East Harlem Corridors District (EHC); amend the zoning text to modify the regulations for floor area and loading in Article XIII, Chapter 8 (Special East Harlem Corridors District) and to modify APPENDIX F (Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas) for the purpose of establishing a Mandatory Inclusionary Housing (MIH) area; and grant an approval of the special permit pursuant to Section 138-42 of the Zoning Resolution to allow a reduction in the number of required loading berths for Accessory Off Street Commercial Loading Spaces.

**PUBLIC HEARING**

**DATE:** January 23, 2024

**Witnesses in Favor:** One

**Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** February 6, 2024

The Subcommittee recommends that the Land Use Committee approve the decisions of the City Planning Commission on L.U. Nos. 3 through 5.

**In Favor:**  
Riley  
Moya  
Schulman  
Salaam  
Carr

**Against:**  
None

**Abstain:**  
None

**COMMITTEE ACTION****DATE:** February 6, 2024

The Committee recommends that the Council approve the attached resolutions.

<b>In Favor:</b>	<b>Against:</b>	<b>Abstain:</b>
Salamanca	None	None
Moya		
Rivera		
Riley		
Brooks-Powers		
Farias		
Hudson		
Sanchez		
Borelli		

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

Res. No. 28

**Resolution approving the decision of the City Planning Commission on ULURP No. C 230344 ZMM, a Zoning Map amendment (L.U. No. 3).**

By Council Members Salamanca and Riley.

**WHEREAS**, REEC Third Ave., LLC, filed an application pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 6b, by changing from an R7B District to a C4-6 District and establishing a Special East Harlem Corridors District (EHC), which in conjunction with the related actions would facilitate the construction of a ten-story predominantly life sciences building at 2226 Third Avenue in the East Harlem neighborhood of Manhattan, Community District 11 (ULURP No. C 230344 ZMM) (the "Application");

**WHEREAS**, the City Planning Commission filed with the Council on December 29, 2023 its decision dated November 29, 2023 (the "Decision") on the Application;

**WHEREAS**, the Application is related to applications N 230345 ZRM (L.U. No. 4), a zoning text amendment to modify the regulations for floor area and loading in Article XIII, Chapter 8 (Special East Harlem Corridors District) and to modify APPENDIX F (Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas) for the purpose of establishing a Mandatory Inclusionary Housing (MIH) area; and C 230346 ZSM (L.U. No. 5), Zoning Special Permit pursuant to Section 138-42 of the Zoning Resolution to allow a reduction in the number of required loading berths for Accessory Off Street Commercial Loading Spaces;

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

**WHEREAS**, upon due notice, the Council held a public hearing on the Decision and Application on January 23, 2024;

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

**WHEREAS**, the Council has considered the relevant environmental issues, including the Negative Declaration issued July 10<sup>th</sup>, 2023 (CEQR No. 23DCP070M), which includes an (E) designation to avoid the potential for significant adverse impacts related to air (E-713) (the “Negative Declaration”).

**RESOLVED:**

The Council finds that the action described herein will have no significant impact on the environment as set forth in the (E) Designation (E-713) and Negative Declaration.

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, C 230344 ZMM, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission.

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section No. 6b:

1. changing from an R7B District to a C4-6 District property bounded by a line 75 feet southerly of East 122nd Street, a line 100 feet westerly of Third Avenue, East 121st Street, and a line 150 feet westerly of Third Avenue;
2. establishing a Special East Harlem Corridors District (EHC) bounded by a line 75 feet southerly of East 122nd Street, a line 100 feet westerly of Third Avenue, East 121st Street and a line 150 feet westerly of Third Avenue;

as shown on a diagram (for illustrative purposes only) dated July 10, 2023, and subject to the conditions of CEQR Declaration E-713, Borough of Manhattan, Community District 11.

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, AMANDA C. FARIÁS, CRYSTAL HUDSON, PIERINA A. SANCHEZ, JOSEPH C. BORELLI, 9-0-0; *Absent*: Shaun Abreu and Kamillah M. Hanks; Committee on Land Use, February 6, 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 L.U. No. 4

**Report of the Committee on Land Use in favor of approving Application number N 230345 ZRM (2226 Third Avenue) submitted by REEC Third Ave., 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 regulations for floor area and loading in Article XIII, Chapter 8 (Special East Harlem Corridors District) and modifying APPENDIX F (Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas) for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of Manhattan, Community District 11, Council District 8.**

The Committee on Land Use, to which the annexed Land Use item was referred on January 18, 2024 (Minutes, page 76) and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

**(For text of report, please see the Report of the Committee on Land Use for L.U. No. 3 printed above in these Minutes)**

*Accordingly, this Committee recommends its adoption.*

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

Res. No. 29

**Resolution approving the decision of the City Planning Commission on Application No. N 230345 ZRM, for an amendment of the text of the Zoning Resolution (L.U. No. 4).**

By Council Members Salamanca and Riley.

**WHEREAS**, REEC Third Ave., LLC, filed an application pursuant to Section 201 of the New York City Charter, for an amendment of the text of the Zoning Resolution of the City of New York, modifying regulations for floor area and loading in Article XIII, Chapter 8 (Special East Harlem Corridors District) and modifying APPENDIX F (Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas) for the purpose of establishing a Mandatory Inclusionary Housing area, which in conjunction with the related actions would facilitate the construction of a ten-story predominantly life sciences building at 2226 Third Avenue in East Harlem, Community District 11 (ULURP No. N 230345 ZRM), (the “Application”);

**WHEREAS**, the City Planning Commission filed with the Council on December 29, 2023, its decision dated November 29, 2023 (the “Decision”) on the Application;

**WHEREAS**, the Application is related to applications C 230344 ZMM (L.U. No. 3), a zoning map amendment to change an R7B zoning district to a C4-6 zoning district and establish a Special East Harlem Corridors District (EHC) and C 230346 ZSM (L.U. No. 5), a zoning special permit pursuant to Section 138-42 of the Zoning Resolution to allow a reduction in the number of required loading berths for Accessory Off Street Commercial Loading Spaces;

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

**WHEREAS**, upon due notice, the Council held a public hearing on the Decision and Application on January 23, 2024;

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

**WHEREAS**, the Council has considered the relevant environmental issues, including the Negative Declaration issued July 10<sup>th</sup>, 2023 (CEQR No. 23DCP070M), which includes an (E) designation to avoid the potential for significant adverse impacts related to air (E-713) (the “Negative Declaration”).

**RESOLVED:**

The Council finds that the action described herein will have no significant impact on the environment as set forth in the (E) Designation (E-713) and Negative Declaration.

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, N 230345 ZRM, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission.



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

\* \* \*

**ARTICLE XIII  
 SPECIAL PURPOSE DISTRICTS**

**Chapter 8  
 Special East Harlem Corridors District**

\* \* \*

**138-20  
 SPECIAL BULK REGULATIONS**

\* \* \*

**138-211  
 Special floor area regulations**

- (a) In certain #Commercial Districts# and in #Manufacturing Districts# paired with a #Residence District#, as shown on Map 2 of the Appendix to this Chapter, for any #zoning lot# containing #residential# #floor area#, the maximum #residential# #floor area ratio# shall be modified as follows:
  - (1) for #zoning lots# complying with the applicable provisions of paragraph (d)(3) of Section 23-154 (Inclusionary Housing) or, for #affordable independent residences for seniors#, the maximum #residential# #floor area ratio# set forth on Map 2 shall apply;
  - (2) for #zoning lots# utilizing the provisions of paragraphs (d)(4)(i) or (d)(4)(iii) of Section 23-154, the maximum #residential# #floor area ratio# shall apply as modified in the table below:

Maximum #residential# #floor area ratio# shown on Map 2	Modified maximum #residential# #floor area ratio#
8.5	7.52
9.0	7.52
10.0	9.0

- (3) except in C2 Districts subject to the provisions of paragraph (b) of this Section, the maximum #floor area ratio# for any combination of #uses# shall be the maximum #floor area ratio# specified in paragraphs (a)(1) or (a)(2) of this Section, whichever is applicable; and
  - (4) in C4-6 Districts and in C2 Districts mapped within an R9 or R10 District, the #floor area# provisions of Sections 33-13 (Floor Area Bonus for a Public Plaza) or 33-14 (Floor Area Bonus for Arcades) shall not apply.
- (b) In C2 Districts mapped within an R7D District that is also located within 100 feet of Park Avenue, the maximum #community facility# #floor area ratio# shall be 6.5, except that the applicable provisions of paragraph (d) of Section 33-121 (In districts with bulk governed by Residence District bulk regulations)

shall apply to #zoning lots# containing philanthropic or non-profit institutions with sleeping accommodations or #3long-term care facilities#.

(c) In the C4-6 District that is located on the west side of Third Avenue between East 121st Street and East 122nd Street, the maximum #commercial# #floor area ratio# shall be 7.2.

(d) For #transit-adjacent sites# or #qualifying transit improvement sites#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, Chapter 6 shall control. For the purposes of this paragraph, defined terms additionally include those in Section 66-11 (Definitions).

\* \* \*

**138-40  
OFF-STREET PARKING AND LOADING REGULATIONS**

\* \* \*

**138-41  
Accessory Off-street Parking Spaces for Residences**

\* \* \*

**138-42  
Special Permit for Accessory Off-street Commercial Loading Spaces**

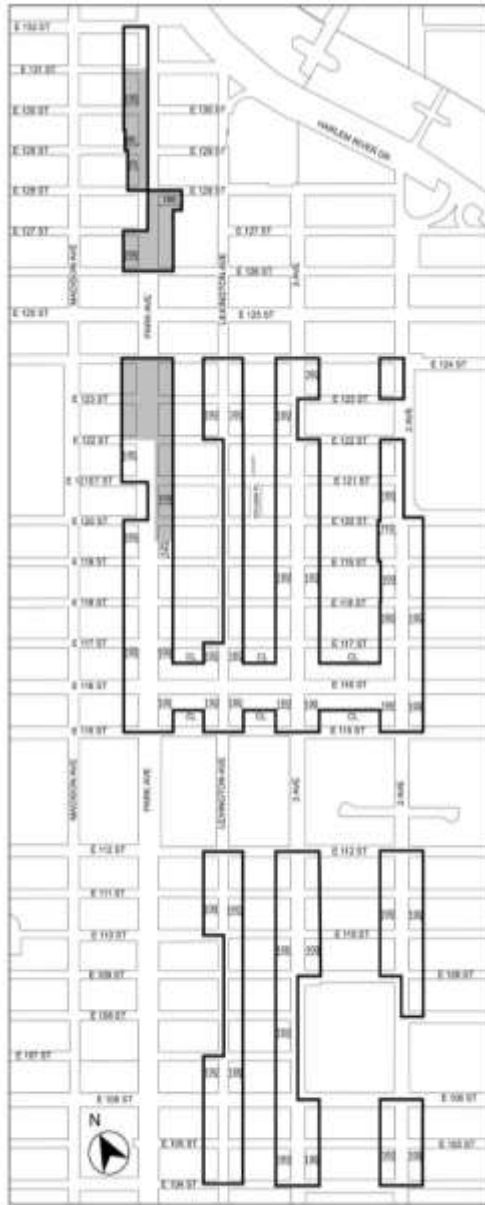
Within C4-6 Districts, the City Planning Commission may, by special permit, allow a reduction or waiver in the number of required loading berths, provided that:

- (a) curbside deliveries will not create or contribute to serious traffic congestion or unduly inhibit vehicular or pedestrian movement and will not interfere with the efficient functioning of nearby #uses#; and
- (b) an efficient goods receiving system will be implemented within the #commercial# establishment to expedite the movement of goods from the curb to areas within the establishment.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

Map 1: Special East Harlem Corridors District and Subdistrict

[EXISTING MAP]

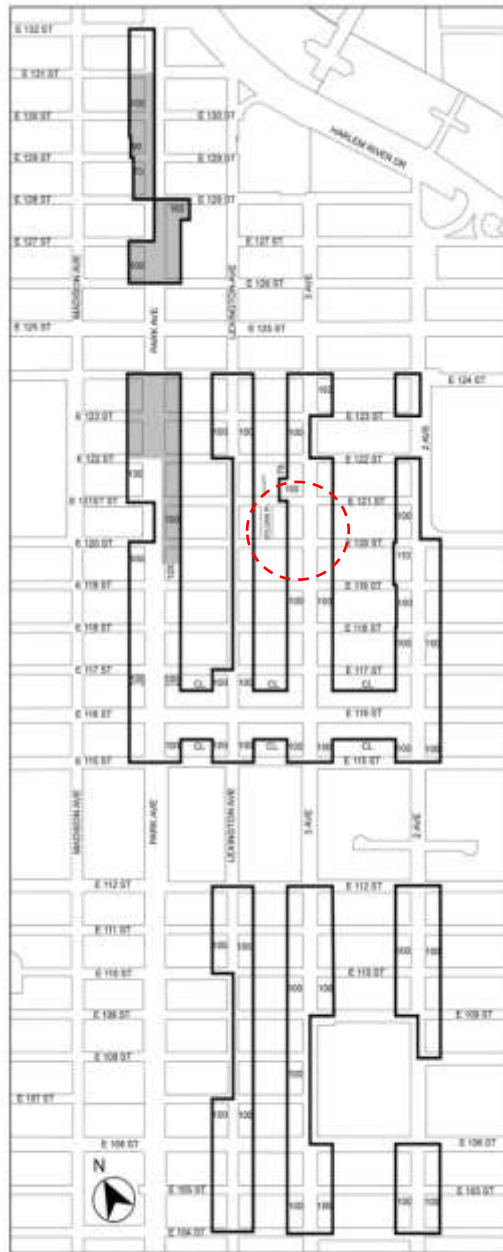


**EAST HARLEM DISTRICT PLAN**  
SPECIAL EAST HARLEM CORRIDOR DISTRICT AND SUBDISTRICT



Special East Harlem Corridors District

Park Avenue Subdistrict

[PROPOSED MAP]

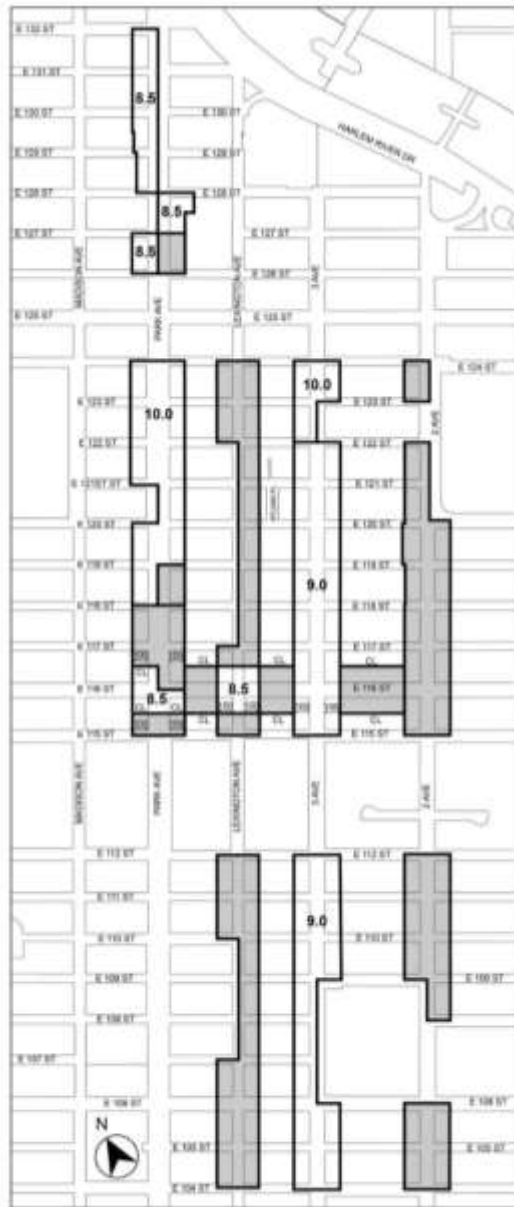


**EAST HARLEM DISTRICT PLAN**  
**SPECIAL EAST HARLEM CORRIDOR DISTRICT AND SUBDISTRICT**

-  Special East Harlem Corridors District
-  Park Avenue Subdistrict

Map 2: Maximum Residential Floor Area Ratio

[EXISTING MAP]

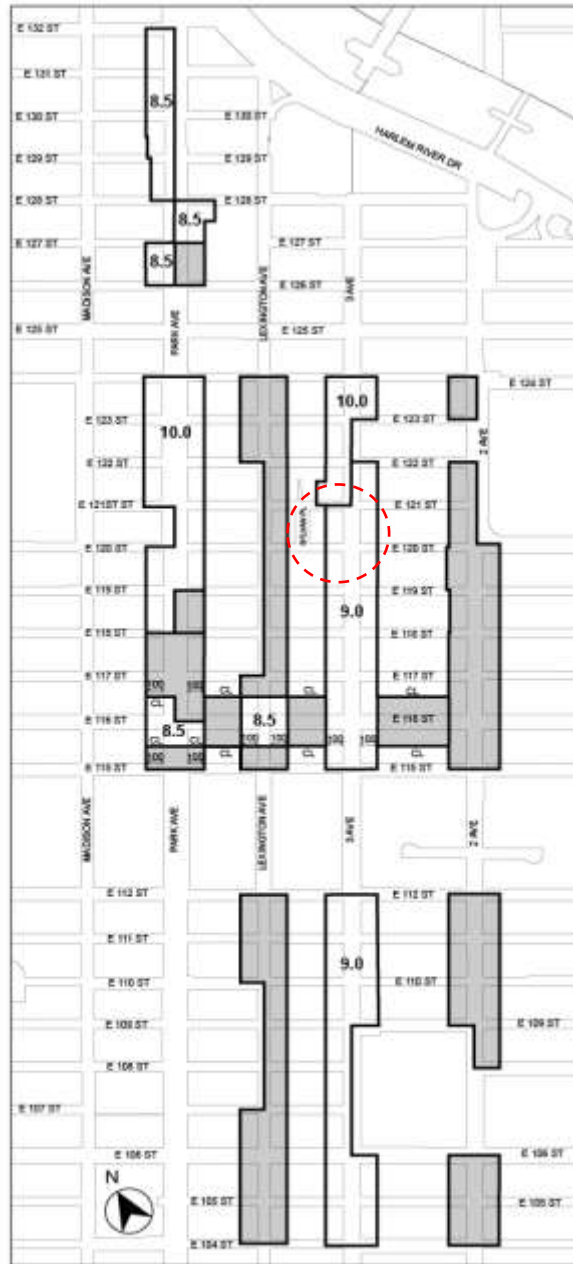


EAST HARLEM DISTRICT PLAN

MAP 2: MAXIMUM RESIDENTIAL FAR

Underlying FAR Applies

[PROPOSED MAP]



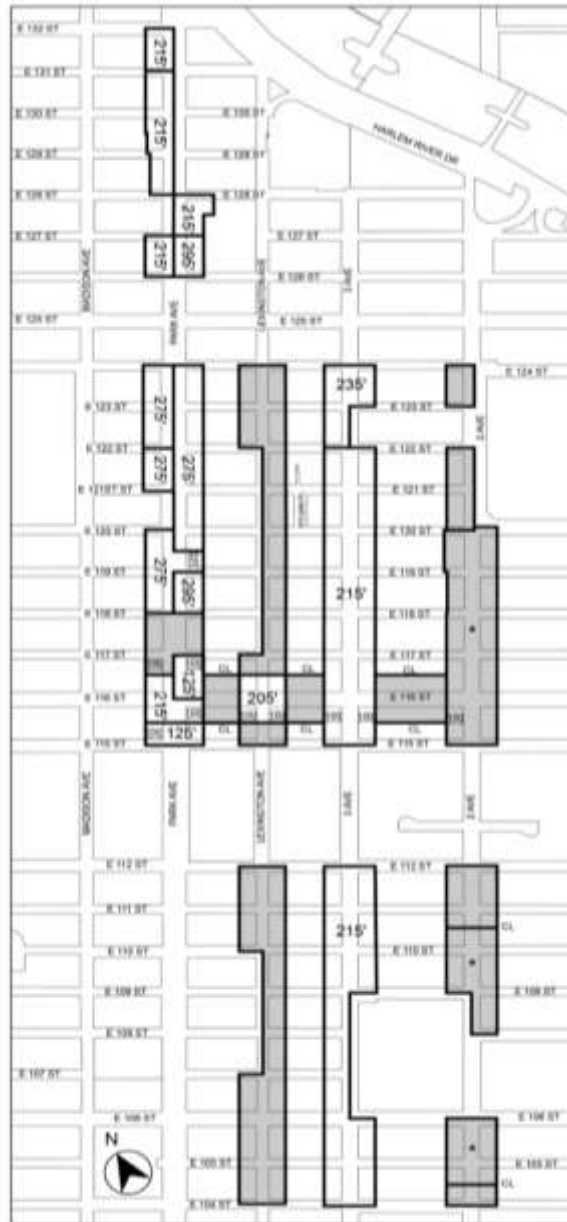
**EAST HARLEM DISTRICT PLAN**

**MAP 2: MAXIMUM RESIDENTIAL FAR**

 Underlying FAR Applies

Map 3: Maximum Height

[EXISTING MAP]



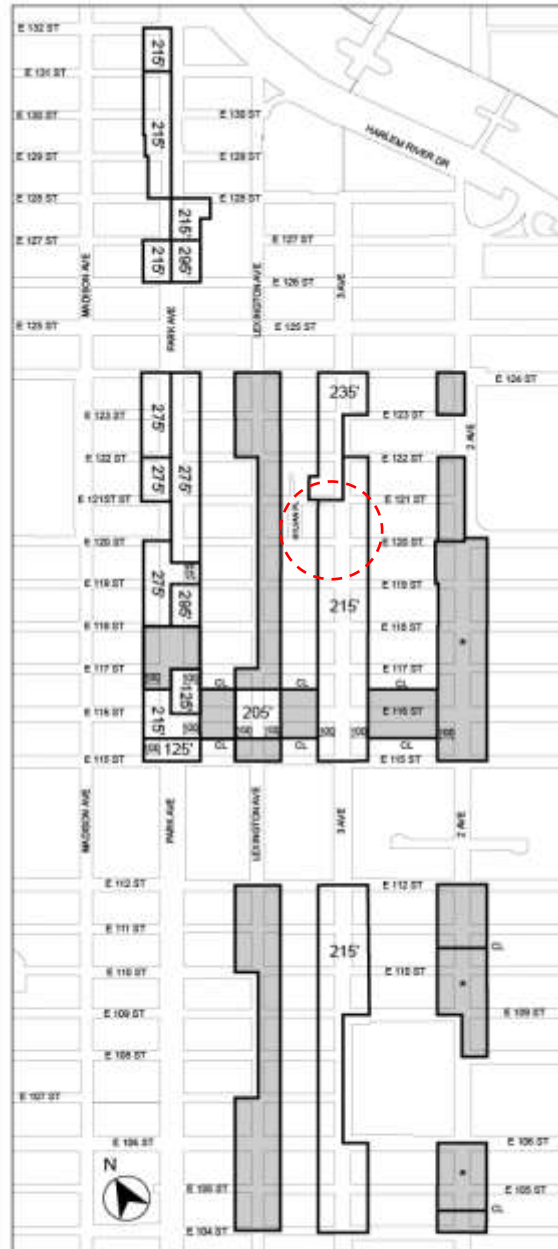
**EAST HARLEM DISTRICT PLAN**

**MAP 3. MAXIMUM HEIGHT**

• Subject to Section 13B-23(b)(3)(i)

■ Underlying Maximum Height Applies

[PROPOSED MAP]



EAST HARLEM DISTRICT PLAN

MAP 3. MAXIMUM HEIGHT

\* Subject to Section 138-23(b)(3)(ii)

Underlying Maximum Height Applies

\* \* \*



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

\* \* \*

**MANHATTAN**

\* \* \*

**Manhattan Community District 11**

\* \* \*

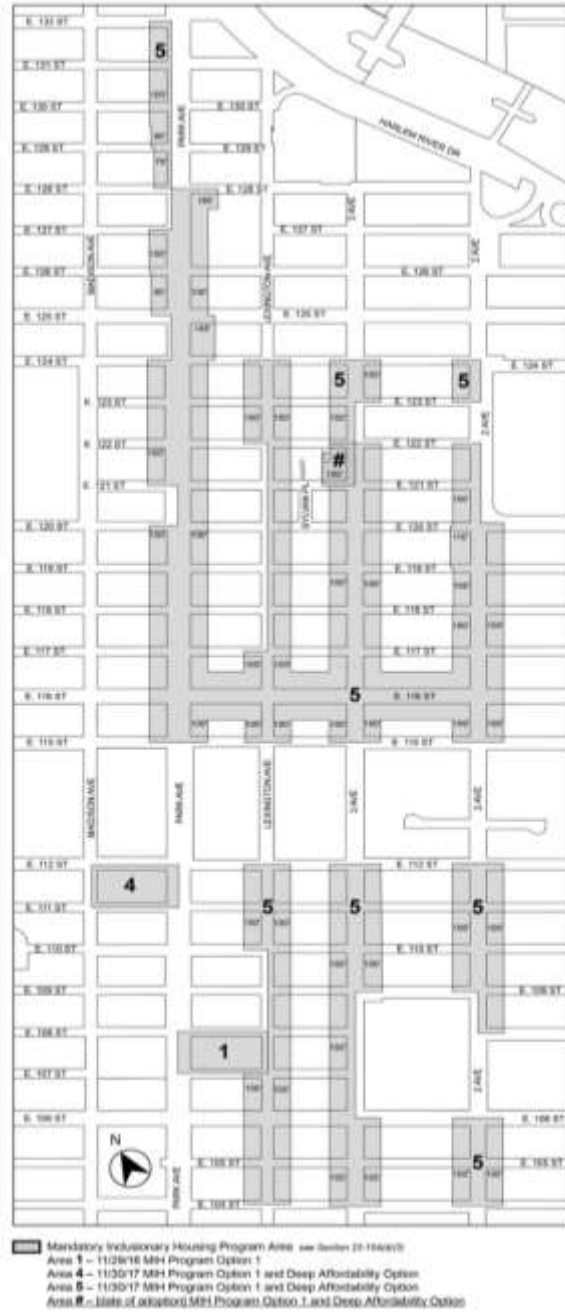
Map 5 – [date of adoption]

[EXISTING MAP]



█ Mandatory Inclusionary Housing Program Area - see Section 21-114(d)(3)  
Area 1 - 11/20/16 MHI Program Option 1  
Area 4 - 11/20/17 MHI Program Option 1 and Deep Affordability Option  
Area 5 - 11/20/17 MHI Program Option 1 and Deep Affordability Option

[PROPOSED MAP]



Portion of Community District 11, Manhattan

\* \* \*

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, AMANDA C. FARÍAS, CRYSTAL HUDSON, PIERINA A. SANCHEZ, JOSEPH C. BORELLI, 9-0-0; *Absent*: Shaun Abreu and Kamillah M. Hanks; Committee on Land Use, February 6, 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 L.U. No. 5

**Report of the Committee on Land Use in favor of approving Application number C 230346 ZSM (2226 Third Avenue) submitted by REEC Third Ave., LLC, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 138-42 of the Zoning Resolution to allow a reduction in the number of required loading berths from three to one loading berth, in connection with a proposed commercial building on property located at 2226 Third Avenue (Block 1770, Lot 36), in a C4-6 District, within the Special East Harlem Corridors District (EHC), Borough of Manhattan, Community District 11, Council District 8.**

The Committee on Land Use, to which the annexed Land Use item was referred on January 18, 2024 (Minutes, page 76) and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

**(For text of report, please see the Report of the Committee on Land Use for L.U. No. 3 printed above in these Minutes)**

*Accordingly, this Committee recommends its adoption.*

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

Res. No. 30

**Resolution approving the decision of the City Planning Commission on ULURP No. C 230346 ZSM, for the grant of a special permit (L.U. No. 5).**

By Council Members Salamanca and Riley.

**WHEREAS**, REEC Third Ave., LLC, filed an application pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 138-42 of the Zoning Resolution to allow a reduction in the number of required loading berths from three to one loading berth, in connection with a proposed commercial building on property located at 2226 Third Avenue (Block 1770, Lot 36), in a C4-6 District, within the Special East Harlem Corridors District (EHC), which in conjunction with the related actions would facilitate the construction of a ten-story predominantly Life Sciences building at 2226 Third Avenue in East Harlem, Community District 11 (ULURP No. C 230346 ZSM) (the “Application”);

**WHEREAS**, the City Planning Commission filed with the Council on December 29, 2023, its decision dated November 29, 2023 (the “Decision”) on the Application;

**WHEREAS**, the Application is related to applications C 230344 ZMM (L.U. No. 3), a zoning map amendment to change an R7B zoning district to a C4-6 zoning district and establish a Special East Harlem Corridors District (EHC); and N 230345 ZRM (L.U. No. 4), a zoning text amendment to modify the regulations for floor area and loading in Article XIII, Chapter 8 (Special East Harlem Corridors District) and to modify APPENDIX F (Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas) for the purpose of establishing a Mandatory Inclusionary Housing (MIH) area;

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

**WHEREAS**, the City Planning Commission has made the findings required pursuant to Section 138-42 of the Zoning Resolution of the City of New York;

**WHEREAS**, upon due notice, the Council held a public hearing on the Decision and Application on January 23, 2024;

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

**WHEREAS**, the Council has considered the relevant environmental issues, including the Negative Declaration issued July 10<sup>th</sup>, 2023 (CEQR No. 23DCP070M), which includes an (E) designation to avoid the potential for significant adverse impacts related to air (E-713) (the “Negative Declaration”).

**RESOLVED:**

The Council finds that the action described herein will have no significant impact on the environment as set forth in the (E) Designation (E-713) and Negative Declaration.

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, C 230346 ZSM, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission.

1. The property that is the subject of this application (C 230346 ZSM) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following approved plans, prepared by DXA studio Architecture PLLC, filed with this application and incorporated in this Resolution:

<u>Dwg No.</u>	<u>Title</u>	<u>Last Date Revised</u>
Z – 101	Site Plan (Ground Floor Plan)	5/30/2023
Z – 102	Cellar, 2 <sup>nd</sup> -7 <sup>th</sup> Floor Plans	5/30/2023
Z – 103	8 <sup>th</sup> – 10 <sup>th</sup> Floor Plans	5/30/2023

2. Such development shall conform to all applicable provisions of the Zoning Resolution, except for the modifications specifically granted in this resolution and shown on the plans listed above which have been filed with this application. All zoning computations are subject to verification and approval by the New York City Department of Buildings.
3. Such development shall conform to all applicable laws and regulations relating to its construction, operation and maintenance.
4. All leases, subleases, or other agreements for use or occupancy of space at the subject property shall give actual notice of this special permit to the lessee, sub-lessee or occupant.
5. Upon the failure of any party having any right, title or interest in the property that is the subject of this application, or the failure of any heir, successor, assign, or legal representative of such party, to observe any of the covenants, restrictions, agreements, terms or conditions of this resolution and the restrictive declaration whose provisions shall constitute conditions of the special permit hereby granted, the City

Planning Commission may, without the consent of any other party, revoke any portion of or all of said special permit. Such power of revocation shall be in addition to and not limited to any other powers of the City Planning Commission, or of any other agency of government, or any private person or entity. Any such failure as stated above, or any alteration in the development that is the subject of this application that departs from any of the conditions listed above, is grounds for the City Planning Commission or the City Council, as applicable, to disapprove any application for modification, cancellation or amendment of the special permit hereby granted or of the restrictive declaration.

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

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, AMANDA C. FARÍAS, CRYSTAL HUDSON, PIERINA A. SANCHEZ, JOSEPH C. BORELLI, 9-0-0; *Absent*: Shaun Abreu and Kamillah M. Hanks; Committee on Land Use, February 6, 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 L.U. No. 6

**Report of the Committee on Land Use in favor of disapproving Application number C 230157 ZMK (962 Pacific Street Rezoning) submitted by 962 Pacific St, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 16c, changing from an M1-1 District to an M1-4/R7A District and establishing a Special Mixed-Use District (MX-20), Borough of Brooklyn, Community District 8, Council District 35.**

The Committee on Land Use, to which the annexed Land Use item was referred on January 18, 2024 (Minutes, page 76) and which same Land Use item was coupled with the resolution shown below, respectfully

#### **REPORTS:**

#### **SUBJECT**

#### **BROOKLYN CB-8 – THREE APPLICATIONS RELATED TO 962 PACIFIC STREET REZONING**

#### **C 230157 ZMK (L.U. No. 6)**

City Planning Commission decision approving an application submitted by 962 Pacific St., LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 16c:

1. changing from an M1-1 District to an M1-4/R7A District property bounded by Pacific Street, a line 440 feet northwesterly of Classon Avenue, a line midway between Pacific Street and Dean Street, and a line 100 feet southeasterly of Grand Avenue; and

2. establishing a Special Mixed-Use District (MX-20) bounded by Pacific Street, a line 440 feet northwesterly of Classon Avenue, a line midway between Pacific Street and Dean Street, and a line 100 feet southeasterly of Grand Avenue;

as shown on a diagram (for illustrative purposes only) dated July 24, 2023, and subject to the conditions of CEQR Declaration E-724.

#### **N 230158 ZRK (L.U. No. 7)**

City Planning Commission decision approving an application submitted by 962 Pacific St., 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.

#### **C 230159 ZSK (L.U. No. 8)**

City Planning Commission decision approving an application submitted by 962 Pacific St., LLC, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-533 of the Zoning Resolution to allow the waiver of all required accessory off-street parking spaces for dwelling units in a development within the Transit Zone, that includes at least 20 percent of all dwelling units as income-restricted housing units, in connection with a proposed mixed-use development on property located at 962 Pacific Street (Block 1133, Lot 13), in M1-4/R7A District, within the a Special Mixed Use District (MX-20), Borough of Brooklyn, Community District 8.

#### **INTENT**

To approve the amendment to rezone the project area from an M1-1 zoning district to an M1-4/R7A (MX-20) zoning district, amend the zoning text to designate the project area as a Mandatory Inclusionary Housing (MIH) area, and grant an approval of the special permit pursuant to Section 74-533 of the Zoning Resolution (ZR) to waive residential off-street parking spaces to facilitate the development of a nine-story mixed use building with 150 residential units, 38 to 45 of which would be permanently affordable, as well as 9,350 square feet of commercial floor area, and 8,530 square feet of community facility floor area, totaling 153,695 square feet of floor area at 962 Pacific Street in the Crown Heights neighborhood of Brooklyn, Community District 8.

#### **PUBLIC HEARING**

**DATE:** January 23, 2024

**Witnesses in Favor:** Sixteen

**Witnesses Against:** None

#### **SUBCOMMITTEE RECOMMENDATION**

**DATE:** February 6, 2024

The Subcommittee recommends that the Land Use Committee disapprove the decisions of the City Planning Commission on L.U. Nos. 6 through 8.

<b>In Favor:</b>	<b>Against:</b>	<b>Abstain:</b>
Riley	None	None
Moya		
Schulman		
Salaam		
Carr		

### **COMMITTEE ACTION**

**DATE:** February 6, 2024

The Committee recommends that the Council approve the attached resolutions.

<b>In Favor:</b>	<b>Against:</b>	<b>Abstain:</b>
Salamanca	None	None
Moya		
Rivera		
Riley		
Brooks-Powers		
Farias		
Hudson		
Sanchez		
Borelli		

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

Res. No. 31

### **Resolution disapproving the decision of the City Planning Commission on ULURP No. C 230157 ZMK, a Zoning Map amendment (L.U. No. 6).**

By Council Members Salamanca and Riley.

**WHEREAS**, 962 Pacific St., LLC, filed an application pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 16c, by changing from an M1-1 District to an M1-4/R7A District and establishing a Special Mixed-Use District (MX-20), which in conjunction with the related actions would facilitate the development of a nine-story mixed use building with 150 residential units, 38 to 45 of which would be permanently affordable, as well as 9,350 square feet of commercial floor area, and 8,530 square feet of community facility floor area, totaling 153,695 square feet of floor area at 962 Pacific Street in the Crown Heights neighborhood of Brooklyn, Community District 8 (ULURP No. C 230157 ZMK) (the "Application");

**WHEREAS**, the City Planning Commission filed with the Council on January 2, 2024 its decision dated December 13, 2023 (the "Decision") on the Application;

**WHEREAS**, the Application is related to applications N 230158 ZRK (L.U. No. 7), a zoning text



amendment to designate a Mandatory Inclusionary Housing (MIH) area; and C 230159 ZSK (L.U. No. 8), a special permit pursuant to Section 74-533 of the Zoning Resolution (ZR) to waive residential off-street parking spaces;

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

**WHEREAS**, upon due notice, the Council held a public hearing on the Decision and Application on January 23, 2024;

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

**WHEREAS**, the Council has considered the relevant environmental issues, including the Negative Declaration issued July 21<sup>st</sup>, 2023 (CEQR No. 22DCP078K), which includes an (E) designation to avoid the potential for significant adverse impacts related to hazardous materials, air quality, and noise impacts (E-724) (the “Negative Declaration”).

**RESOLVED:**

The Council finds that the action described herein will have no significant impact on the environment as set forth in the (E) Designation (E-724) and Negative Declaration.

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, C 230157 ZMK, incorporated by reference herein, and the record before the Council, the Council disapproves the Decision of the City Planning Commission.

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, AMANDA C. FARÍAS, CRYSTAL HUDSON, PIERINA A. SANCHEZ, JOSEPH C. BORELLI, 9-0-0; *Absent*: Shaun Abreu and Kamillah M. Hanks; Committee on Land Use, February 6, 2024.

Coupled to be Disapproved.

Report for L.U. No. 7

**Report of the Committee on Land Use in favor of disapproving Application number N 230158 ZRK (962 Pacific Street Rezoning) submitted by 962 Pacific St, LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of Brooklyn, Community District 8, Council District 35.**

The Committee on Land Use, to which the annexed Land Use item was referred on January 18, 2024 (Minutes, page 76) and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

**(For text of report, please see the Report of the Committee on Land Use for L.U. No. 6 printed above in these Minutes)**

*Accordingly, this Committee recommends its disapproval.*

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

Res. No. 32

**Resolution disapproving the decision of the City Planning Commission on Application No. N 230158 ZRK, for an amendment of the text of the Zoning Resolution (L.U. No. 7).**

By Council Members Salamanca and Riley.

**WHEREAS**, 962 Pacific St., LLC, filed an application pursuant to Section 201 of the New York City Charter, for an amendment of the text of the Zoning Resolution of the City of New York, modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area, which in conjunction with the related actions would facilitate the development of a nine-story, 154,000-square-foot mixed use building with 150 residential units, between 38 and 45 of which would be designated as permanently income-restricted, as well as 9,350 square feet of commercial floor area and 8,530 square feet of community facility floor area at 962 Pacific Street in the Crown Heights neighborhood of Community District 8 (ULURP No. N 230158 ZRK), (the “Application”);

**WHEREAS**, the City Planning Commission filed with the Council on January 2, 2024, its decision dated December 13, 2024 (the "Decision") on the Application;

**WHEREAS**, the Application is related to applications C 230157 ZMK (L.U. No. 6), a zoning map amendment to change an M1-1 zoning district to an M1-4/R7A (MX-20) zoning district; C 230159 ZSK (L.U. No. 8), a special permit pursuant to Section 74-533 of the Zoning Resolution (ZR) to waive residential off-street parking spaces;

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

**WHEREAS**, upon due notice, the Council held a public hearing on the Decision and Application on January 23, 2024;

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

**WHEREAS**, the Council has considered the relevant environmental issues, including the Negative Declaration issued July 21<sup>st</sup>, 2023 (CEQR No. 22DCP078K), which includes an (E) designation to avoid the potential for significant adverse impacts related to hazardous materials, air quality, and noise impacts (E-724) (the “Negative Declaration”).

**RESOLVED:**

The Council finds that the action described herein will have no significant impact on the environment as set forth in the (E) Designation (E-724) and Negative Declaration.

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, N 230158 ZRK, incorporated by reference herein, and the record before the Council, the Council disapproves the Decision of the City Planning Commission.

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, AMANDA C. FARIÁS, CRYSTAL HUDSON, PIERINA A. SANCHEZ, JOSEPH C. BORELLI, 9-0-0; *Absent*: Shaun Abreu and Kamillah M. Hanks; Committee on Land Use, February 6, 2024.

Coupled to be Disapproved.

Report for L.U. No. 8

**Report of the Committee on Land Use in favor of disapproving Application number C 230159 ZSK (962 Pacific Street Rezoning) submitted by 962 Pacific St, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-533 of the Zoning Resolution to allow the waiver of all required accessory off-street parking spaces for dwelling units in a development within the Transit Zone, that includes at least 20 percent of all dwelling units as income-restricted housing units, in connection with a proposed mixed-use development on property located at 962 Pacific Street (Block 1133, Lot 13), in an M1-4/R7A District, within a Special Mixed Use District (MX-20), Borough of Brooklyn, Community District 8, Council District 35.**

The Committee on Land Use, to which the annexed Land Use item was referred on January 18, 2024 (Minutes, page 77) and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

**(For text of report, please see the Report of the Committee on Land Use for L.U. No. 6 printed above in these Minutes)**

*Accordingly, this Committee recommends its disapproval.*

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

Res. No. 33

**Resolution disapproving the decision of the City Planning Commission on ULURP No. C 230159 ZSK, for the grant of a special permit (L.U. No. 8).**

By Council Members Salamanca and Riley.

**WHEREAS**, 962 Pacific St, LLC, filed an application pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-533 of the Zoning Resolution to allow the waiver of all required accessory off-street parking spaces for dwelling units in a development within the Transit Zone, that includes at least 20 percent of all dwelling units as income-restricted housing units, in connection with a proposed mixed-use development on property located at 962 Pacific Street (Block 1133, Lot 13), in M1-4/R7A District, within the a Special Mixed Use District (MX-20), which in conjunction with the related actions would facilitate the development of a nine-story, 154,000-square-foot mixed use building with 150 residential units, between 38 and 45 of which would be designated as permanently income-restricted, as well as 9,350 square feet of commercial floor area and 8,530 square feet of community facility floor area at 962 Pacific Street in the Crown Heights neighborhood of Brooklyn, Community District 8 (ULURP No. C 230159 ZSK) (the “Application”);

**WHEREAS**, the City Planning Commission filed with the Council on January 2, 2024, its decision dated December 13, 2023 (the “Decision”) on the Application;

**WHEREAS**, the Application is related to applications C 230157 ZMK (L.U. No. 6), a zoning text amendment to change an M1-1 zoning district to an M1-4/R7A (MX-20) zoning district; and N 230158 ZRK (L.U. No. 7), a zoning text amendment to designate a Mandatory Inclusionary Housing (MIH) area;

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

**WHEREAS**, the City Planning Commission has made the findings required pursuant to Section 74-533 of the Zoning Resolution of the City of New York;

**WHEREAS**, upon due notice, the Council held a public hearing on the Decision and Application on January 23, 2024;

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

**WHEREAS**, the Council has considered the relevant environmental issues, including the Negative Declaration issued July 21<sup>st</sup>, 2023 (CEQR No. 22DCP078K), which includes an (E) designation to avoid the potential for significant adverse impacts related to hazardous materials, air quality, and noise impacts (E-724) (the “Negative Declaration”).

**RESOLVED:**

The Council finds that the action described herein will have no significant impact on the environment as set forth in the (E) Designation (E-724) and Negative Declaration.

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, C 230159 ZSK, incorporated by reference herein, and the record before the Council, the Council disapproves the Decision of the City Planning Commission.

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, AMANDA C. FARÍAS, CRYSTAL HUDSON, PIERINA A. SANCHEZ, JOSEPH C. BORELLI, 9-0-0; *Absent*: Shaun Abreu and Kamillah M. Hanks; Committee on Land Use, February 6, 2024.

Coupled to be Disapproved.

Report for L.U. No. 9

**Report of the Committee on Land Use in favor of approving Application number C 230262 ZSQ (166-11 91st Avenue Special Permit) submitted by Amar 16611 91st, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 115-60 of the Zoning Resolution to modify the height requirements of Section 23-692 (Height Limitations for Narrow Buildings or Enlargements), in connection with a proposed mixed-use building on property located at 166-11 91st Avenue (Block 9796, Lot 47), in a C4-5X District, within the Special Downtown Jamaica District, Borough of Queens, Community District 12, Council District 27.**

The Committee on Land Use, to which the annexed Land Use item was referred on January 18, 2024 (Minutes, page 77) and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:****SUBJECT****QUEENS CB-12 – TWO APPLICATIONS RELATED TO 166-11 91<sup>ST</sup> AVENUE  
SPECIAL PERMIT****C 230262 ZSQ (L.U. No. 9)**

City Planning Commission decision approving an application submitted by Amar 16611 91<sup>st</sup>, LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 115-60 of the Zoning Resolution to modify the height requirements of Section 23-692 (Height Limitations for Narrow Buildings or Enlargements), in connection with a proposed mixed-use building on property located at 166-11 91<sup>st</sup> Avenue (Block 9796, Lot 47), in a C4-5X District, within the Special Downtown Jamaica District.

**N 230263 ZRQ (L.U. No. 10)**

City Planning Commission decision approving an application submitted by Amar 16611 91<sup>st</sup>, LLC pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area.

**INTENT**

To grant an approval of the special permit to allow the modification of bulk regulations and amend the zoning text to established the project area as a Mandatory Inclusionary Housing (MIH) area to facilitate the development of a 13-story mixed-use building with 28 residential uses, eight of which would be permanently income restricted, as well as community facility uses located at 166-11 91<sup>st</sup> Avenue in the Downtown Jamaica neighborhood of Queens, Community District 12.

**PUBLIC HEARING**

**DATE:** January 23, 2024

**Witnesses in Favor:** One

**Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** February 6, 2024

The Subcommittee recommends that the Land Use Committee approve the decisions of the City Planning Commission on L.U. Nos. 9 and 10.

<b>In Favor:</b>	<b>Against:</b>	<b>Abstain:</b>
Riley	None	None
Moya		
Schulman		
Salaam		
Carr		

### **COMMITTEE ACTION**

**DATE:** February 6, 2024

The Committee recommends that the Council approve the attached resolutions.

<b>In Favor:</b>	<b>Against:</b>	<b>Abstain:</b>
Salamanca	None	None
Moya		
Rivera		
Riley		
Brooks-Powers		
Farias		
Hudson		
Sanchez		
Borelli		

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

Res. No. 34

**Resolution approving the decision of the City Planning Commission on ULURP No. C 230262 ZSQ, for the grant of a special permit (L.U. No. 9).**

By Council Members Salamanca and Riley.

**WHEREAS**, Amar 16611 91<sup>st</sup>, LLC, filed an application pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 115-60 of the Zoning Resolution to modify the height requirements of Section 23-692 (Height Limitations for Narrow Buildings or Enlargements), in connection with a proposed mixed-use building on property located at 166-11 91<sup>st</sup> Avenue (Block 9796, Lot 47), in a C4-5X District, within the Special Downtown Jamaica District, which in conjunction with the related action would facilitate the development of a 13-story mixed-use building with 28 residential units, eight of which would be permanently income-restricted, as well as community facility uses located at 166-11 91<sup>st</sup> Avenue in the Downtown Jamaica neighborhood of Queens, Community District 12 (ULURP No. C 230262 ZSQ) (the “Application”);

**WHEREAS**, the City Planning Commission filed with the Council on January 2, 2024, its decision dated December 13, 2023 (the “Decision”) on the Application;

**WHEREAS**, the Application is related to application N 230263 ZRQ (L.U. No. 10), a zoning text amendment to designate a Mandatory Inclusionary Housing (MIH) area;

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

**WHEREAS**, the City Planning Commission has made the findings required pursuant to Section 115-60 of the Zoning Resolution of the City of New York;

**WHEREAS**, upon due notice, the Council held a public hearing on the Decision and Application on January 23, 2024;

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

**WHEREAS**, the Council has considered the relevant environmental issues, including the negative declaration issued June 26<sup>th</sup>, 2023 (CEQR No. 23DCP052Q) which includes an (E) designation to avoid the potential for significant adverse impacts related to air quality and noise (E-716) (the “Negative Declaration”).

**RESOLVED:**

The Council finds that the action described herein will have no significant impact on the environment as set forth in the (E) Designation (E-716) and Negative Declaration.

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, C 230262 ZSQ, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission.

1. The property that is the subject of this application (C 230262 ZSQ) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following plans, prepared by Lu Ning Architecture filed with this application and incorporated in this resolution:

<u>Dwg. No.</u>	<u>Title</u>	<u>Last Date Revised</u>
U-001.00	Zoning Lot Site Plan	06/16/2023
U-002.00	Zoning Analysis	06/16/2023
U-004.00	Waiver Plan	06/16/2023
U-005.00	Waiver Sections	06/16/2023

2. Such development shall conform to all applicable provisions of the Zoning Resolution, except for the modifications specifically granted in this resolution and shown on the plans listed above which have been filed with this application. All zoning computations are subject to verification and approval by the New York City Department of Buildings.
3. Such development shall conform to all applicable laws and regulations relating to its construction, operation and maintenance.
4. All leases, subleases, or other agreements for use or occupancy of space at the subject property shall give actual notice of this special permit to the lessee, sublessee or occupant.
5. Upon the failure of any party having any right, title or interest in the property that is the subject of this

application, or the failure of any heir, successor, assign or legal representative of such party to observe any of the restrictions, agreements, terms or conditions of this resolution whose provisions shall constitute conditions of the special permit hereby granted, the City Planning Commission may, without the consent of any other party, revoke any portion of or all of said special permit. Such power of revocation shall be in addition to and not limited to any other powers of the City Planning Commission or of any agency of government, or any private person or entity. Any such failure as stated above, or any alteration in the development that is the subject of this application that departs from any of the conditions listed above, is grounds for the City Planning Commission to disapprove any application for modification, cancellation or amendment of the special permit.

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

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, AMANDA C. FARÍAS, CRYSTAL HUDSON, PIERINA A. SANCHEZ, JOSEPH C. BORELLI, 9-0-0; *Absent*: Shaun Abreu and Kamillah M. Hanks; Committee on Land Use, February 6, 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 L.U. No. 10

**Report of the Committee on Land Use in favor of approving Application number N 230263 ZRQ (166-11 91st Avenue Special Permit) submitted by Amar 16611 91st, LLC pursuant to Section 201 of the New York City Character, for an amendment of the Zoning Resolution of the City of New York, modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of Queens, Community District 12, Council District 27.**

The Committee on Land Use, to which the annexed Land Use item was referred on January 18, 2024 (Minutes, page 77) and which same Land Use item was coupled with the resolution shown below, respectfully

#### REPORTS:

**(For text of report, please see the Report of the Committee on Land Use for L.U. No. 9 printed above in these Minutes)**

*Accordingly, this Committee recommends its adoption.*

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

#### Res. No. 35

**Resolution approving the decision of the City Planning Commission on Application No. N 230263 ZRQ, for an amendment of the text of the Zoning Resolution (L.U. No. 10).**

By Council Members Salamanca and Riley.



**WHEREAS**, Amar 16611 91<sup>st</sup>, LLC, filed an application pursuant to Section 201 of the New York City Charter, for an amendment of the text of the Zoning Resolution of the City of New York, modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area, which in conjunction with the related action would facilitate the development of a 13-story mixed-use building with 28 residential uses, eight of which would be permanently income restricted, as well as community facility uses located at 166-11 91<sup>st</sup> Avenue in the Downtown Jamaica neighborhood of Queens, Community District 12 (ULURP No. N 230263 ZRQ), (the “Application”);

**WHEREAS**, the City Planning Commission filed with the Council on January 2, 2024, its decision dated December 13, 2023 (the "Decision") on the Application;

**WHEREAS**, the Application is related to application C 230262 ZSQ (L.U. No. 9), a special permit to permit a development consistent with the height and setback regulations of the Special Downtown Jamaica District as specified in Sections 115-233 and 115-234, without limitations imposed by Section 23-692 (height limitations for narrow buildings or enlargements);

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

**WHEREAS**, upon due notice, the Council held a public hearing on the Decision and Application on January 23, 2024;

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

**WHEREAS**, the Council has considered the relevant environmental issues, including the Negative Declaration issued June 26<sup>th</sup>, 2023 (CEQR No. 23DCP052Q) which includes an (E) designation to avoid the potential for significant adverse impacts related to air quality and noise (E-716) (the “Negative Declaration”).

**RESOLVED:**

The Council finds that the action described herein will have no significant impact on the environment as set forth in the (E) Designation (E-716) and Negative Declaration.

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, N 230263 ZRQ, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission.

Matter underlined is new, to be added;

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

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

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

\* \* \*

**APPENDIX F**

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

\* \* \*

QUEENS

\* \* \*

Queens Community District 12

\* \* \*



Portion of Community Districts 8 and 12, Queens

\* \* \*

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, AMANDA C. FARIÁS, CRYSTAL HUDSON, PIERINA A. SANCHEZ, JOSEPH C. BORELLI, 9-0-0; *Absent*:: Shaun Abreu and Kamillah M. Hanks; Committee on Land Use, February 6, 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 Women and Gender Equity**

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

Report for Int. No. 39-A

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

The Committee on Women and Gender Equity, to which the annexed preconsidered proposed local law was referred on February 8, 2024, respectfully

#### **REPORTS:**

#### **I. INTRODUCTION**

On February 8, 2024, the Committee on Women and Gender Equity, chaired by Council Member Farah Louis, held a vote on Introduction Number (Int. No.) 39-A, sponsored by Council Member Shahana Hanif, in relation to establishing a program to assist with changing door locks on the dwellings of survivors of domestic and gender-based violence. This legislation was heard by the Committee in a hearing with testimony from the public on January 29, 2024. On February 8, the Committee passed Int. No. 39-A by a vote of 5 in the affirmative and 0 in the negative, with 0 abstentions.

#### **II. LEGISLATIVE ANALYSIS**

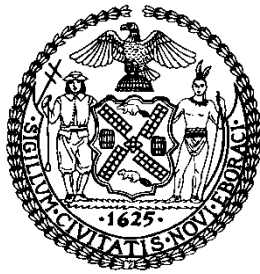
##### **Int. No. 39-A**

This bill would require the Office to End Domestic and Gender-Based Violence (ENDGBV) to establish a trauma-informed program that connects eligible survivors of domestic or gender-based violence to support services, including, but not limited to, door and lock change services for the dwellings of eligible survivors as well as personal emergency response device. No later than one year after EBDGBV establishes the program, the agency would be required to submit a report on the program to the Mayor and Speaker of the Council and post such report on the office's website. ENDGBV would also be required to develop and conduct an outreach and education program to inform the public about the program.

Since the Committee initially heard this bill it received several edits. The bill now includes the provision of personal emergency response systems and edits were made to clarify that repairs would be required to be made to doors as well as windows. The bill now clarifies that ENDGBV would work with providers to notify dwelling owners of repairs when legally necessary, that vendors hired to provide the door and window repairs would be

required to be licensed, and that reasonable measures would be taken to ensure that the door and window repair services would not result in illegally locking out a lawful occupant of the dwelling. ENDGBV would also be required to provide services as soon as possible after an eligibility determination is made for a survivor and no later than three days after such determination, to the extent practicable. The reporting requirements were expanded to capture the time it takes to provide door and window repair services to survivors after an eligibility determination is made as well as provide demographic information for program participants. Further, an education and outreach component was added to the bill, and technical edits were made throughout.

**(The following is the text of the Fiscal Impact Statement for Preconsidered Int. No. 39-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, DIRECTOR**

**FISCAL IMPACT STATEMENT**

**PROPOSED INTRO. NO: Pre-Considered  
Int. No. 39-A**

**COMMITTEE: Women and Gender Equity**

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**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to establishing a program to assist with door and window repair and security for survivors of domestic and gender-based violence.

**SPONSOR(S):** By Council Members Hanif, Cabán, Narcisse, Fariás, Louis, Riley.

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**SUMMARY OF LEGISLATION:** This bill would require the Office to End Domestic and Gender-Based Violence (ENDGBV) to establish a trauma-informed program that connects eligible survivors of domestic or gender-based violence to support services, including, but not limited to, lock change services for the dwellings of eligible survivors. No later than one year after ENDGBV establishes the program, the agency would submit a report on the program to the Mayor and Speaker of the Council and post such report on the office's website. Additionally, ENDGBV would be required to develop and conduct an outreach and education program to inform the public about the program.

**EFFECTIVE DATE:** This local law would take effect immediately.

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

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**FISCAL IMPACT STATEMENT:**

	<b>Effective FY24</b>	<b>FY Succeeding Effective FY25</b>	<b>Full Fiscal Impact FY25</b>
<b>Revenues</b>	\$0	\$0	\$0
<b>Expenditures</b>	\$0	\$0	\$0
<b>Net</b>	\$0	\$0	\$0

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

**IMPACT ON EXPENDITURES:** It is anticipated that there would be no impact on expenditures resulting from the enactment of this legislation because the Office to End Domestic and Gender-Based Violence would utilize existing resources to fulfill the requirements.

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

**SOURCE OF INFORMATION:** New York City Council Finance Division  
New York City Office of Management and Budget

**ESTIMATE PREPARED BY:** Florentine Kabore, Unit Head

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

**LEGISLATIVE HISTORY:** The legislation was first considered by the Committee on Women and Gender Equity (Committee) as a Pre-Considered Introduction on January 29, 2024 and the bill was laid over. The legislation was subsequently amended to Proposed Pre-considered Intro. No. –A, and the amended version, Proposed Pre-considered Intro. No. -A will be considered by the Committee on February 8, 2024. Upon successful vote by the Committee, Proposed Pre-considered Intro. No. -A will be submitted to the full Council for introduction and a vote on February 8, 2024.

**DATE PREPARED:** February 5, 2024.

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

**(The following is the text of Preconsidered Int. No. 39-A:)**

Preconsidered Int. No. 39-A

By Council Members Hanif, Cabán, Narcisse, Farías, Louis, Riley, Rivera, Schulman, Gutiérrez, Hudson, Salaam, Brannan, Marte, Joseph, Won, Sanchez, Gennaro, Hanks, Ossé, De La Rosa, Ayala, Nurse, Bottcher and Mealy.

**A Local Law to amend the administrative code of the city of New York, in relation to establishing a program to assist with door and window repair and security for survivors of domestic and gender-based violence**

*Be it enacted by the Council as follows:*

Section 1. Subchapter 8 of chapter 1 of title 3 of the administrative code of the city of New York is amended by adding a new section 3-187 to read as follows:

*§ 3-187 Personal safety and security resource program. a. Definitions. For purposes of this section, the following terms have the following meanings:*

*Community-based organization. The term “community-based organization” means a non-profit organization that provides services to survivors of domestic violence or gender-based violence regardless of language spoken, gender identity, sexual orientation, criminal history, or immigration status.*

*Designated organizations. The term “designated organizations” means the community-based organizations designated by the director, pursuant to subparagraph (a) of paragraph 2 of subdivision b of this section, to administer the program and supervise survivor advocates.*

*Director. The term “director” means the director of the office.*

*Door and window repair service. The term “door and window repair service” means the provision of new locks and keys and door, lock, and window repairs for an eligible household.*

*Dwelling. The term “dwelling” has the same meaning as set forth in section 4 of the multiple dwelling law.*

*Eligible household. The term “eligible household” means a household that meets the following criteria:*

*1. Includes a survivor of domestic violence or gender-based violence whose status is established by self-identification, documentation from an agency or community-based organization, or an order of a court of competent jurisdiction;*

*2. Such survivor is a resident of the city of New York; and*

*3. Any other criteria deemed appropriate by the director to further the purposes of the program, except that, to the extent allowed under applicable law, such criteria shall not relate to the consumer credit history, criminal history, or immigration status of such survivor or of any other member of such survivor’s household.*

*Owner. The term “owner” means the owner of a dwelling.*

*Personal emergency response system. The term “personal emergency response system” means a personal alarm system provided to a member of an eligible household that would allow such member to alert emergency services or a trusted contact to the need for assistance and that does not result in alteration of a dwelling or of the premises in which such dwelling is located.*

*Program. The term “program” means the program required by subdivision b of this section.*

*Program participant. The term “program participant” means an eligible household that a designated organization selects to participate in the program.*

*Support service. The term “support service” means a social service to which a survivor advocate refers a program participant during the program, including, but not limited to, counseling services, housing services, safety planning, and legal services.*

*Survivor. The term “survivor” means a person who has experienced or reported domestic violence or gender-based violence.*

*Survivor advocate. The term “survivor advocate” means a non-attorney advocate employed and supervised by a designated organization who provides information and support to a program participant in connection with a door and window repair service or a personal emergency response system, or who refers a program participant to any support services.*

*b. Program established. 1. The office shall establish a trauma-informed program that provides referral to support services to eligible survivors, and where permitted by applicable law, may provide door and window repair service for the dwellings of such eligible survivors or a personal emergency response system, or both, for such survivors.*

*2. The director shall:*

*(a) Establish a list of qualified organizations to implement the program and designate no more than 5 such organizations to administer the program and supervise survivor advocates;*

*(b) Provide an application for such program, which shall be made available on the office’s website;*

*(c) Refer program participants to supportive services; and*

*(d) In collaboration with designated organizations, coordinate with any such survivor, prioritizing the safety and privacy of such survivor, to notify the owner of such survivor’s dwelling of the provision of new locks and keys and door, lock, and window repairs for an eligible household, which may include entering into a license agreement to gain access to such dwelling, including any premises in which such dwelling is located, for the purposes described herein. Such license agreement may include insurance, liability, or indemnity provisions.*

3. The office, in coordination with a designated organization, must make a reasonable effort to ensure the following:

(a) Provision of any new locks and keys and door, lock, and window repairs made under the program may only be performed by a vendor licensed as required by local, state, or federal law. Provision of such new locks and keys and door, lock, and window repairs must be performed in compliance with applicable federal, state, and local laws, including, but not limited to, the installation of window gates specifically permitted under local law and regulations, and the limitations on or prohibitions against the installation of window gates or locks on egress windows, as provided in local law and regulations; and

(b) Prior to commencing door or window repair service under the program, such door or window repair service will not result in illegally locking out a lawful occupant of the dwelling.

4. The provision of services provided under the program shall be provided to eligible households as soon as possible after a determination of their eligibility for such program and, to the extent practicable, no later than 3 days after such determination.

c. Report. No later than 1 year after the office establishes the program required by subdivision b of this section, and annually thereafter, the director shall issue a report on such program to the mayor and speaker of the council and post such report on the office's website. The information in such report shall be anonymized and include, but need not be limited to, the following, to the extent such information is provided to the office:

1. The number of households participating in the program and the zip code of and primary language spoken in each such household;

2. Demographic information for all survivors participating in the program including, but not limited to, age, gender, race, and ethnicity;

3. The number of households participating in such program that received door and window repair services within: (i) 24 hours of a determination of eligibility; (ii) between 24 and 72 hours of such determination; and (iii) after 72 hours of such determination;

4. A description of the impact, if any, that the survivor advocates, door and window repair services, personal emergency response system, and support services had on the program participants;

5. A description of any challenges the office had in implementing such program and any efforts the office took to address such challenges; and

6. Any recommendations on how to improve the program.

d. Education and outreach. The office shall develop an outreach and education program to educate the public about the program. Materials used for such outreach and education program shall be available in all designated citywide languages, as defined in section 23-1101, temporary languages, as defined in section 23-1105, and any additional languages as determined by the director in consultation with community-based organizations. The office shall distribute such materials to family justice centers, domestic violence shelters, facilities operated by the New York city health and hospitals corporation, and community-based organizations. The office shall also conduct community outreach and education efforts in high traffic areas including, but not limited to, transit hubs. Such materials shall also be made available on the office's website. Such materials shall include:

1. A detailed explanation of the program, including an indication that there is no cost to survivors associated with the program, and that immigration status does not need to be revealed;

2. Information on how the program will be implemented and instructions for how to apply or make an appointment; and

3. Any other information as determined by the director.

e. Privacy. No information that is required to be reported pursuant to subdivision c of this section shall be reported if doing so would violate any applicable provision of federal, state, or local law relating to the privacy, confidentiality, use, or disclosure of such information. If a category contains a number between 1 to 9 households, or allows another category to be narrowed to a number between 1 to 9 households, such number shall be replaced with a symbol. A category that contains zero shall be reported as zero.

f. Owner liability. Nothing in this section shall be construed to create a cause of action against an owner of a dwelling or door and window repair service provider.

§ 2. This local law takes effect immediately.

FARAH N. LOUIS, *Chairperson*; KEVIN C. RILEY, TIFFANY L. CABAN, JENNIFER GUTIÉRREZ, INNA VERNIKOV; 5-0-0; Committee on Women and Gender Equity, February 8, 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).

## **GENERAL ORDERS CALENDAR**

Report for L.U. No. 1 & Res. No. 36

**Report of the Committee on Land Use in favor of approving, as modified, Application number C 230091 ZMQ (Whitestone Lanes Rezoning) submitted by Mar Mar Realty, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 10a, changing from an M1-1 District to an R7A District, Borough of Queens, Community District 7, Council District 20.**

The Committee on Land Use, to which the annexed Land Use item was referred on January 18, 2024 (Minutes, page 75) and which same Land Use item was coupled with the resolution shown below and referred to the City Planning Commission, respectfully

### **REPORTS:**

#### **SUBJECT**

**QUEENS CB-7 – TWO APPLICATIONS RELATED TO WHITESTONE LANES  
REZONING**

#### **C 230091 ZMQ (L.U. No. 1)**

City Planning Commission decision approving an application submitted by Mar Mar Realty, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 10a, changing from an M1-1 District to an R7A District property bounded by the southeasterly service road of the Whitestone Expressway, Linden Place, a line 240 feet northerly of 31st Road, a line 60 feet easterly of Farrington Street, 31st Road, and Farrington Street and its northerly centerline prolongation, Borough of Queens, Community District 7, as shown on a diagram (for illustrative purposes only) dated July 10, 2023, and subject to the conditions of CEQR Declaration E-719.

#### **N 230092 ZRQ (L.U. No. 2)**

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



**INTENT**

To approve the amendment to rezone the project area from an M1-1 zoning district to an R7A zoning district and amend the zoning text to establish the Project Area as a Mandatory Inclusionary Housing (MIH) area to facilitate the development of a nine-story residential building with 415 dwelling units, approximately 113 of which would be permanently income-restricted, with 200 parking spaces and 14,400 square feet of publicly accessible area (PAA) on the development site at 30-05 Farrington Street in the Flushing and College Point neighborhood border of Queens, Community District 7.

**PUBLIC HEARING**

**DATE:** January 23, 2024

**Witnesses in Favor:** Five

**Witnesses Against:** Two

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** February 6, 2024

The Subcommittee recommends that the Land Use Committee approve the decision of the City Planning Commission on L.U. No. 1 and approve with modifications the decision of the City Planning Commission on L.U. No. 2.

**In Favor:**

Riley  
Moya  
Schulman  
Salaam  
Carr

**Against:**

None

**Abstain:**

None

**COMMITTEE ACTION**

**DATE:** February 6, 2024

The Committee recommends that the Council approve the attached resolutions.

**In Favor:**

Salamanca  
Moya  
Rivera  
Riley  
Brooks-Powers  
Farias  
Hudson  
Sanchez  
Borelli

**Against:**

None

**Abstain:**

None

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

The City Planning Commission filed a letter dated February 7, 2024, with the Council on \_\_\_\_\_, indicating that the proposed modifications are not subject to additional environmental review or additional review pursuant to Section 197-c of the City Charter.

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

Res. No. 36

**Resolution approving the decision of the City Planning Commission on ULURP No. C 230091 ZMQ, a Zoning Map amendment (L.U. No. 1).**

By Council Members Salamanca and Riley.

**WHEREAS**, Mar Mar Realty, LLC, filed an application pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 10a, by changing from an M1-1 District to an R7A District, which in conjunction with the related action would facilitate the development of a nine-story residential building with 415 dwelling units, approximately 113 of which would be permanently income-restricted, with 200 parking spaces and 14,400 square feet of publicly accessible area (PAA) on the development site at 30-05 Farrington Street in the Flushing and College Point neighborhood border of Queens, Community District 7 (ULURP No. C 230091 ZMQ) (the "Application");

**WHEREAS**, the City Planning Commission filed with the Council on December 19, 2023 its decision dated November 29, 2023 (the "Decision") on the Application;

**WHEREAS**, the Application is related to application N 230092 ZRQ (L.U. No. 2), a zoning text amendment to designate a Mandatory Inclusionary Housing (MIH) area;

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

**WHEREAS**, upon due notice, the Council held a public hearing on the Decision and Application on January 23, 2024;

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

**WHEREAS**, the Council has considered the relevant environmental issues, including the Negative Declaration issued July 10<sup>th</sup>, 2023 (CEQR No. 23DCP104Q), which includes an (E) designation to avoid the potential for significant adverse impacts related to hazardous materials, air quality, and noise (E-719). The project also includes project components related to the environment (PCRE), and the applicant will enter into a Restrictive Declaration to ensure the implementation of measures relating to open space, construction air quality, and construction noise.

**RESOLVED:**

The Council finds that the action described herein will have no significant impact on the environment as set forth in the (E) Designation (E-719) and Negative Declaration.

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, C 230091 ZMQ, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission.

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section No. 10a, changing from an M1-1 District to an R7A District property bounded by the southeasterly service road of the Whitestone Expressway, Linden Place, a line 240 feet northerly of 31st Road, a line 60 feet easterly of Farrington Street, 31st Road, and Farrington Street and its northerly centerline prolongation, Borough of Queens, Community District 7, as shown on a diagram (for illustrative purposes only) dated July 10, 2023, and subject to the conditions of CEQR Declaration E-719.

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, AMANDA C. FARIÁS, CRYSTAL HUDSON, PIERINA A. SANCHEZ, JOSEPH C. BORELLI, 9-0-0; *Absent*: Shaun Abreu and Kamillah M. Hanks; Committee on Land Use, February 6, 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 L.U. No. 2 & Res. No. 37

**Report of the Committee on Land Use in favor of approving, as modified, Application number N 230092 ZRQ (Whitestone Lanes Rezoning) submitted by Mar Mar Realty, LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of Queens, Community District 7, Council District 20.**

The Committee on Land Use, to which the annexed Land Use item was referred on January 18, 2024 (Minutes, page 75) and which same Land Use item was coupled with the resolution shown below and referred to the City Planning Commission, respectfully

#### REPORTS:

**(For text of report, please see the Report of the Committee on Land Use for L.U. No. 1 & Res. No. 36 printed in the General Orders Calendars section of these Minutes)**

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

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

#### Res. No. 37

**Resolution approving with modifications the decision of the City Planning Commission on Application No. N 230092 ZRQ, for an amendment of the text of the Zoning Resolution (L.U. No. 2).**

By Council Members Salamanca and Riley.

**WHEREAS**, Mar Mar Realty, LLC, filed an application pursuant to Section 201 of the New York City Charter, for an amendment of the text of the Zoning Resolution of the City of New York, modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area, which in conjunction with the related action would facilitate the development of a nine-story residential building with 415 dwelling units, approximately 113 of which would be permanently income-restricted, with 200 parking spaces and 14,400 square feet of publicly accessible area (PAA) on the development site at 30-05 Farrington Street in the Flushing and College Point neighborhood border of Queens, Community District 7 (ULURP No. N 230092 ZRQ), (the "Application");

**WHEREAS**, the City Planning Commission filed with the Council on December 19 2023, its decision dated November 29, 2023 (the "Decision") on the Application;

**WHEREAS**, the Application is related to application C 230091 ZMQ (L.U. No. 1), a zoning map amendment to change an M1-1 zoning district to an R7A zoning district;

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

**WHEREAS**, upon due notice, the Council held a public hearing on the Decision and Application on January 23, 2024;

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

**WHEREAS**, the Council has considered the relevant environmental issues, including the Negative Declaration issued July 10<sup>th</sup>, 2023 (CEQR No. 23DCP104Q), which includes an (E) designation to avoid the potential for significant adverse impacts related to hazardous materials, air quality, and noise (E-719). The project also includes project components related to the environment (PCRE), and the applicant will enter into a Restrictive Declaration to ensure the implementation of measures relating to open space, construction air quality, and construction noise.

**RESOLVED:**

The Council finds that the action described herein will have no significant impact on the environment as set forth in the (E) Designation (E-719) and Negative Declaration.

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, N 230092 ZRQ, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission, with the following modifications.

Matter underlined is new, to be added;

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

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

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

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

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

**APPENDIX F**

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

\* \* \*

**QUEENS**

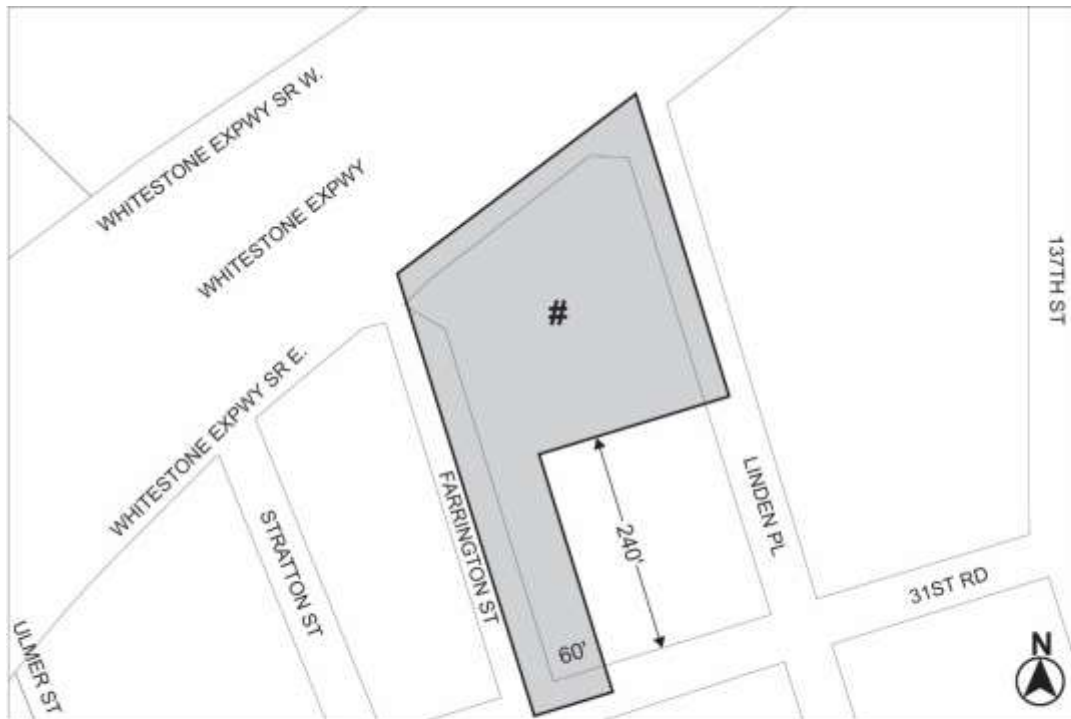
\* \* \*

**Queens Community District 7**

\* \* \*

Map 4 – [date of adoption]

[PROPOSED MAP – *as modified by Council*]



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

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

Portion of Community District 7, Queens

\* \* \*

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, AMANDA C. FARIÁS, CRYSTAL HUDSON, PIERINA A. SANCHEZ, JOSEPH C. BORELLI, 9-0-0; *Absent*: Shaun Abreu and Kamillah M. Hanks; Committee on Land Use, February 6, 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).

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

- |  |  |
|--|--|
| (1) <b>Preconsidered<br/>Int. No. 25-A -</b>   | Senior Citizen Rent Increase Exemption application forms pre-populated with applicable data to eligible persons living in city-supervised Mitchell-Lama housing. |
| (2) <b>Preconsidered<br/>Int. No. 39-A -</b>   | Program to assist with door and window repair and security for survivors of domestic and gender-based violence.  |
| (3) <b>Preconsidered<br/>Int. No. 93-A -</b>   | Department of Health and Mental Hygiene to develop a citywide population health agenda.  |
| (4) <b>Preconsidered<br/>Res. No. 6 -</b>      | New designation and changes in the designation of certain organizations to receive funding in the Expense Budget ( <b>Transparency Resolution</b> ).             |
| (5) <b>L.U. No. 1<br/>&amp; Res. No. 36 -</b>  | <b>App. C 230091 ZMQ (Whitestone Lanes Rezoning)</b> , Community District 7, Council District 20.  |
| (6) <b>L.U. No. 2<br/>&amp; Res. No. 37</b>    | <b>App. N 230092 ZRQ (Whitestone Lanes Rezoning)</b> , Borough of Queens, Community District 7, Council District 20.   |
| (7) <b>L.U. No. 3<br/>&amp; Res. No. 28 –</b>  | <b>App. C 230344 ZMM (2226 Third Avenue)</b> , Borough of Manhattan, Community District 11, Council District 8.  |
| (8) <b>L.U. No. 4<br/>&amp; Res. No. 29 –</b>  | <b>App. N 230345 ZRM (2226 Third Avenue)</b> , Borough of Manhattan, Community District 11, Council District 8.  |
| (9) <b>L.U. No. 5<br/>&amp; Res. No. 30 –</b>  | <b>App. C 230346 ZSM (2226 Third Avenue)</b> , Borough of Manhattan, Community District 11, Council District 8.  |
| (10) <b>L.U. No. 6<br/>&amp; Res. No. 31 –</b> | <b>App. C 230157 ZMK (962 Pacific Street Rezoning)</b> , Borough of Brooklyn, Community District 8, Council District 35.<br><b>(Coupled to be Disapproved).</b>  |

- |                                     |   |
|-------------------------------------|---|
| (11) L.U. No. 7<br>& Res. No. 32 –  | App. N 230158 ZRK (962 Pacific Street Rezoning), Borough of Brooklyn, Community District 8, Council District 35.<br><b>(Coupled to be Disapproved).</b> |
| (12) L.U. No. 8<br>& Res. No. 33 –  | App. C 230159 ZSK (962 Pacific Street Rezoning), Borough of Brooklyn, Community District 8, Council District 35.<br><b>(Coupled to be Disapproved).</b> |
| (13) L.U. No. 9<br>& Res. No. 34 –  | App. C 230262 ZSQ (166-11 91st Avenue Special Permit), Borough of Queens, Community District 12, Council District 27.                                   |
| (14) L.U. No. 10<br>& Res. No. 35 – | App. N 230263 ZRQ (166-11 91st Avenue Special Permit), Borough of Queens, Community District 12, Council District 27.                                   |

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

**The General Order vote recorded for this Stated Meeting was 51-0-0 as shown above.**

*The following Introductions were sent to the Mayor for his consideration and approval:  
Preconsidered Int. Nos. 25-A, 39-A, and 93-A.*



**RESOLUTIONS**

*presented for voice-vote*

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

Report for voice-vote item Res. No. 4

**Report of the Committee on General Welfare in favor of approving a Resolution authorizing the Speaker to commence legal action on behalf of the Council of the City of New York to compel the Mayor and his Administration to implement Local Law 99 of 2023, Local Law 100 of 2023, Local Law 101 of 2023, and Local Law 102 of 2023, the CityFHEPS Expansion Laws.**

The Committee on General Welfare, to which the annexed resolution was referred on February 8, 2024, respectfully

**REPORTS:**

On February 8, 2024, the Committee on General Welfare, chaired by Deputy Speaker Diana Ayala, held a vote on Preconsidered Resolution Number (Res. No.) 4, sponsored by Deputy Speaker Diana Ayala, authorizing the Speaker to commence legal action on behalf of the Council of the City of New York to compel the Mayor and his Administration to implement Local Law 99 of 2023, Local Law 100 of 2023, Local Law 101 of 2023, and Local Law 102 of 2023, the CityFHEPS Expansion Laws. At the February 8 hearing, the Committee passed Preconsidered Res. No. 4 by a vote of 9 in the affirmative and zero in the negative, with zero abstentions.

*Accordingly, this Committee recommends its adoption.*

**(The following is the text of Preconsidered Res. No. 4:)**

Preconsidered Res. No. 4

**Resolution authorizing the Speaker to commence legal action on behalf of the Council of the City of New York to compel the Mayor and his Administration to implement Local Law 99 of 2023, Local Law 100 of 2023, Local Law 101 of 2023, and Local Law 102 of 2023, the CityFHEPS Expansion Laws.**

By Council Members Ayala and Gennaro.

**Whereas**, In recent years, the City of New York has been experiencing a sharp increase in homelessness, accompanied by a record number of individuals and families seeking refuge in our shelter system, and high housing costs as an outgrowth of the COVID pandemic; and

**Whereas**, The Council of the City of New York (“Council”) sought to tackle these pressing issues by reforming and expanding the City’s Family Homelessness and Eviction Prevention Supplement program (“CityFHEPS), which offers rental assistance vouchers to New Yorkers in need; and

**Whereas**, The Council’s legislative solution would not only provide a cost-effective method of alleviating the strain on our shelter system but also facilitate an easier pathway for the most vulnerable members of our society to secure housing; and

**Whereas**, After extensive public debate and consultation with experts, this package of legislation—Local Laws 99, 100, 101, and 102 of 2023 (“CityFHEPS Expansion Laws”)—was passed into law over a Mayoral veto on July 13, 2023, by a vote of 42 to 8; and

**Whereas**, Mayor Adams openly refuses to implement the CityFHEPS Expansion Laws, as made clear by the Commissioner of Social Services in her December 15, 2023 letter to the Council; and

**Whereas**, The CityFHEPS Expansion Laws technically went into effect on January 9, 2024, but New Yorkers have not benefited from the reforms as a result of Mayor Adams; and

**Whereas**, The Mayor is duty bound to implement valid local laws like the CityFHEPS Expansion Laws, and his failure to do so is illegal; and

**Whereas**, Speaker Adams, in a letter dated January 9, 2024, offered the Adams Administration one final opportunity to comply with the law before the Council took legal action; and

**Whereas**, Mayor Adams has not responded to the Speaker and has left the Council with no other alternative but to seek relief from the courts; now, therefore, be it

**Resolved**, That the Council of the City of New York authorizes the Speaker to commence legal action on behalf of the Council to compel the Mayor and his Administration to implement Local Law 99 of 2023, Local Law 100 of 2023, Local Law 101 of 2023, and Local Law 102 of 2023, the CityFHEPS Expansion Laws.

DIANA I. AYALA, *Chair*; KEVIN C. RILEY, TIFFANY CABÁN, ALEXA AVILÉS, CHI A. OSSÉ, LINCOLN RESTLER, ALTHEA V. STEVENS, SANDRA UNG, CHRIS BANKS; 9-0-0; Committee on General Welfare, February 8, 2024.

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

The following 3 Council Members formally voted against this item:  
Council Members Holden, Vernikov, and Yeger.

Adopted by the Council by voice-vote.

**INTRODUCTION AND READING OF BILLS**

Int. No. 1

By the Speaker (Council Member Adams) and Council Members Schulman, Powers, Menin, Brooks-Powers, Restler, Gennaro, Brewer, Hudson, Rivera and Ariola.

**A Local Law in relation to the naming of the Paul A. Vallone Animal Shelter and Care Center**

*Be it enacted by the Council as follows:*

Section 1. The following facility in the borough of Queens, as required to be established pursuant to local law number 123 for the year 2018, is hereby designated as hereafter indicated.

New Name	Present Name
Paul A. Vallone Animal Shelter and Care Center	Queens Animal Shelter and Care Center

§ 2. This local law takes effect immediately.

Referred to the Committee on Health.

Int. No. 2

By Council Members Abreu, Lee, Zhuang, Brooks-Powers, Restler, Gennaro, Louis, Gutiérrez, Brewer 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 distribute materials to students about the risks of social media**

*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 34 to read as follows:

*CHAPTER 34  
DISTRIBUTION OF MATERIALS ON THE RISKS OF SOCIAL MEDIA*

*§ 21-1005 Distribution of materials on the risks of social media. a. Definitions. As used in this section, the following terms have the following meanings:*

*Social media. The term “social media” means any social networking 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.*

*b. No later than September 15, 2024, and annually thereafter, the department shall distribute to each middle and high school, to be shared with every student of such school, in writing, in hard copy, or electronically if availability of similar documents occurs electronically, using plain, simple, and age-appropriate language, the following information:*

1. *Information about the risks and dangers associated with using social media, particularly for young people and youth, including, but not limited to, social media addiction, negative impacts on mental and physical health, and the dangers of engaging with strangers online;*
  2. *Information about misinformation and the importance of independent research, primary sources, and the need for independent verification; and*
  3. *Methods for mitigating the harm that social media may cause.*
  - c. *The department shall ensure that such materials are available on the department's website in English and each of the designated citywide languages as defined in section 23-1101 of the administrative code.*
- § 2. This local law takes effect immediately.

Referred to the Committee on Education.

### Int. No. 3

By Council Members Abreu, Lee, Williams, Nurse, Brooks-Powers, Restler, Stevens, Gennaro, Gutiérrez and Hudson.

### **A Local Law to amend the administrative code of the city of New York, in relation to removal of abandoned or derelict vehicles**

*Be it enacted by the Council as follows:*

- Section 1. Section 16-128 of the administrative code of the city of New York is amended to read as follows:
- § 16-128 Removal of [incumbrances] *encumbrances* from streets. a. 1. The commissioner shall remove, or cause to be removed any [vehicle,] box, barrel, bale of merchandise or other movable property or article or thing whatsoever found upon any street, in accordance with regulations adopted by the [board of estimate] *commissioner*.
2. *The commissioner shall remove, cause to be removed, or refer for removal any abandoned vehicle described in subdivision 1 of section 1224 of the vehicle and traffic law within 72 hours after the department becomes aware of such vehicle. The commissioner shall remove any abandoned vehicle described in subdivision 2 of section 1224 of the vehicle and traffic law within 72 hours after the department becomes aware of such vehicle.*
- b. The [board of estimate shall set forth, in such regulations, the procedures to be followed by the commissioner] *commissioner shall set forth regulations* relating to:
1. [the] *The* leasing of yards for storage of property removed under the authority of this section;
  2. [notification] *Notification* to the owner of the property removed, if such owner is ascertainable, that the property is being held by the commissioner;
  3. [redemption] *Redemption*, by the owner, of the property removed;
  4. [reimbursement] *Reimbursement*, by the owner, of the expenses of removal incurred by the commissioner;
  5. [the] *The* sale, by the commissioner, of the property held by [him or her] *the commissioner*;
  6. [the] *The* keeping of records and accounts, the transmission of such records to the comptroller, and the transmission of funds collected to the commissioner of finance; and
  7. [such] *Such* other regulations as the [board of estimate] *commissioner* may deem necessary to carry out the provisions of this section.
- [c. Such regulations shall not become effective until adopted by the board of estimate and filed, by the secretary of such board, with the city clerk, pursuant to section eleven hundred five of the charter.]
- § 2. This local law takes effect 120 days after it becomes law.

Referred to the Committee on Sanitation and Solid Waste Management.

## Int. No. 4

By Council Members Avilés, Bottcher, Restler, Gennaro, Schulman, Louis, Marte, Riley, Cabán, Hudson, Gutiérrez, Ossé, Farías and Krishnan.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the use of shore power by cruise terminal operators and community traffic mitigation plans in neighborhoods impacted by cruise ships at berth**

*Be it enacted by the Council as follows:*

Section 1. Section 22-821 of the administrative code of the city of New York is amended by adding new definitions of “community traffic mitigation plan,” “cruise terminal,” “cruise terminal operator,” “cruise operator” and “shore power” in alphabetical order to read as follows:

*Community traffic mitigation plan. The term “community traffic mitigation plan” means a plan, created in consultation with representatives from the neighborhoods surrounding a cruise terminal, that outlines measures to reduce traffic, vehicular noise, vehicular pollution, and other disruptions caused by cruise passenger disembarkation in such neighborhoods.*

*Cruise terminal. The term “cruise terminal” means an area of a port designated for the loading and unloading of cruise ships or other pleasure vessels, including the Brooklyn Cruise Terminal and Manhattan Cruise Terminal.*

*Cruise terminal operator. The term “cruise terminal operator” means an entity that enters into an agreement with a contracted entity and is responsible for vessel berthing and stevedoring, maintenance, parking, security, billing, and any additional operations at cruise terminals.*

*Cruise operator. The term “cruise operator” means a company that operates vessels which have a capacity of over 2,000 passengers and are primarily used for recreational and vacation purposes.*

*Shore power. The term “shore power” means the shore-side supply of electric power that a vessel at berth can access, which allows the vessel to shut down its engines and use electricity from the local power grid instead.*

§ 2. Subchapter 2 of chapter 8 of title 22 of the administrative code of the city of New York is amended by adding a new section 22-827 to read as follows:

§ 22-827 *Shore power required for cruise terminal contracts.*

*a. In each covered contract with a contracted entity executed on or after the effective date of this section, the commissioner shall require that any contracted entity, or any cruise terminal operator, only grant access to cruise terminals to cruise operators that have agreed to connect to the terminal’s shore power system while their vessels are at berth, provided shore power is available and practicable at such terminal.*

*b. Any contracted entity in contract with a cruise terminal operator shall be responsible for monitoring such cruise terminal operator’s compliance with the requirements set forth in subdivision a of this section and for enforcing any penalties for noncompliance as set forth in the applicable contract.*

*c. The provisions of this section shall not apply if the use of shore power is not feasible due to technical limitations or safety concerns, as determined by the cruise terminal operator and approved by the contracted entity.*

§ 3. Subchapter 2 of chapter 8 of title 22 of the administrative code of the city of New York is amended by adding a new section 22-828 to read as follows:

§ 22-828 *Community traffic mitigation plans required for cruise terminal contracts.*

*In each covered contract with a contracted entity executed on or after the effective date of this section, the commissioner shall require that any contracted entity, prior to entering into any agreement with cruise operators for access to cruise terminals, shall deliver to the mayor and speaker of the council and post on the website of such contracted entity, or, if no such website is maintained, the commissioner shall post on the department’s website, a community traffic mitigation plan.*

§ 4. This local law takes effect immediately.

Referred to the Committee on Economic Development.

## Int. No. 5

By Council Members Avilés, Restler and Gutiérrez.

**A Local Law to amend the administrative code of the city of New York, in relation to translating the citizen's air complaint program portal into the designated citywide languages**

*Be it enacted by the Council as follows:*

Section 1. Subdivision (f) of section 24-182 of the administrative code of the city of New York, as added by local law number 58 for the year 2018, is amended to read as follows:

(f) [On or before January 1, 2019, the] *The department shall publish on the city's website information related to best practices for filing citizen complaints pursuant to this section. Such information shall include but need not be limited to guidance on procedures for filing such complaints and for gathering supporting documentation. The department shall make the contents of such website, and every other website, portal, or other resource maintained in furtherance of the citizen's complaint program established pursuant to this section, available in each of the designated citywide languages, as defined in subdivision a of section 23-1101.*

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

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

## Int. No. 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**

*Be it enacted by the Council as follows:*

Section 1. Chapter 2 of Title 26 of the administrative code of the city of New York is amended by adding a new section 26-306 to read as follows:

§ 26-306 *Tenant education and outreach on residential vacate orders due to damage caused by fires. The department of housing preservation and development, in consultation with the fire department and department of buildings, shall develop procedures to ensure that occupants of multiple dwellings are informed of the process for the issuance of residential vacate orders following fires, including information on their rights of occupancy and responsibilities of landlords under all applicable laws. Any written materials disseminated by the department pursuant to this section shall be made available in the top ten languages most commonly spoken within the city as determined by the department of city planning.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Housing and Buildings.

## Int. No. 7

By Council Members Ayala, Yeger, Restler, Stevens, Gutiérrez, Brewer and Hudson.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the development of a single application form for the not-for-profit real property tax exemption and the not-for-profit exemption from water and sewer charges**

*Be it enacted by the Council as follows:*

Section 1. Part 2 of subchapter 2 of chapter 2 of title 11 of the administrative code of the city of New York is amended by adding a new section 11-246.2 to read as follows:

*§ 11-246.2 Single application form. The department, in conjunction with the department of environmental protection, shall develop a single application form for a not-for-profit organization to apply for the real property tax exemption provided pursuant to section 11-246, the exemption from water charges provided pursuant to chapter 696 of the laws of New York of 1887, as amended, and the exemption from sewer charges provided pursuant to section 24-514(e). The departments shall also consider other exemptions from municipal charges and fees which are applicable to not-for-profit organizations for inclusion on such application form.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Finance.

#### Int. No. 8

By Council Members Ayala, Louis, Stevens, Gennaro, Gutiérrez and Hudson (by request of the Queens Borough President).

### **A Local Law to amend the administrative code of the city of New York, in relation to enhanced reporting on the child welfare system**

*Be it enacted by the Council as follows:*

Section 1. Section 21-902 of the administrative code of the city of New York as added by local law 20 of 2006 is amended to read as follows:

Section 21-902. Quarterly Reports Regarding Child Welfare System. *a. Definitions. For the purposes of this section, the following terms have the following meanings:*

*Allegation. The term “allegation” means an accusation of any of the following: educational neglect, lack of medical care, inadequate food/clothing/shelter, inadequate guardianship, lack of supervision, malnutrition, failure to thrive, emotional neglect, inappropriate isolation/restraint, swelling/dyscoloration/sprains, abandonment, child’s marijuana use, child’s drug use other than marijuana, child’s alcohol use, parent’s marijuana misuse, parent’s alcohol misuse, parent’s drug misuse other than marijuana, inappropriate custodial conduct, burns, scalding, choking/twisting/shaking, excessive corporal punishment, DOA/fatality, fractures, internal injuries, lacerations/bruises/welts, poisoning/noxious substances and sexual abuse, or other.*

*Indicated. The term “indicated” means an investigative finding that there is sufficient proof of the abuse or neglect of a child.*

*Preventive services. The term “preventive services” means supportive and rehabilitative services provided, in accordance with title four of the social services law, to children and their families for the purposes of: averting an impairment or disruption of a family which will or could result in the placement of a child in foster care; enabling a child who has been placed in foster care to return to his family at an earlier time than would otherwise be possible; or reducing the likelihood that a child who has been discharged from foster care would return to such care.*

*Unfounded. The term “unfounded” means an investigative finding that there is insufficient proof of the abuse or neglect of a child.*

*b. Beginning no later than July 31, [2006]2023 and no later than the last day of the month following each calendar quarter thereafter, ACS will furnish to the speaker of the city council and post on its website a report regarding New York City’s child welfare system that includes, at a minimum, [the following] information[:] regarding the number, case load, and experience of child protective services staff; the dispositions by type, zone and allegation of reports, cases and investigations; and family reunification data as follows:*

*1. Information regarding [C]child protective services staff[. The following information regarding child protective services shall be included in the quarterly report], disaggregated by zone:*

*[a.](a) number of case workers employed and number of vacancies in case work staff at the end of the reporting period;*

[b.](b) experience of case workers, broken down by years of experience in New York City's child welfare system as follows: 1-3 years of experience; 3-5 years of experience; 5-7 years of experience; 7-9 years of experience; 9 or more years of experience;

[c.](c) average caseload of case workers;

[d.](d) number of case workers with a caseload of more than 15 cases;

[e.](e) number of level one supervisors;

[f.](f) experience of level one supervisors, broken down by years of experience in New York City's child welfare system as follows: number with 1-5 years of experience; 5-10 years of experience; 10-15 years of experience; 15-20 years of experience; 20 or more years of experience;

[g.](g) number of level two supervisors;

[h.](h) experience of level two supervisors, broken down by years of experience in New York City's child welfare system as follows: number with 1-5 years of experience; 5-10 years of experience; 10-15 years of experience; 15-20 years of experience; 20 or more years of experience;

[i.](i) number of child protective managers;

[j.](j) experience of child protective managers, broken down by years of experience in New York City's child welfare system as follows: number with 1-5 years of experience; 5-10 years of experience; 10-15 years of experience; 15-20 years of experience; 20 or more years of experience;

2. *Information on reports, cases and investigations, disaggregated by zone:*

[k.](a) number of reports of suspected child abuse or neglect referred to the zone for investigation, disaggregated by the type of case *and allegation*;

[l.](b) number of reports of suspected child abuse or neglect referred to the zone for investigation that were indicated during the reporting period, disaggregated by the type of case *and allegation* and whether the case was referred to preventive services, court mandated services, foster care placement or closed;

[m.](c) number of unfounded cases, disaggregated by *allegation and* whether or not the case was referred to preventive services;

[n.](d) number of investigations that resulted in closure without referral to preventive services, disaggregated by the type of case, *allegation* and whether the case was indicated or unfounded and the reason for closure;

[o.](e) number of reports of suspected child abuse or neglect referred to the zone that involved a family with respect to which ACS had received at least one prior report of suspected abuse or neglect within the past 24 months, disaggregated by the type of case *and allegation*;

[p.](f) number of reports of suspected child abuse or neglect referred to the zone that involved a family that had at least one child previously in the foster care system, disaggregated by the type of case *and allegation*;

[q.](g) number of reports of suspected child abuse or neglect referred to protective services for which protective services conducted a [72-hour] case conference, disaggregated by the type of case *and allegation*;

[r. number of reports of suspected child abuse or neglect referred to protective services for which an elevated risk conference was held, disaggregated by the type of case;]

[s.](h) number of IRT investigations commenced *disaggregated by the type of case and allegation*; and

[t.](i) number of entry orders sought and number of entry orders obtained *disaggregated by the type of case and allegation*.

[2.](3) *Information regarding [F]family [R]reunification data*[. The following information regarding family reunification shall be provided in the quarterly report]:

a. number of families reunited from foster care during the reporting period, disaggregated by zone, *allegation*, and by length of stay in foster care in six month intervals;

b. of all families reunited during the reporting period, the number of families receiving aftercare services, disaggregated by zone, *allegation* and by the type of services being received; and

c. number of children who entered foster care during the reporting period who had been in the custody of the child welfare system within the thirty-six months immediately preceding the reporting period, disaggregated by zone *and allegation*.

[3.](4) ACS may use preliminary data to prepare the report required by this [chapter] *section* to be delivered no later than July 31, [2006]2023 and may include an acknowledgement that any preliminary data used in the report is non-final and subject to change.



5. The department shall compile one to three allegations per case, report, or other individual reporting component required by this subdivision provided that the department has determined a reported allegation is a predominant factor in such case, report, or other individual reporting component.

c. Confidentiality. 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 respecting families or children receiving preventive services 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 Children and Youth.

#### Int. No. 9

By Council Members Ayala, Louis, Hanif, Hudson, Ung, Sanchez, Brannan, Won, Gutiérrez, Brooks-Powers, Stevens and Brewer.

### **A Local Law to amend the administrative code of the city of New York, in relation to the provision of counsel at the first point of contact during an ACS investigation**

*Be it enacted by the Council as follows:*

Section 1. Chapter 9 of title 21 of the administrative code of the city of New York is amended by adding a new section 21-922 to read as follows:

§ 21-922 *Legal services for parents. a. Definitions. For the purposes of this section, the following terms have the following meanings:*

*Brief legal assistance. The term “brief legal assistance” means individualized legal assistance provided in a single consultation by a designated organization to a covered individual in connection with a covered proceeding.*

*Covered individual. The term “covered individual” means a parent or other person legally responsible for the care of a child.*

*Covered proceeding. The term “covered proceeding” means ACS’s first point of contact with a parent or other personal legally responsible for the care of a child during an ACS child protective investigation following an indicated report in such investigation pursuant to section 424 of the New York state social services law.*

*Designated citywide languages. The term “designated citywide languages” has the meaning ascribed to such term in section 23-1101.*

*Designated organization. The term “designated organization” means a not-for-profit organization or association that has the capacity to provide legal services.*

*Legal services. The term “legal services” means brief legal assistance or full legal representation.*

*b. Provision of legal services. Subject to appropriation, ACS shall establish a program to provide access to legal services for all covered individuals in covered proceedings and shall ensure that, no later than January 31, 2023, all covered individuals receive access to such legal services from a designated organization no later than immediately after a covered proceeding.*

*c. ACS shall annually review the performance of designated organizations and shall require each designated organization to identify the geographic areas for which such organization will provide legal services. For each such geographic area, ACS shall maintain a list of such organizations that provide such legal services.*

*d. Any legal services performed by a designated organization pursuant to this chapter shall not supplant, replace, or satisfy any obligations or responsibilities of such designated organization pursuant to any other program, agreement, or contract.*

*e. Nothing in this chapter or the administration or application thereof shall be construed to create a private right of action on the part of any person or entity against the city or any agency, official, or employee thereof.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Children and Youth.

Res. No. 3

**Resolution calling upon the New York State Legislature to pass, and the Governor to sign, A. 1830/S.455, in relation to providing a tax credit for qualified caregiving expenses.**

By Council Members Ayala, Brooks-Powers, Gutiérrez and Hudson.

**Whereas**, Every day, tens of millions of Americans provide unpaid care for others who are unable to care for themselves due to a mental and/or physical impairment; and

**Whereas**, According to the report *Caregiving in the U.S. 2020* by the National Alliance for Caregiving and the AARP, there are approximately 53 million adults in the United States who have provided unpaid care to an adult age 50 or older and approximately 6.1 million adults who provide unpaid care to a younger adult age 18–49; and

**Whereas**, According to the New York State Office for the Aging, every year, 4.1 million New Yorkers assume the role of caregiver at some point, providing more than 2.6 billion hours of unpaid work for friends and family; and

**Whereas**, In 2016, the New York City Council passed Local Law 97, which required the New York City Department for the Aging (DFTA) to conduct a survey of informal caregivers, public and private service providers, and service recipients within the City, to assess existing resources for informal caregivers and identify their needs, and to develop a comprehensive plan to address those needs of unpaid caregivers in the City; and

**Whereas**, According to *A Survey of Informal Caregivers in New York City* by DFTA in 2017, the economic value of the work family caregivers perform across the United States is estimated at \$470 billion a year, and the economic impact of unpaid caregiving on the families who both require and deliver those services is enormous; and

**Whereas**, Caregivers are often required to pay out of pocket for caregiving expenses, which was estimated to be an average of nearly \$7,000 a year and represented approximately 20 percent of caregivers incomes, according to DFTA’s survey; and

**Whereas**, Additionally, some caregivers opt to leave the workforce early so that they can provide full-time care to a family member, which resulted in an average loss of \$304,000 in wages and benefits over the course of their lives, according to DFTA’s survey; and

**Whereas**, According to DFTA’s survey, the City is home to an estimated 900,000 to 1.3 million caregivers, many of whom are women or older adults who provide at least 30 hours of care each week while also working outside the home; and

**Whereas**, At least one-third of the City’s caregiver population struggled financially, and many lacked the knowledge and financial resources to obtain the necessary services to care for their loved ones, according to DFTA’s survey; and

**Whereas**, In 2023, the State Senate introduced S.455, sponsored by Senator Rachel May, and the State Assembly introduced A.1830, sponsored by Assembly Member Ron Kim, that would provide a tax credit for qualified caregiving expenses; and

**Whereas**, The legislation would provide a tax credit to an individual with a gross annual income of \$75,000 or less, and a couple with a gross annual income of \$150,000 or less, of up to \$3,500, or for expenses for goods and services provided to or for the benefit of a qualifying family member or to assist a qualified caregiver in caring for a qualifying family member; and

**Whereas**, With one of the largest population of caregivers in the nation, the State has an obligation to provide a tax credit to caregivers as they provide a significant economic benefit to the City and State by performing a number of activities allowing those in their care to remain at home in the community, while also taking on the majority of all long-term care services to both older adults and individuals with disabilities; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the New York State Legislature to pass, and the Governor to sign, A.1830/S.455, in relation to providing a tax credit for qualified caregiving expenses.

Referred to the Committee on Finance.

Preconsidered Res. No. 4

**Resolution authorizing the Speaker to commence legal action on behalf of the Council of the City of New York to compel the Mayor and his Administration to implement Local Law 99 of 2023, Local Law 100 of 2023, Local Law 101 of 2023, and Local Law 102 of 2023, the CityFHEPS Expansion Laws.**

By Council Members Ayala and Gennaro.

**Whereas**, In recent years, the City of New York has been experiencing a sharp increase in homelessness, accompanied by a record number of individuals and families seeking refuge in our shelter system, and high housing costs as an outgrowth of the COVID pandemic; and

**Whereas**, The Council of the City of New York (“Council”) sought to tackle these pressing issues by reforming and expanding the City’s Family Homelessness and Eviction Prevention Supplement program (“CityFHEPS”), which offers rental assistance vouchers to New Yorkers in need; and

**Whereas**, The Council’s legislative solution would not only provide a cost-effective method of alleviating the strain on our shelter system but also facilitate an easier pathway for the most vulnerable members of our society to secure housing; and

**Whereas**, After extensive public debate and consultation with experts, this package of legislation—Local Laws 99, 100, 101, and 102 of 2023 (“CityFHEPS Expansion Laws”)—was passed into law over a Mayoral veto on July 13, 2023, by a vote of 42 to 8; and

**Whereas**, Mayor Adams openly refuses to implement the CityFHEPS Expansion Laws, as made clear by the Commissioner of Social Services in her December 15, 2023 letter to the Council; and

**Whereas**, The CityFHEPS Expansion Laws technically went into effect on January 9, 2024, but New Yorkers have not benefited from the reforms as a result of Mayor Adams; and

**Whereas**, The Mayor is duty bound to implement valid local laws like the CityFHEPS Expansion Laws, and his failure to do so is illegal; and

**Whereas**, Speaker Adams, in a letter dated January 9, 2024, offered the Adams Administration one final opportunity to comply with the law before the Council took legal action; and

**Whereas**, Mayor Adams has not responded to the Speaker and has left the Council with no other alternative but to seek relief from the courts; now, therefore, be it

**Resolved**, That the Council of the City of New York authorizes the Speaker to commence legal action on behalf of the Council to compel the Mayor and his Administration to implement Local Law 99 of 2023, Local Law 100 of 2023, Local Law 101 of 2023, and Local Law 102 of 2023, the CityFHEPS Expansion Laws.

Adopted by the Council by voice-vote (preconsidered and approved by the Committee on General Welfare).

Res. No. 5

**Resolution calling on the New York State Legislature to pass, and the Governor to sign, S.7466-A, and a companion bill, to reinstate New York City employees who were terminated due to non-compliance with the COVID-19 vaccination requirement.**

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

**Whereas**, On October 20, 2021, then-Mayor Bill de Blasio announced a novel coronavirus (COVID-19) vaccination mandate for all New York City (City) employees, supported by an Order of the Commissioner of the Department of Health and Mental Hygiene (DOHMH); and

**Whereas**, Failure by City employees to comply with this Order resulted in their termination; and

**Whereas**, On February 11, 2022, the City terminated approximately 1,780 City employees due to non-compliance with the COVID-19 vaccination order; and

**Whereas**, These hardworking City employees were praised for keeping the City running during the pandemic and then stripped of their livelihoods without consideration for the impact on themselves or their families; and

**Whereas**, Mayor Eric Adams announced that beginning February 10, 2023, the COVID-19 vaccination requirement for current and prospective City workers would be optional; and

**Whereas**, However, these public servants were not automatically permitted to return to their jobs; and

**Whereas**, Former employees were forced to reapply to their positions and were only rehired by their former agencies if they agreed to waive their backpay and their civil service rights; and

**Whereas**, Many employees did not return to work because they refused to sign the waiver; and

**Whereas**, S.7466-A, sponsored by New York State Senator Adam Lanza, would automatically reinstate City employees who were dismissed for failure to comply with the COVID-19 vaccination requirement; and

**Whereas**, If adopted, S.7466-A would require reinstatement of these former employees to their former positions, former titles, and at the same salary and benefits, with retention of seniority and service time accrued; and

**Whereas**, S.7466-A would also exempt any employee seeking reinstatement from signing a waiver that denies them backpay; and

**Whereas**, The COVID-19 vaccine mandate infringed on personal freedoms and choice, resulting in the termination of nearly two-thousand City workers at a time when New Yorkers were deeply dependent on City services; and

**Whereas**, S.7466-A seeks to correct the harm caused by the vaccine mandate by rightfully restoring those who were dismissed to their former jobs serving our city; now, therefore be it

**Resolved**, that the Council of the City of New York calls on the New York State Legislature to pass, and the Governor to sign, S.7466-A, and a companion bill, to reinstate New York City employees who were terminated due to non-compliance with the COVID-19 vaccination requirement.

Referred to the Committee on Civil Service and Labor.

Int. No. 10

By Council Members Bottcher, Gutiérrez and Brewer.

**A Local Law in relation to establishing a pilot program to install drinking fountains on fire hydrants and the repeal of this local law upon the expiration thereof**

*Be it enacted by the Council as follows:*

Section 1. Drinking Fountain Pilot Program. a. The commissioner of environmental protection, in collaboration with the fire commissioner, shall establish a pilot program to install drinking fountains on fire hydrants. As part of such program, the commissioners shall install drinking fountains on at least 5 fire hydrants per borough, and the drinking fountains shall be operational at least from April to September each year during the duration of the program. Such program shall commence no later than 2 years after the effective date of this local law and shall conclude 2 years after the commencement of such program.

b. No later than 1 year after the conclusion of this program, the commissioner of environmental protection, in collaboration with the fire commissioner, shall submit to the mayor and speaker of the council a report that contains recommendations on whether to expand or make such program permanent. Such report shall also identify any challenges and issues presented by the program.

c. The commissioner of environmental protection and the fire commissioner need not comply with subdivisions a and b of this section if the fire commissioner determines that the drinking fountains would interfere with the fire department's use of fire hydrants. If the fire commissioner makes such a determination, the fire commissioner shall submit to the mayor and speaker of the council, within 6 months, a report identifying the specific reasons for such determination.

§ 2. This local law takes effect immediately and expires and is deemed repealed upon final submission of either the report required by subdivision b or the report required by subdivision c of section one 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 Environmental Protection, Resiliency and Waterfronts.

Int. No. 11

By Council Members Bottcher, Nurse, Restler, Stevens, Gennaro and Gutiérrez.

**A Local Law to amend the administrative code of the city of New York, in relation to expanding the commercial citywide routing system for sidewalk cleanliness violations and technical amendments thereto, including to repeal and reenact subdivision c of section 16-118.1**

*Be it enacted by the Council as follows:*

Section 1. Section 16-118.1 of the administrative code of the city of New York, subdivision a of such section as amended by local law number 47 for the year 2007 and subdivision b of such section as amended by local law number 9 for the year 2004, is amended to read as follows:

§ 16-118.1 Citywide routing system. a. 1. The department shall implement a citywide routing system for residential premises for the enforcement of subdivision two of section 16-118 of this code, as such subdivision relates to the cleaning of sidewalks, flagging, curbstones, airshafts, backyards, courts, alleys and roadway areas by owners, lessees, tenants, occupants or persons in charge of any such premises[, and for commercial premises for the enforcement of such subdivision as such subdivision relates to cleaning of sidewalks, flagging, curbstones and roadway areas by owners, lessees, tenants, occupants or persons in charge of such premises]. The citywide enforcement routing system shall limit the issuance of notices of violation, appearance tickets or summonses *for residential premises* within any sub-district of a local service delivery district to predetermined periods of a total of no more than two hours each day, provided that each such predetermined period shall be one hour. [The department shall establish a citywide schedule of periods for issuing notices of violation, appearance tickets or summonses for commercial premises in each district and shall give written notice to the owners, lessees, tenants, occupants or persons in charge of such premises in each district of the periods for the district in which their premises are located by the use of flyers, community meetings or such other techniques as the commissioner reasonably determines to be useful.] The two one-hour predetermined periods for issuing notices of violation, appearance tickets or summonses for residential premises shall be from 8:00 a.m. until 9:00 a.m. and from 6:00 p.m. until 7:00 p.m.

2. *The department shall implement a citywide routing system for commercial premises for the enforcement of subdivision two of section 16-118 of this code, as such subdivision relates to the cleaning of sidewalks, flagging, curbstones, and roadway areas by owners, lessees, tenants, occupants, or persons in charge of such premises. The department may issue notices of violation, appearance tickets, or summonses for commercial premises at any time during the hours of operation of such premises, where such premises have hours of operation posted in plain view and are generally open to the public during such hours. The department may*

*issue notices of violation, appearance tickets, or summonses to any other commercial premises from 8:00 a.m. until 7:00 p.m.*

b. Notwithstanding the provisions of *paragraph one of subdivision a of this section*, the commissioner may provide an additional predetermined period of one hour per day during which notices of violation, appearance tickets or summonses may be issued in any sub-district within a local service delivery district upon the commissioner's determination that the total of two hours otherwise permitted by this section is not sufficient to maintain the sidewalks, flagging, curbstones and roadways in such sub-districts in an adequately clean condition. Such determination shall be based upon a finding that there has been a decline in the average street cleanliness ratings compiled by the mayor's office of operations for such district for the most recent three-month period as compared to the average street cleanliness ratings compiled by the mayor's office of operations for the same three-month period in fiscal year nineteen hundred ninety. Notice of any increase in the number of hours during which notices of violation, appearance tickets or summonses can be issued or of any change in such hours shall be given by letter to the community board, the owners, lessees, tenants, occupants or persons in charge of any premises in the affected sub-districts within a local service delivery district and every council member representing the local service delivery district no less than forty-five days prior to the implementation of such increase or change. Any additional notice may be given by use of letters, flyers, community meetings or such other techniques as the commissioner reasonably determines to be useful. Written notice to a council member shall be sent to the council member's district office.

§ 2. Subdivision c of section 16-118.1 of the administrative code of the city of New York is REPEALED and a new subdivision c is added to read as follows:

*c. As used in this section, the following terms have the following meanings:*

*Commercial premises. The term "commercial premises" means any premises abutting the sidewalk at which goods or services are sold directly to consumers or other businesses, and may, in appropriate instances to be determined by the commissioner, also include any other class of real property that is used for the conduct of any business, trade or profession.*

*Local service delivery district. The term "local service delivery district" means a local service delivery district as described in chapter sixty-nine of the charter.*

*Residential premises. The term "residential premises" means those portions of premises used predominantly for residential purposes, other than hotels, that abut the sidewalk and do not constitute commercial premises.*

*Sub-district. The term "sub-district" means a section within a local service delivery district as described in chapter sixty-nine of the charter.*

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

Referred to the Committee on Sanitation and Solid Waste Management.

Int. No. 12

By Council Members Brannan, Louis and Brewer.

**A Local Law to amend the administrative code of the city of New York, in relation to optional donations for spaying and neutering shelter animals on tax forms, applications and bills**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 11 of the administrative code of the city of New York is amended by adding a new section 11-145 to read as follows:

*§ 11-145 Optional donations on tax forms, applications and bills. The department shall conduct a review of the forms, applications and bills promulgated by it to determine where it may be appropriate to include a space to enable taxpayers to elect to contribute \$5 for the spaying and neutering of animals at an animal shelter maintained and operated by the department of health and mental hygiene pursuant to section 17-803 and where appropriate shall include such a space on forms, applications and bills for any tax year commencing on or after January 1, 2022. Such contributions shall not reduce the amount of tax owed. Notwithstanding any other*

*provision of law, all additional monies collected pursuant to this section shall be remitted to the department of health and mental hygiene for purposes of spaying and neutering shelter animals in such department's custody.*

§ 2. This local law takes effect 120 days after it becomes law except that the commissioner of finance, in consultation with the commissioner of health and mental hygiene, shall take any necessary actions to implement this law, including the promulgation of rules, prior to such date.

Referred to the Committee on Finance.

Int. No. 13

By Council Members Brannan, Yeger, Restler, Stevens and Brewer.

**A Local Law to amend the administrative code of the city of New York, in relation to reporting on contract awards made from discretionary funds allocated by a council member**

*Be it enacted by the Council as follows:*

Section 1. Title 1 of Chapter 6 of the administrative code of the city of New York is amended to add a new section 6-150 to read as follows:

*§ 6-150 Reporting on contract awards made from discretionary funds allocated by a council member. a. Within 10 days of the end of each quarter of the fiscal year, the city chief procurement officer shall submit to the speaker of the council a report on the status of contract awards made from discretionary funds allocated by a council member. Such report shall be disaggregated by contracting agency, source of funding, allocating council member and entity to which the funds were allocated and shall include:*

- 1. The date on which each contract was entered into or the reason why no contract had yet been entered into;*
- 2. For each contract which was entered into, the date on which such contract was registered with the office of the comptroller or the reason why such contract had not yet been registered; and*
- 3. For each contract entered into and registered, the dollar amount of funds reimbursed pursuant to the contract, and, where full reimbursement under the contract has not yet been made, the reason why full reimbursement has not yet been made.*

*b. On December 1, 2023 and each December 1 thereafter, the city chief procurement officer shall submit to the speaker of the council a final report on the information required by paragraph three of the prior subdivision for the prior fiscal year.*

*c. On the day that the third report of the fiscal year is submitted, the city chief procurement officer shall provide written notification to every council member who allocated discretionary funds where pursuant to such allocation a contract was not yet entered into, not yet registered with the office of the comptroller or not yet fully reimbursed. For contracts which were not yet fully reimbursed, such notification shall include the dollar amount of funds outstanding for reimbursement.*

§ 2. This local law takes effect July 1, 2024.

Referred to the Committee on Finance.

Int. No. 14

By Council Members Brannan, Louis, Brooks-Powers, Stevens, Gutiérrez, Brewer and Hudson.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring monthly reports on scheduled construction work on capital projects**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 5 of the administrative code of the city of New York is amended to add a new section 5-109 to read as follows:

*§ 5-109 Monthly reports on capital projects. a. Definitions. As used in this section, the following terms have the following meanings:*

*Budget agency. The term “budget agency” means the agency from whose budget the funds for a capital project have been appropriated.*

*Construction phase. The term “construction phase” means the period of time between the commencement of the performance of work by the contractor as defined in the contract and when such work has reached substantial completion.*

*Managing agency. The term “managing agency” means the agency that is responsible for the functions and operations related to a capital project.*

*b. Every managing agency shall prepare a monthly report on the status of all capital projects that are or will be in the construction phase within the reporting period. Such report shall be disaggregated by project identification number and budget agency and shall include:*

*1. A schedule of work for the ensuing three months including the location of planned work by borough, community district and intersection; a description of the planned work; and the date or dates on which the work is scheduled; and*

*2. The status of all work included in the prior six reports required by paragraph one of this subdivision including the location of completed work; a description of the work completed; the date or dates on which the work was conducted; and, where applicable, an explanation why any work was not conducted or completed as scheduled.*

*c. The head of each managing agency shall submit the report required by subdivision b to the mayor, or an office or agency designated by the mayor. The mayor, or the office or agency designated by the mayor, shall compile the reports of the managing agencies into a citywide report. The citywide report shall be reviewed to promote coordination between managing agencies and to ensure that work on capital projects is being scheduled and conducted in an efficient and effective manner.*

*d. The citywide report prepared by the mayor, or the office or agency designated by the mayor, shall be submitted to the speaker of the council, any utility providing electrical or gas service within the city and any entity with a franchise from the city to build and maintain subsurface electrical conduit and manhole infrastructure, and shall also be posted on the city’s website, in a non-proprietary format that permits automated processing capable of being downloaded in bulk.*

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

Referred to the Committee on Finance.

Int. No. 15

By Council Member Brannan.

**A Local Law to amend the New York city charter, in relation to the establishment of a charitable gifts reserve fund**

*Be it enacted by the Council as follows:*

Section 1. The New York city charter is amended by adding a new section 1529 as follows:

*§ 1529. Charitable Gifts Reserve Fund. 1. There is hereby established in the joint custody of the commissioner of finance and the comptroller a fund pursuant to section 6-t of the general municipal law to be known as the “charitable gifts reserve fund.”*

*2. Such fund may receive unrestricted charitable monetary contribution and the moneys in such fund shall be deposited and secured in the manner proved by section 10 of the general municipal law. The comptroller may*



*invest the moneys in such fund in the manner provided by section 11 of the general municipal law. Any interest earned or capital gain realized on the money so deposited or invested shall accrue to and become part of such fund. The separate identity of such fund shall be maintained whether its assets consist of cash or investments or both.*

*3. Within 60 days of the close of the fiscal year, the funds contained within the charitable gifts reserve fund shall be transferred to the general fund so that the funds may be used for charitable purposes.*

*4. The department of finance shall promulgate rules establishing a procedure for contributions to the charitable gifts reserve fund, which shall include the provision of a written acknowledgement of the gift to the contributor.*

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

Referred to the Committee on Finance.

#### Int. No. 16

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

#### **A Local Law to amend the administrative code of the city of New York, in relation to adjudication of liability imposed upon owners pursuant to section 1180-e of the vehicle and traffic law**

*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 19-210.1 to read as follows:

*§ 19-210.1 Owner liability for failure of operator to comply with certain posted maximum speed limits in highway construction or maintenance work areas. Pursuant to section 1180-e of the vehicle and traffic law, the parking violations bureau, in accordance with article 2-B of the vehicle and traffic law and the rules of such bureau, shall adjudicate the liability imposed on an owner of a vehicle pursuant to such section for failure of an operator of such vehicle to comply with posted maximum speed limits in a highway construction or maintenance work area within the city.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Finance.

#### Int. No. 17

By Council Members Brannan, Louis, Restler, Stevens, Gennaro, Brewer and Hudson (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**

*Be it enacted by the Council as follows:*

Section 1. Exception 18 of section 28-101.4.3 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:

**18. Parking garages and open parking lots.** [Where an alteration of a parking garage or an open parking lot includes an increase in the size of the electric service such alteration shall include provisions for the

installation of electric vehicle charging stations in accordance] Parking garages and open parking lots shall comply with section 406.4.10 or 406.9.8 of the New York city building code, as applicable.

§2. Section 28-315.3 of the administrative code of the city of New York is amended by adding a new section 28-315.3.3 to read as follows:

**§ 28-315.3.3 Electric vehicle supply equipment (EVSE).** Open parking lots and parking garages with 10 or more parking spaces shall be capable of supporting and equipped with EVSE by the dates set forth in sections 28-315.3.3.1 through 28-315.3.3.3 and owners of such parking lots and parking garages shall report compliance with such sections by the dates indicated.

Exceptions:

1. The commissioner may grant an adjustment to or waiver of any of the provisions of this section with respect to an open parking lot or parking garage where:
  - 1.1 the building is subject to financial hardship and the owner is complying with the requirements of this section to the maximum extent practicable and has availed itself of all available city, state, federal, private and utility incentive programs related to EVSE for which it reasonably could participate; or
  - 1.2 the project costs exceed the baseline costs for EVSE installation in the program identified in the Public Service Commission order that authorized the PowerReady program administered by Con Edison, any successor program or a subsequent baseline cost for EVSE installation as determined by rule by the department, and the owner is complying with the requirements of this section to the maximum extent practicable and has availed itself of all available city, state, federal, private and utility incentive programs related to EVSE for which it reasonably could participate.
2. The commissioner may waive compliance with this section for municipal open parking lots or parking garages within the jurisdiction of the department of transportation where the commissioner of transportation determines compliance with this section is not feasible for operational or budgetary reasons.
3. The commissioner may grant an adjustment to, or waiver of, this section for a building owned by a limited-profit housing company organized pursuant to article 2 of the private housing finance law, provided that documentation from such building's supervising agency certifying to such infeasibility has been provided to the department. Such building will need to comply only to the extent determined to be feasible as documented by the building's supervising agency.
4. The commissioner may waive compliance with this section for occupancy group E facilities within the jurisdiction of the department of education where the department of education or the New York city school construction authority determines compliance with this section is not feasible for operational or budgetary reasons.

**§ 28-315.3.3.1** No less than 10 percent of parking spaces in existing open parking lots and parking garages with 10 or more parking spaces shall be equipped with EVSE in accordance with section 406.4.10 or 406.9.8 of the New York city building code, as applicable, by January 1, 2030. A report of compliance with this section shall be submitted to the department within 60 days after final inspection of such installation in a form and manner specified by the department.

**Exceptions:**

1. Existing open parking lots and parking garages of buildings where 50 percent or more of the dwelling units are subject to a regulatory agreement with a federal, state, or local governmental entity or instrumentality for the creation or preservation of affordable housing shall be equipped with such EVSE by January 1, 2035. A report of such compliance and evidence of such regulatory agreement shall be provided to the department within 60 days after final inspection in a form and manner specified by the department.
2. Existing open parking lots and parking garages for buildings in which not less than 50 percent of the dwelling units are for households earning up to 60 percent of the area median income as determined by the United States department of housing and urban development shall be equipped with such EVSE by January 1, 2035. A report of such compliance, and evidence of such earnings and income status, shall be provided to the department within 60 days after final inspection in a form and manner specified by the department.

§ 28-315.3.3.2 No less than 20 percent of parking spaces in existing open parking lots and parking garages with more than 10 parking spaces shall be equipped with EVSE in accordance with section 406.4.10 or 406.9.8 of the New York city building code, as applicable, by January 1, 2035 and a report of such compliance shall be submitted to the the department within 60 days after final inspection of such installation in a form and manner specified by the department.

§ 28-315.3.3.3 Existing open parking lots and parking garages with more than 10 parking spaces shall be capable of supporting EVSE in accordance with section 406.4.10 or 406.9.8 of the New York city building code, as applicable, for at least 40 percent of the parking spaces in such open parking lots and parking garages by January 1, 2030. A report of such compliance shall be provided to the department within 60 days after final inspection in a form and manner specified by the department.

§3. The definitions in section 202 of the New York city building code are amended by adding the following definitions in alphabetical order to read as follows:

ELECTRIC VEHICLE COUPLER. A mating electric vehicle inlet and electric vehicle connector set.

ELECTRIC VEHICLE INLET. The device on the electric vehicle into which the electric vehicle connector is inserted for power transfer and information exchange. This device is part of the electric vehicle coupler. For the purposes of this code, the electric vehicle inlet is considered to be part of the electric vehicle and not part of the electric vehicle supply equipment.

ELECTRIC VEHICLE LOAD MANAGEMENT SYSTEM. An electronic system designed to allocate charging capacity among electric vehicle supply equipment.

ELECTRIC VEHICLE SUPPLY EQUIPMENT (EVSE). The conductors, including the ungrounded, grounded and equipment grounding conductors, and the electric vehicle connectors, attachment plugs and all other fittings, devices, power outlets or apparatus installed specifically for the purpose of transferring energy between the premises wiring and the electric vehicle.

FINANCIAL HARDSHIP (OF A BUILDING). The term “financial hardship (of a building)” means a building that for the combined two years prior to the application for an adjustment pursuant to sections 406.4.10(2) and 406.9.8(2) of the New York city building code:

1. Had arrears of property taxes or water or wastewater charges that resulted in the property's inclusion on the department of finance's annual New York city tax lien sale list;
2. Had been exempt from real property taxes pursuant to sections 420-a, 420-b, 446 or 462 of the real property tax law and applicable local law and the owner had negative revenue less expenses as certified to the department by a certified public accountant, or by affidavit under penalties of perjury; or
3. Had outstanding balances under the department of housing preservation and development's emergency repair program that resulted in the property's inclusion on the department of finance's annual New York city tax lien sale list.

§4. Sections 406.4.10, 406.9.1, and 406.9.8 of the New York city building code, as renumbered and amended by local law number 126 for the year 2021, are amended to read as follows:

**406.4.10 Electric vehicle [charging stations] supply equipment (EVSE).** Parking garages shall be capable of supporting [electrical vehicle charging stations] and shall be equipped with EVSE in accordance with this section. [Electrical]

**406.4.10.1 Electrical raceway.** In new parking garages electrical raceway to the electrical supply panel serving the parking garage shall be capable of providing a minimum of [3.1 kw] 208 volts and a 40-ampere circuit capable of providing 32 amperes of electrical capacity to [at least 20 percent] EVSE for at least 60 percent of the parking spaces of the garage. [The electrical room supplying the garage must have the physical space for an electrical supply panel sufficient to provide 3.1 kW of electrical capacity to at least 20 percent of the parking spaces of the garage. Such] Where an alteration of an existing parking garage includes an increase in the size of the electric service or additional parking spaces, electrical raceway to the electrical supply panel serving such existing parking garage shall be capable of providing a minimum of 208 volts and a 40-ampere circuit capable of providing 32 amperes of electrical capacity to an EVSE for at least 40 percent of the parking spaces of the garage. The raceway and all components and work appurtenant thereto shall be in accordance with the *New York City Electrical Code*, and a ventilation system shall be provided for three-phase charging in accordance with the *New York City Electrical Code* and the *New York City Mechanical Code*.

**406.4.10.2 Electrical room.** In a new parking garage the electrical room supplying the parking garage must have the electrical capacity and physical space for an electrical supply panel sufficient to provide 208 volts and a 40-ampere circuit capable of providing 32 amperes of electrical capacity to an EVSE for at least 60 percent of the parking spaces of the garage. Where an alteration to an existing parking garage includes an increase in the electric service or additional parking spaces, the electrical room supplying the garage must have the electrical capacity and physical space for an electrical supply panel sufficient to provide 208 volts and a 40-ampere circuit capable of providing 32 amperes of electrical capacity to an EVSE for at least 40 percent of the parking spaces of the garage. Existing parking garages that cannot supply the required capacity to 40 percent of spaces based on electrical service availability shall provide capacity to the extent feasible without requiring new electrical service or an electrical service upgrade. This amount of electrical capacity may be coupled with an electric vehicle load management system to distribute power to a greater percentage of spaces at lower amperage as EVSE penetration increases above 40 percent of parking spaces.

**406.4.10.3 Installation of EVSE.** EVSE shall be installed in accordance with Items 1 through 6 below.

1. No fewer than 20 percent of all parking spaces in a new parking garage shall be equipped with EVSE capable of providing a minimum supply of 208 volts and 32 amperes to an electric vehicle. Where an alteration to an existing parking garage includes an increase in the electric service or additional parking spaces, no fewer than 10 percent of all parking spaces in such parking garage shall

- be equipped with EVSE capable of providing a minimum supply of 208 volts and 32 amperes to an electric vehicle.
2. Where an EVSE is provided to parking spaces that are deeded or leased to residential or commercial occupants, parking spaces shall be located at least 100 feet (30 480 mm) from a supporting electrical supply panel.
  3. The electrical supply panel shall have electrical capacity to support the total garage supply allocated to EVSE or 208 volts and a 40-ampere circuit capable of providing 32 amperes to an EVSE per parking space supported by that panel, whichever is lower, and physical breaker space to support all parking spaces supported by that panel.
  4. Each installed EVSE shall be located within 150 feet (45 720 mm) of a standpipe hose connection calculated along the clear path.
  5. At least one shut off switch shall be provided in a remote location to de-energize all EVSE. The switches and their locations must be clearly marked. An indicator light shall be provided and visible at each charging station to indicate if the station is energized.
  6. For garages within the 1 percent annual chance floodplain, as defined by the “Preliminary Flood Insurance Rate Maps 2015” layer on the Department of City Planning’s Flood Hazard Mapper, or any subsequent flood insurance rate map issued by such department, all electrical equipment must be installed above building design flood elevation as defined in Section G201.2 of Appendix G.

**Exceptions:** 1. [The provisions of this section shall not apply to parking garages for buildings of occupancy group M (Mercantile).

2.] The commissioner may waive compliance with this section if the commissioner determines that the parking garage is a temporary facility that will be in service no longer than [3] three years.

[3]2. The provisions of this section shall not apply to parking garages for new buildings in which not less than [fifty] 50 percent of the residential units are for households earning up to [sixty] 80 percent of the area median income as determined by the United States [Department of Housing and Urban Development] department of housing and urban development where the application for construction document approval for the building is filed prior to January 1, 2035 and evidence of earnings and income status is provided in a form and manner specified by the department.

3. For new parking garages in or accessory to buildings in which the owner can demonstrate that 50 percent or more of the dwelling units in such buildings are subject to a regulatory agreement, restrictive declaration, or similar instrument with a federal, state, or local governmental entity or instrumentality for the creation or preservation of affordable housing, no fewer than 10 percent of all parking spaces in new parking garages shall be equipped with EVSE, and for applications submitted to the department on or after January 01, 2030 no fewer than 20 percent of all parking spaces shall be equipped with EVSE.

4. The commissioner may waive compliance with this section for occupancy group E facilities within the jurisdiction of the department of education where the department of education or the New York city school construction authority determines compliance with this section is not feasible for operational or budgetary reasons.

**406.9.1 Definitions.** The following [term] terms are defined in chapter 2.

ELECTRIC VEHICLE CONNECTOR.

ELECTRIC VEHICLE COUPLER.

ELECTRIC VEHICLE INLET.

ELECTRIC VEHICLE LOAD MANAGEMENT SYSTEM.

ELECTRIC VEHICLE SUPPLY EQUIPMENT (EVSE).

FINANCIAL HARDSHIP (OF A BUILDING).

OPEN PARKING LOT.

**406.9.8 Electric vehicle [charging stations] supply equipment (EVSE).** Open parking lots shall be capable of supporting and shall be equipped with [electric vehicle charging stations] EVSE in accordance with [this section. A minimum of 20 percent] Sections 406.9.8.1 through 406.9.8.3.

**406.9.8.1 Electrical raceway.** In a new open parking lot at least 60 percent of the parking spaces [in an open parking lot] shall be equipped with electrical raceway capable of providing a minimum supply of [11.5 kVA] 208 volts and a 40-ampere circuit capable of providing 32 amperes to an EVSE from an electrical supply panel. The raceway shall be no smaller than 1 inch (25.4 mm). Where the alteration of an existing open parking lot includes an increase in the electric service or additional parking spaces, a minimum of 40 percent of the parking spaces in the open parking lot shall be equipped with electrical raceway capable of providing a minimum supply of 208 volts and a 40-ampere circuit capable of providing 32 amperes to an EVSE from an electrical supply panel. The raceway shall be no smaller than 1 inch (25.4 mm). Such raceway and all components and work appurtenant thereto shall be in accordance with the *New York City Electrical Code*.

**406.9.8.2 Electrical supply panel.** [The] In a new open parking lot the electrical supply panel serving such parking spaces must [have at least 3.1 kW of available capacity for each stall connected to it with raceway. Such raceway and all components and work appurtenant thereto shall be in accordance with the *New York City Electrical Code*.] be capable of providing a minimum supply of 208 volts and 32 amperes to EVSE for at least 60 percent of the parking spaces in the open parking lot. Where the alteration of an existing open parking lot includes an increase in the electric service or additional parking spaces, the electrical supply panel serving such parking spaces must be capable of providing a minimum supply of 208 volts and 32 amperes to EVSE for 40 percent of the parking spaces in the open parking lot. Existing open parking lots that cannot supply capacity to 40 percent of spaces based on electrical service availability shall provide capacity to the extent feasible without requiring new electrical service or an electrical service upgrade. This amount of electrical capacity may be coupled with an electric vehicle load management system to distribute power to a greater percentage of spaces at lower amperage as EVSE penetration increases above 40 percent of parking spaces.

**406.9.8.3 Installation of EVSE.** EVSE shall be provided in accordance with items 1 through 5.

1. No fewer than 20 percent of all parking spaces in a new open parking lot shall be equipped with EVSE capable of providing a minimum supply of 208 volts and 32 amperes to an electric vehicle. Where an alteration of an existing open parking lot includes an increase in the electric service or additional parking spaces, no fewer than

10 percent of all parking spaces in such open parking lot shall be equipped with EVSE capable of providing a minimum supply of 208 volts and 32 amperes to an electric vehicle.

2. For new open parking lots with at least 50 parking spaces, a minimum of one location in the open parking lot shall be equipped with electrical raceway capable of providing a minimum supply of 208 volts and a 300-ampere circuit to EVSE from an electrical supply panel to support future installation of fast charging EVSE.

3. Where parking spaces are deeded to residential or commercial occupants, no parking space shall be located more than 100 feet from a supporting electrical supply panel.

4. Each panel shall have electrical capacity to support the total parking lot supply allocated to EVSE or 208 volts and a 40-ampere circuit capable of providing 32 amperes to an EVSE per parking space supported by that panel, whichever is lower, and physical breaker space to support all parking spaces supported by that panel.

5. All EVSE within the areas of special flood hazard in accordance with New York City Building Code Appendix G should be designed in accordance with the New York city *Climate Resiliency Design Guidelines* as set forth in section 3-131 of the *Administrative Code*. All electrical equipment must be installed above building design flood elevation as defined in Section G201.2 of Appendix G.

**Exceptions:**

1. [The provisions of this section shall not apply to open parking lots for buildings of occupancy group M (Mercantile).

2.] The commissioner may waive compliance with this section if the commissioner determines that the open parking lot is a temporary facility that will be in service no longer than 3 years.

[3] 2. The provisions of this section shall not apply to new open parking lots for buildings in which not less than [fifty] 50 percent of the residential units are for households earning up to [sixty] 80 percent of the area median income as determined by the United States [Department of Housing and Urban Development] department of housing and urban development where the application for construction document approval is filed prior to January 1, 2035 and evidence of earnings and income status is provided in a form and manner specified by the department.

3. The provisions of this section shall not apply to open parking lots projected to be in the 2080s tidal floodplain, as depicted by the “High Tide 2080s” layer on the department of city planning’s Flood Hazard Mapper.

4. For new open parking lots in or accessory to buildings in which the owner can demonstrate that 50 percent or more of the dwelling units in such building are subject to a regulatory agreement, restrictive declaration, or similar instrument with a federal, state, or local governmental entity or instrumentality for the creation or preservation of affordable housing, no fewer than 10 percent of all parking spaces in new open parking lots shall be equipped with EVSE, and for applications submitted to the department on or after January 1, 2030 no fewer than 20 percent of all parking spaces shall be equipped with EVSE.

5. The commissioner may waive compliance with this section for occupancy group E facilities within the jurisdiction of the department of education where the department of

education or the New York city school construction authority determines compliance with this section is not feasible for operational or budgetary reasons.

§ 5. No later than March 31, 2023 and no later than March 31 of every year thereafter, the Department of Buildings shall submit a report to the mayor and the speaker of the council on compliance with this local law. Such report shall include, but not be limited to, data on the number of parking facilities complying with these local law, along with the number of EVSE installed for the preceding calendar year.

§ 6. This local law takes effect on the same date as local law number 126 for the year 2021 takes effect and shall apply to applications for construction document approval filed on and after such effective date, except that with respect to buildings subject to a regulatory agreement, restrictive declaration, or similar instrument with a federal, state, or local governmental entity or instrumentality for the creation of affordable housing, it shall apply to applications for construction document approval filed eighteen months after such effective date, and except that prior to such effective date the department of buildings shall promulgate rules necessary to implement this local law.

Referred to the Committee on Housing and Buildings.

Int. No. 18

By Council Member Brannan.

**A Local Law to amend the administrative code of the city of New York, in relation to pass through contracts**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 6 of the administrative code of the city of New York is amended by adding a new section 6-149 to read as follows:

§ 6-149 *Pass through contracts. a. Definitions. For the purposes of this section, the term “New York city affiliated agency” shall mean any entity the expenses of which are paid in whole or in part from the city treasury and the majority of the members of whose board are city officials or are appointed directly or indirectly by city officials.*

*b. The commissioner of the department of design and construction shall prepare and submit to the speaker of the council quarterly reports regarding sole source contracts with New York city affiliated agencies for construction projects. Such reports, which shall be submitted to the speaker of the council and posted on the website of the department of design and construction by January first, April first, July first, and October first of each year, shall include, but not be limited to, the following information for each contract: (i) the New York city affiliated agency with which the department of design and construction contracts; (ii) a description of the construction project undertaken by such New York city affiliated agency; (iii) the manner in which such New York city affiliated agency circulated information to prospective bidders regarding such construction project, including the publication(s) and frequency with which any such notice was posted; (iv) the number of bids received; (v) the contract value; (vi) the name and business address of the contractor(s) selected; and (vii) the name and business address of subcontractor(s) utilized, if any.*

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

Referred to the Committee on Transportation and Infrastructure.



## Preconsidered Res. No. 6

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

By Council Member Brannan.

**Whereas**, On June 30, 2023, the Council of the City of New York (the “City Council”) adopted the expense budget for Fiscal Year 2024 with various programs and initiatives (the “Fiscal 2024 Expense Budget”); and

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

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

**Whereas**, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2024 and Fiscal 2023 and Fiscal 2022 Expense Budgets by approving the new designation and changes in the designation of certain organizations receiving local, aging, youth, boroughwide, and Speaker’s initiative discretionary funding, and by approving the new designation and changes in the designation of certain organizations to receive funding pursuant to certain initiatives in accordance therewith; and

**Whereas**, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2024 and Fiscal 2023 Expense Budgets by approving new Description/Scope of Services for certain organizations receiving local, aging, and Speaker’s initiative discretionary funding; now, therefore, be it

**Resolved**, That the City Council approves the new designations and changes in the designation of certain organizations receiving local discretionary funding pursuant to the Fiscal 2024 Expense Budget, as set forth in Chart 1; and be it further

**Resolved**, That the City Council approves the changes in the designation of certain organizations receiving aging discretionary funding in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 2; and be it further

**Resolved**, That the City Council approves the changes in the designation of certain organizations receiving youth discretionary funding in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 3; and be it further

**Resolved**, That the City Council approves the new designation and the change in the designation of certain organizations receiving funding pursuant to the Speaker’s Initiative to Address Citywide Needs in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 4; and be it further

**Resolved**, That the City Council approves the new designation of a certain organization receiving funding pursuant to the A Greener NYC Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 5; and be it further

**Resolved**, That the City Council approves the changes in the designation of certain organizations receiving funding pursuant to the Cultural After-School Adventure (CASA) Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 6; and be it further

**Resolved**, That the City Council approves the new designations and change in the designation of certain organizations receiving funding pursuant to the Cultural Immigrant Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 7; and be it further

**Resolved**, That the City Council approves the new designations and change in the designation of certain organizations receiving funding pursuant to the Neighborhood Development Grant Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 8; and be it further

**Resolved**, That the City Council approves the change in the designation of a certain organization receiving funding pursuant to the Parks Equity Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 9; and be it further

**Resolved**, That the City Council approves the changes in the designation of certain organizations receiving funding pursuant to the Support Our Older Adults Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 10; and be it further

**Resolved,** That the City Council approves the new designation and changes in the designation of certain organizations receiving funding pursuant to the Food Pantries Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 11; and be it further

**Resolved,** That the City Council approves the changes in the designation of certain organizations receiving funding pursuant to the Crisis Management System Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 12; and be it further

**Resolved,** That the City Council approves the change in the designation of a certain organization receiving funding pursuant to the Ending the Epidemic Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 13; and be it further

**Resolved,** That the City Council approves the changes in the designation of certain organizations receiving funding pursuant to the Mental Health Services for Vulnerable Populations Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 14; and be it further

**Resolved,** That the City Council approves the new designations of certain organizations receiving funding pursuant to the Afterschool Enrichment Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 15; and be it further

**Resolved,** That the City Council approves the new designation of a certain organization receiving funding pursuant to the Mental Health Workforce Retention and Development Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 16; and be it further

**Resolved,** That the City Council approves the new designation of a certain organization receiving funding pursuant to the Viral Hepatitis Prevention Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 17; and be it further

**Resolved,** That the City Council approves the new designation of a certain organization receiving funding pursuant to the Geriatric Mental Health Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 18; and be it further

**Resolved,** That the City Council approves the new designation and change in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 19; and be it further

**Resolved,** That the City Council approves the change in the designation of certain organizations receiving funding pursuant to the Community Safety and Victim Services Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 20; and be it further

**Resolved,** That the City Council approves the change in the designation of certain organizations receiving funding pursuant to the Support Our Seniors Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 21; and be it further

**Resolved,** That the City Council approves the change in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 22; and be it further

**Resolved,** That the City Council approves the change in the designation of certain organizations receiving funding pursuant to the Support Our Seniors Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 23; and be it further

**Resolved,** That the City Council amends the Purpose of Funds for certain organizations receiving funding in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 24; and be it further

**Resolved,** That the City Council amends the Purpose of Funds for certain organizations receiving funding in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 25.

Adopted by the Council (preconsidered and approved by the Committee on Finance; for text of the Exhibit Charts, please refer to the attachments section of [the Res. No. 6 of 2024 file](#) in the legislation section of the New York City Council website at <https://council.nyc.gov>).

## Res. No. 7

**Resolution calling on New York State to create a \$500 tax credit for qualifying volunteer firefighters and ambulance workers when filing New York City income tax.**

By Council Members Brannan, Louis, Yeger, Brooks-Powers and Stevens.

**Whereas**, The New York City Fire Department (“FDNY”) along with its Bureau of Emergency Medical Services (“EMS”) responds to a wide variety of emergency incidents including structural fires, public safety emergencies, both medical and non-medical emergencies, natural disasters, and terrorist acts; and

**Whereas**, During Fiscal Year 2021, the FDNY responded to 24,359 structural fires and 16,405 non-structural fires; and

**Whereas**, During Fiscal Year 2020, there were approximately 4,400 EMS personnel on staff who were charged with responding to nearly 1.5 million medical emergencies including over 500,000 life-threatening incidents; and

**Whereas**, The bravery of these men and women was highlighted during our City’s response to the COVID-19 pandemic; and

**Whereas**, At the peak of the COVID-19 outbreak, as many as 7,000 emergency calls were placed in a single day, a level not seen since September 11, 2001; including the highest three-day call volume in FDNY history; and

**Whereas**, These calls were not only answered by FDNY personnel but also volunteer firefighters and ambulance workers; and

**Whereas**, Volunteer firefighters and ambulance workers arguably do not receive just compensation for the vital civic duty they provide to our City; and

**Whereas**, According to New York State’s Department of Taxation and Finance, volunteer firefighter’s and ambulance workers currently receive an annual State tax credit of only \$200; and

**Whereas**, Volunteer firefighters and ambulance workers often spend personal money on professional gear, while navigating the high cost of living in New York City; and

**Whereas**, These volunteers should be afforded an increased a tax credit of \$500 to help offset the financial burdens they experience; and

**Whereas**, This tax credit could help retain current volunteers, as well as bolster recruiting of new volunteers; now, therefore, be it

**Resolved**, That the Council of the City of New York calls on New York State to create a \$500 tax credit for qualifying volunteer firefighters and ambulance workers can claim when filing New York City income tax.

Referred to the Committee on Finance.

## Preconsidered Int. No. 19

By Council Members Brewer, Rivera, Stevens, Gennaro, Gutiérrez and Hudson.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the posting of lithium-ion battery safety guides in places of business and online retail platforms that sell powered mobility devices**

*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 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.

§ 20-699.22 *Fire safety; posting of information.* a. The commissioner shall require the posting of lithium-ion battery safety informational materials and guides in all places of business that sell powered mobility devices.

b. Any person who sells or offers for sale a powered mobility device in a physical retail location shall conspicuously post such materials and guides near the location where such a device is offered for sale.

c. Any person who sells or offers for sale a powered mobility device on an online retail platform shall conspicuously post a hyperlink to such materials and guides from each webpage where such a device is offered for sale.

d. The violation of any provision of this section shall be punishable by a civil penalty of \$150 for a first violation, \$250 for a second violation, and \$350 for a third or subsequent violation. Each day in which a violation continues constitutes a separate violation.

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

Referred to the Committee on Consumer and Worker Protection (preconsidered but laid over by the Committee on Consumer and Worker Protection).

Preconsidered Int. No. 20

By Council Members Brewer, Rivera, Louis, Restler and Gutiérrez.

**A Local Law to amend the administrative code of the city of New York, in relation to third-party delivery workers and powered bicycle safety**

*Be it enacted by the Council as follows:*

Section 1. Paragraph (3) of subdivision e of section 10-157 of the administrative code of the city of New York, as amended by local law number 91 for the year 2017, is amended to read as follows:

(3) Each bicycle operator shall complete a bicycle safety course prior to making deliveries or otherwise operating a bicycle on behalf of a business using a bicycle for commercial purposes. For purposes of this section, "bicycle safety course" shall mean information provided by the department of transportation regarding safe bicycling, [and] adherence to traffic and commercial bicycle laws, *safe and lawful operation of powered bicycles within the meaning of section 20-609, and lithium-ion battery and charging safety.*

§ 2. Subdivision b of section 20-563.2 of the administrative code of the city of New York is amended by adding a new paragraph 4 to read as follows:

4. *Unless it has already done so pursuant to section 10-157, a third-party food delivery service shall comply with the requirements of subdivisions e and f of section 10-157 applicable to a business using a bicycle for commercial purposes and shall ensure that each person it hires, retains, or engages as a bicycle operator within the meaning of section 10-157 complies with subdivision e of such section.*

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

Referred to the Committee on Consumer and Worker Protection (preconsidered but laid over by the Committee on Consumer and Worker Protection).

## Preconsidered Int. No. 21

By Council Members Brewer, Rivera, Stevens, Gennaro, Gutiérrez and Hudson.

**A Local Law to amend the administrative code of the city of New York, in relation to creating licensing requirements for electric bicycle or scooter businesses**

*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 37 to read as follows:

*SUBCHAPTER 37  
ELECTRIC BICYCLE OR SCOOTER BUSINESS*

*§ 20-565 Definitions. For purposes of this subchapter, the following terms have the following meanings:*

*Electric bicycle or scooter business. The term "electric bike or scooter business" means any business that engages in commercial activity of which a significant proportion is focused on the sale, rental or maintenance of powered bicycles or powered mobility devices, including but not limited to the sale, rental, storage, charging, or repair, of such equipment and related storage batteries.*

*Licensee. The term "licensee" means any person that is currently licensed by the department to engage in the operation of an electric bicycle or scooter business.*

*Powered bicycle. The term "powered bicycle" means a bicycle with electric assist as defined in section 102-c of the vehicle and traffic law.*

*Powered mobility device. The term "powered mobility device" means an electric scooter as defined in section 114-e of the vehicle and traffic law or successor provision or other personal mobility device powered by a lithium-ion or other storage battery. The term does not include powered bicycles, wheelchairs or other mobility devices designed for use by persons with disabilities, or any vehicle that is capable of being registered with the New York State Department of Motor Vehicles.*

*§ 20-565.1 License. a. License required. It shall be unlawful for any person to operate an electric bicycle or scooter business without first having obtained a license therefor issued pursuant to this subchapter. All licenses issued pursuant to this subchapter shall be valid for no more than three years.*

*b. License application. An application for any license required under this subchapter or for any renewal thereof shall be made in such form or manner as the department shall prescribe by rule, provided that such application shall include, but need not be limited to:*

*1. A signed statement certifying compliance with all applicable laws, regulations and rules including:*

*(a) that the applicant is in compliance with section 20-610 of the code; and*

*(b) that the applicant is in compliance with sections FC 309.3, FC 309.3.1, FC 309.3.2, FC 309.3.3, FC 309.3.4, and FC 309.3.5 of the New York city fire code.*

*2. Original or true copies of liability insurance policies or certificates of insurance for liability insurance carried by the applicant.*

*§ 20-565.2 Duties of licensees. Any person holding a license permitting operation of an electric bicycle or scooter business shall:*

*a. Ensure compliance with all applicable laws, regulations and rules.*

*b. Carry liability insurance that, as determined by the department, adequately protects the public.*

*c. File annual declarations, in a manner and form prescribed by the department pursuant to rule, certifying compliance with all provisions of this subchapter, including but not limited to, providing documentation of an active liability insurance policy.*

*§ 20-565.3 Inspections. Prior to issuing any license for an electric bicycle or scooter business to operate, and routinely thereafter, the department, in coordination with the fire department, shall conduct inspections of operating locations of such businesses to ensure compliance with licensee duties established by section 20-565.2 and any rules promulgated pursuant to this subchapter.*

§ 20-565.4 *Issuance, renewal, revocation and suspension of license; fines.* In addition to any of the powers that may be exercised by the department, and not in limitation thereof, a license required pursuant to this subchapter may be suspended or revoked, or issuance or renewal thereof denied, by the department, and the licensee may be fined pursuant to subdivision e of section 20-104, upon a determination made by the department after due notice and hearing that an applicant or licensee has failed to comply with licensee duties established by section 20-565.2 of this subchapter or any rules promulgated thereunder, or has practiced fraud or misrepresentation in meeting requirements of this subchapter.

§ 20-565.5 *Unlicensed operation.* Any person operating an electric bicycle or scooter business without a valid license issued by the department shall be liable for a civil penalty of no less than one thousand dollars for every calendar day during which the unlicensed electric bicycle or scooter business operated.

§ 20-565.6 *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 electric bicycle or scooter business in such a manner that the license is visible from outside the building where such center is located.

§ 20-565.7 *Outreach.* No more than 60 days after the effective date of this local law, and continuing for 90 days thereafter, the commissioner, in collaboration with relevant agencies, shall conduct culturally appropriate outreach in the designated citywide languages, as defined in section 23-1101, to alert electric bicycle or scooter businesses to the requirements of this subchapter. Such outreach shall include, but need not be limited to, posting information on relevant agency websites and distributing information to electric bicycle or scooter businesses and other relevant stakeholders.

§ 2. Prior to the effective date of this local law, the department, in coordination with the fire department, shall make efforts to identify all electric bicycle or scooter businesses currently operating and notify such businesses of requirements as established by this local law.

§ 3. This local law takes effect 180 days after becoming law.

Referred to the Committee on Consumer and Worker Protection (preconsidered but laid over by the Committee on Consumer and Worker Protection).

#### Preconsidered Int. No. 22

By Council Members Brewer, Farías, Rivera and Won.

#### **A Local Law to amend the administrative code of the city of New York, in relation to vending on bridges**

*Be it enacted by the Council as follows:*

Section 1. Section 17-315 of the administrative code of the city of the New York is amended by adding new subdivisions n, o and p to read as follows:

*n. No food vendor shall vend on any elevated pedestrian walkway or bicycle lane on a bridge approach.*

*o. No pushcart shall be placed on any elevated pedestrian walkway on a bridge unless said elevated pedestrian walkway has at least a sixteen foot clear pedestrian path to be measured from one side of the walkway to any obstruction in or on the walkway, or if there are no obstructions to the other side of the walkway, such measurement shall not include bicycle lanes.*

*p. No vending pushcart operating on any elevated pedestrian walkway on a bridge shall be within 20 feet of another vending pushcart operating on such elevated pedestrian walkway on a bridge.*

§ 2. Section 20-465 of the administrative code of the city of New York is amended by adding new subdivisions s, t and u to read as follows:

*s. No general vendor shall vend on any elevated pedestrian walkway or bicycle lane on a bridge approach.*

*t. No pushcart shall be placed on any elevated pedestrian walkway on a bridge unless said elevated pedestrian walkway has at least a sixteen foot clear pedestrian path to be measured from one side of the walkway*

*to any obstruction in or on the walkway, or if there are no obstructions to the other side of the walkway, such measurement shall not include bicycle lanes.*

*u. No vending pushcart operating on any elevated pedestrian walkway on a bridge shall be within 20 feet of another vending pushcart operating on such elevated pedestrian walkway on a bridge.*

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

Referred to the Committee on Consumer and Worker Protection (preconsidered but laid over by the Committee on Consumer and Worker Protection).

#### Int. No. 23

By Council Members Brooks-Powers, Williams, Louis, Stevens, Gutiérrez, Won and Farías.

### **A Local Law to amend the New York city charter, in relation to establishing auditing requirements for minority and women-owned business enterprise procurement**

*Be it enacted by the Council as follows:*

Section 1. Subdivision c of section 93 of chapter 5 of the New York city charter is amended to read as follows:

c. The comptroller shall have power to audit all agencies, as defined in subdivision two of section eleven hundred fifty, and all agencies, the majority of whose members are appointed by city officials. The comptroller shall be entitled to obtain access to agency records required by law to be kept confidential, other than records which are protected by the privileges for attorney-client communications, attorney work products, or material prepared for litigation, upon a representation by the comptroller that necessary and appropriate steps will be taken to protect the confidentiality of such records. The comptroller shall establish a regular auditing cycle to ensure that one or more of the programs or activities of each city agency, or one or more aspects of each agency's operations, is audited at least once every four years, *except that the comptroller shall audit each relevant agency's minority and women-owned business enterprise utilization plan and related activities at least once every year.* The audits conducted by the comptroller shall comply with generally accepted government auditing standards. In accordance with such standards, and before any draft or final audit or audit report, or portion thereof, may be made public, the comptroller shall send a copy of the draft audit or audit report to the head of the audited agency and provide the agency, in writing, with a reasonable deadline for its review and response. The comptroller shall include copies of any such agency response in any draft or final audit or audit report, or portion thereof, which is made public. The comptroller shall send copies of all final audits and audit reports to the council, the mayor, and the audit committee.

*The comptroller may appoint a qualified person to oversee minority and women-owned business enterprise audits conducted pursuant to this subdivision.*

§ 2. This local law shall take effect immediately.

Referred to the Committee on Contracts.

#### Preconsidered Int. No. 24

By Council Members De La Rosa, Sanchez, Farías, Krishnan, Hanif, Ayala, Ossé, Cabán, Nurse, Marte, Gutiérrez, Won, Avilés, Hudson, Louis, the Public Advocate (Mr. Williams) and Stevens.

### **A Local Law to amend the administrative code of the city of New York, in relation to permitting street vendors to vend within two feet from the curb**

*Be it enacted by the Council as follows:*

Section 1. Subdivision a of section 17-315 of the administrative code of the city of New York is amended to read as follows:

a. No pushcart shall be placed upon any sidewalk unless said sidewalk has at least a twelve foot clear pedestrian path to be measured from the boundary of any private property to any obstruction in or on the sidewalk, or if there are no obstructions, to the curb. [In no event shall any pushcart be placed on any part of a sidewalk other than that which abuts the curb.] *All pushcarts on the sidewalk must be placed within two feet from the curb. Where an obstruction prevents such placement, pushcarts must be placed as close as possible to the obstruction.*

§ 2. Subdivision a of section 20-465 of the administrative code of the city of New York is amended to read as follows:

a. No general vendor shall engage in any vending business on any sidewalk unless such sidewalk has at least a twelve-foot wide clear pedestrian path to be measured from the boundary of any private property to any obstructions in or on the sidewalk, or if there are no obstructions, to the curb. [In no event shall any pushcart or stand be placed on any part of a sidewalk other than that which abuts the curb.] *All pushcarts on the sidewalk must be placed within two feet from the curb. Where an obstruction prevents such placement, pushcarts must be placed as close as possible to the obstruction.*

§ 3. This law shall take effect 120 days after it becomes law.

Referred to the Committee on Consumer and Worker Protection (preconsidered but laid over by the Committee on Consumer and Worker Protection).

#### Preconsidered Int. No. 25-A

By Council Members Dinowitz, Yeger, Stevens, Riley, Won, Nurse, Brooks-Powers, Avilés, Narcisse, Cabán, Ariola, Marmorato, Brannan, Brewer, Ayala, Rivera, Powers, Gennaro, Sanchez, Lee, Salaam, Hudson, Schulman, Ossé, Holden, Hanks, Menin, Marte, Joseph, Hanif, Salamanca, Carr, Abreu, Farías, Krishnan, Paladino, Louis, Zhuang, Restler, Gutiérrez, Banks, Feliz, Vernikov, Williams, Bottcher and Mealy.

#### **A Local Law to amend the administrative code of the city of New York, in relation to provision of senior citizen rent increase exemption application forms pre-populated with applicable data to eligible persons living in city-supervised Mitchell-Lama housing**

*Be it enacted by the Council as follows:*

Section 1. Chapter 7 of title 26 of the administrative code of the city of New York is amended by adding a new section 26-606.1 to read as follows:

§ 26-606.1 *Assistance for residents eligible to apply to the senior citizen rent increase exemption program.*

a. *Definitions. For purposes of this section, the term “resident” means a person who occupies a dwelling unit in a city-aided limited profit housing company development, who:*

*(i) has submitted an annual income affidavit to the supervising agency; and*

*(ii) appears to be eligible for the senior citizen rent increase exemption program, based upon review of applicable information available to the supervising agency.*

*b. No later than 90 days after the supervising agency receives a resident’s annual income affidavit, the supervising agency shall provide such resident with an application form for the senior citizen rent increase exemption program that contains all applicable data electronically populated in such application form for such resident. In addition, the supervising agency shall provide a letter to such resident with such application form that explains the features of the senior citizen rent increase exemption program; the purpose of such application form; and information on how to review, complete, modify as necessary, and return such application form to the supervising agency. Such letter shall also contain any relevant contact information for the supervising agency or any other agency that may provide assistance with review, completion, and submission of such application form.*



*c. To meet the requirements of this section, the supervising agency shall digitize the information contained in each annual income affidavit submitted to such supervising agency.*

*d. This section does not preclude the supervising agency from accepting annual income affidavits and application forms for the senior citizen rent increase exemption program prepared on a paper form, via a web-based application portal, or other electronic form submission technology.*

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

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

#### Int. No. 26

By Council Members Farías, Louis, Restler, Gutiérrez and Hudson.

### **A Local Law to amend the administrative code of the city of New York, in relation to restricting non-essential helicopter operations at city heliports to helicopters powered fully by electric engines**

*Be it enacted by the Council as follows:*

Section 1. Subchapter 2 of chapter 8 of title 22 of the administrative code of the city of New York is amended by adding a new section 22-827 to read as follows:

§ 22-827 *Helicopter operations. a. Definitions. For the purposes of this section, the following terms have the following meanings:*

*Covered helicopters. The term “covered helicopter” means a rotary-wing aircraft powered by a combustion engine capable of vertical takeoff and landing. Such term does not include helicopters powered fully by electric engines.*

*Heliport. The term “heliport” means a designated land area used for helicopter operations and any appurtenant areas, including fueling facilities, terminal buildings and maintenance and repair facilities.*

*Non-essential flight. The term “non-essential flight” means any helicopter flight not conducted by or on behalf of (i) the United States armed forces, (ii) the fire department, (iii) emergency services, including any air ambulance, (iv) the police department or other law enforcement entity, or (v) a newsgathering organization.*

*Newsgathering organization. The term “newsgathering organization” means an organization or entity that gathers and reports the news by publishing, broadcasting, or cablecasting articles, commentaries, books, photographs, video, film, or audio by electronic, print, or digital media such as radio, television, newspapers, magazines, wire, books, and the internet.*

*b. The commissioner shall require any contracted entity operating, managing or otherwise responsible for a heliport on any property owned by the city of New York to prohibit covered helicopters from conducting non-essential flights to or from any city-owned heliport.*

§ 3. This local law takes effect 180 days after enactment.

Referred to the Committee on Economic Development.

#### Int. No. 27

By Council Members Farías, Louis, Restler, Gutiérrez and Hudson.

### **A Local Law to amend the administrative code of the city of New York, in relation to monitoring helicopter noise**

*Be it enacted by the Council as follows:*

Section 1. Subchapter 2 of chapter 2 of title 24 of the administrative code of the city of New York is amended by adding a new section 24-217.2 to read as follows:

§ 24-217.2 *Monitoring helicopter noise.* a. *Definitions.* For the purposes of this section, the term “city building” means a building or structure that is (i) owned or leased by the city; and (ii) managed or operated by the city.

b. *The commissioner shall identify areas of the city that commonly experience noise due to helicopters. Such identification shall be based on frequently used helicopter flight paths, helicopter routes recommended by the federal aviation administration, the locations of 311 helicopter noise complaints, and any other factors the commissioner deems appropriate. Within such areas, the commissioner shall:*

1. *Install a sound level meter of the roof of each city building;*
2. *In collaboration with the commissioner of transportation, install a sound level meter on the top of each street light; and*
3. *Install, free of charge, a sound level meter on the roof of any privately-owned building where the owner has requested such installation.*

c. *No less frequently than once every 2 years, the commissioner shall reassess the areas identified pursuant to subdivision b of this section and identify any new areas that frequently experience helicopter noise.*

d. *The sound level meters required pursuant to paragraphs 1 and 2 of subdivision b of this section shall be installed no later than 6 months after (i) the effective date of the local law that added this section and (ii) any date that the commissioner identifies a new area pursuant to subdivision c of this section.*

e. *No later than 1 year after the effective date of the local law that added this section, and every month thereafter, the department shall post on its website a report of the decibel levels detected by each sound level meter installed pursuant to subdivision b of this section. The report shall include a separate row for each unique meter reading, reported at intervals of no greater than 5 seconds for each sound level meter, and such row shall include the following information set forth in separate columns:*

1. *The date and time at which the meter reading occurred;*
2. *A unique identification code corresponding to the sound level meter;*
3. *The latitude and longitude at which the meter reading occurred;*
4. *The altitude above sea level at which the meter reading occurred, as determined by global positioning systems technology; and*
5. *The decibel level detected.*

§ 2. This local law takes effect immediately.

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

Int. No. 28

By Council Members Farías, Louis and Gutiérrez.

**A Local Law to amend the administrative code of the city of New York, in relation to establishing a system to obtain employment and income information from a third-party for the city’s use in making determinations for benefits and services eligibility**

*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 *Third-party verification to determine benefits and services eligibility.* Notwithstanding the provisions of any law or regulations to the contrary, and in consultation with the mayor’s office of operations and any other agency the commissioner deems appropriate, the commissioner shall establish, no later than March 31, 2023, a system to obtain employment and income information from a third-party commercial consumer reporting agency, in accordance with 15 U.S.C. s. 1681 et seq., for the purpose of determining eligibility for benefits and services administered by the department.

§ 2. This local law takes effect immediately.

Referred to the Committee on General Welfare.

Int. No. 29

By Council Members Farías, Louis, Gennaro and Gutiérrez.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring a training program for first responders and an awareness campaign regarding domestic violence-related traumatic brain injuries**

*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.

Designated citywide languages. The term “designated citywide languages” has the same meaning as set forth in subdivision a of section 23-1101 of the administrative code of the city of New York.

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

First responder. The term “first responder” means a person with specialized training who is among the first to arrive and provide assistance or incident resolution at the scene of an emergency including, but not limited to, law enforcement officers, paramedics, emergency health technicians, and firefighters.

§ 2. Training. No later than 180 days after the effective date of this local law, the city shall conduct training on the topic of traumatic brain injury, to be provided to first responders to incidents involving domestic violence, for the purpose of promoting awareness of the connection between domestic violence and traumatic brain injury, the symptoms of such injury, and effective methods of addressing the needs of individuals in an emergency who suffer from such injury. All first responders employed by the police department and the fire department shall complete such training. The department of health and mental hygiene shall offer such training to members of the public including first responders to incidents involving domestic violence, domestic violence service providers, and client advocates.

§ 3 Training content. The commissioner of health and mental hygiene, the police commissioner, and the fire commissioner shall collaborate to develop the training required by section two of this local law. Training sessions may be designed to meet the specific needs of training participants, or address issues of specific relevance to such participants, and at minimum shall include instruction in relation to the following:

- a. The prevalence of traumatic brain injury cases among domestic violence survivors;
- b. How to identify symptoms of traumatic brain injury;
- c. How to respond to traumatic brain injury; and
- d. The long-term health effects associated with repeated occurrences of traumatic brain injury.

§ 4. Campaign. No later than 180 days after the effective date of this local law, the department of health and mental hygiene, in collaboration with the mayor’s office to end domestic and gender-based violence, shall conduct a public awareness campaign to destigmatize and increase understanding of the connection between domestic violence and traumatic brain injury, and the long-term health effects associated with repeated occurrences of traumatic brain injury. Such campaign shall include physical and digital materials. Such materials shall be made available in the designated citywide languages and posted on the city’s website.

§ 5. Paragraph 1 of subdivision b of section 14-192, as added by local law number 49 for the year 2022, is amended to read as follows:

1. The department shall develop, and implement by September 30, 2022, a victim-centered, trauma-informed questioning training program designed to develop skills for the response to and investigation of incidents involving domestic violence, sexual crimes, or human trafficking. The training program shall include but not be limited to the following components: the dynamics of domestic violence, sexual assault, and human trafficking, including abuser tactics of power and control; danger and lethality factors in domestic violence, sexual assault,

and human trafficking cases; the criminal law provisions of the Family Protection Domestic Violence Intervention Act of 1994, codified in chapter 222 of the laws of 1994; how to determine the primary aggressor in a domestic violence incident; the family offenses; the offense of endangering the welfare of a child; the offenses of assault in the first degree, manslaughter in the first and second degrees, criminally negligent homicide, and murder in the second degree, together with the defense of justification and the role of trauma in victims' acts of self-defense; the importance of avoiding expressions of skepticism, victim-blaming, and minimizing of the offense in early communications with victims; how to recognize signs of drug-facilitated sexual assault and preserve crucial evidence thereof; the overlap among domestic violence, sexual assault and human trafficking; victim-centered, trauma-informed questioning in domestic violence, sexual assault, human trafficking, and related cases; the effects of trauma on victims; *the long-term health implications of physical violence including, but not limited to, traumatic brain injury*; techniques of trauma-informed policing; the resources available to victims of domestic violence, sexual assault, and human trafficking, including shelter and nonresidential services, locating hospital-based sexual assault forensic exams, and domestic violence, sexual assault, and human trafficking emergency resources; and any other training deemed relevant by the commissioner, except that the commissioner may eliminate a training component or replace a training component with an alternative component in order to provide a comprehensive victim-centered, trauma-informed questioning training program.

§ 6. This local law takes effect immediately.

Referred to the Committee on Health.

Preconsidered Int. No. 30

By Council Members Feliz, Powers, Abreu, Joseph, Brewer, Louis, Rivera, Restler and Stevens.

**A Local Law to amend the administrative code of the city of New York, in relation to safety standards for powered bicycles and powered mobility devices used for food delivery services.**

*Be it enacted by the Council as follows:*

Section 1. Section 20-1501 of the administrative code of the city of New York is amended by adding a new definition of “powered mobility device” in alphabetical order to read as follows:

*Powered mobility device. The term “powered mobility device” shall be a powered bicycle or a powered mobility device, as such terms are defined in subchapter 2 of chapter 4 of title 20.*

§2. Subchapter 2 of chapter 15 of title 20 of the administrative code of the city of New York is amended by adding a new section 20-1526 to read as follows:

*§ 20-1526 Powered mobility devices. Any powered mobility device operated by a food delivery worker on behalf of a third-party delivery service or third-party courier service shall meet the standard for sale established by paragraph 1 of subdivision a of section 20-610, or paragraph 1 of subdivision b of such section, and any rules promulgated pursuant to either such paragraphs. Any such powered mobility device shall be provided at the expense of such delivery service or courier service, or by the food delivery worker. Such delivery service or courier service may permit a food delivery worker to make deliveries using a personal device that meets the standards provided in this section, provided that such delivery service or courier service shall not require any of its food delivery workers to provide such powered mobility device at such worker's expense as a term of employment.*

§ 3. This local law takes effect 6 months after becoming law.

Referred to the Committee on Consumer and Worker Protection (preconsidered but laid over by the Committee on Consumer and Worker Protection).

## Int. No. 31

By Council Members Gennaro, Louis, Restler, Gutiérrez and Hudson.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring testing at city waterfronts for harmful substances in the water and the posting of results online**

*Be it enacted by the Council as follows:*

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

**SUBCHAPTER 5  
WATER SAFETY TESTING AT WATER FRONT PROPERTIES**

*§ 24-591 Water safety testing at water front properties. a. Definitions. For purposes of this section, the following terms have the following meanings:*

*Harmful algal blooms. The term “harmful algal blooms” means colonies of algae that have grown to produce toxins that can kill fish, mammals, and birds and that can cause illness or death in humans.*

*Harmful substances. The term “harmful substances” means harmful or objectionable substances, contaminants, and pollutants that may have an adverse impact on waters of the state, humans, and wildlife, including but not limited to harmful algal blooms and discharges of petroleum.*

*b. Testing. The commissioner, in consultation with the commissioner of health and mental hygiene and the commissioner of parks and recreation, shall conduct sampling and testing at water front properties to quantify the levels of harmful substances in waters abutting such properties in accordance with this section. The commissioner shall conduct such sampling and testing no less than once per week and shall determine the appropriate methods of testing.*

*c. Posting of water quality information online. 1. The commissioner, in consultation with the commissioner of parks and recreation and the commissioner of health and mental hygiene, shall post conspicuously on the department’s website the results of the sampling and testing required to be conducted pursuant to subdivision b of this section within 3 days after each instance of such sampling and testing.*

*2. The results of such sampling and testing required to be posted online pursuant to this subdivision shall be disaggregated by:*

*(a) The type of harmful substance tested;*

*(b) The level of such harmful substance found in the sample, indicated with units of measurement as determined by the commissioner;*

*(c) The site where such sample was collected;*

*(d) The date such sample was collected; and*

*(e) The method of testing utilized to test for the harmful substance.*

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

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

## Int. No. 32

By Council Members Gennaro, Louis, Restler, Stevens, Gutiérrez and Brewer.

**A Local Law to amend the administrative code of the city of New York, in relation to an annual report on drainage infrastructure**

*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 *Annual report on drainage infrastructure. a. No later than February 1 of each year, the commissioner of environmental protection shall submit to the mayor and the speaker of the council a report on the condition of municipal drainage infrastructure.*

*b. The report required by subdivision a of this section shall include, but need not be limited to, the following information:*

*1. A description of the current operational condition of all treatment locations, wastewater pump stations, sewer regulators and other critical drainage infrastructure; and*

*2. For every instance in the previous year where infrastructure was either out of service or operating at a reduced capacity;*

*(a) A description of the affected infrastructure;*

*(b) The length of the disruption;*

*(c) Whether such disruption was partial or full;*

*(d) The cause of the disruption; and*

*(e) A description of any actions, whether conducted or planned, in response.*

§ 2. This local law takes effect immediately.

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

Int. No. 33

By Council Members Gennaro, Louis, Yeger, Restler, Stevens, Gutiérrez and Hudson.

**A Local Law to amend the administrative code of the city of New York, in relation to notification of discolored water or reduction of water pressure**

*Be it enacted by the Council as follows:*

Section 1. Subchapter 4 of chapter 3 of title 24 of the administrative code of the city of New York is amended by adding a new section 24-370 to read as follows:

§ 24-370 *Notification of discolored water or reduction of water pressure. a. Except as provided herein, the department shall notify via electronic mail all relevant community boards and all district offices of relevant council members at least 48 hours prior to the undertaking of any work by the department or at the request of the department which the department reasonably knows could lead to discolored water, or the reduction or loss of water pressure at water faucets within such district.*

*b. The notice requirements of subdivision a of this section shall not apply in situations where such work must proceed due to an imminent risk to public health or public safety. In such cases, where such 48-hour notice is not given, the department shall within five days of the conclusion of such work inform via electronic mail all such relevant community boards and district offices of relevant council members of the reason that the notice was not provided.*

§ 2. This local law takes effect immediately.

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

## Int. No. 34

By Council Members Gennaro, Louis and Gutiérrez.

**A Local Law to amend the administrative code of the city of New York, in relation to an invasive species advisory board**

*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 new section 18-107.1 to read as follows:

*§ 18-107.1 Invasive species advisory board. a. There shall be an invasive species advisory board consisting of 11 members as follows:*

- 1. The commissioner of parks and recreation or the commissioner's designee, who shall serve as chair;*
- 2. The commissioner of environmental protection or the commissioner's designee;*
- 3. The commissioner of transportation or the commissioner's designee;*
- 4. The director of the department of city planning or the director's designee;*
- 5. The director of the office of long term planning and sustainability or the director's designee;*
- 6. A representative from the New York city soil and water conservation district, appointed by the mayor;*
- 7. A specialist in terrestrial invasive species, appointed by the speaker of the council;*
- 8. Two representatives from environmental advocacy organizations, one appointed by the mayor and one appointed by the speaker of the council; and*
- 9. Two representatives from the nursery industry, one appointed by the mayor and one appointed by the speaker of the council.*

*b. The mayor may invite representatives from the Brooklyn botanic garden, the New York botanical garden, the nature conservancy, the New York state department of environmental conservation, the federal fish and wildlife service and the federal department of agriculture to participate in the work of the advisory board.*

*c. All appointments required by this section shall be made no later than 90 days after the effective date of the local law that added this section.*

*d. Each member of the advisory board shall serve at the pleasure of the officer who appointed the member. In the event of a vacancy on the advisory board, a successor shall be appointed in the same manner as the original appointment for the remainder of the unexpired term. All members of the advisory board shall serve without compensation.*

*e. The chair shall convene the first meeting of the advisory board no later than 30 days after the last member has been appointed, except that where not all members of the advisory board have been appointed within the time specified in subdivision c of this section, the chair shall convene the first meeting of the task force within 10 days of the appointment of a quorum.*

*f. The advisory board shall meet at least quarterly, keep a record of its proceedings, and determine the rules of its own proceedings with special meetings to be called by the chair upon such chair's own initiative or upon receipt of a written request signed by at least four members of the board. Written notice of the time and place of such special meetings shall be given by the secretary to each member at least two weeks before the date fixed by the notice for such special meeting.*

*g. The invasive species advisory board may conduct such hearings and meetings at any place or places within the city designated by the advisory board for the purpose of obtaining necessary information or other data to assist it in the proper performance of its duties and functions as it deems necessary.*

*h. The meeting requirement of subdivision f of this section shall be suspended when the advisory board submits its report as required by subdivision i of this section.*

*i. No later than two years after the first meeting of the invasive species advisory board, the advisory board shall submit a written report of its findings and determinations, together with its recommendations for action, to the mayor and the speaker of the council. Such report may include a list of invasive species for which the advisory board recommends a prohibition on the import, sale, purchase or possession in the city.*

*j. The invasive species advisory board shall develop recommendations for:*

1. A control policy designed to eradicate, suppress, reduce or manage invasive plant species populations, including preventing the spread of invasive species where they are present, including the restoration of native species or habitats;

2. Detecting and responding rapidly to and controlling populations of invasive species in a cost-effective and environmentally sound manner;

3. Enhancing monitoring of invasive species populations accurately and reliably;

4. Restoring native species and habitat conditions in ecosystems that have been invaded and conducting research on invasive species and detection protocols to prevent introduction; and

5. Making taxonomic information more readily available to the public and promoting public education on invasive species control.

k. The invasive species advisory board shall also work to foster greater coordination between agencies and the public, examine existing staff and funding resources needed to implement the proposed programs and recommend ways to close any potential staff or funding gaps which could impede implementation.

l. The invasive species advisory board shall terminate 180 days after the date on which it submits its report as required by subdivision i of this section.

§ 2. This local law takes effect immediately.

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

#### Int. No. 35

By Council Members Gennaro, Restler, Avilés, Bottcher, Stevens and Gutiérrez.

### **A Local Law to amend the administrative code of the city of New York, in relation to a prohibition on the sale of laundry and dishwasher pods and sheets using polyvinyl alcohol**

*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 *Prohibition on the sale of certain polyvinyl alcohol products.* a. *Definitions.* For purposes of this section, the following terms have the following meanings:

*Covered establishment.* The term “covered establishment” means a retail store, wholesale establishment, or other vendor of goods.

*Polyvinyl alcohol.* The term “polyvinyl alcohol” means a water soluble synthetic polymer formed by the hydrolysis of a vinyl polymer, such as polyvinyl acetate.

*Polyvinyl alcohol laundry or dishwasher pod.* The term “polyvinyl alcohol laundry or dishwasher pod” means an individual, self-contained, single-use product consisting of an interior that is a cleaning agent or detergent and an exterior that is, in whole or in part, a polyvinyl alcohol film or wrapping, and that is meant for use in a laundry machine or dishwashing machine.

*Polyvinyl alcohol laundry or dishwasher sheet.* The term “polyvinyl alcohol sheet” means a self-contained, single-use dissolvable product in the form of a fabric-like sheet composed, in part, of polyvinyl alcohol, and that is meant for use in a laundry machine or dishwashing machine.

b. No covered establishment shall possess, sell, offer, or otherwise distribute to any person a polyvinyl alcohol laundry or dishwasher sheet or a polyvinyl alcohol laundry or dishwasher pod.

c. Any covered establishment in violation of subdivision b of this section, or any rule promulgated thereunder, shall be liable for a civil penalty of \$400 for a first violation, \$800 for a second violation, and \$1,200 for a third or subsequent violation.

d. The department, and the department of consumer and worker protection, shall have the authority to enforce the provisions of this section.

§ 2. The department of environmental protection, in consultation with the department of consumer and worker protection, shall conduct outreach and education to retail stores, wholesale establishments, and other



vendors to inform them of the provisions of section one of this local law. Such outreach and education may continue, but shall not be required by this section to continue, after January 1, 2027.

§ 3. This local law takes effect January 1, 2026, except that section two of this local law takes effect immediately.

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

Int. No. 36

By Council Members Gennaro and Yeger.

**A Local Law to amend the administrative code of the city of New York, in relation to collection of recyclable materials after a holiday**

*Be it enacted by the Council as follows:*

Section 1. Subdivision b of section 16-305.1 of the administrative code of the city of New York, as amended by local law number 50 for the year 2003, is amended to read as follows:

b. [Effective July first, two thousand three, and notwithstanding any inconsistent provision of this chapter, the department shall be authorized, by written order of the commissioner, to implement and maintain alternate week collection of designated recyclable materials in all local service delivery districts, provided that the department may, by written order of the commissioner, provide for more frequent collection of designated recyclable materials in designated local service delivery districts. Any such written order of the commissioner implementing alternate week collection shall expire no later than March thirty-first, two thousand four.] *If a scheduled day to collect designated recyclable materials falls on a holiday, collection shall occur within two days following the holiday.*

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

Referred to the Committee on Sanitation and Solid Waste Management.

Int. No. 37

By Council Members Gennaro, Yeger and Stevens.

**A Local Law to amend the administrative code of the city of New York, in relation to increasing civil penalties for operating a bicycle, bicycle with electric assist, or electric scooter on the sidewalk**

*Be it enacted by the Council as follows:*

Section 1. Subdivision b of section 19-176 of the administrative code of the city of New York, as added by local law number 6 for the year 1996 and amended by local law number 14 for the year 2002, is amended to read as follows:

b. No person shall ride a bicycle upon any sidewalk unless permitted by an official sign. A person who violates this subdivision may be issued a notice of violation and shall be liable for a civil penalty of not more than one hundred *and seventy* dollars which may be recovered in a proceeding before the environmental control board.

§ 2. Subdivision c of section 19-176 of the administrative code of the city of New York, as added by local law number 6 for the year 1996 and amended by local law 14 for the year 2002, is amended to read as follows:

c. A person who violates subdivision b of this section in a manner that endangers any other person or property shall be guilty of a misdemeanor, punishable by a fine of more than one hundred dollars or imprisonment for not more than twenty days or both such fine and imprisonment. Such person shall also be liable

for a civil penalty of not less than one hundred *and seventy* dollars nor more than [three] *five* hundred *and ten* dollars, except where a hearing officer has determined that [where] there was physical contact between the rider and another person, an additional civil penalty of not less than one hundred *and seventy* dollars nor more than [two] *three* hundred *and forty* dollars may be imposed. Such civil penalties may be recovered in a proceeding before the environmental control board. Enforcement agents shall indicate on the summons or notice of violation issued pursuant to this subdivision whether physical contact was made between the rider and another person. Any person who violates any provision of this subdivision more than once within a six month period shall be subject to the imposition of civil penalties in an amount that is double what would otherwise have been imposed for the commission of a first violation. It shall be an affirmative defense that physical contact between a rider and another person was in no way the fault of the rider.

§ 3. This local law takes effect immediately.

Referred to the Committee on Transportation and Infrastructure.

#### Int. No. 38

By Council Member Gennaro (by request of the Queens Borough President).

#### **A Local Law in relation to clarifying the effective date of local law number 92 for the year 2019 and local law number 94 for the year 2019**

*Be it enacted by the Council as follows:*

Section 1. Section 3 of local law number 92 for the year 2019 is amended to read as follows:

§ 3. This local law takes effect on the same date that [a local law for the year 2019 amending the New York city building code, relating to requiring that the roofs of certain buildings be covered in green roofs or solar photovoltaic electricity generating systems, as proposed in introduction number 1032,] *local law number 94 for the year 2019* takes effect, *and shall not apply to applications for construction document approval filed prior to such effective date*, except that the commissioner of buildings shall take such measures as are necessary for its implementation, including the promulgation of rules, prior to its effective date.

§ 2. Section 5 of local law number 94 for the year 2019 is amended to read as follows:

§ 5. This local law takes effect 180 days after it becomes law, *and shall not apply to applications for construction document approval filed prior to such effective date*, except that the commissioner of buildings shall take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

§ 3. This local law takes effect immediately and is retroactive to and deemed to have been in effect on the same date as local law 92 for the year 2019 and local law 94 for the year 2019.

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

#### Res. No. 8

#### **Resolution calling upon the New York State Department of Health and New York State Environmental Facilities Corporation to fairly allocate grants and loans for lead service line replacement approved in the Federal Bipartisan Infrastructure Law and to remove all rules preventing New York City from receiving a fair share of this funding.**

By Council Members Gennaro, Gutiérrez and Hudson.

**Whereas,** Lead is a naturally occurring metal, exposure to which can cause significant health and developmental issues for people, particularly when exposure occurs during pregnancy or childhood; and

**Whereas,** Some common ways that people are exposed to lead are through ingesting contaminated food or water, ingesting paint chips, or through the inhalation of lead dust; and

**Whereas,** Children younger than six are at heightened risk of lead exposure, in part because lead is easily absorbed into developing nervous systems; and

**Whereas,** According to the United States Environmental Protection Agency (EPA) and the Centers for Disease Control and Prevention (CDC), there is no known safe level of lead in a child's blood, as even low levels of lead in a child's bloodstream can result in permanent damage, including developmental delays, behavioral issues, learning difficulties, and neurological damage; and

**Whereas,** Service lines connecting buildings to New York City's water distribution infrastructure, as well as piping and plumbing fixtures within buildings, particularly those built before 1961, can act as a source of lead contamination, when such pipes and fixtures were constructed from lead; and

**Whereas,** New York City's drinking water distribution system delivers lead free water to buildings, and treats water with food grade phosphoric acid and sodium hydroxide to minimize the likelihood of lead leaching from pipes into the water; and

**Whereas,** As part of President Joe Biden's Bipartisan Infrastructure Law, the federal government has allocated \$50 billion dollars to upgrade water and wastewater infrastructure across the United States, including \$15 billion dedicated to lead service line replacement and \$11.7 billion dollars in general Drinking Water State Revolving Funds, that can be spent on lead service line replacement; and

**Whereas,** In 2021, the Biden administration released the Biden-Harris Lead Pipe and Paint Action Plan, directing the EPA to allocate an additional three billion dollars in Bipartisan Infrastructure Law funding to states, tribes, and territories for lead service line replacements in 2022, and clarifying that the \$350 billion State and Local Fiscal Recovery Fund provided in the American Rescue Plan Act of 2021 could be used to replace lead service line, lead faucets and fixtures; and

**Whereas,** The Lead Pipe and Paint Action Plan also includes five billion dollars for the mitigation and removal of lead paint, lead faucets, and fixtures containing lead in low-income households, by the U.S. Department of Housing and Urban Development (HUD), \$65 billion of Build Back Better Act funding for public housing agencies, and \$5 billion for other federally-assisted housing preservation and rehabilitation, which can be used for lead pipe replacement, and the replacement of privately owned lead service lines; and

**Whereas,** In New York, much of the funding from the Drinking Water State Revolving Funds will be administered by the New York State Environmental Facilities Corporation (EFC), which uses funding formulas and rules that functionally exclude New York City from fairly accessing grant funding; and

**Whereas,** EFC's standard guidelines include a hardship rule, which aims to target grants and/or principal forgiveness and interest free financing toward low-income families, but the rule excludes municipalities with populations exceeding 300,000 residents from accessing grant funding, regardless of whether any other criteria are met, essentially allowing every city in New York State apart from New York City to access that grant funding; and

**Whereas,** State law and EFC have also established per-municipality funding caps that severely disadvantage New York City, leading to the city being awarded only six million dollars over two years of funds from grants EFC announced in November of 2022, despite applying for, and being otherwise eligible to receive \$110 million dollars in project costs; and

**Whereas,** In August of 2022, New York City submitted six lead service line grant applications totaling approximately \$57.5 million dollars for remediation work in census tracts across the Bronx and Queens that demonstrate severe financial hardship, are known to have a high density of lead service lines, and contain a large population of children; and

**Whereas,** Under the New York State Department of Health's proposed guidelines for the distribution of lead service line replacement funds, communities would be limited to \$10 million in grants or principal loan forgiveness loans, making New York City eligible for only \$24 million in total funding, approximately 17% of grant funding available; and

**Whereas,** New York City represents approximately 44% of New York State's population and 59% of the state's disadvantaged communities, while providing 62% of the state's revenue. New York City is also a majority minority population, while the rest of the state is not; and

**Whereas,** Absent access to grant funding, New York City will be forced to slow down its planned lead service line replacement work, further burdening communities already among the most affected by income inequality and environmental racism; and

**Whereas,** Any guidelines or rules that prevent New York City from accessing its fair share of grants, loans, state funds, or federal funds directly disenfranchises a majority of New York State's most disadvantaged communities, and raises environmental justice and equity concerns; therefore, be it

**Resolved,** That the Council of the City of New York calls upon the New York State Department of Health and New York State Environmental Facilities Corporation to allocate grants and loans for lead service line replacement approved in the Federal Bipartisan Infrastructure Law fairly across New York State, and to remove all discriminatory rules preventing New York City from receiving a fair share of this funding

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

Preconsidered Int. No. 39-A

By Council Members Hanif, Cabán, Narcisse, Farías, Louis, Riley, Rivera, Schulman, Gutiérrez, Hudson, Salaam, Brannan, Marte, Joseph, Won, Sanchez, Gennaro, Hanks, Ossé, De La Rosa, Ayala, Nurse, Bottcher and Mealy.

**A Local Law to amend the administrative code of the city of New York, in relation to establishing a program to assist with door and window repair and security for survivors of domestic and gender-based violence**

*Be it enacted by the Council as follows:*

Section 1. Subchapter 8 of chapter 1 of title 3 of the administrative code of the city of New York is amended by adding a new section 3-187 to read as follows:

*§ 3-187 Personal safety and security resource program. a. Definitions. For purposes of this section, the following terms have the following meanings:*

*Community-based organization. The term "community-based organization" means a non-profit organization that provides services to survivors of domestic violence or gender-based violence regardless of language spoken, gender identity, sexual orientation, criminal history, or immigration status.*

*Designated organizations. The term "designated organizations" means the community-based organizations designated by the director, pursuant to subparagraph (a) of paragraph 2 of subdivision b of this section, to administer the program and supervise survivor advocates.*

*Director. The term "director" means the director of the office.*

*Door and window repair service. The term "door and window repair service" means the provision of new locks and keys and door, lock, and window repairs for an eligible household.*

*Dwelling. The term "dwelling" has the same meaning as set forth in section 4 of the multiple dwelling law.*

*Eligible household. The term "eligible household" means a household that meets the following criteria:*

*1. Includes a survivor of domestic violence or gender-based violence whose status is established by self-identification, documentation from an agency or community-based organization, or an order of a court of competent jurisdiction;*

*2. Such survivor is a resident of the city of New York; and*

*3. Any other criteria deemed appropriate by the director to further the purposes of the program, except that, to the extent allowed under applicable law, such criteria shall not relate to the consumer credit history, criminal history, or immigration status of such survivor or of any other member of such survivor's household.*

*Owner. The term "owner" means the owner of a dwelling.*

*Personal emergency response system. The term "personal emergency response system" means a personal alarm system provided to a member of an eligible household that would allow such member to alert emergency services or a trusted contact to the need for assistance and that does not result in alteration of a dwelling or of the premises in which such dwelling is located.*

*Program.* The term “program” means the program required by subdivision b of this section.

*Program participant.* The term “program participant” means an eligible household that a designated organization selects to participate in the program.

*Support service.* The term “support service” means a social service to which a survivor advocate refers a program participant during the program, including, but not limited to, counseling services, housing services, safety planning, and legal services.

*Survivor.* The term “survivor” means a person who has experienced or reported domestic violence or gender-based violence.

*Survivor advocate.* The term “survivor advocate” means a non-attorney advocate employed and supervised by a designated organization who provides information and support to a program participant in connection with a door and window repair service or a personal emergency response system, or who refers a program participant to any support services.

b. *Program established.* 1. The office shall establish a trauma-informed program that provides referral to support services to eligible survivors, and where permitted by applicable law, may provide door and window repair service for the dwellings of such eligible survivors or a personal emergency response system, or both, for such survivors.

2. The director shall:

(a) Establish a list of qualified organizations to implement the program and designate no more than 5 such organizations to administer the program and supervise survivor advocates;

(b) Provide an application for such program, which shall be made available on the office’s website;

(c) Refer program participants to supportive services; and

(d) In collaboration with designated organizations, coordinate with any such survivor, prioritizing the safety and privacy of such survivor, to notify the owner of such survivor’s dwelling of the provision of new locks and keys and door, lock, and window repairs for an eligible household, which may include entering into a license agreement to gain access to such dwelling, including any premises in which such dwelling is located, for the purposes described herein. Such license agreement may include insurance, liability, or indemnity provisions.

3. The office, in coordination with a designated organization, must make a reasonable effort to ensure the following:

(a) Provision of any new locks and keys and door, lock, and window repairs made under the program may only be performed by a vendor licensed as required by local, state, or federal law. Provision of such new locks and keys and door, lock, and window repairs must be performed in compliance with applicable federal, state, and local laws, including, but not limited to, the installation of window gates specifically permitted under local law and regulations, and the limitations on or prohibitions against the installation of window gates or locks on egress windows, as provided in local law and regulations; and

(b) Prior to commencing door or window repair service under the program, such door or window repair service will not result in illegally locking out a lawful occupant of the dwelling.

4. The provision of services provided under the program shall be provided to eligible households as soon as possible after a determination of their eligibility for such program and, to the extent practicable, no later than 3 days after such determination.

c. *Report.* No later than 1 year after the office establishes the program required by subdivision b of this section, and annually thereafter, the director shall issue a report on such program to the mayor and speaker of the council and post such report on the office’s website. The information in such report shall be anonymized and include, but need not be limited to, the following, to the extent such information is provided to the office:

1. The number of households participating in the program and the zip code of and primary language spoken in each such household;

2. Demographic information for all survivors participating in the program including, but not limited to, age, gender, race, and ethnicity;

3. The number of households participating in such program that received door and window repair services within: (i) 24 hours of a determination of eligibility; (ii) between 24 and 72 hours of such determination; and (iii) after 72 hours of such determination;

4. A description of the impact, if any, that the survivor advocates, door and window repair services, personal emergency response system, and support services had on the program participants;

5. A description of any challenges the office had in implementing such program and any efforts the office took to address such challenges; and

6. Any recommendations on how to improve the program.

d. *Education and outreach.* The office shall develop an outreach and education program to educate the public about the program. Materials used for such outreach and education program shall be available in all designated citywide languages, as defined in section 23-1101, temporary languages, as defined in section 23-1105, and any additional languages as determined by the director in consultation with community-based organizations. The office shall distribute such materials to family justice centers, domestic violence shelters, facilities operated by the New York city health and hospitals corporation, and community-based organizations. The office shall also conduct community outreach and education efforts in high traffic areas including, but not limited to, transit hubs. Such materials shall also be made available on the office's website. Such materials shall include:

1. A detailed explanation of the program, including an indication that there is no cost to survivors associated with the program, and that immigration status does not need to be revealed;

2. Information on how the program will be implemented and instructions for how to apply or make an appointment; and

3. Any other information as determined by the director.

e. *Privacy.* No information that is required to be reported pursuant to subdivision c of this section shall be reported if doing so would violate any applicable provision of federal, state, or local law relating to the privacy, confidentiality, use, or disclosure of such information. If a category contains a number between 1 to 9 households, or allows another category to be narrowed to a number between 1 to 9 households, such number shall be replaced with a symbol. A category that contains zero shall be reported as zero.

f. *Owner liability.* Nothing in this section shall be construed to create a cause of action against an owner of a dwelling or door and window repair service provider.

§ 2. This local law takes effect immediately.

Referred to the Committee on Women and Gender Equity (preconsidered but laid over by the Committee on Women and Gender Equity).

Int. No. 40

By Council Members Hanks, Carr, Louis and Yeger

**A Local Law to amend the administrative code of the city of New York, in relation to increasing transparency and accountability in the real property tax assessment process**

*Be it enacted by the Council as follows:*

Section 1. Subdivision a of section 11-207 of the administrative code of the city of New York, as amended by local law number 55 for the year 1993, is amended to read as follows:

a. 1. In performing their assessment duties, the assessors shall personally examine each parcel of taxable real estate during at least every third assessment cycle, and shall personally examine each parcel of real estate that is not taxable during at least every fifth assessment cycle, as measured from the last preceding assessment cycle during which such parcel was personally examined. Notwithstanding anything in the preceding sentence to the contrary, the assessors shall revalue, reassess or update the assessment of each parcel of taxable or nontaxable real estate during each assessment cycle, irrespective of whether such parcel was personally examined during each assessment cycle. *No later than the day on which the annual record of the assessed valuation of real estate is opened to the public for inspection as provided in section 1510 of the charter, the department shall publish on its website a list of each parcel of real estate personally examined during the preceding assessment cycle in accordance with this paragraph, including (a) the borough, block and lot and*

street address of each parcel examined, (b) the date on which it was examined, (c) whether such parcel is taxable or not taxable, and (d) the method by which the parcel was examined.

2. For each parcel assessed, the assessor shall document the valuation method used for such assessment and the reason such valuation method was chosen. For each parcel assessed in accordance the provisions of section 581 of the real property tax law, the assessor shall document the comparable property or properties used for such assessment, where applicable, and the reason such comparable property or properties were chosen. The department shall maintain the documentation required by this paragraph for a period of at least seven years.

3. No later than January 5 of each year, the department shall publish on its website the guides, manuals, protocols, policies or procedures used by the assessors to assess and value property during the preceding assessment cycle.

§2. Subdivision b of section 11-207.1 of the administrative code of the city of New York, as added by local law number 52 for the year 2013, is amended to read as follows:

b. (1) The notice of property value sent by the department to an owner of real property shall inform such owner how to access additional information on the website of the department regarding valuation of the subject real property, including the factors used by the department to determine the market value of such real property. The notice of property value shall include the address of such website. Such information shall be made available at least thirty days prior to the final date for filing any appeal.

(2) The notice of property value sent by the department to an owner of real property owned or leased by a cooperative corporation or on a condominium basis assessed in accordance the provisions of section 581 of the real property tax law shall inform such owner of the comparable property or properties used to determine the assessed value of such property, where applicable, identified by borough, block, and lot and street address. Where the comparable property or properties used is different than the comparable property or properties used in the tax year immediately prior to the applicable tax year, the fact of such change shall be indicated on the notice of property value and shall include the reason for such change.

§3. This local law takes effect July 1, 2024.

Referred to the Committee on Finance.

Int. No. 41

By Council Members Hanks, Holden, Louis, Yeger, Carr and Ariola.

**A Local Law to amend the administrative code of the city of New York, in relation to the limitation on parking of mobile homes and trailers on residential 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 amended by adding a new section 19-170.3 to read as follows:

§ 19-170.3 *Limitation on parking of mobile homes and trailers.* a. *Definitions.* As used in this subchapter, the following terms shall have the following meanings:

*Mobile home.* The term “mobile home” shall have the same meaning as set forth in section 122-c of the vehicle and traffic law or any successor provision.

*Trailer.* The term “trailer” shall have the same meaning as set forth in section 156 of the vehicle and traffic law or any successor provision.

*Residential street.* The term “residential street” shall mean those streets, or parts thereof, which are unmetered where there is one or more residential units.

b. When parking is not otherwise restricted, it shall be a violation for a person to park a mobile home or trailer in excess of three hours on a residential street.

c. Notwithstanding the foregoing, it shall be a violation for a person to park a mobile home or trailer on a residential street from 9:00 p.m. until 5:00 a.m..

d. Any mobile home or trailer parked in violation of subdivision b or c of this section shall be subject to impoundment by the department, the police department or any other authorized agency. The commissioner and the

*police commissioner shall be authorized to promulgate rules and regulations concerning the procedure for the impoundment of mobile homes or trailers.*

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

Referred to the Committee on Transportation and Infrastructure.

#### Int. No. 42

By Council Members Holden and Yeger.

### **A Local Law in relation to imposing a limit upon the real property tax levy**

*Be it enacted by the Council as follows:*

Section 1. Definitions. For purposes of this section:

Allowable levy growth factor. The term “allowable levy growth factor” means the lesser of: (a) one and two one-hundredths; or (b) the sum of one plus the inflation factor, provided, however, that in no case shall the allowable levy growth factor be less than one.

Inflation factor. The term “inflation factor” means the quotient of: (a) the average of the national consumer price indexes determined by the United States department of labor for the twelve-month period ending six months prior to the start of the coming fiscal year minus the average of the national consumer price indexes determined by the United States department of labor for the twelve-month period ending six months prior to the start of the prior fiscal year, divided by (b) the average of the national consumer price indexes determined by the United States department of labor for the twelve-month period ending six months prior to the start of the prior fiscal year, with the result expressed as a decimal to four places.

Tax levy limit. The term “tax levy limit” means the amount of taxes authorized to be levied by the council for each fiscal year.

Tax or taxes. The terms “tax” or “taxes” mean (a) a charge imposed upon real property by the city of New York, and (b) special ad valorem levies and special assessments as defined in subdivisions fourteen and fifteen of section one hundred two of the real property tax law.

§ 2. In no event shall the council adopt a budget for the ensuing fiscal year that requires a tax levy that is greater than the current year’s tax levy multiplied by the allowable growth factor.

§ 3. Notwithstanding the preceding paragraph, the council may adopt a budget that requires a tax levy that is greater than the tax levy limit for the ensuing fiscal year if, prior to the adoption of the budget, the council, by two-thirds vote of all the council members, approves a resolution authorizing the greater tax levy for the ensuing fiscal year. Such resolution shall set forth the reason or reasons why the council is authorizing an exception to the tax levy limit.

§ 4. This local law takes effect immediately and expires and is deemed repealed on December 31, 2024.

Referred to the Committee on Finance.

#### Int. No. 43

By Council Members Holden, Yeger, Stevens, Gennaro, Dinowitz, Hanif, Salamanca, Paladino and Vernikov.

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

*Be it enacted by the Council as follows:*



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

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

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

Referred to the Committee on Sanitation and Solid Waste Management.

Res. No. 9

**Resolution calling upon the New York State Legislature to pass, and the Governor to sign, S.4095, which would extend the State’s property tax levy cap to New York City.**

By Council Members Holden and Yeger.

**Whereas**, The State Legislature passed, and the Governor signed, legislation in 2011 limiting real property tax levies by local governments and school boards by capping annual tax levy increases by the lesser of two percent or inflation; and

**Whereas**, Such property tax levy cap was extended by the State in 2015 and was made permanent in 2019; and

**Whereas**, Such property tax cap levy specifically excluded New York City and the counties contained therein; and

**Whereas**, Former Governor Cuomo has credited the property tax levy cap with having “succeeded in taming out-of-control property tax increases” and protecting property taxpayers from “the crushing burden of skyrocketing tax increases,” saving property taxpayers approximately \$24.4 billion between Fiscal Year 2012 and Fiscal Year 2019; and

**Whereas**, In New York City, the property tax levy has expanded from \$19.3 billion in Fiscal 2012 to \$29.6 billion in Fiscal 2019, representing a 6.3 percent annual rate of growth;

**Whereas**, According to the New York City Comptroller’s Affordability Index, many New Yorkers are burdened by sharp cost of living increases, leaving a declining share of income after taxes for basic needs and other expenses; and

**Whereas**, In New York City, the property tax levy increases the burden to not only property owners, but also renters, whom tax increases are often passed onto in the form of rent increases; and

**Whereas**, In an effort to relieve the burden the property tax levy puts on those living in New York City, S.4095, sponsored by State Senator Andrew Lanza, was introduced in the 2023-2024 New York State Legislative Session, with similar versions introduced every session since 2011; and

**Whereas**, The bills would establish limitations upon real property tax levies in cities with a population of one million or more; now, therefore be it

**Resolved**, That the Council of the City of New York calls upon the New York State Legislature to pass, and the Governor to sign, S.4095, which would extend the State’s property tax levy cap to New York City.

Referred to the Committee on Finance.

Res. No. 10

**Resolution recognizing July 27 annually as Korean War Veterans Armistice Day in the City of New York to honor the courage and sacrifice of those who served.**

By Council Members Holden, Brooks-Powers, Gennaro, Gutiérrez, Farías and Ariola.

**Whereas**, After World War II, the Korean Peninsula was split into a Soviet-backed government in the North and a United States (U.S.)-backed government in the South; and

**Whereas**, On June 25, 1950, North Korean soldiers attacked along the 38th parallel, which divided the North and South, and invaded South Korea; and

**Whereas**, After the attack was condemned by the United Nations (UN) Security Council, the U.S. and other member nations sent troops to aid South Korea; and

**Whereas**, The ensuing three-year war cost the lives of millions of Korean civilians and soldiers from many countries and forever changed the lives of hundreds of thousands of those who were wounded and those who were brutally treated as prisoners of war; and

**Whereas**, On July 27, 1953, the Korean Armistice Agreement was signed by military delegates from the U.S., on behalf of the UN Command, the Korean People’s Army, and the Chinese People’s Volunteer Army, which had aided North Korea, thus bringing an end to armed conflict; and

**Whereas**, This longest negotiated armistice agreement in history, spanning two years and 17 days, was not and is not a formal peace treaty signed by nations, but rather a military truce, which separated the two parts of the Korean Peninsula by a Demilitarized Zone, which exists today; and

**Whereas**, On the National Mall in Washington, D.C., in 1995, U.S. President William J. Clinton and South Korea’s President Kim Young-sam dedicated the Korean War Veterans Memorial, described by President Clinton as an “enduring testament to [the veterans’] valor and generosity of spirit”; and

**Whereas**, The haunting Memorial includes 19 “On Patrol” stainless steel standing sculptures of servicemembers in a triangular “field of service,” a wall with more than 36,000 names of Americans killed in the War, a pool of remembrance, a UN wall with the engraved names of the 21 countries that fought with the U.S., and a black granite mural wall with etchings of more than 2,400 candid photographs of servicemembers; and

**Whereas**, President Clinton wrote in Proclamation 6812 on July 26, 1995, that “we look back in awe and gratitude at what our Armed Forces and allies accomplished in Korea” and that “[u]nder the banner of the United Nations, they fought to defend freedom and human dignity in the Korean peninsula, demonstrating to the world’s totalitarian regimes that men and women of goodwill were ready to pay the ultimate price so that others might enjoy the blessings of liberty”; and

**Whereas**, President Joseph R. Biden, Jr., in a Proclamation on July 26, 2022, to commemorate National Korean War Veterans Armistice Day, wrote that the 1.8 million Americans who served “faced enormous challenges—often outnumbered by the enemy, facing extreme heat and cold while fighting in the mountains and valleys and in the rice paddies and rocky terrain of the Korean Peninsula”; and

**Whereas**, President Biden said in his Proclamation that thousands of soldiers remain unaccounted for even today and that he is committed to accounting for all U.S. prisoners of war and servicemembers still missing in action;

**Whereas**, In his Proclamation, President Biden also remarked on almost 70 years of “ensuing peace and the abiding relationship between the Korean and American people [that] has been the foundation for the thriving democracy and incredible economic progress of the Republic of Korea”; and

**Whereas**, In his Proclamation, President Biden encouraged all Americans on July 27, 2022, “to reflect on the strength, sacrifices, and sense of duty of our Korean War Veterans and bestow upon them the high honor they deserve” and further “to observe this day with appropriate ceremonies and activities that honor and give thanks” to those Veterans; and

**Whereas**, July 27, 2023, was the 70th anniversary of the signing of the Korean Armistice Agreement, which heralded decades of peace after the bitter conflict; now, therefore, be it

**Resolved**, That the Council of the City of New York recognizes July 27 annually as Korean War Veterans Armistice Day in the City of New York to honor the courage and sacrifice of those who served.

Referred to the Committee on Veterans.

## Int. No. 44

By Council Members Hudson, Yeger, Brooks-Powers, Restler, Stevens, Louis and Gutiérrez.

**A Local Law to amend the administrative code of the city of New York, in relation to the senior citizen rent increase exemption and the disability rent increase exemption**

*Be it enacted by the Council as follows:*

Section 1. Section 11-137 of the administrative code of the city of New York, as added by local law number 40 for the year 2015, is amended by adding new subdivisions d and e to read as follows:

*d. Information System. The department shall develop and maintain a secure citywide system that allows tenants to access their information related to the rent increase exemption programs. A link to such system shall be prominently displayed on the website of the department and any other city agency website that administers such programs. The information presented in such system shall be updated with any applicable changes no less frequently than daily. Such system shall include, but not be limited to, the following functionality:*

*(1) allowing any tenant who has submitted an application, renewal application or any other application form required by the department or city agency for a rent increase exemption program to view the current status of their application. Such system shall indicate for each individual whether the department or city agency has:*

*(i) received such tenant's application;*

*(ii) approved or rejected such application, if applicable, and if rejected, a brief statement of the reason for rejection as well as a list of any missing documents that led the department or city agency to reject the application; and*

*(iii) mailed or delivered a letter to such tenant containing information regarding the determination to approve or reject the application, and shall include the ability for such tenant to view an electronic version of the letter.*

*(2) allowing the tenant to view their benefit status, including but not limited to, for each exemption:*

*(i) active status, with the inclusion of the date on which the benefit became active, the date by which the tenant must apply to renew the benefit, and the date on which the benefit will become inactive; and*

*(ii) inactive status, with a brief explanation of what this status means and why the benefit is categorized as such, as well as information on how the tenant can restore the benefit to active status.*

*(3) allowing the tenant to view, if applicable, any documents such tenant has submitted to the department or city agency, or that the department or city agency has submitted to such tenant, including the date on which such document was received by the department or city agency or submitted to such tenant;*

*(4) providing any tenant with the option to receive written or electronic alerts including, but not limited to, notification of a change in their exemption status; and*

*(5) allowing the tenants to access existing online resources including, but not limited to, resources allowing such property owner to:*

*(i) submit an initial application, a renewal application and any other form other than an application or renewal application form;*

*(ii) update tenant or household information; and*

*(iii) submit questions regarding the rent increase exemption programs.*

*e. Outreach. The department shall, to the extent practicable, contact by telephone or electronic mail any person who (i) has registered their telephone number or electronic mail address with the department and (ii) has received the notice described in subdivision b of this section. Any such contact shall be made within a time period reasonably proximate to the mailing of such notice.*

§ 2. Paragraph (9) of subdivision m of section 26-405 administrative code of the city of New York, as amended by local law number 44 for the year 2009, is amended to read as follows:

*(9) Notwithstanding any other provision of law to the contrary, where a head of household holds a current, valid rent exemption order and, after the effective date of this paragraph, there is a permanent decrease in aggregate disposable income in an amount which exceeds twenty percent of such aggregate disposable income as represented in such head of the household's last approved application for a rent exemption order or for renewal thereof, such head of the household may apply for a redetermination of the amount set forth therein. Upon application, such amount shall be redetermined so as to re-establish the ratio of adjusted rent to aggregate*

disposable income which existed at the time of the approval of such eligible head of the household's last application for a rent exemption order or for renewal thereof; provided, however, that in no event shall the amount of the adjusted rent be redetermined to be (i) in the case of a head of the household who does not receive a monthly allowance for shelter pursuant to the social services law, less than one-third of the aggregate disposable income unless such head of the household has been granted a rent exemption order that is in effect as of January first, two thousand fifteen or takes effect on or before July first, two thousand fifteen; or (ii) in the case of a head of the household who receives a monthly allowance for shelter pursuant to the social services law, less than the maximum allowance for shelter which such head of the household is entitled to receive pursuant to such law. *For purposes of this paragraph, a decrease in aggregate disposable income shall include an event in which (i) a member of the household has died; (ii) a member of the household has permanently moved to a nursing home; (iii) a member of the household has permanently retired or has a permanent disability; (iv) a member of the household is no longer receiving social security disability income benefits; and (v) a member of the household has experienced a termination of employment for a period no less than six months. Notwithstanding any other provision of law if, upon the approval of a redetermination application and prior to renewal, there is a change to the employment status to such member of the household who experienced a termination of employment for a period no less than six months, the head of the household shall re-apply for a redetermination so as to re-establish the ratio of adjusted rent to aggregate disposable income.* For purposes of this paragraph, a decrease in aggregate disposable income shall not include any decrease in such income resulting from the manner in which such income is calculated pursuant to any amendment to paragraph c of subdivision one of section four hundred sixty-seven-b of the real property tax law, any amendment to the regulations of the department of finance made on or after the effective date of the local law that added this clause, or any amendment to the regulations of such other agency as the mayor shall designate made on or after October tenth, two thousand five. For purposes of this paragraph, "adjusted rent" shall mean maximum rent less the amount set forth in a rent exemption order.

§ 3. Paragraph (9) of subdivision b of section 26-509 administrative code of the city of New York, as amended by chapter 553 of the laws of 2015, is amended to read as follows:

(9) Notwithstanding any other provision of law to the contrary, where a head of household holds a current, valid rent exemption order and, after the effective date of this paragraph, there is a permanent decrease in aggregate disposable income in an amount which exceeds twenty percent of such aggregate disposable income as represented in such head of the household's last approved application for a rent exemption order or for renewal thereof, such head of the household may apply for a redetermination of the amount set forth therein. Upon application, such amount shall be redetermined so as to reestablish the ratio of adjusted rent to aggregate disposable income which existed at the time of approval of such head of the household's last application for a rent exemption order or for renewal thereof; provided, however, that in no event shall the amount of adjusted rent be redetermined to be (i) in the case of a head of the household who does not receive a monthly allowance for shelter pursuant to the social services law, less than one-third of the aggregate disposable income unless such head of the household has been granted a rent exemption order that is in effect as of January first, two thousand fifteen or takes effect on or before July first, two thousand fifteen; or (ii) in the case of a head of the household who receives a monthly allowance for shelter pursuant to such law, less than the maximum allowance for shelter which such head of the household is entitled to receive pursuant to the social services law. *For purposes of this paragraph, a decrease in aggregate disposable income shall include an event in which (i) a member of the household has died; (ii) a member of the household has permanently moved to a nursing home; (iii) a member of the household has permanently retired or has a permanent disability; (iv) a member of the household is no longer receiving social security disability income benefits; and (v) a member of the household has experienced a termination of employment for a period no less than six months. Notwithstanding any other provision of law if, upon the approval of a redetermination application and prior to renewal, there is a change to the employment status to such member of the household who experienced a termination of employment for a period no less than six months, the head of the household shall re-apply for a redetermination so as to re-establish the ratio of adjusted rent to aggregate disposable income.* For purposes of this paragraph, a decrease in aggregate disposable income shall not include any decrease in such income resulting from the manner in which such income is calculated pursuant to any amendment to paragraph c of subdivision one of section four hundred sixty-seven-b of the real property tax law, any amendment to the regulations of the department of finance made on or after the effective date of the local law that added this clause, or any amendment to the regulations of such other agency

as the mayor shall designate made on or after October tenth, two thousand five. For purposes of this paragraph, “adjusted rent” shall mean legal regulated rent less the amount set forth in a rent exemption order.

§ 4. Subdivision d of section 26-605 administrative code of the city of New York, as amended by chapter 553 of the laws of 2015, is amended to read as follows:

(d) Notwithstanding any other provision of law to the contrary, where an eligible head of the household holds a current, valid rent increase exemption order/tax abatement certificate and, after the effective date of this subdivision, there is a permanent decrease in income in an amount which exceeds twenty percent of such income as represented in such eligible head of household's last approved application for a rent increase exemption order/tax abatement certificate or for renewal thereof, such eligible head of the household may apply for a redetermination of the amount set forth therein. Upon application, such amount shall be redetermined so as to reestablish the ratio of adjusted rent to income which existed at the time of approval of such eligible head of the household's last application for a rent increase exemption order/tax abatement certificate or for renewal thereof; provided, however, that in no event shall the amount of the adjusted rent be redetermined to be (i) in the case of an eligible head of the household who does not receive a monthly allowance for shelter pursuant to the social services law, less than one-third of income unless such head of the household qualifies as a person with a disability pursuant to section 26-617 of this chapter and has been granted a rent increase exemption order/tax abatement certificate that is in effect as of January first, two thousand fifteen or takes effect on or before July first, two thousand fifteen; or (ii) in the case of an eligible head of the household who receives a monthly allowance for shelter pursuant to the social services law, less than the maximum allowance for shelter which such eligible head of the household is entitled to receive pursuant to law. *For purposes of this paragraph, a decrease in aggregate disposable income shall include an event in which (i) a member of the household has died; (ii) a member of the household has permanently moved to a nursing home; (iii) a member of the household has permanently retired or has a permanent disability; (iv) a member of the household is no longer receiving social security disability income benefits; and (v) a member of the household has experienced a termination of employment for a period no less than six months. Notwithstanding any other provision of law if, upon the approval of a redetermination application and prior to renewal, there is a change to the employment status to such member of the household who experienced a termination of employment for a period no less than six months, the head of the household shall re-apply for a redetermination so as to re-establish the ratio of adjusted rent to aggregate disposable income.* For purposes of this subdivision, a decrease in income shall not include any decrease in income resulting from the manner in which income is calculated pursuant to any amendment to paragraph f of subdivision one of section four hundred sixty-seven-c of the real property tax law or an amendment to subdivision f of section 26-601 of this code made on or after April first, nineteen hundred eighty-seven. For purposes of this subdivision, “adjusted rent” shall mean maximum rent less the amount set forth in a rent increase exemption order/tax abatement certificate.

§ 5. This local law takes effect 120 days after it becomes law, except that the administering agency shall take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

Referred to the Committee on Finance.

Res. No. 11

**Resolution calling upon the United States Congress to pass and the President to sign H.R. 4052, the National Infrastructure Bank Act of 2023.**

By Council Members Hudson and Stevens.

**Whereas**, According to the American Society of Civil Engineers (ASCE), an estimated \$6.1 trillion in investments will be needed between 2020 and 2029 to meet the country’s infrastructure needs, an amount that will increase to \$13 trillion by 2039; and

**Whereas**, The analysis by ACSE indicates that funding will only be available to cover 57 percent, or approximately \$3.5 trillion, of those infrastructure needs, resulting in an investment gap of approximately \$2.6 trillion by 2029, with the gap increasing to \$5.6 trillion by 2039; and

**Whereas**, In 2021, ASCE gave America’s infrastructure a “C-” grade in their 2021 *Report Card for America’s Infrastructure*, the first time in twenty years that it has been out of the “D” range, and indicating that while incremental immediate gains in some of the infrastructure categories have been made, the long-term investment gap continues to grow; and

**Whereas**, New York State earned a cumulative grade of “C” in ASCE’s 2022 *Report Card for New York’s Infrastructure* which was released on July 19, 2022, meaning that the State’s infrastructure is in mediocre condition, but with roads, transit and wastewater categories receiving a “D+” grade, a ranking that means they were in poor to fair conditions and at-risk; and

**Whereas**, Throughout the history of the United States (U.S.), Congress has established national banks to fund important national priorities such as financing the development of most of our national infrastructure and to help pay down national war debt; and

**Whereas**, In 1932, Congress established the Reconstruction Finance Corporation (RFC) to provide emergency financing facilities for financial institutions, to aid in financing agriculture, commerce and industry, with a subsequent amendment that authorized the RFC to loan funds to state and municipal governments to finance infrastructure projects; and

**Whereas**, The RFC was abolished by Congress in 1953; and

**Whereas**, In 1993, the bipartisan Commission to Promote Investment in America’s Infrastructure released a report endorsing the creation of a national infrastructure corporation; and

**Whereas**, H.R. 4052, the “National Infrastructure Bank Act of 2023,” introduced by U.S. Representative Danny K. Davis, would create a National Infrastructure Bank to facilitate efficient, long-term financing of infrastructure projects, business and economic growth, and new job creation; and

**Whereas**, If enacted, the establishment of a U.S. public deposit money bank would provide direct loans and other financing of up to \$5 trillion for qualifying infrastructure projects without requiring additional Federal taxes or deficits; and

**Whereas**, The National Infrastructure Bank that would be created under H.R. 4052 would be capitalized through the exchange of existing U.S. Treasury securities for preferred stock in the bank, and

**Whereas**, Under the provisions found in H.R. 4052, the National Infrastructure Bank would be treated as a government corporation exempt from tax, and any contributions that are made to the bank would be treated as charitable contributions; and

**Whereas**, H.R. 4052 also includes a temporary rule to allow a tax deduction for cash contributions made to the National Infrastructure Bank by certain taxpayers who elect not to itemize their deductions; and

**Whereas**, A provision in H.R. 4052 would exclude any dividend amounts received on the preferred stock from a taxpayers gross income; and

**Whereas**, H.R. 4052 includes provisions to ensure that any infrastructure projects funded by the National Infrastructure Bank comply with the prevailing wage requirements determined by the U.S. Department of Labor as directed by the Federal government’s Davis-Bacon Act, and also comply with any applicable State Project Labor Agreements; and

**Whereas**, The creation of a new National Infrastructure Bank, similar to the national banks that were successfully implemented four previous times in our nation’s history, would help finance our country’s currently unfunded infrastructure needs; 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 H.R. 4052, the National Infrastructure Bank Act of 2023.

Referred to the Committee on Finance.

Res. No. 12

**Resolution calling on the State Legislature to pass, and the Governor to sign, A.6792A/S.5484B, which would require child protective services to orally and in writing disclose certain information to parents and caretakers who are subject to a protective child services investigation.**

By Council Members Hudson, Ayala, Stevens, Gutiérrez and Brewer.

**Whereas,** In 1973, the New York State Legislature enacted the Child Protective Services Act, allowing investigations and interventions in reported cases of child abuse and maltreatment; and

**Whereas,** The enactment of the Child Protective Services Act of 1973 established Child Protective Services (CPS) in each New York State County and has led to violations of parents' and caretakers' legal rights, often resulting in litigation, and has also caused needless trauma that comes from those invasive investigations; and

**Whereas,** According to the New York City Administration for Children's Services (ACS), less than 4% of the agency's annual more than 56,000 cases reveal a safety concern that would require the removal of the child from the home; and

**Whereas,** The National Innovation Service (NIS) conducted a report on ACS in 2020 on creating more racially equitable systems and found that the CPS system was predatory by specifically targeting Black and Brown parents and subjecting them to higher investigatory scrutiny; and

**Whereas,** The NIS report found that ACS caseworkers will often falsely claim or imply that they are legally mandated to enter a parent's or caretaker's residence even though they are usually not, and recommended ACS institute a "Miranda warning" to state the parent's or caretaker's rights upon initial contact; and

**Whereas,** Reporting and statistics from news outlets on the harmful consequences of CPS procedures have led to demands for parents and caretakers to be informed of their legal rights once a CPS investigation is initiated; and

**Whereas,** A.6792A, introduced by Assembly Member Latrice Walker, and its companion bill, S.5484B, introduced by Senator Jabari Brisport, requires CPS investigators to orally and in writing disclose certain information to parents and caretakers who are subject to a protective child services investigation to ensure that parents and caretakers know their legal rights upon the initial point of contact, and that it is documented in the case record that such information has been provided; and

**Whereas,** By requiring CPS to provide such information to parents and caretakers, the State would ensure that parents and caretakers have full knowledge of their legal rights and can access advice and representation to protect those rights; now and therefore, be it

**Resolved,** That the Council of the City of New York calls the State Legislature to pass, and the Governor to sign, A.6792A/S.5484B, which would require child protective services to orally and in writing disclose certain information to parents and caretakers who are subject to a protective child services investigation.

Referred to the Committee on Children and Youth.

Int. No. 45

By Council Members Joseph, Louis, Brooks-Powers, Avilés, Farías, Cabán, Stevens, Gennaro, Rivera, Schulman, Gutiérrez, Krishnan, Hudson, Nurse, Hanks, Salaam 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**

*Be it enacted by the Council as follows:*

Section 1. Subdivision c of section 522 of the New York city charter, as added by local law number 125 for the year 2005, is amended to read as follows:

c. Class size reporting. The department of education shall submit a report *on class sizes* to the city council twice annually, on or before November [fifteenth] 15 and February [fifteenth] 15 of each year[, with respect to]. *Each November 15 report shall reflect class sizes as of the next preceding October 31, and each February 15 report shall reflect class sizes as of the next preceding February 1. Such reports shall include the following information regarding class sizes in New York city public schools:*

1. For each school and, separately, for each academic program within a school or school building, including smaller schools housed within larger institutions and specialized programs, such as those for gifted students and

for students with special needs, the average class size per grade of all classes *and the actual class size of each class* in such school or program;

2. For each school district and for each region, the average class size per grade of all classes in such district and region;

3. For each borough, the average class size per grade of all classes in such borough;

4. Citywide, the average class size per grade; and

5. A detailed description of the methodologies used to calculate all such grade size data reported.

§ 2. Section 21-957 of the administrative code of the city of New York, as amended by local law number 223 for the year 2019, is amended to read as follows:

§ 21-957 Annual report on the demographics of students in grades kindergarten through [eight] 8. Not later than December 31, 2015, and by December 1 of each year thereafter, the department shall submit to the speaker of the council and post on its website a report regarding the following:

a. For each community school district, school within such district, special program within such school, and grade within such school, the total number of [public school] students enrolled in the preceding school year in grades kindergarten through [eight] 8 and the number and percentage of such students who:

1. Receive special education services;

2. Are English language learners;

3. Are eligible for the federal free or reduced price meals program;

4. Reside in temporary housing;

5. Are attending school out of the attendance zone in which the student resides; and

6. Are attending school out of the community school district in which the student resides.

b. The data provided pursuant to subdivision a shall be disaggregated by:

1. Grade level;

2. Race or ethnicity;

3. Gender;

4. English language learner status; and

5. Primary home language.

c. For each community school district, each borough, and citywide, the number and percentage of students enrolled in special programs in the preceding school year in grades kindergarten through 8.

d. The data provided pursuant to subdivision c shall be disaggregated by:

1. Program type;

2. Grade;

3. Race or ethnicity;

4. Gender;

5. Special education status; and

6. English language learner status.

[c.] e. For students in grades [three] 3 through [eight] 8, the data provided pursuant to subdivision a of this section shall indicate:

1. The number of students who completed the New York state mathematics examination, disaggregated by performance level; and

2. The number of students who completed the New York state English language arts examination, disaggregated by performance level.

[d.] f. For each school and special program set forth in subdivision a of this section, the department shall report:

1. The admissions process used by such school or special program, including but not limited to, whether admission to such school or special program is based on a lottery; a geographic zone; an audition; a screening of candidates for such school; including a detailed description of such screening; or a standardized test;

2. Any criteria or methods that are used to supplement the admissions process, including but not limited to, preferences established under the department's diversity in admissions pilot, composite score formulas, waitlists or a principal's discretion;

3. A side-by-side comparison of the racial and ethnic demographics of such school or special program with the racial and ethnic demographics of all students in grades kindergarten through [eight] 8 that reside within the applicable attendance zone, and, if the applicable attendance zone is smaller than the community school district,



a side-by-side comparison of the racial and ethnic demographics of the school or special program, the applicable attendance zone, and the applicable community school district; and

4. Whether such school or special program is becoming more or less similar to the racial and ethnic demographics of the applicable attendance zone and the community school district, based on the comparison required pursuant to paragraph 3 of this subdivision.

[e.] g. For each community school district, the department shall report on whether the department made any efforts in such community school district during the preceding school year to encourage a diverse student body in its schools and special programs and, if so, the details of such efforts, including, but not limited to, strategic site selection of new schools and special programs, making recommendations to the community education council to draw attendance zones with recognition of the demographics of neighborhoods, the allocation of resources for schools and special programs, and targeted outreach and recruitment efforts.

[f.] h. 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. If a category contains between [one] 1 and [five] 5 students, or contains an amount that would allow another category that contains between [one] 1 and [five] 5 students to be deduced, the number shall be replaced with a symbol. A category that contains [zero] 0 shall be reported as [zero] 0, unless such reporting would violate any applicable provision of federal, state, or local law relating to the privacy of student information.

[g.] i. The report required pursuant to this section shall, to the extent the department has such information, include data regarding charter schools located within the [five] 5 boroughs.

§ 3. This local law shall take effect immediately.

Referred to the Committee on Education.

Res. No. 13

**Resolution designating the second Friday in March annually as Social and Emotional Learning Day in the City of New York and recognizing the importance of ensuring that prekindergarten through twelfth grade public school students acquire the social-emotional competencies needed to succeed in life.**

By Council Members Joseph, Lee, Avilés, Farías, Cabán, Stevens, Gennaro, Louis, Rivera, Schulman, Gutiérrez, Hudson, Nurse and Hanks.

**Whereas**, The New York State Education Department (NYSED) has described Social Emotional Learning (SEL) as “the process through which children, youth, and adults acquire and effectively apply the knowledge, attitudes, and skills necessary to understand and manage emotions, set and achieve positive goals, feel and show empathy for others, establish and maintain positive relationships, and make responsible decisions”; and

**Whereas**, The NYSED has pointed to studies showing that, compared to students who do not receive SEL instruction, students who do receive it have higher achievement scores; better attitudes, including motivation to learn; fewer disruptive classroom behaviors; and less emotional stress, including depression and anxiety; and

**Whereas**, The NYSED has stated that SEL instruction can also “decrease implicit bias, increase cultural responsiveness, and result in greater equity” among young New Yorkers; and

**Whereas**, The NYSED has established three SEL goals for students: “Develop self-awareness and self-management skills essential to success in school and in life”; “Use social awareness and interpersonal skills to establish and maintain positive relationships”; and “Demonstrate ethical decision-making skills and responsible behaviors in personal, school, and community contexts”; and

**Whereas**, The Center for Benefit-Cost Studies of Education at Teachers College, Columbia University, claimed in *The Economic Value of Social and Emotional Learning* in 2015 that, for every dollar spent on SEL programming with proven results, there is a return on investment of 11 dollars; and

**Whereas**, SEL Day on March 10, 2023, was celebrated and acknowledged by commitments to advocate for and engage in SEL activities from students and educators in all 50 United States (U.S.) states and in 88 countries; and

**Whereas**, U.S. President Joseph R. Biden, Jr. issued a statement on March 10, 2023, stating that “children are the kite strings that keep our national ambitions aloft” and that, through SEL, “our students get the resources and support they need to learn, make good decisions, build community, and achieve their goals”; and

**Whereas**, President Biden pledged that his Administration would “continue to work with educators, schools, and organizations to ensure that the best practices of social and emotional learning are being promoted nationwide”; and

**Whereas**, New York State (NYS) Governor Kathy Hochul issued a citation on March 10, 2023, recognizing SEL as a “valued program within our state’s schools and a beneficial resource in the lives of all New Yorkers”; and

**Whereas**, Governor Hochul further noted that SEL is “essential to our success in school, the workplace, at home, and in our communities—allowing us to participate in and contribute to society in meaningful ways”; and

**Whereas**, NYS Assembly bill A.3087, introduced on February 2, 2023, by Assembly Member Vivian Cook, of Assembly District 32 in Queens, would require the NYS Commissioner of Education to establish a pilot program to improve the delivery of SEL instruction statewide, including in at least one school in each NYS school district, and to administer the pilot program under contract with an outside community-based organization with a proven track record in SEL instructional delivery for students in prekindergarten through twelfth grade, among other relevant qualifications; and

**Whereas**, March 8, 2024, has been designated as the fifth annual international SEL Day; now, therefore, be it

**Resolved**, That the Council of the City of New York designates the second Friday in March annually as Social and Emotional Learning Day in the City of New York and recognizes the importance of ensuring that prekindergarten through twelfth grade public school students acquire the social-emotional competencies needed to succeed in life.

Referred to the Committee on Education.

Int. No. 46

By Council Members Krishnan, Yeger, Brooks-Powers, Stevens, Louis, Gutiérrez, Brewer and Hudson.

**A Local Law in relation to developing a strategic blueprint to reduce capital project durations by at least 25 percent**

*Be it enacted by the Council as follows:*

Section 1. By no later than December 1, 2023, the department of design and construction shall, in coordination with other agencies as appropriate, prepare and file with the mayor and the council, and post on its website, a strategic blueprint to reduce the average duration of capital projects by at least 25 percent. Such blueprint shall review, at a minimum, early completion incentives; standardization of processes, timelines, and forms; and agency coordination with utility companies.

§ 2. This local law takes effect immediately.

Referred to the Committee on Transportation and Infrastructure.

## Preconsidered Int. No. 47

By Council Members Krishnan, Sanchez, Farías, De La Rosa, Hanif, Ayala, Ossé, Cabán, Nurse, Marte, Restler, Gutiérrez, Won, Avilés, Hudson, Louis, the Public Advocate (Mr. Williams), Stevens and Brewer.

**A Local Law to amend the administrative code of the city of New York, in relation to repealing the misdemeanor criminal penalties for general vendors and mobile food vendors**

*Be it enacted by the Council as follows:*

Section 1. Subdivision a of section 17-325 of the administrative code of the city of New York is amended to read as follows:

a. [Any person who violates the provisions] *The violation* of subdivision a, b, or c of section 17-307 of this subchapter shall [be guilty of a misdemeanor] *constitute an offense*, punishable by a fine of not [less than one hundred fifty dollars nor] more than [one thousand dollars] *\$1,000*[, or by imprisonment for not more than three months or by such fine and imprisonment].

§ 2. Subdivisions a and e of section 20-472 of the administrative code of the city of New York, subdivision a of such code as amended by local law number 63 for the year 1990, and subdivision e of such code as amended by local law number 14 for the year 1995, are amended to read as follows:

a. [Any person who violates the provisions] *The violation* of sections 20-453 and 20-474.1 of this subchapter shall [be guilty of a misdemeanor] *constitute an offense* punishable by a fine of not [less than two hundred fifty dollars nor] more than [one thousand dollars] *\$1,000*[, or by imprisonment for not more than three months or by both such fine and imprisonment]. In addition, any police officer may seize any vehicle used to transport goods to a general vendor, along with the goods contained therein, where the driver is required to but cannot produce evidence of a distributor's license. Any vehicle and goods so seized may be subject to forfeiture upon notice and judicial determination. If a forfeiture proceeding is not commenced, the owner or other person lawfully entitled to possession of such vehicle and goods may be charged with the reasonable cost for removal and storage payable prior to the release of such vehicle and goods, unless the charge of unlicensed distributing has been dismissed.

e. [Any person who violates the provisions] *The violation* of sections 20-465 and 20-465.1 of this subchapter and any rules promulgated thereunder shall [be guilty of a misdemeanor] *constitute an offense* punishable by a fine of not more than [five hundred dollars, or by imprisonment for not more than thirty days or by both such fine and imprisonment] *\$500*.

§ 3. This local law takes effect immediately.

Referred to the Committee on Consumer and Worker Protection (preconsidered but laid over by the Committee on Consumer and Worker Protection).

## Int. No. 48

By Council Members Marte, Brannan, Yeger and Brooks-Powers.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring that notices of violation issued by the department of sanitation be accompanied by a photograph of the alleged violation**

*Be it enacted by the Council as follows:*

Section 1. Section 16-133 of the administrative code of the city of New York is amended by adding a new subdivision f to read as follows:

*f. All notices of violation issued by agents of the department to any person charged with a violation of any of the provisions of this title or any rules promulgated pursuant thereto shall contain a photograph evidencing the alleged violation, where feasible. A copy of each notice of violation served shall be filed and retained by the*

*department, and shall be deemed a record kept in the ordinary course of business, and shall be prima facie evidence of the facts contained therein.*

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

Referred to the Committee on Sanitation and Solid Waste Management.

Preconsidered Int. No. 49

By Council Members Menin, Stevens and Won.

**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**

*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.], *except that a general vendor may use an umbrella that exceeds such height.*

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

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

§ 5. 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 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 l 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 of subdivision c of section 20-472.

§ 6. This local law takes effect immediately.

Referred to the Committee on Women and Gender Equity (preconsidered but laid over by the Committee on Women and Gender Equity).

Preconsidered Int. No. 50

By Council Members Menin, Stevens, Brewer, Hudson and Won.

**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**

*Be it enacted by the Council as follows:*

Section 1. Paragraph four 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 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 New York[.] *except that only applicants applying for a permit or a supervisory license shall be required to present such proof.*

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

Referred to the Committee on Women and Gender Equity (preconsidered but laid over by the Committee on Women and Gender Equity).

Preconsidered Int. No. 51

By Council Members Menin, Brooks-Powers, Stevens, Hudson and Louis.

**A Local Law to amend the administrative code of the city of New York, in relation to prohibiting vending or vendor-related activity 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 food vending vehicle, pushcart, goods or any other item related to the operation of a food vending business shall be placed on or 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 on or 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 days after it becomes law.

Referred to the Committee on Consumer and Worker Protection (preconsidered but laid over by the Committee on Consumer and Worker Protection).

## Res. No. 14

**Resolution calling on the United States Congress to pass, and the President to sign, S.3565/H.R.6929, the Affordable Connectivity Program Extension Act of 2024.**

By Council Members Menin, Gennaro, Gutiérrez, Brewer and Hudson.

**Whereas**, An internet connection is essential for a person’s modern life and societal participation, powering civil service delivery, modern communication, educational attainment and services, job searches and applications, and more; and

**Whereas**, The Affordable Connectivity Program (ACP) was established by Congress in 2021 as part of the Infrastructure Investment and Jobs Act, with \$14.2 billion appropriated for the program and the Federal Communications Commission (FCC) tasked with developing and implementing the program; and

**Whereas**, The ACP is an internet affordability program which allows qualifying households to receive internet service discounts of up to \$30 per month as well as a discount of up to \$100 for a qualifying device; and

**Whereas**, According to the White House, as of January 2024 there are about 22.5 million households nationwide enrolled in and receiving benefits from the ACP, including more than 1,700,418 households across every Congressional District in New York State; and

**Whereas**, The FCC revealed that the ACP is almost out of funding and cannot continue running without additional funding from Congress, releasing an order on January 11, 2024 that contained details on the wind-down of the ACP, with steps that include not accepting new ACP enrollments after February 7, 2024, and an estimation that the program would cease to exist in April 2024 barring additional funding; and

**Whereas**, On January 10, 2024, U.S. Senators Peter Welch (D-Vt.), J.D. Vance (R-Ohio), Jacky Rosen (D-Nev.), and Kevin Cramer (R-N.D.) and U.S. Representatives Yvette D. Clarke (NY-09) and Brian Fitzpatrick (PA-01) introduced S.3565/H.R.6929, also known as the Affordable Connectivity Program Extension Act of 2024, which would provide \$7 billion for the ACP; and

**Whereas**, The legislation was referred to the U.S. Senate Committee on Appropriations and the U.S. House Committee on Appropriations on January 10, 2024; and

**Whereas**, The Affordable Connectivity Program Extension Act of 2024, in providing \$7 billion for the ACP, would allow millions of people across the U.S. and in NYC to continue taking advantage of more affordable internet service prices past the estimated sunset of April 2024; 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.3565/H.R.6929, the Affordable Connectivity Program Extension Act of 2024.

Referred to the Committee on Technology.

## Res. No. 15

**Resolution calling on the New York State Legislature to pass, and the Governor to sign, the New York Child Data Privacy and Protection Act (S.3281/A.4967) and the Stop Addictive Feeds Exploitation (SAFE) for Kids Act (S.7694/A.8148).**

By Council Members Menin, Lee, Stevens, Gennaro and Hudson.

**Whereas**, The United States is experiencing a youth mental health crisis, with the U.S. Centers for Disease Control (“CDC”) finding that from 2011 to 2021, the percentage of teenage girls in grades 9-12 who persistently felt sad or hopeless increased from 36% to 57%, the percentage of teenage boys in grades 9-12 who persistently felt this way increased from 21% to 29%, and the percentage of teenage boys and girls in grades 9-12 who said they seriously considered attempting suicide increased from 16% to 22%; and

**Whereas**, New York City has seen evidence of this national mental health crisis among its own youth population, as Epi Data Brief No. 138 of November 2023, issued by the NYC Department of Health and Mental

Hygiene, revealed that 77,000, or 37%, of surveyed NYC public high school students reported feeling socially isolated during the pandemic, while 57,000, or 26%, reported signs of depression; and

**Whereas**, Surveys conducted by the Pew Research Center indicate that internet usage among American teenagers has spiked in recent years, with 46% saying they used the internet “almost constantly” in 2022 and 2023, compared to 24% in 2014 and 2015; and

**Whereas**, A 2023 Gallup poll found that 51% of U.S. teenagers spend at least four hours per day on social media platforms; and

**Whereas**, Various health institutes, research organizations, and advocacy organizations across public and private sectors, such as the CDC, the U.S. Surgeon General, the Mayo Clinic, the New York Presbyterian Hospital, and others have pointed to a growing body of research linking social media use to worsening mental health, particularly among children and young adults, finding increased risk for depression and anxiety, worsened self-image, disrupted sleep, cyberbullying, and other harmful mental health impacts of social media use; and

**Whereas**, The American Psychological Association issued a 2023 Health Advisory on social media use in adolescence warning that children and teenagers are more susceptible to addictive user engagement strategies and social media functions such as likes, comments, and recommendations; and

**Whereas**, The Federal Bureau of Investigation’s Internet Crime Center Report found that from 2019 to 2020, yearly cases of cybercrime against children increased by 144%, and that children are less likely to be vigilant about good digital hygiene practices like strong passwords and not sharing personal information; and

**Whereas**, International organizations such as UNICEF and the European Union, through its General Data Protection Regulation, emphasize that minors are more susceptible to targeted advertising and related tactics like embedded marketing, all of which make use of personal data; and

**Whereas**, Due to the various and persistent issues around social media’s mental health impacts and documented data exploitation of young people, many experts and advocates have continually stressed the importance of expansive regulations to protect minors online and likewise have applauded the announcement of the New York Child Data Privacy and Protection Act (S.3281/A.4967) and the Stop Addictive Feeds Exploitation (SAFE) for Kids Act (S.7694/A.8148); and

**Whereas**, The New York Child Data Privacy and Protection Act (S.3281/A.4967), sponsored in the State Senate by Senator Andrew Gounardes and in the Assembly by Assemblymember Nily Rozic, would, among other things, ban social media platforms from showing children targeted advertisements without parental consent and prohibit such platforms from collecting, selling, retaining, and processing children’s data absent a compelling reason; and

**Whereas**, The Stop Addictive Feeds Exploitation (SAFE) for Kids Act (S.7694/A.8148), also sponsored by Senator Gounardes and Assemblymember Rozic, would, among other things, prohibit social media platforms from delivering addictive feeds to children under 18 years old and require that such platforms obtain parental consent before sending notifications to children between 12:00 AM and 6:00 AM; and

**Whereas**, In October 2023, the New York Child Data Privacy and Protection Act (S.3281/A.4967) and the Stop Addictive Feeds Exploitation (SAFE) for Kids Act (S.7694/A.8148) were championed in a joint statement by Senator Gounardes, Assemblymember Rozic, Governor Kathy Hochul, and New York Attorney General Letitia James as bills that would protect the privacy and mental health of New York’s youth online; and

**Whereas**, Such protections are now more important than ever as rapid developments in augmented reality, virtual reality, and generative artificial intelligence applications, many of which are coming from the same companies that operate social media platforms, promise new possibilities which will inevitably look to maximize user engagement and utilize user-generated data; now, therefore, be it

**Resolved**, That the Council of the City of New York calls on the New York State Legislature to pass, and the Governor to sign, the New York Child Data Privacy and Protection Act (S.3281/A.4967) and the Stop Addictive Feeds Exploitation (SAFE) for Kids Act (S.7694/A.8148).

Referred to the Committee on Mental Health, Disabilities and Addiction.

## Int. No. 52

By Council Member Moya.

**A Local Law to amend the administrative code of the city of New York, in relation to a street cleanliness grading system**

*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 16-146 to read as follows:

§ 16-146 Street cleanliness grading system. *a. Definitions. As used in this section, the following terms have the following meanings:*

*Administering agency. The term “administering agency” means the department or an agency or office designated by the mayor to administer the street cleanliness grading system established by this section.*

*Cleanliness grade. The term “cleanliness grade” means a letter rating assigned by the administering agency for street and sidewalk segments that accounts for the following factors: (i) the prevalence of inorganic litter; (ii) the presence of discarded bulky items inappropriately set out for collection; (iii) any prohibited dumping, as set forth in section 16-119; (iv) conditions conducive to pests; and (v) any other factors as determined by the administering agency.*

*Conditions conducive to pests. The term “conditions conducive to pests” means conditions of property and sidewalk maintenance that promote or allow for the establishment of pest populations, their feeding, breeding and proliferation, and foster the creation of harborage conditions. Such conditions may include but are not limited to: the presence of weeds or other vegetation that are sources of food or shelter for rodents; accumulation of refuse and other material in or on which pests may find shelter, hide or nest; the presence of food or other organic litter or water accessible to, and capable of, sustaining a pest population; or unsanitary conditions that attract pests.*

*Sanitation section. The term “sanitation section” means a geographically contiguous subdivision of a sanitation district, as determined by the administering agency provided that no individual subdivision shall represent more than one-third of such sanitation district.*

*b. The administering agency shall establish and implement a system for assigning each sanitation section in the city a cleanliness grade for both streets and sidewalks no less than 4 times per year.*

*c. The administering agency shall inspect a sample of streets and sidewalks in every sanitation section no less than twice per month. Within each sample, the administering agency shall include the equivalent at least 3 percent of all streets located within the sanitation section. The administering agency shall diversify the specific streets included in each sample inspected such that the samples inspected over 1 year portray a comprehensive rating of the sanitation section.*

*d. The administering agency shall use the cleanliness grades to inform which sanitation districts and sanitation sections require additional resources and redirect such resources.*

*1. The administering agency shall revisit a sample of streets and sidewalks which received a low rating and perform a re-inspection and grading of such sample within 1 year of such low rating. After performing re-inspection of such sample of streets and sidewalks, the administering agency shall publicly post on its website the updated cleanliness grade of such sample of streets and sidewalks with a description of any factors observed during the re-inspection contributing to the cleanliness grade. The updated cleanliness grade shall be reported separate from the reporting requirements set forth in subdivision e of this section.*

*e. The administering agency shall publicly post on its website, no less than once each quarter:*

- 1. a list of specific streets included in each inspected sample and when such sample was inspected;*
- 2. the cleanliness grade given to a particular sample of streets following inspection;*
- 3. a description of any factors observed during inspection of a particular sample of streets which contributed to the cleanliness grade;*

*4. the overall cleanliness grade for a sanitation section, based on cleanliness grades given to samples of streets within such section over the previous reporting cycle; and*



*5. the overall cleanliness grade for a sanitation district, based on cleanliness grades given to sanitation sections within such district over the previous reporting cycle.*

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

Referred to the Committee on Sanitation and Solid Waste Management.

Int. No. 53

By Council Members Narcisse, Riley, Schulman, Stevens, Gennaro and Hudson.

**A Local Law to amend the administrative code of the city of New York, in relation to providing public educational outreach regarding pediatric obesity**

*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 Pediatric obesity education and outreach. a. The department shall conduct public educational outreach to increase awareness of the health risks associated with pediatric obesity and identify relevant resources available to persons affected by pediatric obesity, including but not limited to the department's pediatric obesity action kit. The department shall conduct such outreach to pediatricians and family practitioners in neighborhoods disproportionately impacted by pediatric obesity and with any other persons deemed appropriate by the commissioner. The commissioner shall consult with the commissioner of small business services to ensure that relevant small businesses receive such outreach.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Health.

Preconsidered Int. No. 54

By Council Members Nurse, Restler, Gennaro, Gutiérrez, Brewer and Hudson.

**A Local Law to amend the administrative code of the city of New York, in relation to record keeping and reporting on the disposal of rechargeable batteries used for powered mobility devices**

*Be it enacted by the Council as follows:*

Section 1. Section 20-1501 of the administrative code of the city of New York, as added by local law number 114 for the year 2021, is amended by adding a definition of “powered mobility devices” in alphabetical order to read as follows:

*Powered mobility devices. The term “powered mobility devices” means (i) a bicycle with electric assist as defined in section 102-c of the vehicle and traffic law or any successor provision; (ii) an electric scooter as defined in section 114-e of the vehicle and traffic law or any successor provision; (iii) a motorized scooter as defined in section 19-176.2; or (iv) any other personal mobility device powered by a lithium-ion or other storage battery. The term does not include wheelchairs or other mobility devices designed for use by persons with disabilities, or any vehicle that is capable of being registered with the New York state department of motor vehicles.*

§2. Subchapter 2 of chapter 15 of title 20 of the administrative code of the city of New York is amended by adding a new section 20-1525 to read as follows:

*§ 20-1525. Reporting on disposal of rechargeable batteries used for powered mobility devices. Any entity that purchases used batteries that power powered mobility devices from consumers, or which accepts such batteries from consumers including through participation in voluntary recycling programs, shall maintain records of such practices and report such activities annually to the department. The record keeping and reporting required by this section shall be conducted in a manner prescribed by the department and shall include, but not be limited to, information pertaining to the number and type of batteries purchased or accepted and the manner in which such rechargeable batteries were disposed of. The department shall make such records available to the department of sanitation and the fire department upon request. The department shall post, on an annual basis no later than February 1 with respect to the previous calendar year, a summary on its website of the information reported to the department pursuant to this section.*

§ 2. This local law takes effect 90 days after becoming law.

Referred to the Committee on Consumer and Worker Protection (preconsidered but laid over by the Committee on Consumer and Worker Protection).

Int. No. 55

By Council Members Nurse, Avilés, Stevens, Gennaro, Abreu, Gutiérrez, Ossé and Hudson (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 sanitation to accept commercial solid waste at city-owned or operated marine transfer stations and city-owned or operated rail transfer stations**

*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 16-146 to read as follows:

*§ 16-146 Commercial solid waste to be processed at transfer stations. a. No later than March 1, 2025, the commissioner shall begin accepting and processing commercial solid waste at all city-owned or operated marine transfer stations and city-owned or operated rail transfer stations.*

*b. No later than October 1, 2025, and annually thereafter, the commissioner shall submit to the mayor and the speaker of the council, and make publicly available online, a report on its acceptance and processing of commercial solid waste pursuant to subdivision a of this section. For each such transfer station, such report shall provide information from the previous calendar year, including, at a minimum: (i) the amount of municipal solid waste accepted and processed by each such transfer station; (ii) the amount of solid waste from commercial establishments accepted and processed by each such transfer station; (iii) each such transfer station's maximum solid waste processing capacity and current thru-put rates; (iv) each such transfer station's projected processing capacity available for commercial solid waste in the upcoming calendar year; and (v) a description of any actions the department has taken and plans to take to attract commercial solid waste at such station.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Sanitation and Solid Waste Management.

## Int. No. 56

By Council Members Ossé, Restler, Stevens, Gutiérrez, Brewer and Hudson.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the administration for children’s services to report annually on the number of and placement of LGBTQ+ foster youth**

*Be it enacted by the Council as follows:*

Section 1. Chapter 9 of title 21 of the administrative code of the City of New York is amended by adding a new section 21-922 to read as follows:

§ 21-922 *Survey on foster youth placement. a. Definitions. For the purposes of this section, the term “LGBTQ+” means lesbian, gay, bisexual, transgender, queer, and other non-heterosexual orientations or non-cisgender gender identities.*

*b. No later than October 1, 2023, and annually thereafter, ACS shall provide to all youth in foster care ages 13 and older a survey regarding such youth’s identification as a member of the LGBTQ+ community, racial identity, and placement into permanent homes. For youth placed with foster parents, such surveys shall be administered in a location other than the foster parents’ home, or administered online or through a mobile application. ACS shall explain the purpose of the survey and how the privacy of survey respondents will be protected.*

*c. No later than 120 days after the administration of the survey required pursuant to subdivision b of this section, ACS shall submit to the speaker of the council and make available on its website an anonymous report aggregating information on youth in foster care including:*

- 1. The number of youth in foster care;*
- 2. The number of youth in foster care who have been placed in a permanent home;*
- 3. The number of youth in foster care who identify as LGBTQ+;*
- 4. The number of youth in foster care who identify as LGBTQ+ who have been placed in a permanent home;*
- 5. The number of youth in foster care who identify as LGBTQ+ disaggregated by specific LGBTQ+ identity;*
- 6. The number of youth in foster care who identify as LGBTQ+ who have been placed in a permanent home disaggregated by specific LGBTQ+ identity;*
- 7. The racial identity of youth in foster care;*
- 8. The racial identity of youth in foster care who have been placed in a permanent home;*
- 9. The combined racial and LGBTQ+ identity of youth in foster care; and*
- 10. The combined racial and LGBTQ+ identity of youth in foster care who have been placed in a permanent home.*

*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 information relating to youth in foster care or that would interfere with law enforcement investigations or otherwise conflict with the interests of law enforcement. If any category requested contains between 1 and 5 youth in foster care, or allows another category to be narrowed to between 1 and 5 youth in foster care, the number shall be replaced with a symbol. ACS shall not attribute survey responses to individuals. Any records accumulated in the survey collection shall be destroyed after the completion of the report aggregating such records.*

§2. This local law takes effect immediately.

Referred to the Committee on Children and Youth.

Int. No. 57

By Council Members Ossé, Nurse, Restler, Gennaro and Gutiérrez.

**A Local Law to amend the administrative code of the city of New York, in relation to penalties for failure to store waste in a satisfactory manner in required receptacles and for placing waste at the curb or on the street or sidewalk prior to the specified time for collection**

*Be it enacted by the Council as follows:*

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

b. [Ashes and incinerators] *Incinerator residue and ashes*, refuse and liquid wastes shall be separated and placed into separate receptacles. No receptacle when filled shall weigh more than one hundred pounds.

c. [Incinerator, residue, ashes, refuse and liquid waste] (1) *Refuse, incinerator residue and ashes, and liquid waste* shall be stored in the building or dwelling or at the rear of the building or dwelling as may be required by the department of health *and mental hygiene* or the department of housing preservation and development until time for removal and kept in tightly covered metal receptacles or containers made of other materials of a type and grade acceptable to the department of sanitation, department of health *and mental hygiene*, and the department of housing preservation and development. *The receptacles shall at all times be kept covered or closed and kept in a manner satisfactory to the department of sanitation, the department of health and mental hygiene, and in the case of residential premises, the department of housing preservation and development. No receptacles may be placed at the curb or on the street or sidewalk for collection, nor may bags containing solid waste or recyclables or any refuse, incinerator residue or ashes, or liquid waste be removed from such receptacles and placed at the curb or on the street or sidewalk for collection, prior to the time specified in section 1-02.1 of title 16 of the rules of the city of New York or any successor provision.*

(2) After the contents have been removed by the department of sanitation or other collection agency any receptacles remaining shall be removed from the front of the building or dwelling before 9:00 p.m. on the day of collection, or if such collection occurs after 4:00 p.m., then before 9:00 a.m. on the day following collection. [The receptacles shall at all times be kept covered or closed and kept in a manner satisfactory to the department of sanitation, the department of health, and in the case of residential premises, the department of housing preservation and development.]

(3) No receptacles, refuse, incinerator residue or ashes, or liquid waste shall be kept so as to create a nuisance.

(4) Yard sweepings, hedge cuttings, grass, leaves, earth, stone or bricks shall not be mixed with household wastes.

§ 2. Subdivision f of section 16-120 of the administrative code of the city of New York, as amended by local law number 80 for the year 2021, is amended to read as follows:

f. Any person violating the provisions of this section, except subdivision e *and paragraph (1) of subdivision c*, shall be liable for a civil penalty of \$50 for the first violation, \$100 for a second violation within any twelve-month period, and \$200 for a third or subsequent violation within any twelve-month period. Any person violating the provisions of paragraph (1) of subdivision e of this section shall be liable for a civil penalty of \$100 for the first violation, \$250 for a second violation within any twelve-month period, and \$350 for a third or subsequent violation within any twelve-month period. Any person violating the provisions of paragraph (2) of subdivision e of this section shall be liable for a civil penalty \$75 for the first violation, \$300 for a second violation within any twelve-month period, and \$400 for a third or subsequent violation within any twelve-month period. *Any person violating the provisions of paragraph (1) of subdivision c shall be liable for the penalties based on the number of units in the building or dwelling in the amounts set forth in the following table:*

Number of units	Number of violations within a twelve-month period			
	1-5	6-10	11-15	16 or more

<i>5 units or less</i>	<i>\$100</i>	<i>\$150</i>	<i>\$200</i>	<i>\$250</i>
<i>6-15</i>	<i>\$500</i>	<i>\$550</i>	<i>\$600</i>	<i>\$650</i>
<i>16-20</i>	<i>\$1,000</i>	<i>\$1,500</i>	<i>\$2,000</i>	<i>\$2,500</i>
<i>21-50</i>	<i>\$1,500</i>	<i>\$2,000</i>	<i>\$2,500</i>	<i>\$3,000</i>
<i>51 or more</i>	<i>\$2,000</i>	<i>\$2,500</i>	<i>\$3,000</i>	<i>\$3,500</i>

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

Referred to the Committee on Sanitation and Solid Waste Management.

Int. No. 58

By Council Members Paladino, Yeger and Ariola.

**A Local Law to amend the city charter and the administrative code of the city of New York, in relation to delaying the greenhouse gas emission reduction requirements outlined in Local Law 97 by 7 years**

*Be it enacted by the Council as follows:*

Section 1. Paragraph 3 of subdivision a of section 651 of chapter 26 of the New York city charter, as amended by local law number 97 for the year 2019, is amended to read as follows:

3. Monitoring buildings' energy use and emissions, and reviewing building emissions assessment methodologies, building emissions limits, goals and timeframes to further the goal of 2 achieving a 40 percent reduction in aggregate greenhouse gas emissions from covered buildings by calendar year [2030] 2037, relative to such emissions for the calendar year 2005;

§ 2. Paragraph 1 of subdivision a of section 24-803 of the administrative code of the city of New York, as amended by local law number 97 for the year 2019, is amended to read as follows:

(1) Reduction of emissions citywide. There shall be, at minimum, a 40 percent reduction in citywide emissions by calendar year [2030] 2037, and an 80 percent reduction in citywide emissions by calendar year [2050] 2057, relative to such emissions for the base year for citywide emissions.

§ 3. Paragraph 1 of subdivision b of section 24-803 of the administrative code of the city of New York, as amended by local law number 147 for the year 2019, is amended to read as follows:

(1) Reduction of emissions from city government operations. There shall be, at minimum, a 40 percent reduction in city government emissions by fiscal year [2025] 2032, and a 50 percent reduction in city government emissions by calendar year [2030] 2037, relative to such emissions for the base year for city government emissions.

§ 4. Paragraph 3 of subdivision b of section 24-803 of the administrative code of the city of New York, as amended by local law 101 for the year 2021, is amended to read as follows:

(3) Reduction of emissions by the New York city housing authority. The New York city housing authority shall make efforts to reduce greenhouse gas emissions by 40 percent by the year [2030] 2037 and 80 percent by the year [2050] 2057, relative to such emissions for calendar year 2005, for the portfolio of buildings owned or operated by the New York city housing authority. If the office determines that such emissions reduction is not feasible despite the best efforts of city government operations, such office shall report such findings and make recommendations with respect to policies, programs and actions that may be undertaken to achieve such reductions.

§ 5. Section 28-320.3 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:

**§ 28-320.3 Building emissions limits.** Except as otherwise provided in this article, or otherwise provided by rule, on and after January 1, [2024] 2031 a covered building shall not have annual building emissions higher than the annual building emissions limit for such building as determined in accordance with this section based on the occupancy group of the building.

§ 6. The lead title and opening paragraph of section 28-320.3.1 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:

**§ 28-320.3.1 Annual building emissions limits [2024-2029] 2031 through 2036.** For calendar years [2024] 2031 through [2029] 2036 the annual building emissions limits for covered buildings shall be calculated pursuant to items 1 through 10 of this section. For the purposes of such calculation the department shall provide a method for converting categories of uses under the United States environmental protection agency Portfolio Manager tool to the equivalent uses and occupancy groups set forth in this section. For a covered building with spaces classified in more than one occupancy group, the annual building emissions limit shall be the sum of the calculated values from items 1 through 10 of this paragraph, as applicable for each space.

§ 7. The lead title and opening paragraph of section 28-320.3.1.1 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:

**§ 28-320.3.1.1 Greenhouse gas coefficient of energy consumption for calendar years [2024] 2031 through [2029] 2036.** The annual building emissions of a covered building in accordance with this section, greenhouse gas emissions shall be calculated as follows for calendar years [2024] 2031 through [2029] 2036:

§ 8. The lead title and opening paragraph of section 28-320.3.2 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:

**§ 28-320.3.2 Building emissions limits for calendar years [2030] 2037 through [2034] 2041.** For calendar years [2030] 2037 through [2034] 2041 the annual building emissions limits for covered buildings shall be calculated pursuant to items 1 through 10 of this section. For the purposes of such calculation the department shall provide a method for converting categories of uses under the United States environmental protection agency Portfolio Manager tool to the equivalent uses and occupancy groups set forth in this section. For a covered building with spaces classified in more than one occupancy group, the annual building emissions limit shall be the sum of the calculated values from items 1 through 10 of this paragraph, as applicable for each space. The department may establish different limits, set forth in the rules of the department, where the department determines that different limits are feasible and in the public interest. Where such limits are set by rule, the average emission limits for all covered buildings shall not be less restrictive than the average emissions impact of the building emissions limits outlined in items 1 through 10 of this section. The advisory board and the office of long term planning and sustainability shall provide advice and recommendation regarding such limits.

§ 9. The lead title of section 28-320.3.2.1 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:

**§ 28-320.3.2.1 Greenhouse gas coefficients of energy consumption for calendar years [2030] 2037 through [2034] 2041.**

§ 10. The lead title and opening paragraph of section 28-320.3.4 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:

**§ 28-320.3.4 Building emissions limits for calendar years [2035] 2042 through [2050] 2057.** No later than January 1, 2023, the commissioner shall establish by rule annual building emissions limits and building emissions intensity limits applicable for calendar years [2035] 2042 through [2039] 2046 and building emissions limits and building emissions intensity limits applicable for calendar years [2040] 2047 through [2049] 2056. Such limits shall be set to achieve an average building emissions intensity for all covered buildings of no more than 0.0014 tCO<sub>2</sub>e/sf/yr by [2050] 2057.

§ 11. The lead title and opening paragraph of section 28-320.3.5 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:

**§ 28-320.3.5 Building emissions limits on and after calendar year [2050] 2057.** No later than January 1, [2023] 2030 the commissioner shall establish by rule annual building emissions limits and building emissions intensity limits applicable for calendar years commencing on and after January 1, [2050] 2057. Such limits shall achieve an average building emissions intensity for all covered buildings of no more than 0.0014 tCO<sub>2</sub>e/sf/yr.

§ 12. Section 28-320.3.6.2 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:

**§ 28-320.3.6.2 Deductions from reported annual building emissions for purchased greenhouse gas offsets.** For calendar years [2024] 2031 through [2029] 2036, a deduction shall be authorized for up to 10 percent of the annual building emissions limit. Such a deduction shall be authorized only where within the reporting calendar year, greenhouse gas offsets equivalent to the size of the deduction as measured in metric tons of carbon dioxide equivalent and generated within the reporting calendar year have been (i) purchased by or on behalf of the owner in accordance with an offset standard referenced by rules of the department, (ii) publicly registered in accordance with such offset standard, and (iii) retired or designated to the department for retirement. Such greenhouse gas offsets must exhibit environmental integrity principles, including additionality, in accordance with rules promulgated by the department in consultation with the office of long term planning and sustainability. For the purposes of this section, additionality means a requirement that an offset project is not already required by local, national or international regulations. Prior to the department promulgation of rules, the department shall consult the advisory board on environmental justice as established in local law 64 of 2017.

§ 13. The opening paragraph of section 28-320.3.6.3 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:

For calendar years [2024] 2031 through [2029] 2036, a deduction from the reported annual building emissions shall be authorized based upon the calculated output of a clean distributed energy resource located at, on, in, or directly connected to the building subject to the report. The department shall promulgate rules to set forth how such deduction shall be calculated, in accordance with the following:

§ 14. Section 28-320.3.7 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:

**§ 28-320.3.7 Reports.** By May 1, [2025] 2032, and by May 1 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] 2033, 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.

§ 15. Section 28-320.8 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:

**§ 28-320.8 Adjustment to applicable annual building emissions limit for calendar years [2024-2029] 2031-2036.** The department may grant an adjustment of the annual building emissions limit for calendar years [2024] 2031 through [2029] 2036 applicable to a covered building in existence on the effective date of this article where such covered building emissions in calendar year 2018 exceeds the building emissions limit as prescribed by section 28-320.3.1 by more than 40 percent, as reported to the department by a registered design professional. The adjustment shall result in a required building emissions limit that is 70 percent of the calendar year 2018 building emissions for the covered building. Such adjustment may be granted where:

1. The owner of a covered building demonstrates that the building emissions in excess of the building emissions limit is attributable to special circumstances related to the use of the building, including but not limited to 24 hour operations, operations critical to human health and safety, high density occupancy, energy intensive communications technologies or operations, and energy-intensive industrial processes;
2. The owner of a covered building demonstrates that the energy performance of the covered building is equivalent to a building in compliance with the New York city energy conservation code in effect on January 1, 2015; and
3. The owner of the covered building has submitted a plan to the department setting forth a schedule of alterations to the covered building or changes to the operations and management of the covered building sufficient to ensure that the covered building will be in compliance with the annual building emissions limits for calendar years [2030] 2037 through [2034] 2041, as required by section 28-320.3.2.

§ 16. Section 28-320.8.1 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:

**§ 28-320.8.1 Effective period.** An adjustment granted pursuant to section 28-320.8 may be effective for the reporting years [2025] 2032 through [2030] 2037, as prescribed by section 28-320.3.7, provided that the certificate of occupancy has not been amended after December 31, 2018.

§ 17. Section 28-320.8.1.1 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:

**§ 28-320.8.1.1 Extension of effective period.** The commissioner may also grant an extension of the effective period of the adjustment to applicable annual building emissions limit for calendar years [2030-2035] 2037-2042, as prescribed by section 28-320.3.8. Such extension may be granted upon submission of a schedule of alterations to the covered building or changes to the operations and management of the covered building in accordance with section 28-320.8 sufficient to ensure that by [2035] 2042 the covered building will comply with a required building emissions limit that is 50 percent of the reported 2018 building emissions for the covered building.



§ 18. Section 28-320.9 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:

**§ 28-320.9 Adjustment to applicable annual building emissions limit for not-for-profit hospitals and healthcare facilities.** The department shall grant an adjustment of the annual building emissions limits for calendar years [2024-2029] *2031-2036* and [2030-34] *2037-2041* where:

1. The building is classified as a not-for-profit hospital, not-for-profit health center, or not-for-profit HIP center, in existence on the effective date of this article; and
  2. By no later than July 21, 2021, the owner of the covered building submits an application to the department for such adjustment in a form and manner prescribed by the department.
- For calendar years [2024] *2031* through [2029] *2036*, the adjustment shall result in the covered building being subject to an emissions limit that is 85 percent of the calendar 2018 building emissions for such covered building. For calendar years [2030] *2037* through [2034] *2041*, the adjustment shall result in the covered building being subject to an emissions limit that is 70 percent of the calendar 2018 building emissions for such covered building.

§ 19. Section 28-321.2.1 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:

**§ 28-321.2.1 Energy compliant buildings.** The owner of a covered building shall demonstrate that, for calendar year [2024] *2031*, the annual building emissions of such covered building did not exceed what the applicable annual building emissions limit would be pursuant to section 28-320.3.2 if such building were a covered building as defined in article 320 of this chapter.

§ 20. The lead title of section 28-321.2.2 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:

**§ 28-321.2.2 Prescriptive energy conservation measures.** By December 31, [2024] *2031*, the owner of a covered building shall ensure that the following energy conservation measures have been implemented where applicable:

§ 21. Item 10 of section 28-321.2.2 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:

10. Upgrading lighting to comply with the standards for new systems set forth in section 805 of the New York city energy conservation code and/or applicable standards referenced in such energy code on or prior to December 31, [2024] *2031*. This provision is subject to exception 1 in section 28-310.3, provided that July 1, 2010 is replaced by January 1, 2020 for the purposes of this section;

§ 22. Section 28-321.3 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:

**§ 28-321.3 Reports.** By May 1, [2025] *2032*, an owner of a covered building shall submit a report to the department to demonstrate compliance with this section in accordance with section 28-321.3.1 or section 28-321.3.2.

§ 23. Section 28-321.3.1 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:

**§ 28-321.3.1 Energy compliant buildings reports.** 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 calendar year [2024] 2031 such building was in compliance with the applicable building emissions limit established pursuant to section 28-320.3.2.

§ 24. This local law shall take effect immediately.

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

Int. No. 59

By Council Members Paladino and Ariola

**A Local Law to amend the administrative code of the city of New York, in relation to temporarily exempting certain covered buildings from building emissions limits and studying the impact of such limits on such buildings and on the electrical distribution grid**

*Be it enacted by the Council as follows:*

Section 1. Chapter 3 of title 28 of the administrative code of the city of New York is amended by adding a new section 28-320.12 to read as follows:

**28-320.12 Temporary exemption for certain covered buildings.** For calendar years 2024 and 2025, covered buildings held in the condominium or cooperative form of ownership and covered buildings containing dwelling units offered for rent are exempt from the annual building emissions limits set forth in section 28-320.3.1 and from any applicable reporting requirements in connection with such limits. Commencing January 1, 2026, such covered buildings shall be subject to the annual building emission limits set forth in section 28-320.3.1 and any applicable reporting requirements in connection with such limits.

§ 2. Financial impact study relating to building emissions limits. a. For purposes of this section, the following terms have the following meanings:

Building emissions limits. The term “building emissions limits” means the building emissions limits established under sections 28-320.3.1 and 28-320.3.2 of the administrative code.

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

Covered building. The term “covered building” has the same meaning as set forth in section 28-320.1 of the administrative code.

Dwelling unit. The term “dwelling unit” has the same meaning as set forth in the housing maintenance code of the city of New York.

b. The head of an office or agency designated by the mayor, in collaboration with the director of the office of building energy and emissions performance, shall study and report on the financial impact of building emissions limits on covered buildings held in the condominium or cooperative form of ownership and on covered buildings containing dwelling units offered for rent that are not held in such forms of ownership, taking into account the temporary exemption from such limits set forth in section 28-320.12 of the administrative code. No later than 1 year after the effective date of this local law, such office or agency head and such director shall submit to the speaker of the council and the mayor, and publish on the city’s website, a joint report on the findings of such study. Such report shall include, but need not be limited to, the following information:

1. An estimate of the total and per-building average expenditures that need to be made for compliance with building emissions limits by owners of covered buildings held in the condominium form of ownership and by owners of covered buildings held in the cooperative form of ownership;

2. An estimate of the total and per-building average expenditures that need to be made for compliance with such limits by owners of covered buildings containing dwelling units offered for rent that are not held in the cooperative or condominium form of ownership;

3. An estimate of the total and per-building average amount of civil penalties to be paid under section 28-320.6 of the administrative code for failure to comply with such limits by owners of covered buildings held in

the condominium form of ownership and by owners of covered buildings held in the cooperative form of ownership;

4. An estimate of the total amount of civil penalties to be paid under section 28-320.6 of the administrative code for failure to comply with such limits by all owners of covered buildings containing dwelling units offered for rent that are not held in the condominium or cooperative form of ownership;

5. Estimates, expressed as percentages, of the average effect of such limits on the property values of covered buildings held in the condominium form of ownership;

6. Estimates, expressed as percentages, of the average effect of such limits on the property values of covered buildings held in the cooperative form of ownership; and

7. Estimates of rent increases at covered buildings containing dwelling units offered for rent that are not held in the condominium or cooperative form of ownership, caused by owners of such buildings seeking to recoup costs imposed by such limits.

§ 3. Study relating to the electrical distribution grid. a. The office of long-term planning and sustainability, in consultation with other relevant agencies or offices of the city and with experts in the operation of electrical distribution grids, shall conduct a study regarding the reliability and resiliency of the city's electrical distribution grid, and transmission lines into the city, in relation to any potential increase in the use of such grid due to efforts to comply with the building emissions limits established under sections 28-320.3.1, 28-320.3.2, and 28-320.3.4 of the administrative code of the city of New York.

b. No later than 1 year after the effective date of this local law, the office of long-term planning and sustainability shall submit to the speaker of the council and the mayor, and publish on the city's website, a report detailing the findings of the study conducted pursuant to this section.

§ 4. This local law takes effect immediately.

Referred to the Committee on Housing and Buildings.

#### Int. No. 60

By Council Members Paladino, Holden, Ariola, Yeger and Stevens.

### **A Local Law to amend the administrative code of the city of New York, in relation to prohibiting the operation of electric scooters and bicycles with electric assist in parks**

*Be it enacted by the Council as follows:*

Section 1. Section 19-176.2 of the administrative code of the city of New York, as amended by local laws number 72 and 73 for the year 2020, is amended by adding a new subdivision f to read as follows:

*f. Operation of an electric scooter, as defined in section 114-e of the vehicle and traffic law, and operation of a bicycle with electric assist, as defined in section 102-c of the vehicle and traffic law, shall be prohibited in any area of any park under the jurisdiction of the department of parks and recreation.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Transportation and Infrastructure.

## Res. No. 16

**Resolution calling on the New York State Legislature to pass, and the Governor to sign, S.7786/A.8396 to increase personal needs allowance amounts for individuals who are deemed eligible.**

By Council Members Paladino, Yeger and Ariola.

**Whereas**, The Social Security Act Amendments of 1972 created Supplemental Security Income (SSI), a means-tested cash-assistance program for citizens and nationals of the United States (US) who are disabled or over the age of 65; and

**Whereas**, The Medicaid Personal Needs Allowance (PNA) is the amount of monthly SSI that residents whose long-term stays in hospitals or nursing homes are over fifty percent Medicaid-funded can receive for discretionary spending; and

**Whereas**, PNA can be spent on basic needs items including, but not limited to, personal hygiene products, clothing, shoes, and multivitamins as well as participation in recreational activities such as purchasing materials for hobbies, eating out, or transportation costs to visit family and friends; and

**Whereas**, The Social Security Act Amendments of 1972 limited the amount of SSI assistance for older adults in nursing homes or extended care facilities to \$300 per year, or \$25 per month, on the assumption that residents in nursing homes have all their other needs met; and

**Whereas**, The Omnibus Budget Reconciliation Act of 1987 increased the PNA to \$360 per year, or \$30 per month, and allowed states to set a higher PNA at a maximum of \$200 per month; and

**Whereas**, Under the Social Services Law of the State of New York, the State provides additional monthly assistance of between \$35 and \$90 depending on certain eligibility criteria such as status as a veteran or long-term residence in Title XIX (Medicaid Certified) nursing homes; and

**Whereas**, Neither the federal PNA nor the State of New York's supplementary assistance has been increased since it 1988; and

**Whereas**, According to the US Bureau of Labor Statistics, there has been about 155% inflation between 1988 and today; and

**Whereas**, The average nursing home resident's PNA is \$50 per month, while in 1988, a PNA of \$50 per month had the buying power of \$132 today; and

**Whereas**, As of November 1, 2023, per the Human Resources Administration monthly reporting, there were over thirty-three thousand Medicaid enrollees in nursing homes in New York City; and

**Whereas**, Individuals receiving long term care in nursing facilities are often living in poverty conditions, and as an Associated Press news article from March 2023 highlighted, the minimal PNA is not sufficient for older individuals to purchase even the basic items they need to live comfortably, especially as the items that nursing homes provide may be low quality, sparse, or not appropriate for their individualized needs; and

**Whereas**, S.7786, sponsored by New York State Senator Mannion, and A.8396, sponsored by New York State Assemblymember Solages, would increase the monthly amount of PNA to between \$128 and \$140 based on eligibility criteria; and

**Whereas**, Increasing the PNA in line with inflation will give older adults living in nursing facilities the financial means necessary to participate more fully in society, engage in their hobbies and interests, and access necessities which will ensure their dignity and quality of life; 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.7786/A.8396 to increase personal needs allowance amounts for individuals who are deemed eligible.

Referred to the Committee on Aging.

## Res. No. 17

**Resolution calling on the United States Federal Aviation Administration to eliminate the continual use of LaGuardia Airport's TNNIS flight path.**

By Council Members Paladino and Ariola.

**Whereas**, The United States Federal Aviation Administration (“FAA”) is the entity that is charged with developing and implementing airspace regulations and all aspects of civil aviation in the country; and

**Whereas**, Airports in the United States (“U.S.”) have gradually been transitioning to automated flight systems, which produce new flight paths over densely populated areas and city neighborhoods, such as Flushing and Bayside, New York;

**Whereas**, While these new flight paths may improve flight efficiency, the increase noise created by these patterns may cause serious health concerns to residents in overflown communities; and

**Whereas**, According to numerous health publications, including the United Kingdom Civil Aviation Authority and the National Institutes of Health, exposure to excessive noise produced by frequent overhead flights are associated with a number of health effects, including high blood pressure, neuroendocrinological issues, impaired psychological and cognitive functions, learned helplessness, poorer long-term memory, and diminished reading comprehension; and

**Whereas**, LaGuardia Airport is one of New York City’s three major airports located in East Elmhurst, Queens and currently encompasses 680 acres; and

**Whereas**, LaGuardia Airport conducted over 400,000 airline departures and arrivals during 2022; and

**Whereas**, In 1993, the FAA instituted the “Tennis Climb” or “TNNIS” at New York City’s LaGuardia Airport; and

**Whereas**, TNNIS is a specific, narrow flight path that aircraft use to depart and arrive at LaGuardia Airport; and

**Whereas**, TNNIS was originally intended to be used as a temporary option to mitigate airplane noise during matches at the U.S. Open Tennis tournament in August and September; and

**Whereas**, In 2012, the FAA introduced their “Next Generation Air Transportation System” or “NextGen”, which is a large-scale initiative that modernizes the country’s air traffic infrastructure; and

**Whereas**, As part of NexGen’s modernization, the FAA permanently installed and expanded TNNIS citing the efficiency of the route and not limiting its use during August and September; and

**Whereas**, The FAA’s policy for continual and permanent use of TNNIS has created a public health issue as well as intolerable living conditions for residents within the flight path, specifically in Queens, NY, subjecting them to excessive air traffic noise; and

**Whereas**, Residents have reported the aircraft noise being so excessive that it vibrates their residence; and

**Whereas**, The FAA needs to revisit the use of TNNIS and revert back to its original, limited intent; now, therefore, be it

**Resolved**, That the Council of the City of New York calls on the United States Federal Aviation Administration to eliminate the continual use of LaGuardia Airport’s TNNIS flight path.

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

## Res. No. 18

**Resolution calling on the New York City Department of Education to observe Veterans Day the Friday before November 11th if it falls on a Saturday and the Monday after the 11th if it falls on a Sunday.**

By Council Members Paladino, Yeger and Ariola.

**Whereas,** The United States (U.S.) owes its creation and continued existence to the brave members of the armed forces who have fought, and sometimes died, for this country; and

**Whereas,** In recognition of their service and sacrifices, U.S. leaders have designated various holidays to celebrate members of the armed forces, past and present; and

**Whereas,** These holidays include Memorial Day, which honors those who have died while in military service; Armed Forces Day, which honors those currently serving in the U.S. military; and Veterans Day, which honors the service of all U.S. veterans; and

**Whereas,** Veterans Day was originally called Armistice Day to commemorate the anniversary of the armistice that ended World War I, which was signed the 11th hour of the 11th day of the 11th month of 1918; and

**Whereas,** Armistice Day was first celebrated on November 11, 1919 under the leadership of President Woodrow Wilson; and

**Whereas,** In 1938, November 11<sup>th</sup> was declared a legal federal holiday known as “Armistice Day” by act of Congress; and

**Whereas,** Armistice Day was renamed Veterans Day in 1954 by President Dwight D. Eisenhower, at the urging of major U.S. veterans organizations; and

**Whereas,** According to the U.S. Census Bureau, in 2022 there were 16.2 million veterans in the U.S.; and

**Whereas,** A 2021 New York State Department of Health survey estimated that approximately 969,000 veterans live in the state, with more than 282,000 of those residing in New York City (NYC); and

**Whereas,** The NYC Department of Education (DOE) typically recognizes and closes schools for all U.S. federal holidays, including Veterans Day; and

**Whereas,** However, DOE’s 2023-2024 School Year Calendar does not include a school closure date for Veterans Day, as November 11<sup>th</sup> falls on Saturday in 2023; and

**Whereas,** Generally, a fixed date federal holiday that falls on a Saturday or Sunday is usually observed on the closest weekday, so that a holiday falling on a Saturday is observed on the preceding Friday, while a holiday falling on a Sunday is observed on the succeeding Monday; and

**Whereas,** Some parents, teachers, and students have expressed disappointment and anger that NYC public schools will not commemorate the vital contributions of veterans this year by observing Veterans Day; and

**Whereas,** It is crucial for NYC schools to observe Veterans Day to honor the contributions of veterans and enable students to learn about and recognize the service and sacrifices of U.S. military veterans; now, therefore, be it

**Resolved,** That the Council of the City of New York calls upon the New York City Department of Education to observe Veterans Day the Friday before November 11<sup>th</sup> if it falls on a Saturday and the Monday after the 11<sup>th</sup> if it falls on a Sunday.

Referred to the Committee on Veterans.

Int. No. 61

By Council Members Powers, Brooks-Powers, Restler, Stevens, Louis, Gutiérrez, Brewer and Hudson.

**A Local Law in relation to the establishment of a task force to study options and make recommendations for a plan to implement a municipal public bank**

*Be it enacted by the Council as follows:*

Section 1. Definitions. For purposes of this local law, the following terms have the following meanings:

Agency. The term “agency” means a city, county, borough, or other office, 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, unless otherwise specified.

City. The term “city” means the city of New York.

Community banking experience. The term “community banking experience” means current or past employment experience as an officer, director, executive, or an equivalent senior leadership role at a community development financial institution certified by the U.S. Department of the Treasury Community Development Financial Institutions Fund.

Independent. The term “independent” means that at the time of their appointment to the task force, a task force member does not hold public office and has not held public office for five years or more prior to such time of appointment.

Task force. The term “task force” means the public bank implementation plan task force established by this local law.

§ 2. Task force established. There is hereby established a task force to be known as the public bank implementation plan task force.

§ 3. Duties. The task force shall (i) study the potential for a public bank sponsored by the city under the terms of the proposed Article 3-C of the Banking Law as contemplated by New York State Senate Bill 1754 for the year 2023, as amended (the “Article”), (ii) recommend a draft plan to satisfy the governance and charter requirements for a public bank as set forth in the Article, and (iii) issue a report that addresses in detail all of the items set forth in paragraph 6 hereof.

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

1. Three members appointed by the mayor, one of whom shall be the commissioner of finance or such commissioner’s designee, one of whom shall be the commissioner of consumer and worker protection or such commissioner’s designee, and one of whom shall be a representative of a labor organization.

2. Three members appointed by the comptroller, at least two of whom shall be independent, and one of whom shall have community banking experience; and

3. Three members appointed by the speaker of the council, at least two of whom shall be independent, and one of whom shall be a representative of an organization or association that exclusively or predominantly represents small businesses, as defined in article 4-b of the economic development law, and one of whom shall be a member of a community-based organization whose principal purpose is community development, economic development, consumer protection, or a combination thereof.

b. The speaker of the council shall designate the chair of the task force from among the speaker’s appointees.

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. When naming their designees or members, the commissioners, mayor, comptroller, and speaker shall maximize board diversity to include representatives of historically-redlined communities and other groups to be served by the bank’s underwriting and financial policies.

e. All appointments required by this section shall be made no later than 90 days after the effective date of this local law.

f. 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 one year from its first meeting, the task force shall submit a report to the mayor, the comptroller, and the speaker of the council setting forth its recommendations for the composition of a public bank in the city that satisfies the requirements contained in the Article, which recommendations shall address in detail but not be limited to the following:

1. The purpose of the proposed public bank that is consistent with the purposes required under the Article;

2. How to achieve a minimum initial capitalization that is no less than ten percent of the public bank's projected lending total for the first year of operation after receipt of its charter;
  3. The establishment of adequate reserves and liquidity to cover the public bank's obligations related to deposit withdrawals and defaulted loans;
  4. The qualifications of the proposed chief executive officer and management team;
  5. An organizational chart;
  6. Policies and procedures prohibiting any elected official or affiliates of those officials from receiving a loan or other financial benefit from the public bank;
  7. Procedures for obtaining fidelity insurance;
  8. Establishing sufficient internal audits and controls;
  9. A pro forma financial statement projecting assets, liabilities, income and expenses for no less than a three year period;
  10. Ensuring there will be no material negative impact of the public bank on the city's financial condition;
  11. A plan to comply with the Community Reinvestment Act and fair lending requirements, pursuant to section two hundred ninety six-a of the Executive Law;
  12. The corporate and governance structure of the public bank, and a certificate of incorporation, if applicable;
  13. The contents of a narrative business plan describing the banking services to be provided;
  14. Whether the public bank will insure or collateralize deposits from the city or any other governmental entity;
  15. The manner in which the public bank will raise capital, including but not limited to (i) the receipt and leverage of public deposits, (ii) sponsor equity contributions, (iii) passive member or shareholder equity contributions, (iv) sale of corporate debt to the city, and (v) sale of corporate debt to third parties,
  16. An assessment of market opportunity and risk; and
  17. The provision of any other documents or information that the New York State Department of Financial Services may require.
- b. Notwithstanding the foregoing, the taskforce shall not be required to address an item set forth in subparagraph a above within one year of its first meeting if it identifies in writing the reason that item could not be completed and how much extra time it would need to complete that item.
- c. The commissioners of finance and of consumer and worker protection shall publish the task force's report electronically on their respective department websites 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 Finance.

Int. No. 62

By Council Members Powers, Yeger and Stevens.

**A Local Law to amend the administrative code of the city of New York, in relation to suspending the tax imposed by chapter 24 of title 11 of such code for the tax year beginning on June 1, 2023**

*Be it enacted by the Council as follows:*

Section 1. Chapter 24 of title 11 of the administrative code of the city of New York is amended by adding a new section 11-2402.2 to read as follows:

*§ 11-2402.2 Suspension of tax for the tax year beginning in 2023. Notwithstanding any other provision to the contrary, the tax authorized by this chapter shall not be imposed for the tax year beginning on June 1, 2023.*



§ 2. This local law takes effect immediately.

Referred to the Committee on Finance.

Int. No. 63

By Council Members Powers, Stevens 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 an exemption from the commercial rent tax**

*Be it enacted by the Council as follows:*

Section 1. Subdivision a of section 11-704 of the administrative code of the city of New York, as amended by chapter 2 of the laws of 2005, is amended to add a new paragraph 7 to read as follows:

7. *Any tenant who uses the premises solely for advertising when such premises are located in the "Theater Subdistrict," as defined by section 81-71 of the zoning resolution of the city of New York.*

§ 2. This local law takes effect on June 1, 2024.

Referred to the Committee on Finance.

Int. No. 64

By Council Members Powers, Yeger and Stevens (in conjunction with the Manhattan Borough President).

**A Local Law in relation to a temporary exemption from the payment of the commercial rent tax for certain businesses**

*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:

Taxable premises. The term "taxable premises" has the same meaning as set forth in section 11-701 of the administrative code of the city of New York.

Tenant. The term "tenant" has the same meaning as set forth in section 11-701 of the administrative code of the city of New York.

b. Notwithstanding any local law to the contrary, a tenant shall be exempt from the payment of the tax imposed by chapter 7 of title 11 of the administrative code of the city of New York for the tax years beginning on June 1, 2022, June 1, 2023 and June 1, 2024, if, in the regular course of business during such years, the tenant's taxable premises was occupied or used primarily for the purpose of: (i) selling or renting goods directly to the public; (ii) providing services to consumers at retail; or (iii) providing food or beverage for individual portion service directly to the consumer, whether consumption occurs on or off the premises or is provided from a pushcart, stand or vehicle.

§ 2. This local law takes effect immediately and is retroactive to and deemed to have been in effect as of June 1, 2022.

Referred to the Committee on Finance.

## Int. No. 65

By Council Members Powers, Restler and Hudson (in conjunction with the Brooklyn and Bronx Borough Presidents) (by request of the Manhattan Borough President).

**A Local Law to amend the New York city charter, in relation to reporting on moneys on deposit**

*Be it enacted by the Council as follows:*

Section 1. Subdivision 1 of section 1523 of the New York city charter, as amended by a vote of the electors on November 7, 1989, is amended to read as follows:

1. The commissioner shall deposit all moneys which shall come into the commissioner's hands on account of the city on the day of receipt thereof, or on the business day next succeeding, in such banks and trust companies as shall have been designated as deposit banks, but no amount shall be on deposit at any one time in any one bank or trust company exceeding one-half of the amount of the capital and net surplus of such bank or trust company. The moneys so deposited shall be placed to the account of the commissioner who shall keep a record in which shall be entered the commissioner's accounts of deposits in, and moneys drawn from, the banks and trust companies in which the deposits shall be made. Each such bank and trust company shall transmit to the comptroller a weekly statement of the moneys which shall be received and paid by it on account of the commissioner. *The commissioner shall submit to the speaker of the council, and post on the department's website, a quarterly report on or before the second Monday of March, June, September and December in each year. Each quarterly report shall include, but need not be limited to, the following information regarding such accounts of deposit for the immediately preceding quarter: the name and/or purpose for each account, the account type and/or classification for each account, the average daily balance for each account, the interest rate or earning allowance for each account, the interest earned for each account and the costs and fees reported both net and gross of any earnings allowances for each account. Such information shall also be re-aggregated by bank or trust company.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Finance.

## Int. No. 66

By Council Members Powers, Restler and Stevens (in conjunction with the Brooklyn and Bronx Borough Presidents) (at the request of the Manhattan Borough President).

**A Local Law to amend the administrative code of the city of New York, in relation to the reporting on non-depository city financial services**

*Be it enacted by the Council as follows:*

Section 1. Subchapter 1 of chapter 1 of title three of the administrative code of the city of New York is amended to add new section 3-119.9 to read as follows:

§ 3-119.9 *Quarterly Reports on Non-Depository City Financial Services. a. Definitions. For purposes of this section, the following terms have the following meanings:*

*City bond. The term "city bond" means the city's general obligation bonds, the general obligation, tax-lien-asset-backed, appropriation-backed, revenue-backed, and legal-settlement-backed bonds of the city, its component units, and state instrumentalities whose accounts are subject to the supervision and audit of the city comptroller.*

*City note. The term "city note" means the city's short term debts in the form of tax anticipation notes, bond anticipation notes, and revenue anticipation notes as authorized by section 266 of the charter.*

*Component unit. The term “component unit” means a financial reporting entity that is a legally separate organization from the city but for which the city is financially accountable.*

*Financial institution. The term “financial institution” means a bank, savings and loan association, thrift, credit union, investment company, mortgage banker, mortgage broker, trust company, savings bank, securities broker, municipal securities broker, securities dealer, municipal securities dealer, securities underwriter, municipal securities underwriter, investment trust, bank holding company, finance company or financial services holding company.*

*Non-depository city financial services. The term “non-depository city financial services” means all financial services provided to the city by financial institutions, including payroll, lockbox, advisory, management, bond underwriting services, but excluding depository services at financial institutions designated by the city banking commission.*

*b. Reports Required. Beginning no later than January 31, 2025, and no later than the last day of the month following each calendar quarter thereafter, the director of management and budget shall post on the office of management and budget’s website and submit to the speaker of the council a report regarding use of non-depository city financial services provided by financial institutions that includes, at a minimum, the following information for the immediately-preceding quarter:*

*1. End of quarter balances, quarterly fees, and quarterly returns on any money market account holding city funds;*

*2. For each city bond and city note, whether each bond or note issue was competitively bid or negotiated and its issuance costs, which include, but are not limited to, underwriting costs, underwriters’ discount, bond or note counsel fees, bond or note rating fees, or fees for letters of credit or other credit enhancements, and any other issuance cost typically included in bond or note official statements, aggregated by financial institution, by service type, and by bond or note series;*

*3. The amount and cost of any credit default swap payment, aggregated by swap and by counterparty; and*

*4. Any other non-depository city financial services cost, including any costs for managing money in non-pension city investment pools, aggregated by financial institution and disaggregated by expense.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Finance.

Res. No. 19

**Resolution calling on the New York State Legislature to pass, and the Governor to sign, S.2895/A.1563, authorizing a personal income tax deduction for student loan payments.**

By Council Member Powers, Brooks-Powers, Gutiérrez and Hudson.

**Whereas**, According to a report by the Rockefeller Institute of Government (“Rockefeller Institute”), in May 2021, New York State (“State”) was home to nearly 2.4 million federal student loan holders, who carried about \$90.3 billion in student loan debt collectively; and

**Whereas**, According to the Rockefeller Institute’s report, about half of those federal student loan holders owed more than \$20,000 each; and

**Whereas**, The Rockefeller Institute’s report noted that average student loan debt was highest in New York City (“NYC”) in 2018, as compared to all other regions of the State; and

**Whereas**, The Rockefeller Institute’s report also noted that about 26 percent of bachelor’s degree graduates from The City University of New York (“CUNY”) left CUNY with student loan debt averaging \$16,300 each, and that about 14 percent of associate’s degree graduates left CUNY with student loan debt averaging just under \$10,800 each; and

**Whereas**, The NYC Department of Consumer and Worker Protection, the Center on Poverty and Social Policy, the Columbia Population Research Center, and Robin Hood produced a report in December 2021, entitled “Weighed Down: New Yorkers Share How Student Loan Debt Is Affecting Their Lives” (“Weighed Down”), which examined student loan debt in NYC, using data collected in 2019-2020; and

**Whereas**, “Weighed Down” reported that 1 in 6 NYC residents has student loan debt, and that these student loan holders were more likely to be Black, under 45 years of age, experiencing financial hardship, and more highly educated; and

**Whereas**, “Weighed Down” also reported that more than half of student loan holders in NYC owed more than \$20,000 each; and

**Whereas**, “Weighed Down” also reported that 4 in 5 student loan holders in NYC had borrowed money for their own education, and over 1 in 5 had borrowed money for their child’s education; and

**Whereas**, “Weighed Down” also reported that many student loan holders in NYC struggled to repay their loans, and that about half had put off major life decisions, like buying a home, as a result; and

**Whereas**, S.2895, introduced by State Senator Leroy Comrie and pending in the State Senate, would amend the tax law to allow a taxpayer with student loan debt incurred for the taxpayer, the taxpayer’s spouse, or the taxpayer’s dependent to take an above-the-line deduction of up to \$5,000 in student loan debt not already covered by federal tax deductions and credits; and

**Whereas**, A.1563, introduced by Assembly Member Jo Anne Simon and pending in the State Assembly, would provide the same personal income tax deduction for student loan payments, allowing taxpayers to use up to \$5,000 per year in pretax dollars to repay student loans; 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.2895/A.1563, authorizing a personal income tax deduction for student loan payments.

Referred to the Committee on Finance.

Res. No. 20

**Resolution calling upon the State Legislature to pass, and the Governor to sign, A.3352/S.1754, which would establish the New York Public Banking Act.**

By Council Members Powers, Brooks-Powers, Stevens, Gutiérrez and Hudson (in conjunction with the Brooklyn Borough President) (by the request of the Manhattan Borough President).

**Whereas**, Each year, New York State pays millions of taxpayer dollars to the financial industry in the form of banking fees, bonding fees, interest, commissions and other payments, simply for the privilege of utilizing their banking services; and

**Whereas**, Private banks use municipal and state deposits to earn money for themselves and their shareholders by speculating in the market with these deposits; and

**Whereas**, Since 1999, with the repeal of the federal Banking Act of 1933, commonly referred to as the Glass-Steagall Act, which required the separation of commercial and investment banking activities, municipal and state deposits held in for-profit banks are now permitted to be co-mingled with speculative commercial investment; and

**Whereas**, The Great Recession of 2008 resulted in losses for both individuals and governments, while for-profit banks still made money in the form of commissions, fees, interest and other payments; and

**Whereas**, The COVID-19 pandemic exposed how private banks could not provide services to unbanked and under-banked communities or respond to the needs of small businesses and Minority & Women Business Enterprises, particularly when it came to securing PPP loans to non-clients or refinancing student loan debts.

**Whereas**, New York State has a fiduciary responsibility to its taxpayers to ensure their tax dollars are used in the most efficient manner possible; and

**Whereas**, New York State Assembly Member Pamela Hunter has introduced A.3352 and New York State Senator James Sanders Jr. has introduced S.1754, which would establish the New York Public Banking Act to authorize the lending of public credit to public banks and public ownership of stock in public banks, for the public purposes of achieving cost savings, strengthening local economies, supporting community economic development, and addressing infrastructure and housing needs for localities; and

**Whereas,** According to the legislation’s memorandum in support, the bills would create a safe and appropriate regulatory framework for cities and counties seeking to establish public banks and additionally would allow the State Department of Financial Services (“DFS”) to issue special-purpose public bank charters; and

**Whereas,** Under current law, localities seeking to establish public banks must apply for a commercial bank charter which, according to the New Economy Project, forces local governments to retrofit their public bank business models into a regulatory system that was designed for private, for-profit enterprises; and

**Whereas,** With special-purpose charters issued by DFS, municipalities could create democratically-controlled financial institutions that meet the needs of New York’s communities, including achieving cost savings, strengthening local economies, supporting community economic development, and addressing local infrastructure and housing needs; now, therefore, be it

**Resolved,** That the Council of the City of New York calls upon the State Legislature to pass, and the Governor to sign, A.3352/S.1754, which would establish the New York Public Banking Act..

Referred to the Committee on Finance.

Int. No. 67

By the Public Advocate (Mr. Williams) and Council Members Brooks-Powers, Stevens, Louis, Gutiérrez and Hudson.

**A Local Law to amend the administrative code of the city of New York, in relation to the department of finance conducting education and outreach regarding deed and foreclosure prevention assistance fraud**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 11 of the administrative code of the city of New York is amended by adding a new section 11-145 to read as follows:

*§ 11-145 Education and outreach regarding deed and foreclosure prevention assistance fraud. The department of finance, in conjunction with the department of housing preservation and development and the department of consumer and worker protection, shall conduct outreach to property owners regarding deed and foreclosure prevention assistance fraud. The outreach shall include, but not be limited to, posting deed and foreclosure prevention assistance fraud resource information on the department of finance’s website and on the websites of any other agency as determined by the mayor, as well as dissemination of deed and foreclosure prevention assistance fraud resource materials through existing programs and events. Such resource information and materials shall include, at a minimum, information on actions a person can take if the person suspects that a fraudulent document recording has occurred, including but not limited to, information about whom to contact for assistance, to file a complaint or to report an alleged criminal violation, and referral resources for legal assistance.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Finance.

## Int. No. 68

By the Public Advocate (Mr. Williams) and Council Members Gutiérrez and Hudson.

**A Local Law to amend the administrative code of the city of New York, in relation to a temporary moratorium on third party transfers of real property and a study on the eligibility of transferable property**

*Be it enacted by the Council as follows:*

Section 1. Chapter 4 of title 11 of the administrative code of the city of New York is amended by adding a new section 11-412.3 to read as follows:

*§ 11-412.3 Moratorium on third party transfer. a. Notwithstanding any provision of law to the contrary, the department of finance and the department of housing preservation and development shall not initiate any foreclosure action against a class one or class two real property parcel pursuant to this chapter for a period of two years from the effective date of the local law that added this section. Where such an action has already been initiated against a class one or class two real property parcel prior to the effective date of the local law that added this section, the commissioner of finance shall withdraw the parcel from the proceeding pursuant to section 11-413.*

*b. During the two-year period described in subdivision a of this section, the department of housing preservation and development shall report on a quarterly basis the street address of each class one and class two property that such department determines would be eligible for acquisition pursuant to this chapter but for the moratorium on such actions set forth in subdivision a of this section, disaggregated by council district and community district. Such reports shall include the current status of the properties in question, including but not limited to whether the property has had foreclosure actions initiated against it and whether a foreclosure judgment has been entered against the property. The report shall be made in a machine-readable format and distributed to the speaker of the council, the council member in whose district such property is situated, and the community board in whose district such property is situated.*

§ 2. This local law takes effect immediately and is deemed repealed two years after it becomes law.

Referred to the Committee on Finance.

## Res. No. 21

**Resolution calling on the New York State Office of Children and Family Services to prohibit juvenile justice agencies from using room confinement as a form of restraint in secure detention facilities and from using transitional hold as a form of restraint in detention and placement facilities.**

By the Public Advocate (Mr. Williams) and Council Members Stevens, Gutiérrez and Hudson.

**Whereas**, The New York City Administration for Children’s Services (ACS) Room Confinement Policy for Secure Detention, dated March 7, 2016, defines room confinement as the involuntary confinement of a youth in a room, including the youth’s own room, when locked or when the youth is authoritatively told not to leave; and

**Whereas**, According to an article in the Detroit Free Press dated July 16, 2020, a prone hold is a form of restraint that consists of pinning a person face-down on the ground; and

**Whereas**, On November 18, 2020, the New York State Office of Children and Family Services (OCFS) proposed amendments to Sections 441.4(a), 441.17, 441.22(a), 441.22(b), and 442.2 of the New York State Department of Social Services Regulations to eliminate the authority of child care agencies to use room isolation and prone holding as a form of restraint of children in foster care and to preclude a child care institution from maintaining or operating an isolation room; and

**Whereas,** The November 18, 2020 OCFS amendments are in recognition of the risk of trauma to children when placed in foster care and the ongoing need to address that risk while preparing the child for discharge, particularly as children often experience trauma before entering foster care; and

**Whereas,** On December 1, 2020, the Legal Aid Society announced that it secured a guarantee from OCFS that OCFS will no longer employ prone restraints on children in residential treatment centers or OCFS facilities; and

**Whereas,** New York State Executive Department Regulations Section 180-1.9(c)(11) continues to authorize the use of room confinement on youth in secure detention facilities; and

**Whereas,** The ACS Safe Intervention Policy for Secure and Non-Secure Detention, dated November 7, 2014, allows the use of prone hold for the amount of time it takes to defuse a situation, but no longer than three minutes; and

**Whereas,** In Fiscal Year 2020, the ACS Annual Detention Incident Report reported 149 room confinements at the Crossroads Secure Detention Facility, including 96 of five hours or more in duration, and 58 room confinements at the Horizon Secure Detention Facility, including 23 of 10 hours or more in duration; and

**Whereas,** According to the ACS Annual Detention Incident Report for Fiscal Year 2020, staff used 1,948 physical restraints, defined as physical hold techniques and other non-offensive physical safety interventions, on youth at the Crossroads Secure Detention Facility and the Horizon Secure Detention Facility, including 69 physical restraints that resulted in injury; and

**Whereas,** According to the ACS Quarterly Close to Home Incident Report for Fiscal Year 2021, Second Quarter, staff used 51 physical restraints on youth in limited secure and non-secure placement facilities, including one physical restraint that resulted in physical injury or impairment; and

**Whereas,** According to the November 1, 2018 study, “Adverse Childhood Experiences and Justice-Involved Youth: The Effect of Trauma and Programming on Different Recidivistic Outcomes,” adverse childhood experiences are prevalent in justice-involved youth and related to recidivism; and

**Whereas,** According to the Alliance Against Seclusion and Restraint, the use of restraint and seclusion is traumatic, and traumatic stress can be associated with lasting changes in the amygdala, hippocampus, and prefrontal cortex areas of the brain; and

**Whereas,** OCFS is reforming its use of prone holding and room isolation, and eliminating the use of room confinement in secure detention facilities and transitional holds in detention and placement facilities to diminish the trauma to already traumatized youth in placement and detention facilities; now, therefore, be it

**Resolved,** That the Council of the City of New York calls on the New York State Office of Children and Family Services to prohibit juvenile justice agencies from using room confinement as a form of restraint in secure detention facilities and from using transitional hold as a form of restraint in detention and placement facilities.

Referred to the Committee on Children and Youth.

Int. No. 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**

*Be it enacted by the Council as follows:*

Section 1. Subdivision (e) of section 8-109 of the administrative code of the city of New York, as amended by local law number 100 for the year 2018, is amended to read as follows:

(e) The commission shall not have jurisdiction over any complaint that has been filed more than one year after the alleged unlawful discriminatory practice or act of discriminatory harassment or violence as set forth in chapter 6 of this title occurred; provided, however, that the commission shall have jurisdiction over a claim of gender-based harassment if such claim is filed within three years after the alleged harassing conduct occurred.

*Any provision of any agreement purporting to shorten the periods provided in this subdivision in which a complaint or claim may be filed is unenforceable and void as against public policy.*

§ 2. Subdivision d of section 8-502 of the administrative code of the city of New York, as amended by local law number 63 for the year 2018, is amended to read as follows:

d. A civil action commenced under this section must be commenced within three years after the alleged unlawful discriminatory practice or act of discriminatory harassment or violence as set forth in chapter 6 of this title occurred. Upon the filing of a complaint with the city commission on human rights or the state division of human rights and during the pendency of such complaint and any court proceeding for review of the dismissal of such complaint, such three-year limitations period shall be tolled. *Any provision of any agreement purporting to shorten the limitations period provided in this subdivision in which a civil action may be commenced is unenforceable and void as against public policy.*

§ 3. This local law takes effect immediately.

Referred to the Committee on Civil and Human Rights.

#### Int. No. 70

By Council Members Restler, Farías, Brewer, Hanif, Avilés, Hudson, Gutiérrez and Marte.

#### **A Local Law to amend the administrative code of the city of New York, in relation to prohibiting non-essential helicopters from operating at heliports owned or operated by the city**

*Be it enacted by the Council as follows:*

Section 1. Subchapter 2 of chapter 8 of title 22 of the administrative code of the city of New York is amended by adding a new section 22-827 to read as follows:

§ 22-827. *Helicopter operations. a. Definitions. For the purposes of this section, the following terms have the following meanings:*

*Covered helicopters. The term “covered helicopter” means a rotary-wing aircraft capable of vertical takeoff and landing. Such term does not include helicopters operated by or on behalf of (i) the United States armed forces, (ii) the fire department, (iii) emergency services, including any air ambulance, (iv) the police department or other law enforcement entity, or (v) a newsgathering organization.*

*Heliport. The term “heliport” means a designated land area used for helicopter operations and any appurtenant areas, including fueling facilities, terminal buildings and maintenance and repair facilities.*

*Newsgathering organization. The term “newsgathering organization” means an organization or entity that gathers and reports the news by publishing, broadcasting, or cablecasting articles, commentaries, books, photographs, video, film, or audio by electronic, print, or digital media such as radio, television, newspapers, magazines, wire, books, and the Internet.*

*b. The commissioner shall require any contracted entity operating, managing or otherwise responsible for a heliport on any property owned by the city of New York to prohibit any covered helicopter from taking off or landing at such heliport, except in an emergency.*

§ 3. This local law takes effect 180 days after enactment.

Referred to the Committee on Economic Development.



## Int. No. 71

By Council Members Restler, Abreu, Menin, De La Rosa, Powers, Gennaro, Lee, Cabán, Stevens, Gutiérrez, Brewer and Hudson.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the commissioner of emergency management to develop and implement a plan regarding public notification during air quality emergencies**

*Be it enacted by the Council as follows:*

Section 1. Section 30-115 of the administrative code of the city of New York, as added by local law number 31 for the year 2017, is amended to read as follows:

§ 30-115 Emergency notifications. a. *Definitions. For purposes of this section, the following terms have the following meanings:*

*Air quality emergency. The term “air quality emergency” means a circumstance during which the air quality index for a particular day is expected to or does exceed 150.*

*Air quality index. The term “air quality index” means the index established by the United States environmental protection agency for the purpose of reporting daily air quality.*

b. Any emergency alert originated by a city office or city agency that is issued through a commercial mobile service alert system established pursuant to section 1201 of title 47 of the United States code shall, to the extent practicable and to the extent permissible under regulations enacted pursuant to such section, be issued in no fewer than the two most commonly spoken languages within the area covered by the emergency alert as determined by the commissioner in consultation with the department of city planning, provided that this subdivision does not require the issuance of an emergency alert in a language if exigent circumstances prohibit the issuance of an alert in such language.

[b.] c. Any emergency notification system operated and controlled by the office of emergency management 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 offer each notification in no fewer than the seven most commonly spoken languages within the city as determined by the commissioner in consultation with the department of city planning, provided that this requirement shall not delay or prohibit the immediate issuance of notifications in any individual language. Notifications shall be separated into distinct messages in separate feeds for each language. A general version of each notification may be used when a real-time translation is unavailable, provided that priority shall be placed upon making notifications available with the greatest specificity possible. Any dissemination limitation applicable to an English language notification may be applied to its equivalent notification in another language. If no potential recipient is registered for a specific language, then a notification need not be disseminated in that language.

d. *The commissioner shall develop and implement a plan to ensure that notifications relating to an air quality emergency that are disseminated through any such emergency notification system meet the criteria set forth in this subdivision, and shall coordinate with any relevant agencies to obtain the relevant information to be contained in such notifications. The criteria for such notifications include but are not limited to the following:*

1. *Such notifications are frequent;*
2. *Such notifications are timely;*
3. *Such notifications are disseminated in advance of such air quality emergency, to the extent possible;*
4. *Such notifications include the expected air quality index;*
5. *Such notifications include information about how to stay safe during such air quality emergency, including but not limited to such information targeting individuals who are sensitive to poor air quality;*
6. *Such notifications direct the recipient of any such notification to the website of the department of environmental protection for further information on the city’s response to such air quality emergency;*
7. *Such notifications include information about additional services, materials, and allowances the city is making available to the public during such air quality emergency; and*
8. *Such notifications include information on any limitations the city is imposing on the public to reduce air pollution during such air quality emergency.*

§ 2. No later than 90 days after the effective date of this local law and annually thereafter for a total of 3 annual reports, the commissioner of emergency management shall issue a report to the speaker of the council regarding the contents of the plan developed pursuant to subdivision d of section 30-115 of the administrative code of the city of New York as added by section one of this local law and any relevant updates regarding such plan.

§ 3. This local law takes effect immediately.

Referred to the Committee on Fire and Emergency Management.

Int. No. 72

By Council Members Restler, Cabán, De La Rosa, Abreu, Powers, Lee, Brooks-Powers, Stevens, Gutiérrez, Brewer and Hudson.

**A Local Law to amend the administrative code of the city of New York, in relation to emergency response protocols on days of air quality emergency**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 24 of the administrative code of the city of New York is amended by adding a new subchapter 10 to read as follows:

**SUBCHAPTER 10  
AIR QUALITY EMERGENCY RESPONSE PROTOCOLS**

*§ 24-191 Definitions. For purposes of this subchapter, the following terms have the following meanings:*

*Air quality index. The term “air quality index” means the index established by the United States environmental protection agency for the purpose of reporting daily air quality.*

*Clean air center. The term “clean air center” means any facility that has an adequate air filtration system and an appropriate air quality testing mechanism that is designated by the city to provide air quality relief to the public whenever there is an occurrence or a forecast of an air quality emergency.*

*Face covering. The term “face covering” means any face mask or respirator recommended by the department of health and mental hygiene, the federal centers for disease control and prevention, or the national institute for occupational safety and health, including but not limited to KN95, N95, N99, N100, P95, P99, P100, R95, R99, and R100 respirators.*

*High-occupancy vehicle lane. The term “high-occupancy vehicle lane” means any traffic lane designated for exclusive use by vehicles with 2 or more occupants for all or part of a day.*

*Nonessential employee. The term “nonessential employee” means any employed person who is able to complete their work functions remotely, as determined by the person’s employer in accordance with applicable federal, state, and local requirements.*

*Spare the air day. The term “spare the air day” means a day on which the air quality index is expected to or does exceed 150.*

*§ 24-192 Spare the air day response protocols. a. Spare the air day declaration. On a day when the air quality index is expected to or does exceed 150, the department shall declare such day a spare the air day. On such day, the department shall post on its website and publicly disseminate the following information:*

- 1. A message that such day is a spare the air day;*
- 2. Information about how to stay safe on spare the air days;*
- 3. A message encouraging drivers to refrain from private vehicle usage on such day;*
- 4. A message encouraging all employers to allow remote work for all their nonessential employees on such day;*

5. Information about how to register for any emergency notification system operated and controlled by the New York city office of emergency management as described in section 30-115;

6. Information about additional services, materials, and allowances the city is making available to the public during such day; and

7. Information about any limitations the city is imposing on the public to reduce air pollution during such day.

b. Clean air centers. On spare the air days, the department shall coordinate with the New York city office of emergency management and any other relevant agency to ensure that all clean air centers are open to the public.

c. High-occupancy vehicle lanes. On spare the air days, the department shall coordinate with the department of transportation, the police department, the New York city office of emergency management, and any other relevant agency to allow high-occupancy vehicle lanes to be used by eligible vehicles during the entirety of such days.

d. Access to shelters. On spare the air days, the department shall coordinate with the department of homeless services, the New York city office of emergency management, and any other relevant agency to allow short-term emergency shelter access to any eligible homeless person as defined in section 21-301.

e. Distribution of face coverings. On spare the air days, the department, in collaboration with the New York city office of emergency management and any other relevant agency, shall distribute free face coverings at locations in every community board district.

f. Prohibition on outdoor charcoal fires. On spare the air days, no person shall cause or permit the kindling, maintenance, or use of any outdoor picnic or barbecue fire involving equipment designed to utilize charcoal.

g. Other activities that impair air quality prohibited. On spare the air days, no person shall engage in any other activities, as determined by the department in collaboration with the New York city office of emergency management and any other relevant agency, that lead to the deterioration of outdoor air quality.

§ 2. This local law takes effect immediately.

Referred to the Committee on Fire and Emergency Management.

Int. No. 73

By Council Members Restler, Gennaro, Feliz, Avilés, Cabán, Yeger, Louis, Abreu, De La Rosa and Gutiérrez.

**A Local Law to amend the New York city fire code, in relation to rooftop access requirements for buildings with solar panel installations.**

*Be it enacted by the Council as follows:*

Section 1. Section FC504.4.4 of the New York city fire code, as amended by local law 47 of 2022, is amended to read as follows:

**504.4.4 Rooftop clear path.** A clear path of not less than [6] 4 feet ([1829] 1219 mm) horizontal width and 9 feet (2743 mm) in height shall be provided from the front of the building to the rear of the building and from one side of the building to the other for each 100 linear feet (30 480 mm) of rooftop width and depth such that the maximum distance between clear paths is 100 feet (30 480) mm. Such path shall comply with the following requirements:

1. Such clear path shall be accessible from each rooftop perimeter access landing required pursuant to FC504.4.3.
2. Such clear path shall afford reasonable access to bulkhead doors, fire escapes, access ladders, cockloft vents, skylights, scuttles, shafts and rooftop stationary energy storage systems. Such access shall include, to the maximum extent practicable, 3-foot (914 mm) clearance on three sides of the skylight or scuttle. On buildings constructed after the effective date of this section, the clear path shall afford reasonable access,

to the maximum extent practicable, to windowed areas on any side of the building that is not fire apparatus accessible.

3. A conduit or pipe may cross such clear path in accordance with FC504.4.7.
4. Any lawful fence obstructing such clear path shall be provided with a standard 3-foot-wide (914 mm) gate, which may be secured by padlock or chain capable of being cut by standard bolt cutters, or secured by other approved device.
5. When the main building rooftop has more than one level, a fixed ladder or other approved means shall be provided to afford access along the clear path from one roof level to the next, excluding any height differential between levels exceeding one story or 16 feet (4077 mm), and any level with a rooftop area that is less than 6 feet (1829 mm) in any dimension.
6. On an “H”-shaped building or other building whose irregular configuration renders a single clear path inadequate to provide access to each wing of the building or other rooftop area, the commissioner may require one or more additional clear paths to provide adequate access to such rooftop areas.
7. The rooftop surface serving as the clear path shall not be constructed of glass or other transparent or translucent material, nor shall it require a firefighter to walk upon any flush-mounted solar panels or other energized equipment.
8. Rooftop stationary energy storage systems shall be designed and installed in accordance with FC608 and the rules, including ensuring that the deflagration zone is not in the clear path and the exhaust system does not vent into the clear path.
9. The requirements for wind turbines and other equipment with moving components set forth in FC504.4.1(8) shall be applicable to the rooftop clear path.

§ 2. Section FC512.2 of the New York city fire code, as amended by local law 47 of 2022, is amended to read as follows:

**512.2 Flat-roofed buildings and structures 100 feet or less in height.** Solar panel installations shall not obstruct any rooftop area access to which is required pursuant to FC504.4, except that solar panel installations may obstruct the clear path required by FC504.4.4 as follows:

1. if the installation is provided with a hinged mechanism or other device for which a certificate of approval has been issued that enables the installation to be safely swung, slid, lifted, collapsed or otherwise moved out of the clear path, and that is designed to allow for operation by one person, without the use of a tool; or
2. on any building with a rooftop width or depth of 25 feet (7620 mm) or less, where the design of a solar panel installation necessitates coverage of all or substantially all of the rooftop across the full width or length thereof, [the commissioner may authorize] permanent obstructions [that] may encroach upon and thereby reduce the clear path width within such area when necessary to accommodate the presence of building features and building service equipment that constitute permanent obstructions, including attic ventilators, bulkheads, chimneys, hatches, plumbing ventilations pipes, scuttles, skylights, and roof-mounted heating, ventilation and air conditioning equipment. Such permanent obstructions may encroach upon and, for the distance of the obstruction, reduce the clear path width up to [2] 3 feet (914 [610] mm). Such permanent obstructions shall not reduce the width of clear path at any point to less than [4] 3 feet ([1219] 914 mm) and shall not encroach upon the rooftop landing areas required by FC504.4.3.

§3. The New York city fire code is amended by adding a new section FC504.6 to read as follows:

**504.6 Rooftop access on adjoining rooftops.** Two or more adjoining rooftops meeting the requirements of FC504.6.1 may be consolidated for purposes of complying with the rooftop access requirements of FC504.4.1(1) and rooftop obstruction requirements of FC504.4.2(1). Where adjoining rooftops are consolidated for these purposes, they may comply with the alternative access and obstruction requirements of FC504.6.2.

**504.6.1 Eligible rooftops.** Rooftops may be consolidated for rooftop access purposes only in connection with the installation of solar panels and only where the rooftops:

1. are on buildings classified as Occupancy Group R-2 or R-3;
2. are at the same height and are physically adjoining, without any gap;
3. have no bulkheads; and
4. individually are not more than 25 feet in width.

**504.6.2 Alternative rooftop access and obstruction requirements.** All rooftops consolidated for purposes of this section must be provided with rooftop access in compliance with the following requirements:

1. The front portion of each adjoining roof shall be unobstructed for the full width of the adjoining roofs to a depth of 6 feet (1829 mm) and height of 9 feet (2743 mm), providing an unobstructed path along the front portion of the adjoining buildings. A similar unobstructed path shall be provided along the front portion of any other building exposure that is fire apparatus accessible, (such as on a corner building fronting on two streets).

2. The rear portion of each adjoining roof shall be unobstructed for the full width of all of the adjoining roofs to a depth of 4 feet (1219 mm) and a height of 9 feet (2743 mm), providing an unobstructed path along the rear portion of the adjoining buildings.

3. Access to the rear of the adjoining buildings shall be provided by a clear path 6 feet (1829 mm) in width and 9 feet (2743 mm) in height, complying with the requirements of FC504.4.1, on not less than every other building.

4. Rooftop obstructions shall not obstruct fire escapes or other means of rooftop access or egress; cover skylights, hatches or scuttles; or otherwise obstruct any building feature required by the Building Code to be operable or accessible.

**504.6.3 Application.** The application for the rooftop solar panel installation submitted to the Department of Buildings shall include a plan identifying the rooftops consolidated for purposes of this section. The application shall be signed or otherwise authorized by the owners of the respective buildings.

**504.6.4 Notification to department.** Notification of a solar panel installation on rooftops consolidated pursuant to this section shall be made to the department in an approved manner.

**504.6.5 Signage.** A durable sign shall be conspicuously posted on each rooftop upon which there is a solar panel installation indicating the location of the inverter shut off switch for the installation by reference to the building address and floor of the building.

**504.6.6 Discontinuance and restoration of adjoining rooftop access.** If, for any reason, the rooftop access required pursuant to FC504.6.2 is no longer available on one or more adjoining rooftops consolidated for purposes of this section, any adjoining rooftop or rooftops lacking the required access from an adjoining building shall be restored or altered to comply with the rooftop access provisions of FC504.4.1 and the rooftop obstruction provisions of FC504.4.2

§ 4. This local law takes effect immediately.

Referred to the Committee on Fire and Emergency Management.

Int. No. 74

By Council Members Restler, Powers, De La Rosa, Abreu, Brewer, Lee, Cabán, Gutiérrez and Hudson.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the commissioner of emergency management to develop and implement a comprehensive plan for air quality emergencies**

*Be it enacted by the Council as follows:*

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

§ 30-117 *Comprehensive plan for air quality emergencies. a. Definitions. For purposes of this section, the following terms have the following meanings:*

*Air quality emergency. The term “air quality emergency” means a circumstance during which the air quality index for a particular day is expected to or does exceed 150.*

*Clean air center. The term “clean air center” means any facility that has an adequate air filtration system and an appropriate air quality testing mechanism that is designated by the city to provide air quality relief to the public whenever there is an occurrence or a forecast of an air quality emergency.*

*Face covering. The term “face covering” means any face mask or respirator recommended by the department of health and mental hygiene, the federal centers for disease control and prevention, or the national institute for occupational safety and health, including but not limited to KN95, N95, N99, N100, P95, P99, P100, R95, R99, and R100 respirators.*

*High-occupancy vehicle lane. The term “high-occupancy vehicle lane” means any traffic lane designated for exclusive use by vehicles with 2 or more occupants for all or part of a day.*

*b. The commissioner, in coordination with any other relevant agency, shall develop and implement a comprehensive and long-term plan for addressing air quality emergencies. Such plan shall include the following protocols:*

*1. Identification by the office of which other agencies or offices of city, state, or federal government the office shall contact or consult;*

*2. Identification by the office of circumstances under which the office would activate emergency support functions;*

*3. Identification by the office of circumstances under which the office would call upon the state office of emergency management within the division of homeland security and emergency services or other jurisdictions for assistance, or request mutual aid assistance from the state or other jurisdictions pursuant to article 2-B of the executive law;*

*4. Creating or designating clean air centers for use by the public;*

*5. Any measures deemed appropriate by the office to protect the health of the public during an air quality emergency, including but not limited to the distribution of face coverings and increasing access to shelter for eligible homeless persons as defined in section 21-301;*

*6. Any measures deemed appropriate by the office to inform the public about an air quality emergency, involving consideration by the office of its plan regarding notifications relating to an air quality emergency that is required pursuant to section 30-115;*

*7. Limiting use of motor vehicles in the city fleet for essential purposes only during an air quality emergency, as such purposes are determined by the office;*

*8. Any measures deemed appropriate by the office to reduce the deterioration of air quality, including but not limited to allowing more extensive use of high-occupancy vehicle lanes and prohibiting outdoor charcoal fires during an air quality emergency; and*

9. Any other specific actions the office may take during an air quality emergency.

c. No later than 90 days after the effective date of the local law that added this section and annually thereafter, the commissioner shall issue a report to the speaker of the council setting forth the actions taken by the office pursuant to the plan developed and implemented in accordance with subdivision b of this section.

§ 2. This local law takes effect immediately.

Referred to the Committee on Fire and Emergency Management.

Int. No. 75

By Council Members Restler, Ung, De La Rosa, Powers, Brooks-Powers, Gutiérrez, Brewer and Hudson.

**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 maintain an interactive webpage providing information on the city government workforce and to publish semiannual reports aggregating and summarizing such information**

*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 12-214 to read as follows:

§ 12-214 *City government workforce information.* a. *The department of citywide administrative services shall maintain on its website an interactive webpage on the city government workforce. The webpage shall include a public hiring tracker that is updated every 2 weeks to reflect the (i) number of new employees hired by each agency within the last 2 weeks, (ii) number of employees that separated from employment with each agency within the last 2 weeks, (iii) current headcount for each agency, and (iv) percentage of each agency's personal service budget that has been spent since the start of the fiscal year. All other information on the webpage shall be updated every 6 months. The webpage shall present data on the city government workforce, citywide and disaggregated by agency, in a data table with the following information reported by fiscal year and set forth in separate columns:*

1. *The number of employees, in total and disaggregated by:*
  - (a) *Full-time and part-time status;*
  - (b) *Gender;*
  - (c) *Race or ethnicity;*
  - (d) *Age band;*
  - (e) *Salary band;*
  - (f) *Years of service band;*
  - (g) *Civil service status;*
  - (h) *Union representation;*
  - (i) *Managerial status;*
  - (j) *Uniform status; and*
  - (k) *Job category;*
2. *The mean, median, fifth, fiftieth, and ninety-fifth percentiles of employee age, salary, and years of service;*
3. *The number of employees eligible for retirement as of the reporting date and within the 5 years following the reporting date;*
4. *The number of employees hired, in total and disaggregated by the categories set forth in paragraph 1 of this subdivision and by whether the employees were previously employed by the city and by the same agency;*
5. *The number of employees that separated from employment, in total and disaggregated by the categories set forth in paragraph 1 of this subdivision and by type of separation; and*
6. *The number of employees living in each zip code with at least 1 employee resident, in total and disaggregated by the categories set forth in paragraph 1 of this subdivision.*

*b. The interactive webpage maintained pursuant to subdivision a shall, to the extent practicable, include historical data on the city workforce, beginning no later than fiscal year 2012, presented in the same manner as the information required by subdivision a.*

*c. No later than January 1, 2024, and every 6 months thereafter, the commissioner of citywide administrative services shall submit a report on the aggregated citywide government workforce to the mayor and the speaker of the council and make such report available on the website of the department of citywide administrative services. Such report shall include, but need not be limited to, summaries of the data reported in subdivision a, provided that such data may be presented as percentages of the aggregated citywide workforce rather than number of employees.*

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

Referred to the Committee on Governmental Operations, State & Federal Legislation.

#### Int. No. 76

By Council Members Restler, Won, Gutiérrez, Yeger, De La Rosa, Ossé, Holden, Krishnan, Sanchez, Avilés and Hanif.

#### **A Local Law to amend the New York city charter, in relation to post-employment activities of former elected officials**

*Be it enacted by the Council as follows:*

Section 1. Subparagraph c of paragraph 2 of subdivision d of Section 2604 of the New York city charter, as amended by a vote of the electors on November 5, 2019, is amended to read as follows:

(c) [The following former public servants] *Former elected officials* shall not, within a period of two years after termination of their service with the city, appear before any agency [in the branch of city government they served:

(1) any elected official; and

(2) the holder of the position of deputy mayor, director of the office of management and budget, commissioner of citywide administrative services, corporation counsel, commissioner of finance, commissioner of investigation and chair of the city planning commission.

For the purposes of this subparagraph (c), the legislative branch of the city consists of the council and the offices of the council, and the executive branch of the city consists of all other agencies of the city, including the office of the public advocate].

§ 2. This local law takes effect immediately following its ratification by the voters of this city in a referendum to be held in the general election next following its enactment.

Referred to the Committee on Governmental Operations, State & Federal Legislation.

#### Int. No. 77

By Council Members Restler, Won, Gutiérrez, Yeger, De La Rosa, Ossé, Holden, Krishnan, Sanchez, Williams, Avilés and Hanif.

#### **A Local Law to amend the New York city charter, in relation to post-employment activities of certain former public servants**

*Be it enacted by the Council as follows:*



Section 1. Paragraph 2 of subdivision d of section 2604 of the New York city charter, as amended by a vote of the electors on November 5, 2019, is amended to read as follows:

2. (a) No former public servant, other than those public servants listed in subparagraphs (b), [and] (c), and (d) of this paragraph, shall, within a period of one year after termination of such person's service with the city, appear before the city agency served by such public servant.

(b) The following former public servants shall not, *within a period of one year after termination of their service with the city, appear before any city agency, and* within a period of two years after termination of their service with the city, appear before the city agency they served:

(1) [any head of an agency that is not a board or commission, other than the agency heads listed in subparagraph (c) of this paragraph;

(2)] the executive director or the highest ranking public servant employed by a board or commission; [and

(3)] (2) any paid member of a board or commission[.]; *and*

(3) *any other public servant charged with substantial policy discretion as established by rule of the board.*

(c) The following former public servants shall not, within a period of two years after termination of their service with the city, appear before any agency [in the branch of city government they served]:

(1) [any elected official; and

(2) the holder of the position of deputy mayor, director of the office of management and budget, commissioner of citywide administrative services, corporation counsel, commissioner of finance, commissioner of investigation and chair of the city planning commission.] *any head of an agency; and*

(2) *any public servant charged with substantial policy discretion while in the service of the executive office of the mayor, the city council, or the law department, as established by rule of the board.*

*For the purposes of this subparagraph (c), the term "public servant" shall not include any elected official.*

§ 2. Paragraph 2 of subdivision d of section 2604 of the New York city charter, as amended by a vote of the electors on November 5, 2019, is amended by adding a new subparagraph d to read as follows:

(d) *Elected officials shall not, within a period of two years after termination of their service with the city, appear before any agency in the branch of city government they served.*

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

Referred to the Committee on Governmental Operations, State & Federal Legislation.

Int. No. 78

By Council Members Restler, Nurse, Cabán, Krishnan, Sanchez, Mealy, Rivera, Hudson, Avilés, Ossé, Brewer, Gutiérrez, Abreu, De La Rosa, Won, Marte, Farías and Hanif.

**A Local Law to amend the New York city charter, in relation to the disposition of real property of the city**

*Be it enacted by the Council as follows:*

Section 1. Subdivision b of section 384 of the New York city charter is amended by adding a new paragraph 6 to read as follows:

6. *Notwithstanding the provisions of paragraph one of this subdivision, the mayor shall not, when disposing of real property of the city to be developed for the purpose of providing affordable housing, or for any other public use or purpose, or for the promotion of public utility, comfort, health, enjoyment or adornment, award such property to a for-profit developer unless no not-for-profit developer or community land trust applied for and met any applicable qualifications for such property, provided that this paragraph shall not apply to real property sold pursuant to a state law providing the mayor or the commissioner of housing preservation and development with control over such sale.*

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

Referred to the Committee on Housing and Buildings.

## Int. No. 79

By Council Members Restler, Brooks-Powers, Krishnan, Bottcher, Yeger, Schulman, Gutiérrez and Hudson (in conjunction with the Brooklyn Borough President).

**A Local Law to amend the administrative code of the city of New York, in relation to installation of pedestrian lighting fixtures**

*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 *Pedestrian Lighting. a. Definitions. For the purposes of this section, the following terms have the following meanings:*

*Commercial corridor. The term “commercial corridor” means a block located within a commercial district or overlay, as established by the zoning resolution.*

*Pedestrian lighting fixture. The term “pedestrian lighting fixture” means a lighting fixture specifically designed to illuminate sidewalks for pedestrians.*

*Sufficient lighting. The term “sufficient lighting” means that the level of illumination is at least 1 footcandle (11 lux), measured at the level of the walking surface, along the entire length of sidewalk within the commercial corridor.*

*b. Each year, the commissioner shall install pedestrian lighting fixtures in no fewer than 500 commercial corridors until each commercial corridor has sufficient lighting. To the extent possible, no fewer than 450 of such commercial corridors shall be contiguous to at least 1 other commercial corridor that either (i) has been selected for installation of pedestrian lighting fixtures in the same year or (ii) already has sufficient lighting.*

*c. The commissioner may cease installing pedestrian lighting fixtures once every commercial corridor has sufficient lighting.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Transportation and Infrastructure.

## Int. No. 80

By Council Members Restler, Rivera, Marte, Gutiérrez and Krishnan.

**A Local Law to amend the administrative code of the city of New York, in relation to hazardous obstruction by vehicles and civilian complaints to the department of transportation for hazardous obstruction violations**

*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 new sections 19-175.8 and 19-175.9 to read as follows:

§ 19-175.8 *Hazardous obstruction. a. Except as otherwise permitted by law, no person shall park, stop or stand a vehicle within a radial distance of 2640 feet of a school building, entrance or exit in a manner that obstructs a bicycle lane, bus lane when bus lane restrictions are in effect, sidewalk, crosswalk or fire hydrant.*

*b. As an alternative to any other means of enforcement authorized by law, a violation of subdivision a of this section shall be punishable by a civil penalty of \$175. Such civil penalties shall be recoverable in a proceeding before the office of administrative trials and hearings.*

§ 19-175.9 *Civilian complaint of hazardous obstruction. a. Any natural person, excluding personnel of the department and other employees of the city authorized to serve summonses for violations of section 19-175.8, may serve upon the department a complaint, in a form prescribed by the commissioner, alleging that a person has violated section 19-175.8.*

*b. The department shall publish on its website information on filing civilian complaints pursuant to this section. Such information shall include but need not be limited to instructions for filing such complaints and for gathering supporting documentation.*

*c. The department shall provide a tracking number to each person who submits a civilian complaint pursuant to subdivision a of this section which shall allow such person to track the status of such complaint from initiation to disposition. The department shall provide an initial status update for any such civilian complaint within three days of the submission of such complaint.*

*d. In any proceeding brought by the department based on a complaint submitted pursuant to subdivision a of this section, the office of administrative trials and hearings shall award the complainant 25 percent of any sums collected as a result of such proceeding.*

*e. No later than one year 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 post on the department's website a report including the number of complaints submitted pursuant to subdivision a of this section and the dispositions of such complaints.*

*f. The commissioner shall promulgate such rules as are necessary to implement the provisions of this section.*

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

Referred to the Committee on Transportation and Infrastructure.

#### Int. No. 81

By Council Members Riley, Louis, Brooks-Powers, Abreu, Gutiérrez, Hudson and Schulman.

### **A Local Law to amend the administrative code of the city of New York, in relation to requiring an audit and report on foster care placement notices**

*Be it enacted by the Council as follows:*

Section 1. Chapter 9 of title 21 of the administrative code of the city of New York is amended by adding a new section 21-922 to read as follows:

*§ 21-922 Foster care placement notices; audit and report. a. ACS shall conduct quarterly random audits of a statistically significant sample of foster care placement change notices required by paragraph (g) of subdivision (3) of section 358-a of the social services law, subdivision (5) of section 1017 of the family court act, subdivision (j) of section 1055 of the family court act and item (H) of paragraph (vii) of subdivision (d) of section 1089 of the family court act. Such audit shall include a review of the following:*

- 1. The incidence of failure to provide a notice of placement change where required by law;*
- 2. The amount of time that elapsed between changes in foster care placement and the provision of the placement change notice;*
- 3. When the notice of such placement change was provided to an attorney for the child in relation to the date of such placement change;*
- 4. Whether or not the notice included all the information required by law; and*
- 5. A summary of the legally required information that was missing from the notice, if any.*

*b. No later than April 30, 2023, and quarterly thereafter, ACS shall submit to the mayor and the speaker of the council, and shall post conspicuously on the ACS website, a report for the immediately preceding quarter with the results of the audit required by subdivision a. Such report shall include the following:*

- 1. The number of instances in which a placement change notice was required but no such notice was sent;*
- 2. The number of placement change notices sent, disaggregated by the number of days before or after the change;*
- 3. The number of emergency placement changes made, disaggregated by the number of notices sent within 24 hours of the change and the number of notices sent 24 hours or more after the change;*
- 4. The number of notices that included all required information; and*
- 5. The number of notices that did not include all required information, disaggregated by the category of information that was missing; provided that such categories shall include, but not be limited to, the information*

*missing as to the reason for the change, the planned new placement location, the contact information for the new placement location, and the number of placement changes in which a child moved from one borough to another.*

*c. No report required by subdivision a of this section shall contain personally identifiable information. If a category contains between one and five children, or contains a number that would allow another category that contains between one and five children 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 child information.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Children and Youth.

#### Int. No. 82

By Council Members Riley, Stevens, Williams, Louis and Brooks-Powers.

#### **A Local Law to amend the New York city charter, in relation to the creation of a three-digit gun violence intervention hotline**

*Be it enacted by the Council as follows:*

Section 1. Section 13-f of the New York city charter, as amended by local law number 37 for the year 2023, is amended by adding a new subdivision f to read as follows.

*f. 1. The director shall establish a three-digit emergency hotline, known as the gun violence intervention hotline. Such hotline shall be operational and available 24 hours per day, 7 days a week, to aid individuals. The hotline shall be staffed by trained mental health professionals, whose qualifications shall be determined by the director, who can coordinate with various local, state, and federal agencies, as well as nonprofit organizations, to ensure that callers are connected with appropriate resources, including but not limited to counseling services, conflict mediation, youth outreach programs, educational initiatives, and employment opportunities. Unless a phone operator determines disclosure is necessary due to an imminent risk to public health or safety, all information provided by callers shall be kept confidential.*

*2. The director shall carry out a public awareness campaign designed to inform residents, especially young adults, about the availability of the gun violence intervention hotline.*

*3. No later than April 1, 2024, and no later than April 1 of every year thereafter, the office shall include, in the report prepared pursuant to paragraph 5 of subdivision c of this section, information detailing efforts undertaken pursuant to this subdivision, including the total number of calls received by the gun violence intervention hotline, and an evaluation of whether the hotline has been effective at coordinating services for gun violence intervention.*

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

Referred to the Committee on Public Safety.

#### Int. No. 83

By Council Member Rivera:

#### **A Local Law to amend the administrative code of the city of New York, in relation to child protective caseloads and workloads action plan.**

Withdrawn.

## Int. No. 84

By Council Members Rivera, Avilés, Louis, Gutiérrez, Hudson and Schulman.

**A Local Law to amend the administrative code of the city of New York, in relation to a survey of newly arrived migrants and asylum seekers, and to repeal such amendments upon the expiration thereof**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 32 of the administrative code of the city of New York is amended by adding a new section 32-103 to read as follows:

§ 32-103 *Anonymous survey of newly arrived migrants and asylum seekers.* a. No later than January 31, 2024, the commissioner, in coordination with the mayor's office of immigrant affairs, shall develop a workforce development survey of migrants and asylum seekers. The survey shall elicit information related to skills, economic opportunities, and workforce development obstacles of migrants and asylum seekers.

b. No later than March 31, 2024, and annually thereafter, the mayor's office of immigrant affairs, in coordination with the commissioner, shall conduct the anonymous survey in locations including, but not limited to, humanitarian emergency response and relief centers, emergency shelters, respite centers, and asylum seeker resource navigation centers. The mayor's office of immigrant affairs, in coordination with the commissioner, shall conduct the survey in English, the designated citywide languages, and temporary languages.

c. No later than June 30, 2024, and annually thereafter, the commissioner shall submit to the mayor and the speaker of the council and shall post conspicuously on the department's website an annual report regarding skills, economic opportunities, and workforce development obstacles of asylum seekers and migrants. The report shall set forth the aggregated information captured in the results of the survey described in subdivision a of this section, recommend policies and investments to support the economic wellbeing and success of migrants and asylum seekers, and include a data dictionary.

§ 2. This local law takes effect 30 days after it becomes law, and remains in effect until September 1, 2034, when it is deemed repealed.

Referred to the Committee on Immigration.

## Int. No. 85

By Council Members Rivera, Avilés, Gutiérrez and Schulman.

**A Local Law to amend the administrative code of the city of New York, in relation to a health survey of newly arrived migrants and asylum seekers, and to repeal such amendments upon the expiration thereof**

*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 17-201 to read as follows:

§ 17-201 a. *Definitions.* As used in this chapter, the following terms have the following meanings:

*Designated citywide languages.* The term "designated citywide languages" has the same meaning as set forth in section 23-1101 of the administrative code of the city of New York.

*Temporary languages.* The term "temporary languages" has the same meaning as set forth in section 23-1105 of the administrative code of the city of New York.

b. *Anonymous survey of newly arrived migrants and asylum seekers.* a. No later than January 31, 2024, the commissioner, in coordination with the mayor's office of immigrant affairs and any agency designated by the mayor, shall develop a health survey of migrants and asylum seekers. The survey shall elicit information related to the long-term health needs and chronic conditions of migrants and asylum seekers, healthcare service requests from migrants and asylum seekers, healthcare referrals or interventions provided to migrants and asylum

*seekers, and, to the extent practicable, whether or not those referrals were accepted or those interventions took place.*

*c. No later than March 31, 2024, and annually thereafter, the mayor's office of immigrant affairs, in coordination with the commissioner and any agency designated by the mayor, shall conduct the anonymous survey in locations including, but not limited to, humanitarian emergency response and relief centers, emergency shelters, respite centers, and asylum seeker resource navigation centers. The mayor's office of immigrant affairs, in coordination with the commissioner and any agency designated by the mayor, shall conduct the survey in English, the designated citywide languages, and temporary languages.*

*d. No later than June 30, 2024, and annually thereafter, the commissioner shall submit to the mayor and the speaker of the council and shall post conspicuously on the department's website an annual report regarding long-term health needs and chronic conditions of migrants and asylum seekers, healthcare service requests from migrants and asylum seekers, healthcare referrals or interventions provided to migrants and asylum seekers, and, to the extent practicable, the outcomes of those referrals or interventions. The report shall set forth the aggregated information captured in the results of the survey described in subdivision b of this section, recommend ways to identify and anticipate health needs of migrants and asylum seekers, and include a data dictionary.*

§ 2. This local law takes effect 30 days after it becomes law, and remains in effect until September 1, 2034, when it is deemed repealed.

Referred to the Committee on Immigration.

Int. No. 86

By Council Members Rivera, Ayala, Stevens, Krishnan and Hudson.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring child protective specialists to orally disseminate information to parents or caretakers about their rights during initial contact at the start of an ACS investigation.**

Withdrawn.

Res. No. 22

**Resolution calling on the Mount Sinai Health System to keep the 16th Street Mount Sinai Beth Israel hospital campus open.**

By Council Members Rivera, Narcisse, Louis, Powers, Gutiérrez, Hudson, Schulman and Salaam.

**Whereas**, In New York State, a provider who contemplates the closure of a hospital facility must follow certain steps, as outlined by the New York State Department of Health (NYS DOH) in the Facility Closure Plan Guidelines; and

**Whereas**, Specifically, per the Facility Closure Plan Guidelines, a provider must give a verbal notification to the NYS DOH's Regional Program Manager or Program Director as soon as the provider begins considering a closure and at least 120 days before the proposed date of closure, with a written notification of the possible closure to follow no later than 48 hours after the verbal notification; and

**Whereas**, Furthermore, the New York State Commissioner of Health must approve in writing all hospital closure plans, and a closure plan is not to be considered approved until the provider has received a written notification from the New York State Commissioner of Health or the Director of the Center for Health Care Quality and Surveillance; and

**Whereas,** Moreover, information about a potential hospital closure may not be disclosed to the public, patients/residents, or staff prior to notifying the NYS DOH, submission of a facility closure plan, and a written approval of such plan by the NYS DOH; and

**Whereas,** As per the NYS DOH's Facility Closure Plan Guidelines, no actions related to the proposed closure of a hospital facility may be taken by the provider prior to receiving from the NYS DOH a written approval of the closure and its plan; and

**Whereas,** On October 25, 2023, the Mount Sinai Health System sent to the NYS DOH a facility closure plan for its 16<sup>th</sup> Street Mount Sinai Beth Israel hospital campus in Downtown Manhattan, with the proposed closure date set for July 12, 2024; and

**Whereas,** In its intent-to-close letter to the NYS DOH, the Mount Sinai Health System cited a number of motivating factors underlying its decision to close the 16th Street Mount Sinai Beth Israel hospital campus, including old, outdated infrastructure, rooms, and halls, which the Mount Sinai Health System claimed to be unable to modernize, as well as a declining inpatient census (a decrease of 73 percent in acute care admissions since 2012), operations at only about 20 percent to 28 percent of the hospital's full capacity, and increased labor and supplies costs, all of which led to the operating losses of over \$100 million annually, with the total loss to date standing at more than \$1 billion; and

**Whereas,** Moreover, according to the Mount Sinai Health System, it held over 80 meetings with elected officials and labor and community leaders, as well as 6 public forums between 2016 and 2020 as part of its analysis of the operations at the 16th Street Mount Sinai Beth Israel hospital campus and engaged in ultimately unsuccessful efforts to reduce costs, enhance revenues, and obtain a financial assistance from the New York State before concluding in 2023 that the Beth Israel hospital facility should be closed; and

**Whereas,** In addition, in its intent-to-close letter to the NYS DOH, the Mount Sinai Health System claimed that between April 2023 and October 2023, it held more than 100 calls and meetings with elected officials in New York City concerning the proposed closure of the 16th Street Mount Sinai Beth Israel hospital campus; and

**Whereas,** Furthermore, in the same intent-to-close letter to the NYS DOH, the Mount Sinai Health System stated that it plans to keep the 16th Street Mount Sinai Beth Israel hospital campus open with a smaller bed count to align with the facility's declining inpatient census, but that due to a decreased staffing, it anticipates "some reductions in services" prior to July 1, 2024; and

**Whereas,** On November 28, 2023, the Mount Sinai Health System held a public meeting at Baruch College in Downtown Manhattan regarding the proposed closure of the 16th Street Mount Sinai Beth Israel hospital campus; and

**Whereas,** On December 14, 2023, residents of the area surrounding the 16th Street Mount Sinai Beth Israel hospital campus held a rally to protest the facility's closure, which was also attended by medical staffers, elected officials, and healthcare and community advocates, with CBS New York quoting advocates as saying that "losing the hospital would devastate the area" and citing the area's residents' outcry that the closure of the Beth Israel hospital would "[leave] the 400,000 people living below 24th Street dangerously underserved in terms of health care"; and

**Whereas,** Additionally, as CBS New York reported, at the December 14, 2023 rally, protesters accused the Mount Sinai Health System of a lack of transparency and of reducing and closing departments and services at the 16th Street Mount Sinai Beth Israel hospital campus well before the proposed closure date of July 12, 2024; and

**Whereas,** As reported by the Becker's Hospital Review, in a letter dated December 21, 2023, the NYS DOH ordered the Mount Sinai Health System to cease and desist from closing beds and services at the 16th Street Mount Sinai Beth Israel hospital campus without the required written approval of the New York State Commissioner of Health and under a threat of fines and other penalties, requested a written confirmation from the Mount Sinai Health System that the closures will stop; now, therefore, be it

**Resolved,** That the Council of the City of New York calls on the Mount Sinai Health System to keep the 16th Street Mount Sinai Beth Israel hospital campus open.

Referred to the Committee on Hospitals.

## Res. No. 23

**Resolution calling on the New York State to prevent the Mount Sinai Health System from closing the 16th Street Mount Sinai Beth Israel hospital campus.**

By Council Members Rivera, Narcisse, Louis, Powers, Gutiérrez, Hudson, Schulman and Salaam.

**Whereas**, In New York State, a provider who contemplates the closure of a hospital facility must follow certain steps, as outlined by the New York State Department of Health (NYS DOH) in the Facility Closure Plan Guidelines; and

**Whereas**, Specifically, per the Facility Closure Plan Guidelines, a provider must give a verbal notification to the NYS DOH's Regional Program Manager or Program Director as soon as the provider begins considering a closure and at least 120 days before the proposed date of closure, with a written notification of the possible closure to follow no later than 48 hours after the verbal notification; and

**Whereas**, Furthermore, the New York State Commissioner of Health must approve in writing all hospital closure plans, and a closure plan is not to be considered approved until the provider has received a written notification from the New York State Commissioner of Health or the Director of the Center for Health Care Quality and Surveillance; and

**Whereas**, Moreover, information about a potential hospital closure may not be disclosed to the public, patients/residents, or staff prior to notifying the NYS DOH, submission of a facility closure plan, and a written approval of such plan by the NYS DOH; and

**Whereas**, As per the NYS DOH's Facility Closure Plan Guidelines, no actions related to the proposed closure of a hospital facility may be taken by the provider prior to receiving from the NYS DOH a written approval of the closure and its plan; and

**Whereas**, On October 25, 2023, the Mount Sinai Health System sent to the NYS DOH a facility closure plan for its 16<sup>th</sup> Street Mount Sinai Beth Israel hospital campus in Downtown Manhattan, with the proposed closure date set for July 12, 2024; and

**Whereas**, In its intent-to-close letter to the NYS DOH, the Mount Sinai Health System cited a number of motivating factors underlying its decision to close the 16th Street Mount Sinai Beth Israel hospital campus, including old, outdated infrastructure, rooms, and halls, which the Mount Sinai Health System claimed to be unable to modernize, as well as a declining inpatient census (a decrease of 73 percent in acute care admissions since 2012), operations at only about 20 percent to 28 percent of the hospital's full capacity, and increased labor and supplies costs, all of which led to the operating losses of over \$100 million annually, with the total loss to date standing at more than \$1 billion; and

**Whereas**, Moreover, according to the Mount Sinai Health System, it held over 80 meetings with elected officials and labor and community leaders, as well as 6 public forums between 2016 and 2020 as part of its analysis of the operations at the 16th Street Mount Sinai Beth Israel hospital campus and engaged in ultimately unsuccessful efforts to reduce costs, enhance revenues, and obtain a financial assistance from the New York State before concluding in 2023 that the Beth Israel hospital facility should be closed; and

**Whereas**, In addition, in its intent-to-close letter to the NYS DOH, the Mount Sinai Health System claimed that between April 2023 and October 2023, it held more than 100 calls and meetings with elected officials in New York City concerning the proposed closure of the 16th Street Mount Sinai Beth Israel hospital campus; and

**Whereas**, Furthermore, in the same intent-to-close letter to the NYS DOH, the Mount Sinai Health System stated that it plans to keep the 16th Street Mount Sinai Beth Israel hospital campus open with a smaller bed count to align with the facility's declining inpatient census, but that due to a decreased staffing, it anticipates "some reductions in services" prior to July 1, 2024; and

**Whereas**, On November 28, 2023, the Mount Sinai Health System held a public meeting at Baruch College in Downtown Manhattan regarding the proposed closure of the 16th Street Mount Sinai Beth Israel hospital campus; and

**Whereas**, On December 14, 2023, residents of the area surrounding the 16th Street Mount Sinai Beth Israel hospital campus held a rally to protest the facility's closure, which was also attended by medical staffers, elected officials, and healthcare and community advocates, with CBS New York quoting advocates as saying that "losing the hospital would devastate the area" and citing the area's residents' outcry that the closure of the Beth Israel



hospital would “[leave] the 400,000 people living below 24th Street dangerously underserved in terms of health care”; and

**Whereas**, Additionally, as CBS New York reported, at the December 14, 2023 rally, protesters accused the Mount Sinai Health System of a lack of transparency and of reducing and closing departments and services at the 16th Street Mount Sinai Beth Israel hospital campus well before the proposed closure date of July 12, 2024; and

**Whereas**, As reported by the Becker's Hospital Review, in a letter dated December 21, 2023, the NYS DOH ordered the Mount Sinai Health System to cease and desist from closing beds and services at the 16th Street Mount Sinai Beth Israel hospital campus without the required written approval of the New York State Commissioner of Health and under a threat of fines and other penalties, requested a written confirmation from the Mount Sinai Health System that the closures will stop; now, therefore, be it

**Resolved**, That the Council of the City of New York calls on the New York State to prevent the Mount Sinai Health System from closing the 16th Street Mount Sinai Beth Israel hospital campus.

Referred to the Committee on Hospitals.

Res. No. 24

**Resolution calling on the New York State Legislature to pass, and the Governor to sign, A.8052 and S.7703, and any other legislation necessary to require that purchasers of limited use motorcycles present a driver’s license appropriate for the legal operation of such limited use motorcycles to the limited use motorcycle dealer, and register such limited use motorcycles, prior to completing a purchase.**

By Council Members Rivera, Brewer, Schulman, Krishnan, Won and Bottcher.

**Whereas**, Limited use motorcycles, also commonly called mopeds or motor scooters, are required to be registered with the New York State Department of Motor Vehicles (DMV) before operation on the roads and other public ways in New York City, but are not required to be so registered at point of sale; and

**Whereas**, Limited use motorcycles, as motor vehicles, may also only be operated by an individual with a valid driver’s license; and

**Whereas**, Many of the City’s 65,000 delivery workers transitioned from operating bicycles and battery-powered bicycles, which are not subject to the same laws that motor vehicles are subject to, to limited use motorcycles which under law are classified as motor vehicles; and

**Whereas**, Some purchasers of limited use motorcycles may be unaware of the legal requirement to register limited use motorcycles prior to operation on the City’s streets, or to possess a valid driver’s license while operating them; and

**Whereas**, The New York City Police Department (NYPD) informed Streetsblog that they had issued 29,306 moving violations to limited use motorcycle riders, and other motorcycle riders in the first 8 months of 2023, up from 17,016 and 13,525 in that same time period in 2022 and 2021 respectively; and

**Whereas**, It was also reported that by September 14, 2023, NYPD had seized 8,607 illegal limited use motorcycles, more than twice the amount seized in the same period the previous year; and

**Whereas**, Illegal operation of unregistered limited use motorcycles poses a danger to pedestrians, cyclists, other users of the roadway, as well as to the operators of such limited use motorcycles themselves; and

**Whereas**, All terrain vehicles (ATVs) are required to be registered prior to operation within the State, and, under the New York State Vehicle and Traffic law, all ATVs sold by a dealer for use in the State must be registered with the DMV at the time of sale;

**Whereas**, S.7703, sponsored by New York State Senator Brad Hoylman-Sigal, has been introduced in the New York State Senate and would require that all limited use motorcycles purchased from a dealer be registered with the DMV at the time that limited use motorcycle is purchased; and

**Whereas**, A.8052, sponsored by New York State Assemblymember Alex Bores, has been introduced in the New York State Assembly and would require that all limited use motorcycles purchased from a dealer be

registered with the DMV at the time the limited use motorcycle is purchased, and that dealers require proof of registration of the limited use motorcycle prior to transferring the limited use motorcycle to the purchaser, or otherwise register the limited use motorcycle for the purchaser; and

**Whereas,** Although these bills would provide needed safeguards to reduce the number unregistered motor vehicles on New York City's streets, additional legislation should be adopted to require that dealers also require proof that the registrant possesses a valid driver's license in an effort to ensure that purchasers of limited use motorcycles are licensed to operate those vehicles on the City's streets; now, therefore, be it

**Resolved,** That the New York City Council calls on the New York State Legislature to pass, and the Governor to sign, A.8052 and S.7703, and any other legislation necessary to require that purchasers of limited use motorcycles present a driver's license appropriate for the legal operation of such limited use motorcycles to the limited use motorcycle dealer, and register such limited use motorcycles, prior to completing a purchase.

Referred to the Committee on Transportation and Infrastructure.

Int. No. 87

By Council Members Salamanca and Hudson.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the administration for children's services and the department of probation to report on juvenile justice statistics**

*Be it enacted by the Council as follows:*

Section 1. Section 21-905 of the administrative code of the city of New York, as added by local law number 44 for the year 2013, is amended to read as follows:

§ 21-905[.] Demographic [Data.] *data of the juvenile justice system. By January 15, 2023, and no later than 15 days after the end of each month thereafter, ACS shall submit a report related to demographic data of the juvenile justice system to the speaker of the council and post such report permanently on ACS's website. All data contained in such report must be in a machine-readable format and include a comparison of the current reporting period to the prior four reporting periods, when such information is available. The information required pursuant to this section for each reporting period must be accessible through the city's open data web portal. Such report must include the following information:*

a. Admissions to [Detention Facilities] detention facilities. 1. [By September 30 of each year, ACS shall post a report on its website regarding the] *The total number of admissions [in] during the previous [fiscal year] month to the following facilities:*

- [i.] *(a) secure detention facilities, in total and disaggregated by facility; [and*
- ii.] *(b) non-secure detention facilities, in total and disaggregated by facility;*
- (c) specialized secure detention facilities, in total and disaggregated by facility; and*
- (d) specialized juvenile detention facilities, in total and disaggregated by facility.*

2. The data provided pursuant to paragraph one of *this* subdivision [a of this section] shall be disaggregated by the following factors:

- [i.] *(a) age;*
- [ii.] *(b) gender;*
- [iii.] *(c) race;*
- [iv.] *(d) zip code of residence, except that for a number between one and five admissions from one zip code, the number [shall be] is replaced with a symbol;*

[v.] *(e) for youth remanded to a detention facility by a court, the most serious charged offense on the court petition, complaint or indictment at the time ACS assumed custody, further disaggregated by the youth's age, gender and race; [and*

vi.] (f) for youth brought to detention by police, [whether] the top arrest charge [was a misdemeanor or a felony] at the time ACS assumed custody, *further disaggregated by the youth's age, gender and race;*  
 (g) *whether such youth have any prior contact with ACS, including foster care cases; and*  
 (h) *whether such youth have any prior contact with the department of probation.*

b. Demographic [Data for Detention Facilities] *data for detention facilities.* 1. [By September 30 of each year ACS shall post a report on its website regarding the] *The average daily population [in] during the previous [fiscal year] month in the following facilities:*

- [i.] (a) *secure detention facilities, in total and disaggregated by facility; [and*
- ii.] (b) *non-secure detention facilities[.], in total and disaggregated by facility;*
- (c) *specialized secure detention facilities, in total and disaggregated by facility; and*
- (d) *specialized juvenile detention facilities, in total and disaggregated by facility;*

2. [By September 30 of each year ACS shall post a report on its website regarding the] *The number of youth admitted to a detention facility during the previous [fiscal year] month who spent time either in non-secure detention only, secure detention only, [or] specialized secure detention only, both non-secure and secure detention, both non-secure and specialized secure detention, or both secure and specialized secure detention, in total and disaggregated by the following factors:*

- [i.] (a) *age;*
- [ii.] (b) *gender;*
- [iii.] (c) *race;*
- [iv.] (d) *zip code of residence, except that for a number between one and five admissions from one zip code, the number [shall be] is replaced with a symbol;*

[v.] (e) *for youth remanded to a detention facility by a court, the most serious charged offense on the court petition, complaint or indictment at the time ACS assumed custody; [and]*

[vi.] (f) *for youth brought to detention by police, [whether] the top arrest charge [was a misdemeanor or a felony] at the time ACS assumed custody[.];*

(g) *whether such youth have any prior contact with ACS, including foster care cases; and*

(h) *whether such youth have any prior contact with the department of probation;*

3. *During the prior month, the average and median bail amounts imposed by the criminal court on youth in ACS custody and the percentage of youth in ACS custody who were remanded by the criminal court to detention without imposing bail, disaggregated by juvenile offenders, adolescent offenders and individuals who are 17 years old remanded to detention before October 1, 2019; and*

4. *The total number of adolescent offenders in the facility on the last day of the reporting period who are serving a sentence in specialized secure detention, further disaggregated by top charge at sentencing, age, gender and race.*

c. Admissions to [Placement Facilities] *placement facilities.* 1. [By September 30 of each year, ACS shall post a report on its website regarding the] *The total number of placement admissions [in] during the previous [fiscal year] month in the following facilities:*

- [i.] (a) *non-secure placement facilities, in total and disaggregated by facility; and*
- [ii.] (b) *limited-secure placement facilities, in total and disaggregated by facility.*

2. The data provided pursuant to paragraph one of *this* subdivision [c of this section] shall be disaggregated by the following factors:

- [i.] (a) *age;*
- [ii.] (b) *gender;*
- [iii.] (c) *race;*
- [iv.] (d) *zip code of residence, except that for a number between one and five admissions from one zip code, the number [shall be] is replaced with a symbol;*

[v.] (e) *youth who were detained at a detention facility immediately prior to being ordered to a placement facility by a court pursuant to the family court act;*

[vi.] (f) *youth who were not detained at a detention facility immediately prior to being ordered to a placement facility by a court pursuant to the family court act;*

[vii.] (g) *youth who were transferred to an ACS placement facility from the custody of the New York state office of children and family services in accordance with subdivision [six] 6 of section [four hundred and four] 404 of the [New York state] social services law; [and*

viii.] (h) for youth ordered to a placement facility by a court, the most serious offense adjudicated against such youth by the court;

(i) whether such youth have any prior contact with ACS, including foster care cases; and

(j) whether such youth have any prior contact with the department of probation.

d. Demographic [Data for Placement Facilities] data for placement facilities. 1. [By September 30 of each year, ACS shall post a report on its website regarding the] The average daily population [in] during the previous [fiscal year] month in the following facilities:

[i.] (a) non-secure placement facilities, in total and disaggregated by facility; and

[ii.] (b) limited-secure placement facilities[,], in total and disaggregated by facility;

2. [By September 30 of each year, ACS shall post a report on its website the] The number of youth admitted to a placement facility during the previous [fiscal year] month who spent time either in non-secure placement only, limited secure placement only, or both non-secure and limited secure placement, disaggregated by the following factors:

[i.] (a) age;

[ii.] (b) gender;

[iii.] (c) race;

[iv.] (d) zip code of residence, except that for a number between one and five admissions from one zip code, the number [shall be] is replaced with a symbol; and

v.] (e) for youth remanded to a detention facility by a court, the most serious offense adjudicated against such youth by the court[.];

(f) whether such youth have any prior contact with ACS, including foster care cases; and

(g) whether such youth have any prior contact with the department of probation.

e. Data on [Transfers] transfers. 1. [By September 30 of each year, ACS shall post a report on its website regarding the] The total number of youth who have been transferred during the previous [fiscal year] month from:

[i.] (a) a non-secure detention facility to a secure detention facility;

[ii.] (b) a secure detention facility to a non-secure detention facility;

[iii.] (c) a non-secure placement facility to a limited secure placement facility;

[iv.] (d) a non-secure placement facility to a secure placement facility;

[v.] (e) a limited secure placement facility to a non-secure placement facility;

[vi.] (f) a limited secure placement facility to a secure placement facility;

[vii.] (g) a secure placement facility to a limited secure placement facility; [and]

[viii.] (h) a secure placement facility to a non-secure placement facility;

(i) a specialized secure detention facility to a secure detention facility; and

(j) a specialized secure detention facility to a non-secure detention facility.

2. The data provided pursuant to paragraph one of this subdivision [e of this section] shall be disaggregated by the following factors:

[i.] (a) age;

[ii.] (b) gender; and

[iii.] (c) race.

[f. Interim Reports. 1. On or before September 30, 2013, ACS shall post a report on its website regarding the total population in non-secure placement facilities as of the last day of every month during the previous fiscal year.

2. No more than one year after ACS begins operating limited secure placement facilities, ACS shall post a report on its website regarding:

i. the total number of admissions to such facilities in the first nine months of their operation, disaggregated by the following factors:

(a) age;

(b) gender;

(c) race; and

(d) youth who were transferred to an ACS placement facility from the custody of the New York state office of children and family services in accordance with subdivision six of section four hundred and four of the New York state social services law;

ii. the total population in such facilities as of the last day of every month during the first nine months of their operation; and

iii. the number of youth admitted to such facilities during the first nine months of their operation who, during that period, spent time either in non-secure placement only, limited secure placement only, or both non-secure and limited secure placement, disaggregated by the following factors:

(a) age;

(b) gender;

(c) race;

(d) zip code of residence except that for a number between one and five admissions from one zip code, the number shall be replaced with a symbol; and

(e) for youth ordered to a placement facility by a court, the most serious offense adjudicated against such youth by the court.]

*f. Pre-sentence data. 1. The number of youth housed in non-secure, secure, specialized secure and specialized juvenile detention facilities pre-sentencing, in total and disaggregated by the following factors, as defined in the New York state family court act and criminal procedure law:*

*(a) juvenile delinquents, in total and disaggregated by facility;*

*(b) juvenile offenders, in total and disaggregated by facility;*

*(c) adolescent offenders, in total and disaggregated by facility;*

*(d) youth transferred from the custody of the department of correction on October 1, 2018; and*

*(e) individuals who were 17 years old remanded to detention on or after October 1, 2018 and before October 1, 2019.*

*2. The data provided pursuant to paragraph 1 of this subdivision shall be disaggregated by the following factors:*

*(a) age;*

*(b) gender;*

*(c) race;*

*(d) zip code of residence, except that for a number between one and five admissions from one zip code, the number is replaced with a symbol;*

*(e) the most serious charged offense on the court petition, complaint or indictment, or top arrest charge at the time ACS assumed custody; and*

*(f) the average, median, minimum and maximum length of detention, as well as the standard deviation for pre-sentencing or pre-disposition youth.*

§ 2. Section 21-906 of the administrative code of the city of New York, as added by local law number 44 for the year 2013, is amended to read as follows:

§ 21-906[.] Incident [Reports] reports in juvenile justice facilities. a. Quarterly [Incident Reports] incident reports.

1. [Within sixty days after the end of each quarter of the fiscal year, ACS shall post a report on its website based on data from the previous quarter that shall contain the] *By January 15, 2023, and no later than 15 days after the end of each quarter thereafter, ACS shall submit a report related to incidents occurring in juvenile justice facilities to the speaker of the council and store it permanently on ACS's website. All data contained in such report must be in a machine-readable format and include a comparison of the current reporting period to the prior four reporting periods, when such information is available. The information required pursuant to this section for each reporting period must be accessible through the city's open data web portal. Such report must include the number of the following incidents:*

*[i.] (a) use of physical restraint by staff on children;*

*[ii.] (b) physical injuries or impairment to children as a result of the use of physical restraint;*

*[iii.] (c) use of mechanical restraint by staff on children;*

*[iv.] (d) physical injuries or impairment to children as a result of the use of mechanical restraint;*

*[v.] (e) fights and altercations between children;*

*[vi.] (f) physical injuries or impairment to children as a result of fights with other children;*

*[vii.] (g) physical injuries or impairment to children resulting from any other means not previously mentioned, disaggregated by cause;*

*(h) serious physical injury to staff;*

[viii.] (i) biased-based incidents as reported by a child; [and  
ix.] (j) the number of room confinements and the *average* length of stay for [each confinement.] *such*  
*confinements;*

(k) *alarm system activity; and*

(l) *deployment of a dedicated unit of ACS personnel trained to respond to violent incidents, or a department of correction crisis response team.*

2. The data provided pursuant to paragraph [one] 1 of *this* subdivision [a of this section] shall be disaggregated by the following factors:

[i. each] (a) *secure detention [facility] facilities, in total and disaggregated by facility;*

[ii.] (b) *non-secure detention facilities, in total and disaggregated by facility;*

[iii.] (c) *non-secure placement facilities, in total and disaggregated by facility; [and*

iv.] (d) *limited secure placement facilities[.], in total and disaggregated by facility;*

(e) *specialized secure detention facilities, in total and disaggregated by facility;*

(f) *specialized juvenile detention facilities, in total and disaggregated by facility;*

(g) *whether the child involved in the incident was an adolescent offender, juvenile offender, juvenile delinquent, youth transferred from the custody of the department of correction on October 1, 2018, or an individual who was 17 years old and was remanded to detention between October 1, 2018 and before October 1, 2019; and*

(h) *where applicable, whether the staff involved in the incident were employees of ACS, the department of correction or both.*

3. *For each incident reported pursuant to subparagraph (j) of paragraph 1 of this subdivision, such report must include the facility, duration and reason for each such room confinement. For each incident reported pursuant to subparagraph (k) of paragraph 1 of this subdivision, such report must include the facility and reason for each such alarm system activation.*

b. Annual incident reports. 1. Within [sixty] 60 days after the end of each fiscal year, ACS shall post a report on its website containing the following data:

[i.] (a) *the number of allegations made during the fiscal year that a child in a detention or placement facility was a neglected or abused child; and*

[ii.] (b) *the number of findings made during the fiscal year by the New York state office of children and family services substantiating allegations that a child in a detention or placement facility was a neglected or abused child, including findings that substantiated allegations made prior to the fiscal year.*

2. The data provided pursuant to paragraph [one] 1 of *this* subdivision [b of this section] shall be disaggregated by the following factors:

[i. each] (a) *secure detention [facility] facilities, in total and further disaggregated by facility;*

[ii.] (b) *non-secure detention facilities, in total and further disaggregated by facility;*

[iii.] (c) *non-secure placement facilities, in total and further disaggregated by facility; [and*

iv.] (d) *limited secure placement facilities[.], in total and further disaggregated by facility;*

(e) *specialized secure detention facilities, in total and further disaggregated by facility; and*

(f) *specialized juvenile detention facilities, in total and further disaggregated by facility.*

c. *Oleoresin capsicum spray. If, at any time, the city obtains a waiver pursuant to section 180-3.19 of title 9 of the New York codes, rules and regulations, or a successor regulation, permitting ACS or the department of correction to use oleoresin capsicum spray in a specialized secure detention or specialized juvenile detention facility, ACS shall post public notice of such waiver on their website no later than five days following the receipt of such waiver. Beginning January 15, 2023, and 15 days after the end of each month ACS shall report on all incidents in which oleoresin capsicum spray was used in a juvenile facility, including the following information:*

1. *the date and time of such use;*

2. *the number of youths exposed to oleoresin capsicum spray;*

3. *the ages of all such youths who were exposed;*

4. *the number of each ACS or department of correction personnel involved in the incident;*

5. *the number of youth requiring medical attention after such incident; and*

6. *the facility where such incident occurred.*

§ 3. 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 *Juvenile justice facility staffing.* a. *Within 15 days of January 1, 2023, and no later than 15 days after the end of each month thereafter, ACS shall submit a report to the speaker of the council and post such report on its website regarding the average number of staff members during the previous month deployed to the following facilities:*

1. *Secure detention, in total and disaggregated by facility;*
2. *Specialized secure detention, in total and disaggregated by facility; and*
3. *Specialized juvenile detention, in total and disaggregated by facility.*

b. *The data provided pursuant to subdivision a for specialized juvenile detention shall be further disaggregated by the average number of department of correction staff and ACS staff, in total and disaggregated by tour and job title.*

§ 4. 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 *Youth probation report.* a. *Definitions.* *As used in this section, the following terms have the following meanings:*

*Adjust.* *The term “adjust” means the process described in section 308.1 of the family court act, or any successor statute.*

*Juvenile delinquent.* *The term “juvenile delinquent” has the same meaning as described in section 301.2 of the family court act, or any successor statute.*

b. *Within 15 days of January 15, 2023, and no later than 15 days after the end of each month thereafter, the department of probation shall submit to the speaker of the council and post on its website a report on the number of cases in the previous month in the following categories:*

1. *Juvenile delinquents under 16 years of age whose cases originated in family court;*
2. *Juvenile delinquents under 16 years of age whose cases were transferred to family court from the youth part of criminal court;*
3. *Youth 16 and 17 years of age whose cases originated in family court; and*
4. *Youth 16 and 17 year of age whose cases were transferred from the youth part of criminal court to family court.*

c. *The data provided pursuant to subdivision b of this section shall be further disaggregated by the following factors:*

1. *The total number of youth screened for adjustment in family court, and further disaggregated by age, gender, race, the most serious offense and age at time of interview;*
2. *The total number of individuals whose cases have been adjusted, and further disaggregated by age, gender, race, the most serious offense and age at time of interview;*
3. *The average number of days elapsed from an individual’s arrest to adjustment interview;*
4. *The reasons stated for not adjusting an individual, further disaggregated by age, gender, race, the most serious offense and age at the time of arrest;*
5. *The number of individuals who successfully complete adjustment and have their cases diverted;*
6. *The number of individuals who are referred from the department of probation to the law department for failure to follow conditions of adjustment;*
7. *The number of individuals receiving probation services;*
8. *The number of individuals detained, disaggregated by age, gender, race, the most serious offense, risk level score and age at the time of risk assessment interview; and*
9. *The percent of dispositional recommendations for placement, disaggregated by age, gender and race.*

§ 5. 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, 34, 35, 36 and 37 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. The information required pursuant to paragraphs 34 through 37 must be stored permanently, must be accessible through the city’s open data web portal and must be provided in a format that permits automated processing. For the purposes of this [subdivision,] section, any [incarcerated] individual incarcerated on multiple charges [shall be]*

is deemed to be incarcerated only on the most serious charge, a violent felony [shall be] is deemed to be more serious than a non-violent felony of the same class, any [incarcerated] individual incarcerated on multiple charges of the same severity [shall be] is deemed to be held on each charge, any [incarcerated] individual incarcerated on multiple bail amounts [shall be] is deemed to be held only on the highest bail amount, any incarcerated individual held on pending criminal charges who has a parole hold [shall be] is deemed to be held only on the parole hold, any incarcerated individual held on pending criminal charges who has any other hold [shall be] is deemed to be held only on the pending criminal charges, and any [incarcerated] individual incarcerated on multiple cases in which sentence has been imposed on at least one of such cases [shall be] is 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 in the custody of the department of correction[.];
2. The number of incarcerated individuals 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 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 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 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 of incarcerated individuals 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 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 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 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 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 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 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] offenses as defined in article 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)] *and* (xxi) 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, *and* (ii) driving with a suspended license as defined in section 511[.]; *and*

(c) The following categories of offense: (i) any violation or non-criminal offense, (ii) any misdemeanor not specifically enumerated in this paragraph, *and* (iii) any felony not specifically enumerated in this paragraph[.];

12. The number of incarcerated individuals 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] (a), (b) *and* (c) of paragraph 11 of this subdivision[.];

13. The number of incarcerated individuals 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 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 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 case was pending[. This], *which* 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)] (d) conviction for a misdemeanor; [(d)] (e) conviction for a non-criminal offense; [(e)] (f) charges dismissed or adjourned in contemplation of dismissal; or [(f)] (g) 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 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[.];

34. *The number of violent felonies filed against individuals who are 16 or 17 years of age in criminal court, in total and disaggregated by age at time of charge, gender, race, age at the time of the charge, county and most serious offense;*

35. *The number of violent felonies removed to family court from criminal court, in total and disaggregated by age at time of charge, gender, race, age at the time of the charge, county and most serious offense;*

36. *The total number of non-violent felonies filed against individuals who are 16 and 17 year of age in criminal court, in total and disaggregated by age at time of charge, gender, race, age at the time of the charge, county and most serious offense; and*

37. *The number of non-violent felonies removed to family court from criminal court, in total and disaggregated by age at time of charge, gender, race, age at the time of the charge, county and most serious offense.*

*b. Except as otherwise expressly provided in this section, no report required by subdivision a of this section shall contain personally identifiable information.*

§ 6. This local law takes effect immediately, except that sections one and two of this local law take effect on January 1, 2023.

Referred to the Committee on Children and Youth.

Int. No. 88

By Council Members Sanchez, Louis, Restler, Gutiérrez, Hudson and Feliz.

**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**

*Be it enacted by the Council as follows:*

Section 1. Section FC 703.1.2 of the New York city fire code, as amended by local law 47 for the year 2022, is amended to read as follows:

**703.1.2 Smoke barriers and smoke partitions.** Required smoke barriers and smoke partitions shall be maintained and inspected to prevent the passage of smoke. All openings protected with approved smoke barrier doors or smoke dampers shall be maintained in accordance with NFPA 105 and inspected at minimum 1 year after installation and with a 4-year frequency thereafter, except for hospitals which shall have a 6-year frequency thereafter, or more frequently if required by NFPA 105. The remote inspection method defined in the periodic testing section of NFPA 80 and NFPA 105 shall not be used in place of visual inspection for the periodic testing required under this section. All fire dampers and smoke dampers and combination fire and smoke dampers shall be tested regardless of location. Proof of such inspection shall be submitted to the department by the landlord of each building inspected.

§ 2. Chapter 7 of the New York city fire code is amended by adding new sections FC 703.1.2.1 and FC 703.1.2.2 to read as follows:

**703.1.2.1 Inspector qualifications.** Inspections and tests conducted pursuant to this section shall be performed by a qualified contractor that meets all the following criteria:

1. A contractor that provides inspections and testing of HVAC fire dampers and smoke dampers and combination fire and smoke dampers shall hold an ICB Fire and Smoke Damper Contractor certification or equivalent certification from an organization that has been accredited under the ISO/IEC 17024 Personnel Certification standard in HVAC fire dampers and smoke dampers and combination fire and smoke dampers inspections.

2. For inspection and testing of HVAC fire dampers and smoke dampers and combination fire and smoke dampers, a contractor shall employ only a skilled and trained workforce. For the purposes of this

section, a “skilled and trained workforce” means a workforce not less than 60 percent of which is composed of graduates of an apprenticeship program approved by the New York State Department of Labor.

3. For inspection and testing of HVAC fire dampers and smoke dampers and combination fire and smoke dampers a contractor shall employ technicians who hold an ICB Smoke Control Systems Technician certification or equivalent certification from an organization that has been accredited under the ISO/IEC 17024 Personnel Certification standard in HVAC fire dampers and smoke dampers and combination fire and smoke dampers inspections.

4. All technicians performing inspections and testing of HVAC fire dampers and smoke dampers and combination fire and smoke dampers must be employed by an independent contractor that is not a subsidiary of the building owner or building management company. An independent contractor shall be defined as not owning or being directly managed by the building owner(s), or immediate family member of the building being inspected. For the purposes of this section, **subsidiary** means any corporation or other organization, whether incorporated or unincorporated, in which the company owns, directly or indirectly, any equity or other ownership interest. The owner of the property shall not act as their own contractor.

**703.1.2.2 Certificate of compliance and notice of deficiency.** A certificate of compliance shall be issued, in accordance with provisions included in section FC 703.1.5, after the performance of an inspection that determines a damper is in good working condition. Such certificate shall identify the inspector, the inspector’s employer, the name of the owner of the building inspected and its address. When such inspection results in a determination that a damper is not functioning properly, a notice of deficiency shall be issued noting the deficiency and reason for non-compliance. The building owner shall be obligated to cure the deficiency within a time period determined by the commissioner.

§ 3. Section FC 703.1.3 of the New York city fire code is amended to read as follows:

**703.1.3 Fire Walls, Fire Barriers and Fire Partitions.** Required fire walls, fire barriers and fire partitions shall be maintained to prevent the passage of fire. All openings protected with approved doors, fire dampers [or] and combination fire and smoke dampers shall be maintained and inspected at minimum 1 year after installation and with a 4-year frequency thereafter, except for hospitals which shall have a 6-year frequency thereafter, in accordance with the most recently adopted version of NFPA 80, 92, and 105. Fire dampers and smoke dampers and combination fire and smoke dampers shall include the Visual Inspection Method as defined in the Periodic Testing section of NFPA 80 and NFPA 105. The Remote Inspection Method set defined in the Periodic Testing section of NFPA 80 and NFPA 105 shall not be used in place of visual inspection for the periodic testing required under this section. All fire dampers and smoke dampers and combination fire and smoke dampers shall be tested regardless of location.

§ 4. Chapter 7 of the New York city fire code is amended by adding a new section FC 703.1.3.1 to read as follows:

**703.1.3.1. Inspector qualifications** Inspections and tests conducted pursuant to this section shall be performed by a qualified contractor that meets all the following criteria

1. A contractor that provides inspections and testing of HVAC fire dampers and smoke dampers and combination fire and smoke dampers shall hold an ICB Fire and Smoke Damper Contractor certification or equivalent certification from an organization that has been accredited under the ISO/IEC 17024 Personnel Certification standard in HVAC fire dampers and smoke dampers and combination fire and smoke dampers inspections.

2. For inspection and testing of HVAC fire dampers and smoke dampers and combination fire and smoke dampers, a contractor shall employ only a skilled and trained workforce. For the purposes of this section, a “skilled and trained workforce” means a workforce not less than 60 percent of which is composed of graduates of an apprenticeship program approved by the New York State Department of Labor.

3. For inspection and testing of HVAC fire dampers and smoke dampers and combination fire and smoke dampers a contractor shall employ technicians who hold an ICB Smoke Control Systems Technician certification or equivalent certification from an organization that has been accredited under the ISO/IEC17024 Personnel Certification standard in HVAC fire dampers and smoke dampers and combination fire and smoke dampers inspections.

4. All technicians performing inspections and testing of HVAC fire dampers and smoke dampers and combination fire and smoke dampers must be employed by an independent contractor that is not a subsidiary of the building owner or building management company. An independent contractor shall be defined as not owning or being directly managed by the building owner(s), or immediate family member of the building being inspected. For the purposes of this section, a **subsidiary** means any corporation or other organization, whether incorporated or unincorporated, in which the company owns, directly or indirectly, any equity or other ownership interest. The owner of the property shall not act as their own contractor.

§ 5. Chapter 7 of the New York city fire code is amended by adding a new section FC 703.1.5 to read as follows:

**703.1.5 Inspection criteria, processes, and reporting procedures.** Inspections conducted pursuant to this section shall comply with the following provisions:

1. A building engineer or other person knowledgeable with the building system must accompany the inspector during the inspection and testing in order to provide building and systems access and information.

2. If an inspection or test reveals compliance with requirements of this section, the person performing the inspection or test shall execute a compliance certification which shall verify such compliance, and provide the name of the individual(s) conducting the inspection or test and that person's employer, the name of the building owner and address of the property, the location of all smoke dampers and fire dampers inspected or tested, and the date of the inspection or test.

3. In the event an inspection or test reveals deficiencies in smoke dampers, fire dampers, or combination fire and smoke dampers, the person(s) who conducted the inspection or test shall prepare a deficiency report for the building owner identifying the nature of the deficiency and reasons for non-compliance. The building owner shall, within 120 days of the date of the inspection or test, take necessary steps to remedy the defects identified in the report and come in compliance with the applicable NFPA standards.

4. In addition to identifying the location and nature of the deficiency, the report shall contain the name of the individuals conducting the inspection or test and that person's employer, the name of the building owner, address of the property, the location of all Fire Dampers, Smoke Dampers, and Combination Fire and Smoke Dampers inspected or tested, and the date of the inspection or test.

5. Records of all smoke, fire, and combination fire and smoke damper inspections, tests, servicing, and other maintenance required by this code, the rules or the reference standards shall be maintained in accordance with FC 107.7.

6. The building owner shall post a notice of verification of the testing and inspection of fire dampers, smoke dampers, and combination fire and smoke dampers in the outside lobby window of the building or other area clearly visible to the public. The verification shall state the address of the building and the date of the last fire damper inspection, smoke damper inspection, and the date that each inspection expires. Such verification shall be on a form approved by the department.

7. Violations of this section shall be subject to summons and penalties pursuant to section 109-03 of title 3 of the rules of the city of New York. Where testing and inspection are less than three months out of date, a summons shall be issued, but no penalties shall accrue if the violation is corrected within 120

calendar days. If the violation is not corrected within 120 calendar days, a penalty shall be issued pursuant to section 109-03 of title 3 of the rules of the city of New York and each subsequent day that the violation remains uncorrected shall be treated as a new and separate violation subject to additional penalties. Where testing and inspection are more than three months out of date, a summons and penalty shall be issued pursuant to section 109-03 of title 3 of the rules of the city of New York, and the owner shall have 120 calendar days after issuance of the summons to correct the violation, after which each day the violation remains uncorrected shall be treated as a new and separate violation subject to additional penalties. Where a deficiency report is not remedied within 60 days, a summons and penalty shall be issued pursuant to section 109-03 of title 3 of the rules of the city of New York and the owner shall have 60 additional calendar days to correct the violation, after which each day the violation remains uncorrected shall be treated as a new and separate violation subject to additional penalties. Where testing and inspection are more than one year out of date or a deficiency report is not remedied within 180 days, the violation shall be enforced as a violation under section 109-03 of title 3 of the rules of the city of New York.

§ 6. Section FC 909.1.1 of the New York city fire code is amended to read as follows:

**909.1.1 Smoke control system maintenance.** Smoke control systems shall be maintained in good working order. Periodic testing, inspection and other maintenance shall be performed in accordance with the manufacturer's instructions, most recent published version of NFPA standard 92, the most recently adopted version of NFPA 80 and 105, and FC 909.1.1.1 through [909.1.1.3] 909.1.5. Testing of Smoke Control Systems shall include tests to determine that airflow quantities and pressure differences are code compliant, including at the following locations: (1) across smoke barrier openings; (2) at the air makeup supplies; and (3) at smoke exhaust equipment.

§ 7. Chapter 9 of the New York city fire code is amended by adding new sections FC 909.1.1.4 and 909.1.1.5 to read as follows:

**909.1.1.4. Inspector qualifications.** Inspections and tests under this Section shall be performed by a qualified contractor that meets all the following criteria:

1. A contractor that provides inspections and testing of HVAC smoke control systems shall hold an ICB smoke control systems contractor certification or equivalent certification from an organization that has been accredited under the ISO/IEC 17024 personnel certification standard in HVAC smoke control systems inspections.
2. For inspection and testing of HVAC smoke control systems, a contractor shall employ only a skilled and trained workforce. For the purposes of this section, "skilled and trained workforce" means a workforce not less than 60 percent of which is composed of graduates of an apprenticeship program approved by the New York State Department of Labor.
3. For inspection and testing of HVAC smoke control systems a contractor shall employ technicians who hold an ICB smoke control systems technician certification or equivalent certification from an organization that has been accredited under the ISO/IEC 17024 personnel certification standard in HVAC smoke control systems inspections.
4. All technicians performing inspections and testing of HVAC smoke control systems must be employed by an independent contractor that is not a subsidiary of the building owner or building management company. An independent contractor shall be defined as not owning or being directly managed by the building owner(s), or immediate family member of the building being inspected. For

the purposes of this section, a **subsidiary** means any corporation or other organization, whether incorporated or unincorporated, in which the company owns, directly or indirectly, any equity or other ownership interest. The owner of the property shall not act as their own contractor.

**909.1.1.5 Inspection criteria, processes, and reporting procedures.** Inspections conducted pursuant to this section shall comply with the following provisions:

1. A building engineer or other person knowledgeable with the building system must accompany the inspector during the inspection and testing in order to provide building and systems access and information.
2. In the event an inspection or test reveals deficiencies in the Smoke Control Systems the person(s) who conducted the inspection or test shall prepare a deficiency report for the building owner identifying the nature of the deficiency and reasons for non-compliance. The building owner shall, within 120 days from the date the report is issued, take necessary steps to remedy the defects identified in the report and come into compliance with code requirements.
3. In addition to identifying the location and nature of the deficiency, the report shall contain the name of the individuals conducting the inspection or test and that person's employer, the name of the building owner, address of the property, the location of all Smoke Control Systems inspected or tested, and the date of the inspection or test.
4. Records of all smoke control system inspections, tests, servicing and other maintenance required by this code, the rules or the reference standards shall be maintained in accordance with FC107.7.
5. The building owner shall post a notice of verification of the testing and inspection of Smoke Control Systems in the outside lobby window of the building or other area clearly visible to the public. The verification shall state the address of the building and the date of the last smoke control system inspection, and the date that each inspection expires. Such verification shall be on a form approved by the department.
6. Violations of this section shall be subject to summons and penalties pursuant to section 109-03 of title 3 of the rules of the city of New York. Where testing and inspection are less than three months out of date, a summons shall be issued, but no penalties shall accrue if the violation is corrected within 120 calendar days. If the violation is not corrected within 120 calendar days, a penalty shall be issued pursuant to section 109-03 of title 3 of the rules of the city of New York and each subsequent day that the violation remains uncorrected shall be treated as a new and separate violation subject to additional penalties. Where testing and inspection are more than three months out of date, a summons and penalty shall be issued pursuant to section 109-03 of title 3 of the rules of the city of New York, and the owner shall have 120 calendar days after issuance of the summons to correct the violation, after which each day the violation remains uncorrected shall be treated as a new and separate violation subject to additional penalties. Where a deficiency report is not remedied within 60 days, a summons and penalty shall be issued pursuant to section 109-03 of title 3 of the rules of the city of New York and the owner shall have 60 additional calendar days to correct the violation, after which each day the violation remains uncorrected shall be treated as a new and separate violation subject to additional penalties. Where testing and inspection are more than one year out of date or a deficiency report is not remedied within 180 days, the violation shall be enforced as a violation under section 109-03 of title 3 of the rules of the city of New York.

§ 8. Section FC 909.2.1 of the New York city fire code is amended to read as follows:

**909.2.1 Post-fire smoke purge system maintenance.** Post-fire smoke purge systems shall be maintained in good working order in accordance with the most recently published version of NFPA 204. A record of inspections and tests shall be maintained in accordance with FC107.7.

§ 9. Chapter 9 of the New York city fire code is amended by adding new sections FC 909.2.1.1, and 909.2.1.2 to read as follows:

**909.2.1.1 Inspector qualifications.** Inspection, maintenance, and testing of mechanical smoke-exhaust system under this section shall be performed by a qualified contractor that meets all the following criteria:

1. A contractor that provides inspections and testing of post-fire smoke purge systems shall hold an ICB smoke control systems contractor certification or equivalent certification from an organization that has been accredited under the ISO/IEC 17024 personnel certification standard in HVAC smoke control systems inspections.

2. For inspection and testing of post-fire smoke purge systems, a contractor shall employ only a skilled and trained workforce. For the purposes of this section, a “skilled and trained workforce” means a workforce not less than 60 percent of which is composed of graduates of an apprenticeship program approved by the New York State Department of Labor.

3. For inspection and testing of post-fire smoke purge systems a contractor shall employ technicians who hold an ICB smoke control systems technician certification or equivalent certification from an organization that has been accredited under the ISO/IEC 17024 personnel certification standard in HVAC smoke control systems inspections.

4. All technicians performing inspections and testing of post-fire smoke purge systems must be employed by an independent contractor that is not a subsidiary of the building owner or building management company. An independent contractor shall be defined as not owning or being directly managed by the building owner(s), or immediate family member of the building being inspected. For the purposes of this section, a **subsidiary means any corporation or other organization, whether incorporated or unincorporated**, in which the company owns, directly or indirectly, any equity or other ownership interest. The owner of the property shall not act as their own contractor.

**909.2.1.2 Inspection criteria, processes, and reporting procedures.** Inspections conducted pursuant to this section shall comply with the following provisions:

1. A building engineer or other person knowledgeable with the building system must accompany the inspector during the inspection and testing in order to provide building and systems access and information.

2. In the event an inspection or test reveals deficiencies in the post-fire purge system the person(s) who conducted the inspection or test shall prepare a deficiency report for the building owner identifying the nature of the deficiency and reasons for non-compliance. The building owner shall, within 120 days from the date the report is issued, take necessary steps to remedy the defects identified in the report and come into compliance with code requirements.

3. In addition to identifying the location and nature of the deficiency, the report shall contain the name of the individuals conducting the inspection or test and that person’s employer, the name of the building owner, address of the property, the location of all post-fire purge Systems inspected or tested, and the date of the inspection or test.

4. Records of all post-fire purge inspections, tests, servicing and other maintenance required by this code, the rules or the reference standards shall be maintained in accordance with FC107.7.

5. The building owner shall post a notice of verification of the testing and inspection of post-fire purge Systems in the outside lobby window of the building or other area clearly visible to the public. The verification shall state the address of the building and the date of the last post-fire purge system inspection, and the date that each inspection expires. Such verification shall be on a form approved by the department.



6. Violations of this section shall be subject to summons and penalties pursuant to section 109-03 of title 3 of the rules of the city of New York. Where testing and inspection are less than three months out of date, a summons shall be issued, but no penalties shall accrue if the violation is corrected within 120 calendar days. If the violation is not corrected within 120 calendar days, a penalty shall be issued pursuant to section 109-03 of title 3 of the rules of the city of New York and each subsequent day that the violation remains uncorrected shall be treated as a new and separate violation subject to additional penalties. Where testing and inspection are more than three months out of date, a summons and penalty shall be issued pursuant to section 109-03 of title 3 of the rules of the city of New York, and the owner shall have 120 calendar days after issuance of the summons to correct the violation, after which each day the violation remains uncorrected shall be treated as a new and separate violation subject to additional penalties. Where a deficiency report is not remedied within 60 days, a summons and penalty shall be issued pursuant to section 109-03 of title 3 of the rules of the city of New York and the owner shall have 60 additional calendar days to correct the violation, after which each day the violation remains uncorrected shall be treated as a new and separate violation subject to additional penalties. Where testing and inspection are more than one year out of date or a deficiency report is not remedied within 180 days, the violation shall be enforced as a violation under section 109-03 of title 3 of the rules of the city of New York.

§ 10. Chapter 9 of the New York city building code is amended by adding a new section 901.5.1 to read as follows:

901.5.1 Maintenance of fire dampers, smoke dampers, combination fire/smoke dampers, smoke control systems, and purge systems shall be maintained and periodically tested in accordance with the New York city Fire Code sections 703.1, 909.1, and 909.2.

§ 11. Title 15 of the administrative code of the city of New York is amended by adding a new section 15-148 to read as follows:

§ 15-148. Annual report on smoke damper inspections. a. No later than July 31, 2024 and annually thereafter, the commissioner shall submit to the mayor and the speaker of the council, and shall post conspicuously on the department's website, an annual report regarding inspection rates of smoke dampers in buildings in the city of New York.

b. The report shall include, but not be limited to, the following information for the prior year:

1. The number of buildings inspected;
2. The location of each building inspected;
3. The number of working smoke dampers;
4. The number of faulty smoke dampers; and
5. The rate of remediation in fixing faulty smoke dampers;

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

Referred to the Committee on Fire and Emergency Management.

## Int. No. 89

By Council Members Sanchez, Abreu, Hudson, Louis, Yeger, Restler, Gutiérrez and Feliz.

**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**

*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 15-148 to read as follows:

*§ 15-148 Notification of local officials regarding fires. a. The commissioner shall notify a community board, borough president, and council member of a structural fire occurring in any location within their respective jurisdiction and of pertinent information relating to such fire within 6 hours after the commissioner becoming aware of such fire. Such notification shall include:*

- 1. The initial alarm level of such fire;*
- 2. The highest alarm level of such fire;*
- 3. The type of structure affected by such fire; and*
- 4. The address of the location of such fire.*

*b. The commissioner shall solicit from community boards, borough presidents, and council members: (i) designations regarding whether they prefer to receive a notification pursuant to subdivision a of this section by text message, phone call, e-mail, or a combination of such options; and (ii) a phone number, e-mail address, or both, as appropriate. The commissioner shall issue such notification according to such designation. In the absence of such designation, the commissioner shall determine the means of issuing such notification.*

*c. The commissioner shall not issue a notification pursuant to subdivision a of this section if the commissioner determines that such notification is inappropriate under the circumstances, including but not limited to by compromising the safety of the public or a law enforcement investigation or operations.*

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

Referred to the Committee on Fire and Emergency Management.

## Int. No. 90

By Council Members Sanchez, Avilés, Nurse, Schulman, Louis, Hudson and Feliz.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the fire department to provide annual fire hazard-identification trainings to department of housing preservation and development inspectors and department of buildings inspectors, requiring such inspectors to notify owners and tenants of hazards, and requiring reports on inspection data**

*Be it enacted by the Council as follows:*

Section 1. Section 28-103.16 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:

*§ 28-103.16 Inspections of completed buildings, structures, signs, service equipment and construction machinery and equipment. a. Inspections.* In addition to other required inspections, the commissioner may make or require inspections of completed buildings, structures, signs, service equipment installations and construction machinery and equipment to ascertain compliance with the provisions of this code and other laws that are enforced by the department. Such inspections may be made on behalf of the department by officers and employees of the department and other city departments and governmental agencies; and by approved agencies, special inspectors or other persons when the commissioner is satisfied as to their qualifications and reliability.

The commissioner may accept inspection and test reports from persons authorized by this code or by the commissioner to perform such inspections. Such reports shall be filed with the department.

*b. Fire hazard-identification trainings for inspectors. 1. Trainings required. The commissioner shall require any person making inspections pursuant to subdivision a of this section to attend fire hazard-identification trainings annually. The fire department shall conduct such trainings in accordance with this subdivision and make them available to inspectors not less than quarterly.*

*2. Curriculum and standards. The trainings required by this subdivision shall cover how to identify external and internal fire hazards including, but not limited to, hanging wires; appliances; battery-charged vehicles or devices; flammable materials, liquids, and debris; building defects; and inaccessible exits and fire escapes. The trainings shall meet or exceed the standards developed by the National Fire Prevention Association and meet or exceed the standards imposed by the New York state uniform fire prevention and building code act as described in paragraph (j) of subdivision 2 of section 376-a of the executive law.*

*3. Violations and notice. Inspectors trained pursuant to this subdivision may use their discretion in determining whether to issue notices of violation to owners for visible fire hazards or to refer such hazards to the fire department for enforcement. An inspector shall inform a tenant of visible hazards in the tenant's dwelling unit, and shall instruct the owner to correct or remove all visible hazards that are found in dwelling units and other areas throughout or connected to the entire building.*

*4. Report. The commissioner, in collaboration with the commissioner of housing preservation and development and the fire commissioner, shall submit to the mayor and the speaker of the council an annual report on the effectiveness and frequency of the trainings required by this section and section 27-2096.3, which report shall set forth how many trainings were held per year, how many inspectors attended the trainings, what violations were identified, and the number of violations identified, and may also include whether the violations were remedied, and in what timeframe. The commissioner shall publish the report electronically on the department's website no later than 30 days after its submission to the mayor and the speaker of the council.*

§ 2. 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 Fire hazard-identification trainings for inspectors. a. Trainings required. The commissioner shall require any person making inspections of a dwelling to attend fire hazard-identification trainings annually. The fire department shall conduct such trainings in accordance with this section and make them available to inspectors not less than quarterly.*

*b. Curriculum and standards. The trainings required by this section shall cover how to identify external and internal fire hazards including, but not limited to, hanging wires; appliances; battery-charged vehicles or devices; flammable materials, liquids, and debris; building defects; and inaccessible exits and fire escapes. The trainings shall meet or exceed the standards developed by the National Fire Prevention Association and meet or exceed the standards imposed by the New York state uniform fire prevention and building code act as described in paragraph (j) of subdivision 2 of section 376-a of the executive law.*

*c. Violations and notice. Inspectors trained pursuant to this section may use their discretion in determining whether to issue notices of violation to owners for visible fire hazards or to refer such hazards to the fire department for enforcement. An inspector shall inform a tenant of visible hazards in the tenant's dwelling unit, and shall instruct the owner to correct or remove all visible hazards that are found in dwelling units and areas throughout or connected to the entire building.*

*d. Report. The commissioner shall collaborate with the commissioner of buildings and the fire commissioner in preparing the report required by paragraph 4 of subdivision b of section 28-103.16.*

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

Referred to the Committee on Fire and Emergency Management.

## Int. No. 91

By Council Members Schulman, Louis, Gennaro and Hudson.

**A Local Law to amend the administrative code of the city of New York, in relation to the creation, distribution, and posting of safe drug storage information**

*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 17-173.1 to read as follows:

§ 17-173.1 *At-home drug storage information. a. Definitions. For purposes of this section, the following terms have the following meanings:*

*Controlled substance. The term “controlled substance” has the same meaning as in section 3306 of title 1 of article 33 of the public health law or successor provision.*

*On-site agent. The term “on-site agent” means a manager or a person designated by a manager to speak or act on the manager’s behalf at a pharmacy location.*

*Pharmacy. The term “pharmacy” has the same meaning as in subdivision 25 of section 3302 of the public health law or successor provision.*

*b. Creation and distribution of informational posters. The department shall create posters detailing safe at-home storage practices for controlled substances, including information about the use of medication lockboxes. The department shall print the posters in 40-point font or larger, and shall ensure that each poster contains the same information, translated in all designated citywide languages as defined in section 23-1101. The department shall produce a sufficient number of such posters to allow for their posting in all pharmacies within 180 days after the effective date of this section. The department shall distribute such posters to pharmacy locations.*

*c. Required posting. Within 15 days after the department provides such posters, the on-site agent shall post a minimum of 2 such posters within the pharmacy location in a manner that is clearly visible to customers.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Health.

## Int. No. 92

By Council Members Schulman and Powers.

**A Local Law to amend the administrative code of the city of New York, in relation to prohibiting low bass music originating from open-air structures and spaces used for performances or events**

*Be it enacted by the Council as follows:*

Section 1. Section 24-203 of the administrative code of the city of New York is amended by adding new subdivisions (64) and (65) to read as follows:

(64) *Bass means tones of low frequency and pitch.*

(65) *Hertz means the practical unit of measurement of bass and is the standard measure of frequency of a sound wave, with 1 hertz equaling 1 cycle of such wave per second.*

§ 2. Subchapter 5 of chapter 2 of title 24 of the administrative code of the city of New York is amended by adding a new section 24-231.1 to read as follows:

§ 24-231.1 *Low bass music originating from open-air structures and spaces. No person shall make or cause, or cause or permit to be made or caused, any music originating from a fixed open-air structure or an open-air space used for performances or events, including but not limited to an open-air stadium, theater, or field used for such purposes, that is measured at a bass level of 40 hertz or below for a duration of 10 seconds or more, as measured at any point within a receiving property or as measured at a distance of 15 feet or more from the perimeter of such structure or space on a public right-of-way.*

§ 3. Table I in paragraph (5) of subdivision (b) of section 24-257 of the administrative code of the city of New York is amended by adding after the row beginning 24-231(d) civil penalties for violation of section 24-231.1, to read as follows:

TABLE I						
Civil Penalties						
Violations related to section and subdivision	First Violation		Second Violation*		Third and Subsequent Violations*	
	Maximum	Minimum	Maximum	Minimum	Maximum	Minimum
24.231.1	1,000	1,000	2,000	2,000	4,000	4,000

§ 4. This local law takes effect immediately.

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

Preconsidered Int. No. 93-A

By Council Members Schulman, Narcisse, Gennaro, Menin, Krishnan, Lee, Marmorato, Riley, Powers, Dinowitz, Marte, Won, De La Rosa, Joseph, Hudson, Louis, Ariola, Farías, Rivera, Brannan, Borelli, Feliz, Gutiérrez, Sanchez, Brewer, Carr, Cabán, Bottcher, Nurse, Salaam, Hanif, Brooks-Powers, Ayala, Williams and Mealy.

**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 a citywide population health agenda**

*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 *Citywide population health agenda. a. The department shall develop a citywide population health agenda for the purpose of improving public health outcomes, addressing health disparities, and improving quality of and access to health care for New Yorkers to increase life expectancy and improve health. In developing such agenda, the department shall consult or seek input from relevant stakeholders, public health experts, and any other persons the commissioner deems relevant. At minimum, the department shall identify in such agenda its population health goals for the next 5 years and strategies for achieving such goals. No later than September 30, 2028, and every 5 years thereafter, the commissioner shall submit such agenda to the mayor and the speaker of the council and post such agenda on the department’s website.*

*b. No later than September 30, 2029, and annually thereafter no later than September 30 of any year in which a citywide population health agenda is not required to be submitted pursuant to subdivision a of this section, the commissioner shall submit to the mayor and the speaker of the council, and post on the department’s website, a comprehensive report that describes the department’s progress toward achieving the goals identified in the most recently submitted agenda.*

§ 2. No later than September 30, 2024, and annually thereafter no later than September 30 of any year until September 30, 2027, the commissioner of health and mental hygiene shall submit to the mayor and the speaker of the council, and post on the department’s website, a comprehensive report that describes the department of health and mental hygiene’s progress toward achieving the goals identified in the HealthyNYC population health agenda released November 1, 2023.

§ 3. This local law takes effect immediately.

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

Int. No. 94

By Council Members Schulman and Powers.

**A Local Law to amend the administrative code of the city of New York, in relation to prohibiting the issuance of permits for the use of sound apparatuses to produce low bass sounds**

*Be it enacted by the Council as follows:*

Section 1. Subdivision g of section 10-108 of the administrative code of the city of New York, paragraphs 4 and 5 of such subdivision as amended by local law number 13 for the year 1996 and paragraph 6 of such subdivision as added by such local law, is amended to read as follows:

g. Special restrictions. The police commissioner shall not issue any permit for the use of a sound device or apparatus:

1. In any location within [five hundred] 500 feet of a school, courthouse or church, during the hours of school, court or worship, respectively, or within [five hundred] 500 feet of any hospital or similar institution;

2. In any location where the commissioner, upon investigation, shall determine that the conditions of vehicular or pedestrian traffic or both are such that the use of such a device or apparatus will constitute a threat to the safety of pedestrians or vehicular operators;

3. In any location where the commissioner, upon investigation, shall determine that conditions of overcrowding or of street repair or other physical conditions are such that the use of a sound device or apparatus will deprive the public of the right to the safe, comfortable, convenient and peaceful enjoyment of any public street, park or place for street, park or other public purposes, or will constitute a threat to the safety of pedestrians or vehicle operators;

4. In or on any vehicle or other device while it is in transit;

5. Between the hours of [ten] 10:00 p. m. and [nine] 9:00 a. m.; [or]

6. Between the hours of [eight] 8:00 p.m. or sunset, whichever is later, and [nine] 9:00 a.m. on weekdays and between the hours of [eight] 8:00 p.m. or sunset, whichever is later, and [ten] 10:00 a.m. on weekends and public holidays, in any location within [fifty] 50 feet of any building that is lawfully occupied for residential use. The distance of [fifty] 50 feet shall be measured in a straight line from the point on the exterior wall of such building nearest to any point in the location for which the permit is sought; *or*

7. *To produce sounds measured at a bass level of 40 hertz or below for a duration of 10 seconds or more, as measured at any point within a receiving property as defined in section 24-203 or as measured at a distance of 15 feet or more from the perimeter of a receiving property as defined in such section.*

§ 2. This local law takes effect immediately and does not apply to any permit issued by the police commissioner pursuant to subdivision f of section 10-108 of the administrative code of the city of New York prior to the effective date of this local law.

Referred to the Committee on Public Safety.

Int. No. 95

By Council Members Schulman, Menin, Hudson, Brooks-Powers, Riley, Lee, Louis, Restler and Gutiérrez.

**A Local Law to amend the administrative code of the city of New York, in relation to a study on the feasibility of installing raised crosswalks, raised intersections, and speed reducers at intersections and roadways adjacent to schools and to repeal section 19-189 of such code, relating to the installation of speed humps on roadways adjacent to schools**

*Be it enacted by the Council as follows:*

Section 1. Section 19-189 of the administrative code of the city of New York is REPEALED and a new section 19-189 is added to read as follows:

*§ 19-189 Installation of raised crosswalks, raised intersections, and speed reducers. a. Definitions. For the purposes of this local law, the following terms have the following meanings:*

*Raised crosswalk. The term “raised crosswalk” means a marked pedestrian crosswalk at an intersection or a mid-block location constructed at a higher elevation than the adjacent roadway.*

*Raised intersection. The term “raised intersection” means an entire intersection raised above the level of the surrounding roadways.*

*Raised speed reducer. The term “raised speed reducer” means a raised area of roadway erected for the purpose of reducing vehicle speeds including speed humps and speed cushions typically raised 3 to 4 inches above the level of the roadway.*

*School. The term “school” means any buildings, grounds, facilities, property, or portion thereof in which educational instruction is provided to students at or below the twelfth grade level.*

*b. No later than 6 months after the effective date of this section, the department, in collaboration with any other relevant agency, shall study the feasibility of installing raised crosswalks, raised intersections, and speed reducers at each intersection and roadway adjacent to a school.*

*c. No later than 18 months after the effective date of this section, the department shall submit to the mayor and the speaker of the council a report on the findings of the study conducted pursuant to this section. The department shall post this report conspicuously on its website. Such report shall include at least the following information:*

*1. The feasibility of installing raised crosswalks, raised intersections, and speed reducers at intersections and roadways adjacent to schools citywide, including intersections and roadways adjacent to schools that have other existing traffic controlling devices;*

*2. The total number of intersections adjacent to schools reviewed for the study, disaggregated by borough;*

*3. The total number of motor vehicle crashes that occurred at intersections and roadways adjacent to schools during the time period reported;*

*4. The location of each school, roadway, and intersection sampled for the study under this subdivision; and*

*5. Any other information deemed relevant by the department of transportation.*

*d. After conducting the feasibility study pursuant to subdivision b of this section the commissioner may install raised crosswalks, raised intersections, or speed reducers wherever practicable according to the results of the feasibility study and shall inform the speaker and the mayor in writing of such determination and the reasons therefor.*

*e. The commissioner may decline to install raised crosswalks, raised intersections, or speed reducers 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 raised crosswalks, raised intersections, or speed reducers.*

*§ 2. This local law takes effect immediately.*

Referred to the Committee on Transportation and Infrastructure.

Res. No. 25

**Resolution calling on Congress to pass, and the President to sign, S.2258/H.R.3519, the “Hot Foods Act of 2023,” to permit Supplemental Nutrition Assistance Program benefits to be used to purchase additional types of food items, particularly hot foods.**

By Council Members Schulman, Louis, Brooks-Powers, Gutiérrez and Hudson.

**Whereas,** The United States (U.S.) Department of Agriculture (USDA) defines food insecurity as a limited or uncertain availability of nutritionally adequate and safe food necessary for an active, healthy life for all household members; and

**Whereas,** Furthermore, the USDA defines very low food security as the more severe range of food insecurity, where one or more household members experience(s) reduced food intake and disrupted eating patterns at times during the year due to inadequate resources for obtaining food; and

**Whereas,** According to an October 2023 report by the USDA, 12.8 percent of U.S. households were food insecure at least some time during 2022, an increase from 10.2 percent in 2021; and

**Whereas,** Moreover, 5.1 percent of American households had very low food security throughout 2022, a rise from 3.8 percent in 2021; and

**Whereas,** Per the same 2023 USDA report, among U.S. households with children, 8.8 percent were food insecure at least some time in 2022, an incline from 6.2 percent in 2021; and

**Whereas,** In addition, 1 percent of American children experienced very low food security in 2022, an increase from 0.7 percent in 2021; and

**Whereas,** The USDA reported that during the month prior to the 2022 survey, approximately 55 percent of food-insecure households participated in one or more of the three largest federal nutrition assistance programs—the Supplemental Nutrition Assistance Program (SNAP), the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC), and the National School Lunch Program; and

**Whereas,** Data from the USDA also reveal that the average rate of food insecurity among households in New York State between 2020 and 2022 was 11.3 percent, a rise from the 2017-2019 average rate of 10.8 percent; and

**Whereas,** Moreover, per the USDA, the average prevalence of very low food security among households in New York State between 2020 and 2022 was 4.2 percent, a growth from the 2017-2019 average rate of 3.9 percent; and

**Whereas,** According to the 2022 Food Metrics Report by the New York City Mayor’s Office of Food Policy, 14.6 percent of New York City residents, representing more than 1.2 million people, experienced food insecurity; and

**Whereas,** Per the 2022 Food Metrics Report, the Bronx had the highest rate of all five New York City boroughs of food insecurity at 19.7 percent (281,040 people), followed by Brooklyn at 15.5 percent (399,210 people), Manhattan at 13.6 percent (220,780 people), Queens at 12.1 percent (274,120 people), and Staten Island at 10.1 percent (48,010 people); and

**Whereas,** Data from the New York City Human Resources Administration (NYC HRA) show that in the Fiscal Year 2022, each month, on average, over 1.6 million New York City residents, or 20 percent of the city’s population, participated in SNAP; and

**Whereas,** Per the NYC HRA, in the Fiscal Year 2022, Brooklyn had the highest monthly average number of SNAP recipients at 589,934 people, followed by the Bronx at 480,103 people, Queens at 320,715 people, Manhattan at 237,195 people, and Staten Island at 67,410 people; and

**Whereas,** According to a 2022 report by the Center on Budget and Policy Priorities, a research and policy organization, SNAP reduces the prevalence of food insecurity by as much as 30 percent and is associated with improved current and long-term health and lower healthcare costs; and

**Whereas,** U.S.C. Title 7, Chapter 51, Section 2012, which governs SNAP, explicitly excludes in Sub-Section (k) from the definition of SNAP-qualified food purchases “hot foods or hot food products ready for immediate consumption”; and

**Whereas,** In a 2021 study by the USDA on barriers constraining the adequacy of SNAP allotments, the most common (as reported by 30 percent of the study’s participants) obstacle to preparing healthy meals from scratch was a lack of time or “time poverty,” especially among low-income working parents, followed by physical disability (15 percent of the respondents), a lack of storage for cooked/fresh food (14 percent of the participants), and a lack of cooking equipment (11 percent of the respondents); and

**Whereas,** Per the same 2021 USDA study, SNAP participants who reported as a barrier to preparing healthy meals from scratch a lack of cooking equipment or a lack of storage for cooked/fresh food were 1.6 times more likely to experience low or very low household food security; and



**Whereas,** Allowing SNAP recipients to use their benefits to purchase hot foods would help address the barriers of “time poverty,” physical disability, a lack of storage for food, and a lack of cooking equipment, thereby reducing food insecurity and improving health and well-being of individuals and households; and

**Whereas,** With the intent of increasing equitable access to nutritious and adequate food, U.S. Senator Michael F. Bennet introduced S.2258 in the U.S. Senate, and U.S. Representative Grace Meng introduced companion bill H.R.3519 in the U.S. House of Representatives, known as the “Hot Foods Act of 2023,” which would amend the Food and Nutrition Act of 2008 to permit Supplemental Nutrition Assistance Program benefits to be used to purchase additional types of food items, particularly hot foods; now, therefore, be it

**Resolved,** That the Council of the City of New York calls on Congress to pass, and the President to sign, S.2258/H.R.3519, the “Hot Foods Act of 2023,” to permit Supplemental Nutrition Assistance Program benefits to be used to purchase additional types of food items, particularly hot foods.

Referred to the Committee on General Welfare.

Res. No. 26

**Resolution calling on the New York State Legislature to pass, and the Governor to sign, legislation that would require New York State vehicle inspectors to fail a motor vehicle if the vehicle’s license plate is damaged or obstructed during inspection.**

By Council Members Schulman, Louis, Brooks-Powers, Gutiérrez and Hudson.

**Whereas,** In 1994, New York City (NYC) launched the nation’s first Red Light Camera Program, which has been effective at deterring drivers from running red lights, with the average daily number of red light violations issued at camera locations declining by over 77 percent since the program’s inception in 1994; and

**Whereas,** In 2013, the New York State Legislature and Governor enacted Vehicle and Traffic Law § 1180-b, which granted NYC the authority to pilot an automated speed enforcement camera program to deter speeding in 20 school speed zones; and

**Whereas,** The pilot program was subsequently expanded in June 2014 to include a total of 140 school speed zones, and again in 2019 to 750 school speed zones on all weekdays between 6:00 AM and 10:00 PM, allowing cameras to be placed at any location within a quarter-mile radius of a school building; and

**Whereas,** In 2022, with data showing that speeding at fixed camera locations had dropped significantly, the State amended section 1180-b of the Vehicle and Traffic Law to permit camera hours to be expanded to 24 hours a day, seven days a week; and

**Whereas,** As of January 2023, there were approximately 2,000 speed cameras throughout NYC that operate 24 hours a day, seven days a week, with 1,079,642 violations issued in Queens, 949,004 in Brooklyn, 440,000 in the Bronx, 227,000 in Manhattan, and 18,600 in Staten Island; and

**Whereas,** According to the NYC Comptroller’s Office, from August 1, 2022, when 24/7 speed camera operation began, to December 20, 2022, the program has issued approximately 3 million violations and the City has received approximately \$100 million from fines paid, with an additional \$66.5 million that remains outstanding, which includes late penalties, court-determined reductions, and interest; and

**Whereas,** There have been reports of drivers damaging and obstructing their license plates to evade red light, speed, and toll cameras and preventing law enforcement from identifying perpetrators; and

**Whereas,** According to the New York Times, in 2021 the City lost \$8 million in unrealized fine revenue due to damaged or obstructed license plates, which represents 4 percent of the total \$200 million that the City collected from speed and red-light cameras; and

**Whereas,** In addition to the loss of revenue for the City, toll evasion caused by damaged or obstructed license plates causes \$50 million a year in lost toll revenue for the Metropolitan Transportation Authority and \$40 million a year in lost toll revenue for the Port Authority of New York and New Jersey; and

**Whereas**, New York State law requires motor vehicles to be in safe operating condition whenever they are driven on a public street or roadway and that each vehicle registered in the State must be inspected at least every 12 months; and

**Whereas**, Obstructed and defaced license plates prevent cameras and law enforcement from identifying traffic offenders and impedes safe operating conditions on the road; now, therefore, be it

**Resolved**, That the Council of the City of New York calls on the New York State Legislature to pass, and the Governor to sign, legislation that would require New York State vehicle inspectors to fail a motor vehicle if the vehicle's license plate is damaged or obstructed during inspection.

Referred to the Committee on Transportation and Infrastructure.

Res. No. 27

**Resolution calling on the New York State Legislature to pass, and the Governor to sign S7998/A8428, in relation to the unlawful sale of cannabis.**

By Council Members Schulman, Ariola, Powers, Lee, Gennaro, Louis and Yeger.

**Whereas**, In 2021, New York State enacted the Marijuana Regulation and Taxation Act (“MRTA”) to regulate legal marijuana sales. MRTA established the New York State Office of Cannabis Management (“OCM”) and the Cannabis Control Board to regulate production and sale of cannabis within New York State; and

**Whereas**, Since cannabis was legalized there has been a proliferation of unlicensed commercial businesses selling it in New York City and New York State and reports indicate only one such shop was padlocked in New York City in 2023 and only 8 permanently closed across the state; and

**Whereas**, Commonly referred to as illicit smoke shops, there were an estimated 1,400 illicit shops in New York City in 2022 according to the New York City’s Sherriff’s office, with some reports indicating that number may now be much higher; and

**Whereas**, The widespread operation of illicit smoke shops undermines the effectiveness of MRTA, creates unfair competition, increases the risk of sale of cannabis products to minors and distribution of untested cannabis products to consumers; and

**Whereas**, Current state law hinders municipalities from enforcing state law and immediately ordering the closure of these unlicensed illicit smoke shops; and

**Whereas**, Lack of effective enforcement has contributed to the proliferation of unlicensed illicit smoke shops selling cannabis throughout New York State; and

**Whereas**, In New York City, to address this proliferation we sponsored and passed Local Law 107 of 2023 to enhance enforcement efforts in New York City. Local Law 107 authorized city and state entities to impose significant fines against landlords for allowing illicit smoke shops to operate in their buildings and force them to evict these operators; and

**Whereas**, The Cannabis Control Board has been unable to conduct enforcement actions against illicit smoke shops in New York City and across the state at a rate necessary to limit proliferation of such illicit smoke shops, nor have local authorities been authorized and or able to do so; and

**Whereas**, S7998/A8428, known as the Stop Marijuana Over-proliferation and Keep Empty Operators of Unlicensed Transactions Act, sponsored by New York State Senator Leroy Comrie and New York Assemblymember Jenifer Rajkumar, would amend the cannabis and penal law regarding the unlawful sale of cannabis; and

**Whereas**, S7998/A8428 authorizes municipalities to enforce licensure, permitting and registration requirements for retail dispensaries, allowing the closure of retail locations selling cannabis without a license and authorizing the seizure of property involved in unlawful sales; and

**Whereas**, This grant of authority will provide municipalities with a valuable tool to combat unlawful marijuana retailers, enhance public safety, and strengthen New York's legal cannabis industry; 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 S7998/A8428, in relation to the unlawful sale of cannabis.

Referred to the Committee on Public Safety.

Int. No. 96

By Council Members Ung, Louis, Brooks-Powers, Restler, Gutiérrez and Hudson.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the administration for children's services to provide a multilingual disclosure form to parents or guardians during a child protective investigation**

*Be it enacted by the Council as follows:*

Section 1. Chapter 9 of title 21 of the administrative code of the city of New York is amended by adding a new section 21-922 to read as follows:

*§ 21-922 Multilingual Disclosure Form. a. Definitions. For purposes of this section, the following terms have the following meanings:*

*Designated citywide languages. The term "designated citywide languages" has the meaning ascribed to such term in section 23-1101.*

*Designated organization. The term "designated organization" means a not-for-profit organization or association that has the capacity to provide legal services to parents or caretaker.*

*Office of advocacy. The term "office of advocacy" means the office within ACS which provides information and responds to the concerns of parents, youth, foster parents, and others affected by the child welfare system, juvenile justice system, and other ACS services.*

*b. Upon the commencement of a child protective investigation, ACS shall provide to the parent or caretaker a multilingual disclosure form available in the designated citywide languages. Such form shall be posted on the ACS website and shall include, but need not be limited to:*

- 1. Information regarding the rights of parents and caretakers during a child protective investigation;*
- 2. Resources which may be available to parents and caretakers including access to legal services from a designated organization;*
- 3. The telephone number and address of ACS' office of advocacy and information on common issues handled by the office; and*
- 4. Any other information ACS deems appropriate.*

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

Referred to the Committee on Children and Youth.

Int. No. 97

By Council Members Ung and Louis.

**A Local Law to amend the administrative code of the city of New York, in relation to increasing the civil penalty for repeated littering violations**

*Be it enacted by the Council as follows:*

Section 1. Paragraph a of subdivision 9 of section 16-118 of the administrative code of the city of New York, as amended by local law number 80 for the year 2021, is amended to read as follows:

a. (1) not less than \$50 and not more than \$250 [dollars] for a first violation, except that the civil penalty shall be not less than \$250 and not more than \$350 [dollars] for a second violation of subdivision 4 or 6 of this section within any 12 month period, and not less than \$350 and not more than \$450 [dollars] for a third or subsequent violation of subdivision 4 or 6 of this section within any 12 month period;

(2) notwithstanding subparagraph (1) of paragraph a of this subdivision, \$50 [dollars] for a first violation of paragraph (a) of subdivision 2 or of subdivision 3 of this section, or of any rules promulgated pursuant thereto, \$100 [dollars] for a second violation of such paragraph or subdivision or of any rules promulgated pursuant thereto within any 12 month period, and \$100 [dollars] for a third or subsequent violation of such paragraph or subdivision or of any rules promulgated pursuant thereto within any 12 month period;

(3) *notwithstanding subparagraphs (1) and (2) of paragraph a of this subdivision, the owner of any commercial, manufacturing or industrial buildings, including those buildings which also contain residential units, violating the provisions of paragraph (a) of subdivision 2 of this section, or of any rules promulgated thereto, shall be liable for a civil penalty of \$200 for the first violation, \$400 for the second violation committed on a different day within any 12 month period, and \$600 for the third and each subsequent violation committed on a different day within any 12 month period;*

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

Referred to the Committee on Sanitation and Solid Waste Management.

Int. No. 98

By Council Members Williams, Riley, Stevens, Louis, Restler, Krishnan, Hudson, Fariás and Schulman.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of correction and correctional health services to establish a medical clinic to treat persons transported to a court facility**

*Be it enacted by the Council as follows:*

Section 1. Section 9-108 of the administrative code of the city of New York is amended by adding new subdivision f to read as follows:

*f. Court medical clinic;*

*1. The department, in conjunction with correctional health services, shall maintain a medical clinic to be staffed by one or more health care professionals from correctional health services in all New York city criminal court or criminal term of New York state supreme court facilities;*

*2. For each person with a scheduled court appearance, correctional health services shall prepare a document that indicates whether that person requires food, medication, or other medical services while in a court facility;*

*3. When a person is in the department's custody within a court facility, the department shall provide access to the medical clinic established in paragraph 1 of this subdivision to those with a dietary or medical need recorded in the document prepared pursuant to paragraph 2 of this subdivision.*

§ 2. This local law takes effect in 120 days.

Referred to the Committee on Criminal Justice.

## Int. No. 99

By Council Members Williams, Stevens, Riley, Louis and Restler.

**A Local Law to amend the administrative code of the city of New York, in relation to the creation of curbside overnight truck parking sections in Industrial Business Zones**

*Be it enacted by the council as follows:*

Section 1. Subdivision a of section 19-170 of the administrative code is amended to read as follows:

a. 1. When parking is not otherwise restricted, no person shall park a commercial vehicle in excess of three hours, unless otherwise indicated by a posted sign. For purposes of this section, the term commercial vehicles shall have the same meaning as set forth in the rules of the department.

2. *The department shall establish curbside overnight parking areas for commercial vehicles within each industrial business zone, as designated according to section 22-626 of this code, permitting commercial vehicles to park in, or on the perimeter of, such areas for up to eight continuous hours between 9 p.m. and 5 a.m. Before establishing such areas in any industrial business zone, the department shall consult with the community board or boards representing such industrial business zone.*

§ 2. This local law takes effect June 1, 2024.

Referred to the Committee on Transportation and Infrastructure.

## Int. No. 100

By Council Members Won, Joseph, Krishnan, Cabán, Holden, Hanif, Nurse, Avilés, Brooks-Powers, Gennaro, Gutiérrez, Hudson and Schulman.

**A Local Law to amend the administrative code of the city of New York, in relation to the suspension of alternate side parking regulations on Losar**

*Be it enacted by the Council as follows:*

Section 1. Subdivisions a and c of section 19-163 of the administrative code of the city of New York, subdivision a of such section as amended by local law number 162 for the year 2023 and subdivision c of such section as amended by local law number 5 for the year 2019, are amended to read as follows:

a. All alternate side of the street parking rules shall be suspended on the following holidays: Christmas, Yom Kippur, Rosh Hashanah, Ash Wednesday, Holy Thursday, Good Friday, Ascension Thursday, Feast of the Assumption, Feast of All Saints, Feast of the Immaculate Conception, first two days of Succoth, Shemini Atzareth, Simchas Torah, Shevuoth, Purim, Orthodox Holy Thursday, Orthodox Good Friday, first two and last two days of Passover, the Muslim holidays of Eid Ul-Fitr and Eid Ul-Adha, the day before Lunar New Year, Lunar New Year, *Losar*, the Hindu festival of Diwali on the day that Lakshmi Puja is observed, Three Kings' Day, Tisha B'Av, and all state and national holidays.

c. [The] *For purposes of subdivision a of this section, the date of the Lunar New Year [shall be] is the first day of the second lunar month after the winter solstice in the preceding calendar year.*

§ 2. Section 19-163 of the administrative code of the city of New York is amended by adding a new subdivision d to read as follows:

d. *For purposes of subdivision a of this section, the date of Losar is the first day of the first month of the Tibetan lunar calendar.*

§ 3. This local law takes effect immediately.

Referred to the Committee on Transportation and Infrastructure.

Int. No. 101

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

**A Local Law to amend the administrative code of the city of New York, in relation to a property tax exemption for members of a volunteer firefighting or ambulance service**

*Be it enacted by the Council as follows:*

Section 1. Subchapter 2 of chapter 2 of title 11 of the administrative code of the city of New York is amended by adding a new section 11-245.11 to read as follows:

*§ 11-245.11 Exemption for members of a volunteer firefighting or ambulance service. a. Pursuant to section 466-a of the real property tax law as added by chapter 670 of the laws of 2022, the city hereby authorizes that real property owned by an enrolled member of an incorporated volunteer fire company, fire department, or incorporated voluntary ambulance service individually, or jointly with such enrolled member and their spouse, shall be exempt from taxation to the extent of ten percent of the assessed value of such property, in accordance with such section and any local laws adopted pursuant to such section.*

*b. Such exemption shall not be granted to an enrolled member of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance service unless:*

*(i) the applicant resides in the geographic area served by such incorporated volunteer fire company or fire department or incorporated voluntary ambulance service;*

*(ii) the property is the primary residence of the applicant;*

*(iii) the property is used exclusively for residential purposes, provided however, that in the event any portion of such property is not used exclusively for the applicant's residence but is used for other purposes, such portion shall be subject to taxation and the remaining portion only shall be entitled to the exemption provided by this section; and*

*(iv) the applicant has been certified by the authority having jurisdiction for the incorporated volunteer fire company, fire department, or voluntary ambulance service in accordance with the procedure set forth in paragraph b below as an enrolled member of such incorporated volunteer fire company, fire department, or voluntary ambulance service for at least two years, however the applicant shall not be required to serve for longer than five years to be deemed eligible, and*

*(iv) the applicant complies with the requirements of paragraph c below.*

*b. Each incorporated volunteer fire company, incorporated volunteer fire department and incorporated voluntary ambulance service shall file a notice annually with the commissioner of finance prior to the taxable status date, certifying its enrolled members with two or more years of service. Such notice shall list as of the taxable status date the number of years of service served by each such enrolled member and such enrolled member's address of residence.*

*c. Application for such exemption shall be filed with the commissioner of finance on or before the taxable status date on a form as prescribed by the commissioner of finance.*

*d. The commissioner of finance may promulgate rules necessary for the implementation of this section.*

§ 2. This local law shall take effect immediately.

Referred to the Committee on Finance.

## Int. No. 102

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

**A Local Law to amend the administrative code of the city of New York, in relation to requiring that notices of violation issued by the department of sanitation be accompanied by a photograph of the alleged violation**

*Be it enacted by the Council as follows:*

Section 1. Section 16-133 of the administrative code of the city of New York is amended by adding a new subdivision f to read as follows:

*f. All notices of violation issued by agents of the department to any person or entity charged with a violation of any of the provisions of this title or any rules promulgated pursuant thereto shall be accompanied by a photograph or photographs evidencing the alleged violation. Each such photograph shall contain an unalterable record of the date and time taken, and the name of the individual who took the photograph. Each such notice of violation shall be accompanied by an affidavit from the issuing agent containing the date, time and precise location where the photograph was taken, and the name of the individual who took the photograph. A copy of each notice of violation served shall be filed and retained by the department, and shall be deemed a record kept in the ordinary course of business, and shall be rebuttable evidence of the facts contained therein.*

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

Referred to the Committee on Sanitation and Solid Waste Management.

## L.U. No. 13

By Council Member Salamanca:

**Application number C 240046 HAM (Timbale Terrace) submitted by the New York City Department of Housing Preservation and Development (HPD), pursuant to Article 16 of the General Municipal Law of New York State for the designation of an Urban Development Action Area and an Urban Development Action Area Project, and pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer to be selected by HPD, for property located at 101 East 118th Street (Block 1767, Lots 1, 2, 3, 4, 67, 68, 69, 71, 72, 168 and 169), Borough of Manhattan, Community District 11, Council District 9.**

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Sitings and Dispositions.

## L.U. No. 14

By Council Member Salamanca:

**Application number C 240047 PQM (Timbale Terrace) submitted by the New York City Police Department and the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, for the acquisition of property located at 101 East 118th Street (Block 1767, Lots 1, 2, 3, 4, 67, 68, 69, 71, 72, 168, and 169) for use as a replacement parking facility, Borough of Manhattan, Community District 11, Council District 9.**

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Sitings and Dispositions.

## L.U. No. 15

By Council Member Salamanca:

**Application number C 240029 HAK (Brownsville Arts Center and Apartments) submitted by the New York City Department of Housing Preservation and Development (HPD), pursuant to Article 16 of the General Municipal Law of New York State for the designation of an Urban Development Action Area and an Urban Development Action Area Project, and pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer to be selected by HPD, for property located at 392 Rockaway Avenue/47 Chester Street (Block 3499, Lot 15) Borough of Brooklyn, Community District 16, Council District 41.**

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Sitings and Dispositions.

## L.U. No. 16

By Council Member Salamanca:

**Application number C 240030 ZMK (Brownsville Arts Center and Apartments) submitted by the New York City Department of Housing Preservation and Development (HPD), pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 17d, eliminating from within an existing R6 District a C2-3 District, changing from an R6 District to an R7A District, changing from a C4-3 District to an R7A District and establishing within the proposed R7A District a C2-4 District, Borough of Brooklyn, Community District 16, Council District 41.**

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Sitings and Dispositions.



## L.U. No. 17

By Council Member Salamanca:

**Application number N 240031 ZRK (Brownsville Arts Center and Apartments) submitted by the New York City Department of Housing Preservation and Development (HPD), pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of Brooklyn, Community District 16, Council District 41.**

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Sitings and Dispositions.

## L.U. No. 18

By Council Member Salamanca:

**Application number M 210229 LDQ (88-08 Justice Avenue Restrictive Declaration Termination) submitted by Justice Avenue Tower, LLC, for a modification pursuant to Section 8 of the Declaration D-60 (CP-21465A) to cancel said Declaration D-60, to facilitate as-of-right uses within an existing building on property located at 88-08 Justice Avenue (Block 1842, Lots 39 & 66), within a C4-2 District, Borough of Queens, Community District 4, Council District 25.**

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

NEW YORK CITY COUNCIL

**A N N O U N C E M E N T S**

**Tuesday, February 13, 2024**

Committee on Economic Development

Amanda Farías, Chairperson

**Oversight** – Using Shore Power at City Cruise Terminals.

**Int 4** - By Council Member Avilés – **A Local Law** to amend the administrative code of the city of New York, in relation to requiring the use of shore power by cruise terminal operators and community traffic mitigation plans in neighborhoods impacted by cruise ships at berth

Council Chambers – City Hall.....10:00 a.m.

Subcommittee on Zoning & Franchises

Kevin C. Riley, Chairperson

**See Land Use Calendar**

Committee Room – 250 Broadway, 16th Floor.....11:00 a.m.

**Wednesday, February 14, 2024**

Committee on Transportation and Infrastructure jointly with the  
Committee on Contracts

Selvena N. Brooks-Powers, Chairperson  
Julie Won, Chairperson

**Oversight** - Examining the City's Infrastructure Projects through the Lens of Equity.

**Int 23** - By Council Members Brooks-Powers, Williams and Louis - **A Local Law** to amend the New York city charter, in relation to establishing auditing requirements for minority and women-owned business enterprise procurement.

Committee Room – City Hall.....10:00 a.m.

Committee on Women and Gender Equity jointly with the  
Committee on Health

Farah N. Louis, Chairperson  
Lynn C. Schulman, Chairperson

**Oversight** – Addressing Disparities in Women’s Health

Council Chambers – City Hall.....10:00 a.m.

Subcommittee on Landmarks, Public Sitings and Dispositions

Kamillah Hanks, Chairperson

**See Land Use Calendar**

Committee Room – 250 Broadway, 16th Floor..... 11:00 a.m.

**Tuesday, February 20, 2024**

Committee on Civil Service and Labor

Carmen De La Rosa, Chairperson

**Oversight** - Optimizing the City Civil Service Exam System.

Council Chambers – City Hall.....1:00 p.m.

**Wednesday, February 21, 2024**

Committee on Education

Rita Joseph, Chairperson

**Oversight** - Implementing the State Class Size Law in New York City.

Council Chambers – City Hall.....1:00 p.m.

**Thursday, February 22, 2024**

[Committee on Veterans](#)

Robert F. Holden, Chairperson

**Oversight** - Cold War Veterans.

**Res 10** - By Council Member Holden - **Resolution** recognizing July 27 annually as Korean War Veterans Armistice Day in the City of New York to honor the courage and sacrifice of those who served.

Council Chambers – City Hall.....1:00 p.m.

**Friday, February 23, 2024**

[Committee on Children and Youth](#)

Althea V. Stevens, Chairperson

**Oversight** - DYCD's Family Support Services.

Council Chambers – City Hall.....10:00 a.m.

**Monday, February 26, 2024**

[Committee on Public Safety](#)

Yusef Salaam, Chairperson

**Oversight** - Examining NYPD Investigative Procedures and Safeguards Relating to Wrongful Convictions.

Council Chambers – City Hall.....10:00 a.m.

[Committee on Cultural Affairs, Libraries and International Intergroup Relations](#)

Carlina Rivera, Chairperson

**Oversight** – NYC Libraries’ Fight Against Banning Books

Council Chambers – City Hall.....1:00 p.m.

**Tuesday, February 27, 2024**

[Committee on Aging](#) jointly with the

Crystal Hudson, Chairperson

[Committee on Immigration](#)

Alexa Avilés, Chairperson

**Oversight** - The Needs of Immigrant Older Adults in NYC.

Committee Room – City Hall.....10:00 a.m.

[Committee on Technology](#)

Jennifer Gutiérrez, Chairperson

**Oversight** - Open Data Compliance.

Committee Room – 250 Broadway, 16th Floor..... 10:00 a.m.

[Committee on Higher Education](#) jointly with the

Eric Dinowitz, Chairperson

[Committee on Education](#)

Rita Joseph, Chairperson

**Oversight** – Streamlined College Acceptance of NYC Public High School Graduates.

Committee Room – City Hall.....1:00 p.m.

**Wednesday, February 28, 2024**

**Stated Council Meeting**

***Council Chambers – City Hall.....Agenda – 1:30 p.m.***

The following comments were among the remarks made by the Speaker (Council Member Adams) during the Communication from the Speaker segment of this meeting:

The Speaker (Council Member Adams) acknowledged the death of advocate Cecilia Gentili. Ms. Gentili passed away on February 6, 2024 at the age of 52. She described Ms. Gentili as a trailblazing advocate whose relentless pursuit of dignity and justice for the LGBTQIA+ community - especially trans New Yorkers, immigrants, women, and many others - would have a lasting impact on the city for generations. On behalf of the Council, the Speaker (Council Member Adams) offered her thoughts and condolences to her loved ones and to her community.

The Speaker (Council Member Adams) acknowledged the death of two New Yorkers who lost their lives due to fires: a 67-year old man at the Gowanus Houses in Council Member Hanif's district and an 86-year old woman from Rego Park in Council Member Holden's district. On behalf of the Council, the Speaker (Council Member Adams) offered her thoughts and condolences to their families and friends during this difficult time.

\* \* \*

Whereupon on motion of the Speaker (Council Member Adams), the Majority Leader and Acting President Pro Tempore (Council Member Powers) adjourned these proceedings to meet again for the Stated Meeting of Wednesday, February 28, 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 8, 2024 on the New York City Council website at <https://council.nyc.gov>.