

THE COUNCIL

Minutes of the Proceedings for the

STATED MEETING

of

Thursday, February 10, 2022, 1:54 p.m.

(held in a hybrid meeting format)

The Majority Leader (Council Member Powers)

presiding as the Acting President Pro Tempore

Council Members

Adrienne E. Adams, Speaker

Shaun Abreu	Jennifer Gutiérrez	Vickie Paladino
Joann Ariola	Shahana K. Hanif	Keith Powers
Alexa Avilés	Kamillah Hanks	Lincoln Restler
Diana I. Ayala	Robert F. Holden	Kevin C. Riley
Charles Barron	Crystal Hudson	Carlina Rivera
Justin L. Brannan	Rita C. Joseph	Rafael Salamanca, Jr
Joseph C. Borelli	Ari Kagan	Pierina Ana Sanchez
Erik D. Bottcher	Shekar Krishnan	Lynn C. Shulman
Gale A. Brewer	Linda Lee	Althea V. Stevens
Selvena N. Brooks-Powers	Farah N. Louis	Sandra Ung
Tiffany Cabán	Christopher Marte	Marjorie Velazquez
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 Farias	Mercedes Narcisse	Kalman Yeger
Oswald Feliz	Sandy Nurse	
James F. Gennaro	Chí A. Ossé	

Absent: Council Member Richardson Jordan.

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

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

There were 50 Council Members marked present at this hybrid Stated Meeting held in the Council Chambers at City Hall, New York, N.Y.

INVOCATION

The Invocation was delivered by Venerable Youwang, Executive Director, spiritual leader at the International Buddhist Progress Society, located at 154-37 Barclay Avenue, Queens, N.Y. 11355.

Good afternoon council members and guests.

Thank you for inviting me
to provide an invocation for today's meeting.

May I tell you about a Buddha, our teacher.
He was a very wise man,
and much of what he shared with us
is coming in the spirits of all faiths.
That is to be kind to one another;
to do no harm to one another in the world,
and to help relieve suffering.
This message to us was especially important
in the time of the COVID pandemic.
Let us now pray, in his name
and the name of your Spiritual Leaders.

Today, we ask Buddha's wisdom
to help guide our community leaders,
to use wisdom, to govern amidst the conflicting interests
and issues of our times.
To know the true sense
of the welfares and needs
of the people in our community.
To understand the importance of justice
for all, rich and poor, powerful and struggling.
To protect our natural resources,
understanding that all citizens,
and in fact, all human beings
are dependent upon open spaces,
pure water, and clear air.
To have the ability to work together
in harmony even when there is honest disagreement.
Let's therefore pray that this body deliberates
in a manner that is without rancor or ill-will,
that brings comfort to the citizens
and the progress to the community,
that all decisions are made with the four signs
and deep understanding of the needs for all citizens,
and that this body leads the community
in a manner that celebrates our diversity,
understanding that we are all interconnected,
that our welfare and happiness
are dependent upon respect and acceptance

of all people no matter their race, religion,
sexual orientation, and no matter their original home.
Leadership requires courage,
courage to make difficult and at times unpopular decisions.
May our council members have courage
to lead our community today and always.
May our leaders find personal peace and joy
in their public responsibilities
by helping others and assuring a bright future for all.
We are now, hopefully, moving beyond
the devastation of serious illness
and loss of life in our city.
2022, the year of tiger,
may all beings live without fear
and co-exists in peace.
May we work diligently to find a positive way
to help our city regain its strength and purpose
and bring safety and hope to all.
We pray in the name of our spiritual leaders,

(Speaking a foreign language).

Thank you.

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

During the Communication from the Speaker segment, the Speaker (Council Member Adams) acknowledged that since the previous Stated Meeting, 1,754 New Yorkers had lost their lives to the coronavirus. She spoke of how the omicron variant had substantially spread throughout New York City. She also noted that the variant had peaked and the case numbers were receding – she expressed the hope that a brighter future lay ahead.

The Speaker (Council Member Adams) asked those assembled to remember NYPD Police Officers Jason Rivera and Wilbert Mora who lost their lives in their commitment to improving and protecting the city. Officers Rivera and Mora died after being shot responding to a domestic violence call in Harlem on January 21, 2022. The Speaker (Council Member Adams) noted that they were both promoted posthumously to Detective First Grade which was the highest rank for a detective in the New York City Police Department. Detectives Rivera, 22, and Mora, 27 were also both from Dominican immigrant families. The Speaker (Council Member Adams) noted that Police Commissioner Keechant Sewell referred to the late Detective Mora as “three times a hero”: first for choosing public service; a second time for protecting others; and a third time for being an organ donor whose donations saved the lives of five individuals. On behalf of the Council, the Speaker (Council Member Adams) expressed her gratitude for their service and offered her condolences to their families, colleagues, and communities.

The Speaker (Council Member Adams) spoke of the increase in violence in New York City and in the nation’s cities and that this increase was largely driven by gun violence. She acknowledged those New Yorkers who had lost their lives to this violence. She explained that a multifaceted approach to this problem required collaborative and comprehensive solutions. She also noted that the NYPD has an important role to play and that the city must support good policing that keeps people safe in partnerships with communities. She declared that public safety would be a top priority for this Council and would be a top priority for herself as well. The Speaker also acknowledged the rise in hate violence: she spoke of anti-Semitic incidents that had taken place in

both Council Member Ossé's and Restler's districts; and she pointed to the anti-Asian violence that the city's Asian-American communities were still dealing with.

The Speaker (Council Member Adams) asked for a moment of silence in memory of those New Yorkers who had lost their lives.

At this point, a moment of silence was observed by those assembled.

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ADOPTION OF MINUTES

Council Member Rivera moved that the Minutes of the Charter Meeting of January 5, 2022 and Stated Meeting of January 20, 2022 be adopted as printed.

MESSAGES & PAPERS FROM THE MAYOR

M-12

Submitting the name of Honorable Sylvia Hinds-Radix to the Council for its advice and consent regarding her appointment as the Corporation Counsel, pursuant to Sections 31 and 391 of the New York City Charter.

January 28, 2022

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

Dear Speaker Adams:

Pursuant to Sections 31 and 391 of the New York City Charter, I am pleased to present the name of the Honorable Sylvia Hinds-Radix to the City Council for advice and consent regarding her appointment as Corporation Counsel.

I send my thanks to you and to the Council for reviewing this appointment.

Sincerely,

Eric Adams
Mayor

ELA/bh

cc: Hon. Sylvia Hinds-Radix
Lorraine Grillo, First Deputy Mayor
Jessica Carrano, Director, Mayor's Office of City Legislative Affairs

Referred to the Committee on Rules, Privileges and Elections.

M-13

Communication from the Mayor - Submitting the name of Jocelyn Strauber to the Council for its advice and consent regarding her appointment as Commissioner of the Department of Investigation, pursuant to Section 31 of the New York City Charter.

January 28, 2022

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

Dear Speaker Adams:

Pursuant to Section 31 of the New York City Charter, I am pleased to present the name of Jocelyn Strauber to the City Council for advice and consent regarding her appointment as Commissioner of the Department of Investigation.

I send my thanks to you and to the Council for reviewing this appointment.

Sincerely,

Eric Adams
Mayor

ELA/bh

cc: Jocelyn Strauber
Lorraine Grillo, First Deputy Mayor
Jessica Carrano, Director, Mayor's Office of City Legislative Affairs

Referred to the Committee on Rules, Privileges and Elections.

COMMUNICATION FROM CITY, COUNTY & BOROUGH OFFICES

M-14

Communication from the New York City Board of Corrections – Submitting notice regarding the expiration and repeal of subdivision d of section 9-149 of the Administrative Code of the City of New York, as added by section one of Local Law 124 of 2017 (LL124/2017), and as further amended by section 294 of Chapter 322 of the Laws of 2021 (Ch. 322/2021), requiring the Commissioner of Correction to submit an annual report to the New York City Council regarding the delay of transportation of incarcerated individuals to housing facilities.

January 20, 2022

Hon. Adrienne Adams
City Council Speaker
City Hall Office
New York, NY 10007

Re: Expiration and Repeal of subdivision d of section 9-149 of the Administrative Code

Dear Speaker Adams:

Please accept this letter as the Department of Correction's notice regarding the expiration and repeal of subdivision d of section 9-149 of the Administrative Code of the City of New York, as added by section one of Local Law 124 of 2017 (LL124/2017), and as further amended by section 294 of Chapter 322 of the Laws of 2021 (Ch. 322/2021). Local Law 124 of 2017 added section 9-149 to the Administrative Code, which required the Commissioner of Correction to submit an annual report to the New York City Council regarding the delay of transportation of incarcerated individuals to housing facilities upon request by the Department or a not-for-profit corporation to provide criminal justice services to those individuals. Section two of LL124/2017 states, in pertinent part:

This local law takes effect 60 days after it becomes law, except that subdivision d of section 9-149, as added by section 1 of this local law, shall expire and be deemed repealed on June 30, 2022, provided that the commissioner of correction provides written notice to the council in the first six months of the year 2022 that this local law will expire without further action by the council.

The State Legislature amended subdivision d of section 9-149 of the Administrative Code in Ch. 322/2021. However, subdivision 30 of section 322 of such chapter states, in pertinent part:

The amendments to subdivision d of section 9-149 of the administrative code of the city of New York made by section two hundred ninety-four of this act shall not affect the repeal of such subdivision and shall be deemed repealed therewith

This letter is submitted in conformance with section two of LL124/2017, which provides that if the Department provides written notice to the City Council of the expiration and repeal of subdivision d of section 9-149 of the Administrative Code within the first six months of 2022, such subdivision will expire and be deemed repealed on June 30, 2022. This letter constitutes such written notice, and therefore subdivision d of section 9-149 of the Administrative Code will expire and be deemed repealed on June 30, 2022.

Thank you.

Sincerely,

Corey Forster
Director of Legislative Affairs

Received, Ordered, Printed and Filed.

M-15

Communication from the Comptroller - Submitting the name of Georgia Pestana to the Council for its advice and consent concerning appointment to the New York City Conflicts of Interest Board, pursuant to Section 2602 of the New York City Charter.

January 26, 2022

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 Georgia Pestana to the City Council for advice and consent prior to Georgia Pestana's appointment to the Conflicts of Interest Board.

Georgia Pestana is the outgoing Corporation Counsel of the City of New York ¹. Upon appointment, Georgia Pestana will serve for a six-year term that begins on April 1, 2022 and expires March 31, 2028.

I send my thanks to you and all Council Members for reviewing this Conflicts of Interest Board nomination.

Sincerely,

Brad Lander
Comptroller

cc: Carolyn Lisa Miller, Executive Director, Conflicts of Interest Board NYC

¹ Georgia Pestana is assisting with the transition of the incoming Corporation Counsel and will no longer be a City employee at the time of her appointment.

Referred to the Committee on Rules, Privileges and Elections.

M-16

Communication from the Public Advocate - Submitting the name of Ifeoma Ike, Esq. 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 28, 2022

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 Ifeoma Ike, Esq. to the New York City Council for advice and consent prior to her appointment to the Conflicts of Interest Board.

Ms. Ike is founder and principal of Ike Professionals, LLC. Upon appointment, Ms. Ike will serve for a six-year term beginning April 1, 2022 and ending March 31, 2028. I send my thanks to you and all Council Members for reviewing this Conflicts of Interest Board nomination.

Sincerely,

Jumaane D. Williams
Public Advocate for the City of New York

Referred to the Committee on Rules, Privileges and Elections.

PETITIONS & COMMUNICATIONS

M-17

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 refer to the attachment section of [the M-17 of 2021 file](#) in the legislation section of the New York City Council website at <https://council.nyc.gov/>).

Received, Ordered, Printed and Filed.

M-18

Appointment of the following three individuals to the New York City Districting Commission on February 7, 2022, pursuant to §50(a)(1)(2) of the New York City Charter, by majority vote of the Republican Members of the Council of the City of New York representing the minority party of the City Council: Darrin Porcher (The Bronx), Kevin Hanratty (Queens) and Marc Wurzel (Manhattan).

February 7, 2022

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

Dear Speaker Adams:

On Monday, February 7, 2022, pursuant to § 50 (a)(2) of the New York City Charter, the Republican Members of the Council of the City of New York, representing the second largest delegation in the Council, by majority vote, have appointed the following individuals to the New York City Districting Commission:

- Kevin Hanratty, a Queens resident and registered member of the Republican Party;
- Darrin Porcher, a Bronx resident and registered member of the Republican Party;
- Marc Wurzel, a Manhattan resident and registered member of the Republican Party.

Thank you for your time and attention to this matter.

Sincerely,

Joseph C. Borelli
Minority Leader

CC: Mayor Eric Adams
Michael M. McSweeney, City Clerk

Received, Ordered, Printed and Filed.

M-19

Appointment of the follow individuals to the New York City Districting Commission on February 7, 2022, pursuant to §50(a)(1)(2) of the New York City Charter, by majority vote of the Democratic Members of the Council of the City of New York representing the majority party of the City Council: Maf Misbah Uddin (Queens), Kristen Johnson (Brooklyn), Gregory W. Kirschenbaum (Manhattan), Yovan Samuel Collado (Bronx) and Michael P. Schnall (Staten Island).

February 8, 2022

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

Dear Speaker Adams:

On Monday, February 7, 2022, pursuant to §50(a)(1) of the New York City Charter, the Democratic Members of the Council of the City of New York, representing the majority party of the City Council, by majority vote, have appointed the following five individuals to the New York City Districting Commission:

- Gregory W. Kirschenbaum, a Manhattan resident and a registered member of the Democratic party;
- Maf Misbah Uddin, a Queens resident and a registered member of the Democratic party;
- Michael P. Schnall, a Staten Island resident and a registered member of the Democratic party;
- Kristen Johnson, a Brooklyn resident and a registered member of the Democratic party; and
- Yovan Samuel Collado, a Bronx resident and a registered member of the Democratic party.

Thank you for your attention concerning this matter.

Sincerely,

Keith Powers
Majority Leader

Received, Ordered, Printed and Filed.

LAND USE CALL-UPS

M-20

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 220059 ZSM (Castle III 107-111 East 123rd Street) shall be subject to Council review. This item is related to Application No. C 220060 HAM.

Coupled on Call-up vote.

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

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

Present, Not Voting – Salamanca.

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

REPORTS OF THE STANDING COMMITTEES

Report of the Committee on Land Use

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

Report for L.U. No. 5

Report of the Committee on Land Use in favor of approving, as modified, Application No. C 210453 ZSM (415 Madison Avenue) submitted by 415 Madison Avenue LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 81-645 of the Zoning Resolution to allow an increase in the amount of floor area ratio permitted on a qualifying site where an above-grade public concourse, in the form of an open publicly accessible space is provided, in connection with a proposed commercial building, on property located at 415 Madison Avenue (Block 1284, Lot 21), in a C5-3 District, within the Special Midtown District (Southern Subarea), Borough of Manhattan, Community District , Council District 4. (LU 0958-2021).

The Committee on Land Use, to which the annexed Land Use item was referred on February 10, 2022, respectfully

REPORTS:

(For text of updated report, please see the Report of the Committee on Land Use for L.U. No. 5 & Res. No. 15 printed in the General Order Calendar section of these Minutes)

Accordingly, this Committee recommends its adoption, as modified.

RAFAEL SALAMANCA, Jr., *Chairperson*; ERIK D. BOTTCHEER, SELVENA N. BROOKS-POWERS, KAMILLAH HANKS, ARI KAGAN, SHEKAR KRISHNAN, FARAH N. LOUIS, DARLENE MEALY, FRANCISCO P. MOYA, KEVIN C. RILEY, CARLINA RIVERA, PIERINA ANA SANCHEZ AND THE MINORITY LEADER (COUNCIL MEMBER BORELLI) 13-0-0 ; Committee on Land Use, January 27, 2022.
Other Council Members Attending: Council Member Paladino.

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

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

Report for L.U. No. 6

Report of the Committee on Land Use in favor of approving, as modified, Application No. C 210454 ZSM (415 Madison Avenue) submitted by 415 Madison Avenue LLC pursuant to Sections 197-c and 201 of the New York City Charter for, in conjunction with the related special permit pursuant to Section 81-645, the grant of a special permit pursuant to Section 81-685 of the Zoning Resolution, to modify: the height and setback requirements of Section 81-27 (Alternate Height and Setback Regulations –

Daylight Evaluation), as modified by Section 81-66 (Special Height and Setback Requirements); the mandatory district plan elements of Section 81-42 (Retail Continuity Along Designated Streets); and the mandatory street wall requirements of Sections 81-43 (Street Wall Continuity Along Designated Streets) and 81-671 (Special Street Wall Requirements); in connection with a proposed commercial building, on property located at 415 Madison Avenue (Block 1284, Lot 21), in a C5-3 District, within the Special Midtown District (Southern Subarea), Borough of Manhattan, Community District , Council District 4. (LU 0959-2021)

The Committee on Land Use, to which the annexed Land Use item was referred on February 10, 2022, respectfully

REPORTS:

(For text of updated report, please see the Report of the Committee on Land Use for L.U. No. 6 & Res. No. 16 printed in the General Order Calendar section of these Minutes)

Accordingly, this Committee recommends its adoption, as modified.

RAFAEL SALAMANCA, Jr., *Chairperson*; ERIK D. BOTTCHER, SELVENA N. BROOKS-POWERS, KAMILLAH HANKS, ARI KAGAN, SHEKAR KRISHNAN, FARAH N. LOUIS, DARLENE MEALY, FRANCISCO P. MOYA, KEVIN C. RILEY, CARLINA RIVERA, PIERINA ANA SANCHEZ AND THE MINORITY LEADER (COUNCIL MEMBER BORELLI) 13-0-0 ; Committee on Land Use, January 27, 2022. *Other Council Members Attending: Council Member Paladino.*

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

GENERAL ORDERS CALENDAR

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

Report for L.U. No. 5 & Res. No. 15

Report of the Committee on Land Use in favor of approving, as modified, Application No. C 210453 ZSM (415 Madison Avenue) submitted by 415 Madison Avenue LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 81-645 of the Zoning Resolution to allow an increase in the amount of floor area ratio permitted on a qualifying site where an above-grade public concourse, in the form of an open publicly accessible space is provided, in connection with a proposed commercial building, on property located at 415 Madison Avenue (Block 1284, Lot 21), in a C5-3 District, within the Special Midtown District (Southern Subarea), Borough of Manhattan, Community District , Council District 4. (LU 0958-2021).

The Committee on Land Use, to which the annexed Land Use item was referred on February 10, 2022 and which same Land Use item was coupled with the resolution shown below and referred to the City Planning Commission, respectfully

REPORTS:

SUBJECT

MANHATTAN CB-5 – TWO APPLICATIONS RELATED TO 415 MADISON AVENUE

C 210453 ZSM (Pre. L.U. No. 5)

City Planning Commission decision approving an application submitted by 415 Madison Avenue, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 81-645 of the Zoning Resolution to allow an increase in the amount of floor area ratio permitted on a qualifying site where an above-grade public concourse, in the form of an open publicly accessible space is provided, in connection with a proposed commercial building, on property located at 415 Madison Avenue (Block 1284, Lot 21), in a C5-3 District, within the Special Midtown District (Southern Subarea).

C 210454 ZSM (Pre. L.U. No. 6)

City Planning Commission decision approving an application submitted by 415 Madison Avenue LLC, pursuant to Sections 197-c and 201 of the New York City Charter for, in conjunction with the related special permit pursuant to Section 81-645, the grant of a special permit pursuant to Section 81-685 of the Zoning Resolution, to modify: the height and setback requirements of Section 81-27 (Alternate Height and Setback Regulations - Daylight Evaluation), as modified by Section 81-66 (Special Height and Setback Requirements); the mandatory district plan elements of Section 81-42 (Retail Continuity Along Designated Streets); and the mandatory street wall requirements of Sections 81-43 (Street Wall Continuity Along Designated Streets) and 81-671 (Special Street Wall Requirements); in connection with a proposed commercial building, on property located at 415 Madison Avenue (Block 1284, Lot 21), in a C5-3 District, within the Special Midtown District (Southern Subarea).

INTENT

To grant an approval of the special permit pursuant to ZR Section 81–645 to allow an increase in the amount of floor area ratio permitted for the provision of an above-grade public concourse on a qualifying site and special permit pursuant to ZR Section 81–685 to modify height and setback, certain district plan elements, and street wall regulations, to facilitate a new 40-story commercial office building at 415 Madison Avenue (Block 1284, Lot 21) located in the East Midtown neighborhood of Manhattan, Community District 5.

PUBLIC HEARING

DATE: January 21, 2022

Witnesses in Favor: Four

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: January 27, 2022

The Subcommittee recommends that the Land Use Committee approve the decision of the City Planning Commission on Pre. L.U. No. 6, and approve with modifications the decision of the City Planning Commission on Pre. L.U. No. 5.

In Favor:

Riley
Moya
Louis
Abreu
Bottcher
Hanks
Schulman
Carr

Against:

None

Abstain:

None

COMMITTEE ACTION

DATE: January 27, 2022

The Committee recommends that the Council approve the attached resolutions.

In Favor:

Salamanca
Moya
Rivera
Louis
Riley
Brooks-Powers

Against:

None

Abstain:

None

Bottcher
 Hanks
 Kagan
 Krishnan
 Mealy
 Sanchez
 Borelli

FILING OF MODIFICATIONS WITH THE CITY PLANNING COMMISSION

The City Planning Commission filed a letter dated January 31, 2022, with the Council on February 9, 2022, indicating that the proposed modifications are not subject to additional environmental review or additional review pursuant to Section 197-c of the City Charter.

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

Res. No. 15

Resolution approving with modifications the decision of the City Planning Commission on ULURP No. C 210453 ZSM, for the grant of a special permit (Preconsidered L.U. No. 5).

By Council Members Salamanca and Riley.

WHEREAS, 415 Madison Avenue, 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 81-645 of the Zoning Resolution to allow an increase in the amount of floor area ratio permitted on a qualifying site where an above-grade public concourse, in the form of an open publicly accessible space is provided in connection with a proposed commercial building, on property located at 415 Madison Avenue (Block 1284, Lot 21), in a C5-3 District, which in conjunction with the related action would facilitate a new 40-story commercial office building located at 415 Madison Avenue (Block 1284, Lot 21), located in the East Midtown neighborhood of Manhattan, Community District 5 (ULURP No. C 210453 ZSM) (the “Application”);

WHEREAS, the City Planning Commission filed with the Council on December 13, 2021, its decision dated December 1, 2021 (the “Decision”) on the Application;

WHEREAS, the Application is related to application C 210454 ZSM (Pre. L.U. No. 6), a zoning special permit pursuant to ZR Section 81–685 to modify height and setback, certain district plan elements, and street wall regulations;

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

WHEREAS, the City Planning Commission has made the findings required pursuant to Section 81-645 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 21, 2022;

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

WHEREAS, the Council has considered the relevant environmental issues, including the Negative Declaration issued July 26th, 2021 (CEQR No. 21DCP178M) (the “Negative Declaration”).

RESOLVED:

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

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, C 210453 ZSM, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission with the following modifications:

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

1. The property that is the subject of this application (C 210453 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 Skidmore, Owings & Merrill LLP, filed with this application and incorporated in this resolution:

C 210453 ZSM

<u>Drawing No.</u>	<u>Title</u>	<u>Last Revised Date</u>
Z-01.00	Zoning Analysis	07/26/2021
Z-02.00	Zoning Lot Site Plan	07/26/2021
Z-04.00	Zoning Diagram Waiver Plan	07/26/2021
Z-05.00	Zoning Building Sections	07/26/2021
Z-06.00	Zoning Building Sections	07/26/2021
Z-11.00	Daylight Evaluation Analysis	07/26/2021
Z-12.00	Daylight Evaluation Analysis – East 48 th Street	07/26/2021
Z-13.00	Daylight Evaluation Analysis – Madison Avenue	07/26/2021
L-100.00	Concourse – Layout Plan	07/26/2021 <u>02/10/2022</u>
L-101.00	Concourse – Seating and Amenities Plan	07/26/2021 <u>02/10/2022</u>
L-200	Concourse – Materials, Paving and Grading Plan	07/26/2021
L-301.00	Concourse – Lighting Plan	07/13/2021
L-302.00	Concourse Sections	07/13/2021
L-501.00	Typical Details	07/26/2021
L-600	Exterior Bench/Planter Plans and Details	07/26/2021
L-601	Signage	07/26/2021
L-700		07/26/2021

2. Such development shall conform to all applicable provisions of the Zoning Resolution, except for the modifications specifically granted in this resolution and shown on the plans listed above which have

been filed with this application. All zoning computations are subject to verification and approval by the New York City Department of Buildings.

3. Such development shall conform to all applicable laws and regulations relating to its construction, operation and maintenance.
4. All leases, subleases, or other agreements for use or occupancy of space at the subject property shall give actual notice of this special permit to the lessee, sublessee or occupant.
5. Development pursuant to this resolution shall be allowed only after the attached restrictive declaration, to be executed by 415 Madison Avenue LLC, and the terms of which are hereby incorporated in this resolution, shall have been recorded and filed in the Office of the Register of the City of New York, County of New York.
6. Upon the failure of any party having any right, title or interest in the property that is the subject of this application, or the failure of any heir, successor, assign, or legal representative of such party, to observe any of the covenants, restrictions, agreements, terms or conditions of this resolution whose provisions shall constitute conditions of the special permit hereby granted, the City Planning Commission may, without the consent of any other party, revoke any portion of or all of said special permit. Such power of revocation shall be in addition to and not limited to any other powers of the City Planning Commission, or of any other agency of government, or any private person or entity. Any such failure or breach of any of the conditions as stated above, may constitute grounds for the City Planning Commission or City Council, as applicable, to disapprove any application for modification, renewal or extension of the special permit hereby granted or of the attached restrictive declaration.
7. 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*; ERIK D. BOTTCHEER, SELVENA N. BROOKS-POWERS, KAMILLAH HANKS, ARI KAGAN, SHEKAR KRISHNAN, FARAH N. LOUIS, DARLENE MEALY, FRANCISCO P. MOYA, KEVIN C. RILEY, CARLINA RIVERA, PIERINA ANA SANCHEZ AND THE MINORITY LEADER (COUNCIL MEMBER BORELLI) 13-0-0; Committee on Land Use, January 27, 2022.
Other Council Members Attending: Council Member Paladino.

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

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

Report for L.U. No. 6 & Res. No. 16

Report of the Committee on Land Use in favor of approving, as modified, Application No. C 210454 ZSM (415 Madison Avenue) submitted by 415 Madison Avenue LLC pursuant to Sections 197-c and 201 of the New York City Charter for, in conjunction with the related special permit pursuant to Section 81-645, the grant of a special permit pursuant to Section 81-685 of the Zoning Resolution, to modify: the height and setback requirements of Section 81-27 (Alternate Height and Setback Regulations – Daylight Evaluation), as modified by Section 81-66 (Special Height and Setback Requirements); the mandatory district plan elements of Section 81-42 (Retail Continuity Along Designated Streets); and the mandatory street wall requirements of Sections 81-43 (Street Wall Continuity Along Designated Streets) and 81-671 (Special Street Wall Requirements); in connection with a proposed commercial building, on property located at 415 Madison Avenue (Block 1284, Lot 21), in a C5-3 District, within the Special Midtown District (Southern Subarea), Borough of Manhattan, Community District , Council District 4. (LU 0959-2021)

The Committee on Land Use, to which the annexed Land Use item was referred on February 10, 2022 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. 5 & Res. No. 15 printed above in this General Orders Calendar section of these Minutes)

Accordingly, this Committee recommends its adoption, as modified.

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

Res. No. 16

Resolution approving the decision of the City Planning Commission on ULURP No. C 210454 ZSM, for the grant of a special permit (Preconsidered L.U. No. 6).

By Council Members Salamanca and Riley.

WHEREAS, 415 Madison Avenue, LLC, filed an application pursuant to Sections 197-c and 201 of the New York City Charter for, in conjunction with the related special permit pursuant to Section 81-645, the grant of a special permit pursuant to Section 81-685 of the Zoning Resolution, to modify, the height and setback requirements of Section 81-27 (Alternate Height and Setback Regulations - Daylight Evaluation), as modified by Section 81-66 (Special Height and Setback Requirements); the mandatory district plan elements of Section 81-42 (Retail Continuity Along Designated Streets); and the mandatory street wall requirements of Sections 81-43 (Street Wall Continuity Along Designated Streets) and 81-671 (Special Street Wall Requirements), in connection with a proposed commercial building, on property located at 415 Madison Avenue (Block 1284, Lot 21), in a C5-3 District, which in conjunction with the related action would allow for the development of a new 40-story commercial office building at 415 Madison Avenue (Block 1284, Lot 21) located in the East Midtown neighborhood of Manhattan, Community District 5 (ULURP No. C 210454 ZSM) (the “Application”);

WHEREAS, the City Planning Commission filed with the Council on December 13, 2021, its decision dated December 1, 2021 (the “Decision”) on the Application;

WHEREAS, the Application is related to application C 210453 ZSM (Pre. L.U. No. 5), a zoning special permit pursuant to ZR Section 81–645 to allow an increase in the amount of floor area ratio permitted for the provision of an above-grade public concourse on a qualifying site;

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 81-685 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 21, 2022;

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

WHEREAS, the Council has considered the relevant environmental issues, including the Negative Declaration issued July 26th, 2021 (CEQR No. 21DCP178M) (“the Negative Declaration”).

RESOLVED:

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

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, C 210454 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 210454 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 Skidmore, Owings & Merrill LLP, filed with this application and incorporated in this resolution:

C 210454 ZSM

<u>Drawing No.</u>	<u>Title</u>	<u>Last Revised Date</u>
Z-01.00	Zoning Analysis	07/26/2021
Z-02.00	Zoning Lot Site Plan	07/26/2021
Z-04.00	Zoning Diagram Waiver Plan	07/26/2021
Z-05.00	Zoning Building Sections	07/26/2021
Z-06.00	Zoning Building Sections	07/26/2021
Z-11.00	Daylight Evaluation Analysis	07/26/2021
Z-12.00	Daylight Evaluation Analysis – East 48 th Street	07/26/2021
Z-13.00	Daylight Evaluation Analysis – Madison Avenue	07/26/2021

2. Such development shall conform to all applicable provisions of the Zoning Resolution, except for the modifications specifically granted in this resolution and shown on the plans listed above which have

been filed with this application. All zoning computations are subject to verification and approval by the New York City Department of Buildings.

3. Such development shall conform to all applicable laws and regulations relating to its construction, operation and maintenance.
4. All leases, subleases, or other agreements for use or occupancy of space at the subject property shall give actual notice of this special permit to the lessee, sublessee or occupant.
5. Development pursuant to this resolution shall be allowed only after the attached restrictive declaration, to be executed by 415 Madison Avenue LLC, and the terms of which are hereby incorporated in this resolution, shall have been recorded and filed in the Office of the Register of the City of New York, County of New York.
6. Upon the failure of any party having any right, title or interest in the property that is the subject of this application, or the failure of any heir, successor, assign, or legal representative of such party, to observe any of the covenants, restrictions, agreements, terms or conditions of this resolution whose provisions shall constitute conditions of the special permit hereby granted, the City Planning Commission may, without the consent of any other party, revoke any portion of or all of said special permit. Such power of revocation shall be in addition to and not limited to any other powers of the City Planning Commission, or of any other agency of government, or any private person or entity. Any such failure or breach of any of the conditions as stated above, may constitute grounds for the City Planning Commission or City Council, as applicable, to disapprove any application for modification, renewal or extension of the special permit hereby granted or of the attached restrictive declaration.
7. 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*; ERIK D. BOTTCHEER, SELVENA N. BROOKS-POWERS, KAMILLAH HANKS, ARI KAGAN, SHEKAR KRISHNAN, FARAH N. LOUIS, DARLENE MEALY, FRANCISCO P. MOYA, KEVIN C. RILEY, CARLINA RIVERA, PIERINA ANA SANCHEZ AND THE MINORITY LEADER (COUNCIL MEMBER BORELLI) 13-0-0 ; Committee on Land Use, January 27, 2022.
Other Council Members Attending: Council Member Paladino.

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).

Resolution approving various persons Commissioners of Deeds

By the Presiding Officer –

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

<i>Approved New Applicants</i>		
<i>Name</i>	<i>Address</i>	<i>District #</i>
Carlos Rivera	45 Clinton Street, Apt 4B New York, 10002	1
Steven Moi	277 E 4th Street, Apt 1C New York, New York 10009	2
Victor Moreu	2080 1 st Ave, Apt 2702 New York, New York 10029	8
Daniel Ellison	2944 8 th Ave, Apt 18M New York, New York 10039	9
Aileen Martinez	531 West 211 th Street, Apt 21A New York, New York 10034	10
Marcos Alfonso Rojas	330 Warsworth Ave, Apt 2J New York, New York 10040	10
Scarlett Gutierrez	144-40 38 th Ave, D2 Queens, New York 11354	20
Rosamund Padmore	173-48 104 th Ave Queens, New York 11433	27
Erik Tapia	50-22 66 th Street Queens, New York 11377	30
Anthony Anzora	82 Schermerhorn St Brooklyn, New York 11201	33
Henry Perez-Tlatenchi	461 Park Plaza Brooklyn, New York 11238	35
Ajah Griffin	582 Kosciusko Street Brooklyn, New York 11221	36
Chanda Brooks	970 Rogers Ave, # 2 Brooklyn, New York 11226	40

Arelis Martinez	915 84 th Street, Apt # Brooklyn, New York 11228	43
Inga Wilkins	130 Avenue P, Apt 2A Brooklyn, New York 11204	44
Betty Oliver	1176 East 35 th Street Brooklyn, New York 11210	45
Nakaya Mair	1474 E. 46 th Street Brooklyn, New York 11234	45
Emanuil Agarunov	2826 Homecrest Ave, Apt 6D Brooklyn, New York 11229	48
Lorena Ramirez	2200 Ocean Ave, Apt. 5D Brooklyn, New York 11229	48
Caroline Swift	2517 Amboy Rd Staten Island, New York 10366	50

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) **L.U. 5 & Res 15 -** App. C 210453 ZSM (415 Madison Avenue) Borough of Manhattan, Community District, Council District 4.
- (2) **L.U. 6 & Res 16 -** App C 210454 ZSM (415 Madison Avenue) Borough of Manhattan, Community District, Council District 4.
- (3) **Resolution approving various persons Commissioners of Deeds.**

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

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

The General Order vote recorded for this Stated Meeting was 50-0-0 as shown above.

INTRODUCTION AND READING OF BILLS

Int. No. 3

By Council Members Ayala, Louis and Won.

A Local Law to amend the administrative code of the city of New York, in relation to the police department's response to students in emotional crisis in public schools

Be it enacted by the Council as follows:

Section 1. Title 14 of the administrative code of the city of New York is amended by adding a new section 14-193 to read as follows:

§14-193 Response to students in emotional crisis. a. Definitions. For the purposes of this section, the following terms have the following meanings:

Crisis intervention team. The term "crisis intervention team" means staff trained in de-escalating behavioral crises within schools, as created pursuant to chancellor's regulation A-411 or any successor regulation or provision.

De-escalation techniques. The term "de-escalation techniques" means the use of verbal communication, body language, active listening, or tactics to defuse a volatile situation.

Mechanical restraints. The term "mechanical restraints" means any device or material attached or adjacent to the body that restricts freedom of movement or normal access to any portion of the body and that the individual cannot easily remove, including handcuffs and nylon or Velcro restraining devices.

Precinct officers. The term "precinct officer" means any police officer not assigned to the school safety division of the department.

Serious physical injury. The term "serious physical injury" has the same meaning ascribed in section 10.00 of the penal law.

School safety personnel. The term "school safety personnel" means a school safety officer employed by the department or a police officer assigned to the school safety division of the department.

Student in emotional crisis. The term "student in emotional crisis" means a student that is displaying an emotional or behavioral reaction to the student's surroundings or circumstances that escalates or intensifies and exceeds the student's ability to cope and self-regulate.

b. When responding to a student in emotional crisis, school safety personnel shall:

1. Intervene only at the request of on-site clinical school staff, if available, or the school's crisis intervention team, if applicable;

2. Intervene only after inquiring of school staff: (i) what interventions and de-escalation techniques the school used before contacting the school safety personnel, (ii) whether the student's parent or guardian had been contacted, and (iii) whether the student's behavior is believed to be a result of factors including but not limited to, age, medical conditions, mental impairment, developmental disability, serious functional limitation, language barrier, drug interaction or behavioral crisis;

3. Employ all possible de-escalation techniques and engage with on-site clinical staff, if available; and

4. Request assistance from a precinct officer only in circumstances where efforts pursuant to subparagraphs 1, 2 and 3 have been unsuccessful and considering the following factors: (i) maintaining a safe learning environment for students, staff, and the community, (ii) reducing the number of student arrests, (iii) developing and sustaining positive relationships with students, staff, and the community, (iv) the actual and developmental age of the student, and (v) the impact of precinct officer involvement on students and school climate.

c. Any precinct officer responding to a student in emotional crisis shall:

1. Intervene only at the request of on-site clinical school staff, if available, or the school's crisis intervention team, if applicable;

2. Intervene only after inquiring of school staff: (i) what interventions and de-escalation techniques the school used before contacting the precinct officer, (ii) whether the student's parent or guardian had been contacted, and (iii) whether the student's behavior is believed to be a result of factors including but not limited to, age, medical conditions, mental impairment, developmental disability, serious functional limitation, language barrier, drug interaction or behavioral crisis; and

3. Employ all possible de-escalation techniques and engage with on-site clinical staff, if available.

d. Unless otherwise authorized by state law:

1. Department personnel shall not use mechanical restraints on a student in emotional crisis, unless restraints are necessary to prevent imminent serious physical injury to such child or another person, and such use of mechanical restraints is limited in duration to the extent to which such student presents a risk of causing serious physical injury to themselves or others; and

2. Any determination that such student requires hospital transport for mental health evaluation shall be made by a clinically trained mental health professional.

e. Data collection. In all incident reports related to a department response to a student in emotional crisis, school safety personnel and precinct officers shall document:

1. De-escalation techniques utilized by the school staff prior to school safety personnel or precinct officer response;

2. De-escalation techniques used by school safety personnel or precinct officer;

3. School staff who called school safety personnel or precinct officer;

4. Whether a clinically trained mental health professional was available onsite and any interventions such individual provided;

5. If the student's parent or guardian was notified prior to the department's response to a student in emotional crisis;

6. If the student's parent or guardian objected to transport of such student to the hospital; and

7. Any injuries to the student or others.

f. Quality Assurance. The department shall conduct quality assurance checks to ensure that school safety personnel and precinct officers are complying with the provisions of this section and accurately completing the reporting requirements established in subdivision e of this section.

g. Training. 1. The department, in consultation with the department of education and the department of health and mental hygiene, shall develop and implement training regarding the identification of a student in emotional crisis. Such training shall be delivered annually to all school safety personnel and precinct officers who respond to schools prior to the start of each school year, include a proficiency examination or demonstration for each training component, and be developed in conjunction with outside experts. Such training shall include, but need not be limited to, the following subjects:

(a) Childhood emotional development and common manifestations of developmental disabilities and emotional crisis, including the impact of trauma and disabilities on behavior;

(b) Identifying a student that may be in need of medical care;

(c) Conflict resolution and de-escalating situations involving a student in emotional crisis;

(d) The emotional trauma inflicted by the use of mechanical restraints on minors, both to the student in emotional crisis and children bystanders;

(e) Best practices for the use of mechanical restraints on students, such as the type of such restraint and the manner of deployment; and

(f) The school's de-escalation plan for students in emotional distress.

2. On October 1, 2022, and every October 1 thereafter, the department shall deliver to the council and post on its website a report detailing the substance of the training delivered pursuant to subdivision g of this section, including the outside expert utilized, the length and format of each training component. Such report shall also include the following information for the previous academic year:

(a) The number of school safety personnel and precinct officers responding to schools who received such training;

(b) The number of school safety personnel and precinct officers responding to schools that failed on their first attempt to demonstrate proficiency of the subject matter covered by the training as required by subdivision g of this section; and

(c) The number of school safety personnel that successfully demonstrated proficiency on the subject matter contained in the training as required by subdivision g of this section.

§ 2. This local law takes effect 6 months after it becomes law.

Referred to the Committee on Education.

Int. No. 4

By Council Members Ayala, Menin, Powers, Holden, Schulman, Louis, Farías, Ossé, Hanif, Krishnan and Brannan.

A Local Law to amend the administrative code of the city of New York, in relation to prohibiting the sale of guinea pigs as pets, and clarifying the definition of the term “pet shop” to address inconsistent use of such term in the code

Be it enacted by the Council as follows:

Section 1. Subdivision c of section 17-1702 of the administrative code of the city of New York, as amended by local law number 53 for the year 2015, is amended to read as follows:

c. It shall be unlawful for any pet shop to display, offer for sale, deliver, barter, auction, give away, transfer or sell any rabbit *or guinea pig*.

§ 2. Section 17-371 of the administrative code of the city of New York, as amended by local law number 53 for the year 2015, is amended to read as follows:

§ 17-371 Definitions. For the purposes of this subchapter, the following terms have the following meanings:

[a. "Arm's"] *Arm's length transaction. The term “arm's length transaction” means a sale of a business for consideration that reflects the fair market value of such business or its assets, between two informed and willing parties, that is not made, wholly or in part, for the purpose of enabling the seller to avoid liability for violations issued by the department. A sale shall be presumed not to be an arm's length transaction if it is:*

1. A sale to an individual, or to a corporation or other business that is owned by the spouse, domestic partner, parent, grandparent, child or stepchild of any of any of the sellers, or is the direct descendent of a grandparent, the spouse or domestic partner of any of the sellers;

2. A sale to an individual or entity that has a business or financial interest in the seller; or

3. A sale to an entity in which any of the sellers has a business or financial relationship.

[b. "Permit"] *Permit. The term “permit” means a written license and authorization to carry on specified activities as regulated by this subchapter or other applicable law enforced by the department.*

[c. "Permittee"] *Permittee. The term “permittee” means a natural person or other entity who holds a valid permit issued by the commissioner pursuant to this subchapter or other applicable law enforced by the department.*

[d. "Person"] *Person. The term “person” means any individual, corporation, partnership, association, municipality, or other legal entity.*

[e. "Pet"] *Pet shop. The term “pet shop” means [a facility other than an animal shelter where] any person who sells, exchanges, barter, or offers for sale live animals [are sold, exchanged, bartered, or offered for sale] as pet animals to the general public at retail for profit. Such definition shall not include breeders who sell or offer to sell directly to consumers fewer than twenty-five dogs or cats per year that are born and raised on the breeder's residential premises. Such definition shall not include duly incorporated humane societies dedicated to the care of unwanted animals that make such animals available for adoption, whether or not a fee for such adoption is charged. A person who allows an animal shelter or animal rescue group, as such terms are defined in section 17-802 of chapter eight of this title, to use such person's *commercial or residential* premises for the purpose of making animals available for adoption shall not be deemed a pet shop as a result of such activity so long as such person does not have an ownership interest in any of the animals being made available for adoption, and does not derive a fee for providing such adoption services.*

Pet shop permit. The term “pet shop permit” means a permit to carry on any of the activities of a pet shop.

§ 3. Subdivision a of section 17-372 of the administrative code of the city of New York, as added by local law number 5 for the year 2015, is amended to read as follows:

a. No person shall [operate a pet shop] *sell, exchange, barter, or offer for sale live animals as pet animals to the general public at retail for profit* without a *pet shop* permit issued by the commissioner pursuant to this subchapter.

§ 4. Subdivision c of section 17-374 of the administrative code of the city of New York, as added by local law number 5 for the year 2015, is amended to read as follows:

c. The fees provided for [herein] *in this section* shall be reduced by the amount of any fee paid for a [permit to operate a] pet shop *permit* pursuant to the New York city health code within the same fee period.

§ 5. Subdivision b of section 17-378 of the administrative code of the city of New York, as added by local law number 5 for the year 2015, is amended to read as follows:

b. Notwithstanding subdivision a of this section, if the commissioner determines that exigent circumstances exist such that the continued operation of [a permittee's pet shop] *any activity authorized pursuant to a pet shop permit* would pose a danger to the public or the health and welfare of the animals in the permittee's custody, the commissioner may suspend such permittee's *pet shop* permit subject to a prompt post-suspension hearing before the environmental control board or any tribunal established within the office of administrative trials and hearings as designated by the commissioner.

§ 6. Section 17-380 of the administrative code of the city of New York, as amended by local law number 53 for the year 2015, is amended to read as follows:

§ 17-380 Forfeiture and seizure. a. The commissioner or [his or her] *the commissioner's* designee may seize any animal [in a] *on the premises of a* pet shop operating without a permit required pursuant to section 17-372 of this subchapter.

b. Any animal [in a] *on the premises of a* pet shop operating without a permit required pursuant to section 17-372 of this subchapter or seized pursuant to subdivision a of this section shall be subject to forfeiture upon notice and hearing.

c. The commissioner shall provide for the appropriate disposition of each animal seized pursuant to this section. Such disposition may include impoundment at an animal shelter or animal rescue group as such terms are defined in section 17-802 of chapter eight of this title.

d. The commissioner may impose upon [the owner of] a pet shop from which an animal is seized pursuant to this section a fee representing expenses incurred in connection with impounding such animal.

§ 7. Section 17-1708 of the administrative code of the city of New York, as amended by local law number 53 for the year 2015, is amended to read as follows:

§ 17-1708 Forfeiture and seizure. a. The commissioner or [his or her] *the commissioner's* designee may seize any animal offered for sale [in] *by a* pet shop where the sale of such animal is prohibited by section 17-1702 of this chapter.

b. Any animal offered for sale in violation of section 17-1702 of this chapter or seized pursuant to subdivision a of this section shall be subject to forfeiture upon notice and hearing.

c. The commissioner shall provide for the appropriate disposition of each animal seized pursuant to this section. Such disposition may include impoundment at an animal shelter or animal rescue group.

d. The commissioner may impose upon [the owner of] a pet shop from which an animal is seized pursuant to this section a fee representing expenses incurred in connection with the cost of impounding such animal.

§ 8. Section 17-1709 of the administrative code of the city of New York, as added by local law number 5 for the year 2015, is amended to read as follows:

§ 17-1709 Rules. The commissioner may promulgate such rules as are necessary to carry out the provisions of this chapter and to ensure the health and safety of any animal [in a] *on pet shop premises*.

§ 9. This local law takes effect immediately.

Referred to the Committee on Health.

Int. No. 5

By Council Members Ayala, Louis, Hanif and Won.

A Local Law to amend the administrative code of the city of New York, in relation to records of lead-based paint investigations

Be it enacted by the Council as follows:

Section 1. Section 27-2056.17 of the administrative code of the city of New York is amended by adding a new subdivision b-1 to read as follows:

b-1. A property owner shall furnish to the department records of inspections and investigations conducted by such owner, including records of any x-ray fluorescence analysis conducted pursuant to subdivision a-1 of section 27-2056.4 or measures taken to remediate lead-based paint hazards, whenever a violation has been issued pursuant to section 27-2056.6. Such property owner shall be issued a violation pursuant to subdivision g of section 27-2056.4 if such property owner does not produce such records within 45 days after a violation of section 27-2056.6 has been issued.

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

Referred to the Committee on Housing and Buildings.

Int. No. 6

By Council Members Ayala, Louis, Hanif and Won.

A Local Law to amend the administrative code of the city of New York, in relation to the permanent removal of lead-based paint on friction surfaces in child-occupied dwellings

Be it enacted by the Council as follows:

Section 1. Section 27-2056.8 of the administrative code of the city of New York, as amended by local law number 28 for the year 2020, is amended to read as follows:

§ 27-2056.8 Violation in a Dwelling Unit Upon *or Prior to* Turnover. a. Upon turnover of any dwelling unit in a multiple dwelling erected prior to January 1, 1960 [or a dwelling unit in a private dwelling erected prior to January 1, 1960 where each dwelling unit is to be occupied by persons other than the owner or the owner's family], *or on such earlier date as established by rule of the department pursuant to subdivision e of this section*, the owner shall within such dwelling unit have the responsibility to:

- (1) remediate all lead-based paint hazards and any underlying defects, when such underlying defects exist;
- (2) make all bare floors, window sills, and window wells in the dwelling unit smooth and cleanable;
- (3) provide for the removal or permanent covering of all lead-based paint on all friction surfaces on all doors and door frames; and
- (4) provide for the removal or permanent covering of all lead-based paint on all friction surfaces on all windows, or provide for the installation of replacement window channels or slides on all lead-based painted friction surfaces on all windows.

b. All work performed pursuant to this section shall be performed pursuant to the safe work practices promulgated pursuant to [section 27-2056.11(a)(3) of this article] *paragraph 3 of subdivision a of section 27-2056.11.*

c. Any owner who fails to comply with the provisions of subdivision a of this section, or the rules of the department of health and mental hygiene or the department promulgated pursuant to paragraph 3 of subdivision a of section 27-2056.11 as determined by subdivision d-1 of section 27-2056.9 shall be liable for a class C immediately hazardous violation. An owner who is presumed to have failed to comply with the provisions of

subdivision a of this section or such rules, pursuant to an audit as provided in section 27-2056.7 or section 27-2056.17, shall be liable for a class B violation and a civil penalty in an amount not to exceed [\$1500] \$1,500.

d. When the department issues a violation pursuant to this section for a specific dwelling unit, the department shall notify the owner of the multiple dwelling where the dwelling unit is located that the owner shall, within 45 days of the department's notice, provide to the department all records or access to all records required to be maintained under this article.

e. The department shall by rule establish a schedule for compliance with this section prior to turnover of a dwelling unit in a multiple dwelling in which a child of applicable age resides. In establishing such schedule, the department shall consider the age of a multiple dwelling and other factors relevant to the prevalence of lead-based paint hazards including, but not limited to, outstanding violations, emergency repair charges, tax arrears and mortgage debt. Such schedule shall also require compliance in all such dwelling units by July 1, 2023.

§ 2. Subdivision d-1 of section 27-2056.9 of the administrative code of the city of New York, as added by local law number 28 for the year 2020, is amended to read as follows:

d-1. [When] Prior to the effective date of the rules promulgated by the department pursuant to subdivision e of section 27-2056.8, the department, when conducting an inspection pursuant to this section, [the department] shall attempt to obtain information from the tenant or another source regarding the date upon which the current tenancy of such dwelling unit began. If the tenancy began after August 2, 2004, or if the inspection pursuant to this section is conducted after the effective date of the rules promulgated by the department pursuant to subdivision e of section 27-2056.8 and [the] such inspection [pursuant to this section] indicates a failure by the owner to comply with the requirements of section 27-2056.8 or the rules promulgated thereunder, the department shall issue a violation pursuant to subdivision c of section 27-2056.8 and shall also conduct an audit pursuant to subdivision a of section 27-2056.17 pertaining to records of compliance with section 27-2056.8. Such inspection shall include, at a minimum, the testing of one or more painted friction surfaces on a window frame and one or more painted friction surfaces on a door frame, whether or not such surfaces are peeling. A property owner may rebut the information provided by the tenant or another source regarding the date upon which the current tenancy of such multiple dwelling unit began by submitting documents in accordance with rules of the department. A property owner may correct a violation of section 27-2056.8 by abating any friction surface that tested positive or is presumed to contain lead-based paint pursuant to section 27-2056.5, and either (i) providing results of XRF tests for all window and door friction surfaces within the unit that demonstrate such surfaces do not contain lead-based paint, or (ii) providing documentation satisfactory to the department to demonstrate appropriate abatement of all other window and door friction surfaces within the dwelling unit.

§ 3. This local law takes effect 120 days after it becomes law, except that the commissioner of housing preservation and development shall take such actions as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

Referred to the Committee on Housing and Buildings.

Int. No. 7

By Council Members Ayala, Mealy, Louis, Yeger, Hanif, Won and Hudson.

A Local Law to amend the administrative code of the city of New York, in relation to admission to recreational facilities

Be it enacted by the Council as follows:

Section 1. Section 18-149 of the administrative code of the city of New York, as added by local law number 18 for the year 2016 and renumbered by local law number 133 of the year 2017, is amended to read as follows:

§ 18-149 Discounted recreation center fees. *a.* Annual membership fees for each recreation center under the jurisdiction of the department shall be reduced for persons 62 years of age or older, [persons between 18 and 24 years of age,] veterans and persons with disabilities. Such reduced fees shall be no greater than 25 percent of the highest annual membership fee charged at such recreation center.

b. Annual membership fees for each recreation center under the jurisdiction of the department for persons between 18 and 24 years of age shall be free.

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

Referred to the Committee on Parks and Recreation.

Res. No. 2

Resolution calling upon the New York State Legislature to pass, and the Governor to sign, S.4037/A.5896, legislation to extend and expand the scope of the MTA On-Demand E-Hail Paratransit Pilot Program.

By Council Members Ayala, Brannan, Menin, Louis, Hanif and Hudson.

Whereas, The Metropolitan Transportation Authority (MTA) “On-Demand E-Hail Paratransit Pilot Program” began in 2017 to serve New Yorkers with disabilities and seniors who use paratransit, by offering them the option to call a ride when and where they need it—“on demand”; and

Whereas, In 2019, the MTA expanded the pilot to double the number of participants, from 1,200 users to 2,400 users, by allowing NYC Transit’s Access-a-Ride (AAR) program to provide more of its trips in taxis and for-hire vehicles (FHV), and extended the pilot through the end of the year; and

Whereas, While the MTA expanded the pilot, they also added severe restrictions, including the implementation of service caps of no more than 16 rides per month and capping the value per ride at \$15 per trip, after which users would have to pay the remaining balance; and

Whereas, Such service caps place limits on the geographic mobility of users and imposes a greater financial burden; and

Whereas, No other MTA customer faces rationing of rides or limits on the distance they can travel, and it is inequitable and unjust for MTA to place these restrictions on paratransit users; and

Whereas, The current pilot is cost-effective and good for New York City’s economy, as the average cost of an “On-Demand” paratransit ride is less than \$41 and takes up only 1.7% of AAR’s annual budget, while standard AAR rides cost more than \$82; and

Whereas, Nearly 7 in 10 New Yorkers with a disability are unemployed, with poor transportation cited by community members as one of the primary reasons why they cannot secure employment, and reliable, “On-Demand” service significantly improves riders’ access to jobs, education, and healthcare, and would help reverse this trend of unemployment; and

Whereas, The “On-Demand” pilot program has facilitated much-needed revenue for yellow and green taxicab drivers, many of whom face debt and unfair competition from ride-hailing services; and

Whereas, S.4037, sponsored by Senator Leroy Comrie, and A.5896, sponsored by Jeffrey Dinowitz, would reasonably and responsibly build upon the MTA On-Demand E-Hail Paratransit Pilot Program by continuing the program through March 31, 2023 with the following guidelines: (1) fares for services would be equal to the MTA base fare charge for subway and bus service; (2) the hours of services would be the same as other bus, subway, and paratransit services; and (3) the length and frequency of services would not be restricted; 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.4037/A.5896, legislation to extend and expand the scope of the MTA On-Demand E-Hail Paratransit Pilot Program.

Referred to the Committee on Transportation and Infrastructure.

Int. No. 8

By Council Members Brannan, Mealy, Powers, Louis and Yeger.

A Local Law to amend the administrative code of the city of New York, in relation to the disclosure of service fee charges associated with tickets to entertainment events in New York city

Be it enacted by the Council as follows:

Section 1. Chapter 5 of title 20 of the administrative code of the city of New York is amended by adding a new subchapter 26 to read as follows:

*SUBCHAPTER 26
DISCLOSURE OF TICKET SERVICE FEES*

§ 20-880 Definitions.

§ 20-881 Service fee disclosure.

§ 20-882 Penalties.

§ 20-880 Definitions. As used in this subchapter, the following terms have the following meanings:

Event. The term “event” means all forms of entertainment at places of entertainment, including, but not limited to, musical performances, concerts and sporting or athletic events that take place in the city.

Operator. The term “operator” means any person or agent of a person who owns, leases, operates or controls a place of entertainment or who promotes or produces an event to be held at a place of entertainment in the city.

Place of entertainment. The term “place of entertainment” means any privately or publicly owned, leased or operated location in the city, including, but not limited to, a theater, stadium, arena, racetrack, museum, amusement park or other place where a performance, concert, athletic game or contest is held and for which an entry fee is charged.

Service fee. The term “service fee” means all dollar amounts, except taxes, added to the price of a ticket by an operator at the time of sale, including, but not limited to, fees for processing transactions, maintaining facilities, reselling tickets and delivering tickets.

Ticket. The term “ticket” means a license, issued by an operator, for admission to a place of entertainment at the date and time specified thereon, subject to the terms and conditions the operator specifies, which is offered for sale to the general public.

Total ticket price. The term “total ticket price” means the price of a ticket inclusive of all taxes and service fees.

§ 20-881 Service fee disclosure. a. Where an operator includes ticket prices in advertising or promotional materials, the operator shall conspicuously disclose the total ticket price and what portion of the total ticket price, stated in a dollar amount, the service fee represents.

b. Where an operator has designated a range of total ticket prices for a particular event, the operator shall conspicuously disclose what portion of each total ticket price, stated in a dollar amount, the service fee represents.

§ 20-882 Penalties. Any person who violates any provision of this subchapter or any rule promulgated thereunder is liable for a civil penalty not to exceed \$5,000.

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

Referred to the Committee on Consumer and Worker Protection.

Int. No. 9

By Council Member Brannan.

A Local Law to amend the administrative code of the city of New York, in relation to prohibiting commercial parking garages from charging higher rates for utility vehicles

Be it enacted by the Council as follows:

Section 1. Section 20-324 of the administrative code of the city of New York is amended by adding a new subdivision d to read as follows:

d. Each licensee shall charge the same rate for all light duty vehicles. For the purposes of this subdivision, the term “light duty vehicle” means a motor vehicle that is a maximum of 8,500 pounds in gross vehicle weight and includes sedans, utility vehicles, pick-up trucks and vans.

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

Referred to the Committee on Consumer and Worker Protection.

Int. No. 10

By Council Members Brannan and Louis

A Local Law in relation to requiring businesses with 10 or more employees to appoint COVID-19 response coordinators, and providing for the repeal of such provisions upon the expiration thereof

Be it enacted by the Council as follows:

Section 1. COVID-19 response coordinators. a. Definitions. For the purposes of this section the following terms have the following meanings:

COVID-19. The term “COVID-19” means the 2019 novel coronavirus or 2019-nCoV.

Employee. The term “employee” means any person covered by the definition of “employee” set forth in subdivision 5 of section 651 of the labor law or by the definition of “employee” set forth in 29 U.S.C. § 203(e) and who is employed within the city and who performs work on a full-time or part-time basis, including work performed in a transitional jobs program pursuant to section 336-f of the social services law, but not including work performed as a participant in a work experience program pursuant to section 336-c of the social services law. Notwithstanding any other provision of this section, the term “employee” does not include any person who is employed by (i) the United States government; (ii) the state of New York, including any office, department, independent agency, authority, institution, association, society or other body of the state, including the legislature and the judiciary; or (iii) the city of New York or any local government, municipality or county or any entity governed by section 92 of the general municipal law or section 207 of the county law.

Employer. The term “employer” means any person or entity covered by the definition of “employer” set forth in subdivision 6 of section 651 of the labor law or any person or entity covered by the definition of “employer” set forth in 29 U.S.C. § 203(d). Notwithstanding any other provision of this section, the term “employer” does not include (i) the United States government; (ii) the state of New York, including any office, department, independent agency, authority, institution, association, society or other body of the state including the legislature and the judiciary; or (iii) the city or any local government, municipality or county or any entity governed by section 92 of the general municipal law or section 207 of the county law.

b. Any employer with 10 or more employees shall designate at least one employee to serve as a COVID-19 coordinator. The COVID-19 coordinator or coordinators shall complete the virtual training program provided by the department of consumer and worker protection and the office of emergency management developed pursuant to subdivision c.

c. The department of consumer and worker protection, in collaboration with the office of emergency management, shall develop and make available online a virtual training program detailing the guidance or requirements issued or enacted by the state of New York or the city of New York for operating during the COVID-19 pandemic. Such program shall be posted on the website of the department of consumer and worker protection.

d. Any employer who violates subdivision b of this section, or any rule promulgated pursuant to this section, shall receive a warning from the department of consumer and worker protection. Any person who commits any subsequent violation of subdivision b of this section, or any rule promulgated pursuant to this section, shall be subject to a civil penalty of not more than \$1000.

§ 2. This local law takes effect 30 days after it becomes law, except that the commissioner of consumer and worker protection shall take such measures as are necessary for its implementation before such date. This local law remains in effect until 1 year after the declaration of a state of emergency contained in mayoral executive order number 98 for the year 2020, as extended, has expired, at which time this local law expires and is deemed repealed.

Referred to the Committee on Consumer and Worker Protection.

Int. No. 11

By Council Members Brannan, Mealy, Menin, Louis, Yeger, Hanif and Won.

A Local Law to amend the New York city charter and the administrative code of the city of New York, in relation to reporting of promptness of agency payments to contractors

Be it enacted by the Council as follows:

Section 1. Subdivision b of section 332 of the New York City Charter, as amended by local law number 192 for the year 2017, is amended to read as follows:

b. The procurement policy board shall promulgate rules for the expeditious processing of payment vouchers by city agencies and departments including (i) the maximum amount of time allowed for the processing and payment of such vouchers from the later of (a) the date such vouchers are received by the agency, or (b) the date on which the goods, services or construction to which the voucher relates have been received and accepted by the agency, (ii) a program for the payment of interest, at a uniform rate, to vendors on vouchers not paid within the maximum amount of time pursuant to clause i of this subdivision, (iii) a process for the allocation and charging of any such interest payments to the budget of the agency responsible for the delay leading to the interest payments, [and](iv) *a process for the agency to inform vendors of the reason for the lack of prompt payment on vouchers not paid within the maximum amount of time pursuant to clause i of this subdivision and* (v) agency reporting on the promptness of such payments in such form and containing such information as the board shall prescribe. The board shall coordinate and publish such agency prompt payment reports. Such rules shall facilitate the development and implementation of programs pursuant to subdivision a of this section.

§ 2. Section 6-131 of the administrative code of the city of New York is amended by adding a new subdivision a-1 to read as follows:

a-1. All agencies shall provide to the mayor's office of contract services reports on any payments made after the maximum amount of time allowed for the processing and payment of such vouchers pursuant to rules promulgated by the procurement policy board. Beginning January 1, 2023, and every 6 months thereafter, the mayor's office of contract services shall submit a report to the mayor and speaker of the council that includes, at a minimum, the information reported by each agency pursuant to this subdivision and a summary of such information.

§ 3. This local law takes effect immediately.

Referred to the Committee on Contracts.

Int. No. 12

By Council Members Brannan, Louis and Yeger.

A Local Law to amend the New York city charter, in relation to expediting the inter-agency oversight review process of certain unregistered contracts

Be it enacted by the Council as follows:

Section 1. Section 335 of the New York city charter is amended by adding a new subdivision c to read as follows:

c. The mayor's office of contract services or any other agency designated by the mayor to perform the functions set forth in subdivision a of this section shall have a division dedicated to expediting the inter-agency oversight review of contracts or agreements valued at \$1,000,000 or more that may be implemented pursuant to section 328. The duties of the division shall include:

1. Coordinating, facilitating and supporting the oversight review efforts of all agencies, including, but not limited to, those of the corporation counsel, the department of investigation, the office of management and budget, the division of labor services within the department of small business services and the comptroller, as well as any agency chief contracting officer, with respect to any contract or agreement valued at \$1,000,000 or more that has not been registered by the comptroller or for which 30 days have not elapsed from the date of filing with the comptroller;

2. Continuously reviewing the oversight review process to identify opportunities within and among agencies to improve such process toward the objective of ensuring that contracts or agreements valued at \$1,000,000 or more and that may be implemented pursuant to section 328 are filed with the comptroller no later than 30 days prior to their start dates; and

3. No less frequently than quarterly, reporting any findings and recommendations that are the result of such review to the speaker of the council, the mayor and the procurement policy board.

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

Referred to the Committee on Contracts.

Int. No. 13

By Council Members Brannan, Mealy, Louis and Yeger.

A Local Law to amend the administrative code of the city of New York, in relation to the provision of bridge loans to contractors

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 *Loans for city contractors. a. Definitions. For purposes of this section, the following terms have the following meanings:*

Eligible contract. The term "eligible contract" means any written agreement, purchase order or instrument valued at no more than \$500,000 whereby the city is committed to expend or does expend funds in return for work, labor or services.

Contractor. The term "contractor" means a person or entity who is a party to an eligible contract.

b. In each covered contract with a contracted entity executed on or after the effective date of this section, the commissioner shall require that, unless prohibited by applicable law, such contracted agency provide a bridge loan to each contractor:

1. Who properly requests in writing such a bridge loan;

2. Whose eligible contract is pending registration pursuant to section 328 of the charter at the time the contractor requests such a bridge loan; and

3. Who has not or is not reasonably expected to receive payments on the scheduled payment dates specified in the applicable eligible contract.

c. The amount of such bridge loan shall be no more the amount due to be paid to such contractor under the terms of the applicable eligible contract.

§ 2. This local law takes effect immediately.

Referred to the Committee on Contracts.

Int. No. 14

By Council Members Brannan, Mealy, Menin, Louis and Won.

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

Be it enacted by the Council as follows:

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

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

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

Referred to the Committee on Contracts.

Int. No. 15

By Council Members Brannan, Mealy, Menin and Hanif.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of education to report on school bus transportation services employees

Be it enacted by the Council as follows:

Section 1. Paragraph 3 of subdivision b of section 21-993 of the administrative code of the city of New York, as added by local law number 34 for the year 2019, is amended to read as follows:

3. The total number of employees known to the department employed by each school bus vendor, disaggregated by [type,] *the following*:

(a) *Type*, including but not limited to drivers, attendants, and other;

(b) *The number who are trained to handle the specific requirements for the transportation of students with disabilities whose individualized education programs designate such requirements, including a description of their training and whether such employees accompany students on the school bus route*;

(c) *The number who are trained in the general needs of students with disabilities who may not have specialized transportation requirements under an individualized education program, including a description of their training and whether such employees accompany students on the school bus route; and*

(d) *The number of employees identified in subparagraphs (a), (b) and (c) of this paragraph who respectively serve as designated contacts for the parents or guardians of any student with a disability in their care, including whether such parents or guardians have been provided the specific name and telephone number for the designated contact person to reach directly in the event of an emergency;*

§ 2. This local law takes effect immediately.

Referred to the Committee on Education.

Int. No. 16

By Council Members Brannan, Mealy, Louis, Yeger, Hanif, Hudson and Avilés

A Local Law to amend the administrative code of the city of New York, in relation to the distribution of special education services and individualized education program resource information

Be it enacted by the Council as follows:

Section 1. Chapter 5 of title 21-a of the administrative code of the city of New York is amended by adding a new section 21-955.1 to read as follows:

§ 21-955.1 *Distribution of special education services and individualized education program resource information. a. Definitions. For the purposes of this section, the term “parent member” means the parent or legal guardian of a student or former student with a disability who has undergone an eligibility, training and certification process approved by the department for the purpose of assisting or providing support to parents of students with IEPs.*

b. Information to be distributed. The department shall distribute to each school for distribution to every parent of a student with a disability attending such school resource information regarding special education services and IEPs including, but not limited to:

1. Any resource guide to special education services for students and pre-kindergarten students; and

2. Information regarding parent members, including how to access a parent member for assistance and support.

c. Language and online posting requirements. The department shall make the resource information required pursuant to subdivision b of this section available in schools and on the department’s website in English and in each of the designated citywide languages as defined in section 23-1101.

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

Referred to the Committee on Education.

Int. No. 17

By Council Member Brannan.

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 11-144 to read as follows:

§ 11-144 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. 18

By Council Members Brannan, Menin, Louis and Yeger.

A Local Law in relation to establishing a temporary task force to study and report on the maximum population that may be served by fire and emergency response services

Be it enacted by the Council as follows:

Section 1. Definitions. For purposes of this local law, the following terms have the following meanings:

Firehouse. The term "firehouse" means any structure housing one or more engine companies, ladder companies, rescue companies, or other fire department response units, from which such units may be dispatched to respond to an emergency call.

EMS station. The term "EMS station" means any structure housing one or more ambulances or response units of the fire department's emergency medical services, from which such ambulances or response units may be dispatched to respond to an emergency call.

§ 2. Interagency task force. a. There shall be an interagency task force to study and make a recommendation on the maximum population size that may be effectively served by an individual firehouse and the maximum population size that may be effectively served by an individual EMS station. The task force may also explore and make recommendations on related issues.

b. The task force shall consist of the following members:

1. The fire commissioner, or such commissioner's designee, who shall serve as co-director of the task force;

2. The chair of the city planning commission, or such chair's designee, who shall serve as co-director of the task force;

3. The commissioner of transportation, or such commissioner's designee;

4. The Manhattan borough president, or such borough president's designee;

5. The Brooklyn borough president, or such borough president's designee;

6. The Bronx borough president, or such borough president's designee;

7. The Queens borough president, or such borough president's designee;

8. The Staten Island borough president, or such borough president's designee;

9. One member appointed by the mayor;

10. One member appointed by the speaker of the council; and

11. One member appointed by the chair of the council's committee on fire and emergency management.

c. The task force shall meet not less than quarterly.

d. Within 12 months of the effective date of this local law, the task force shall complete an evaluation of the number of persons who may be served effectively by an individual firehouse and, separately, the number of persons who may be served effectively by an individual EMS station. In addition to any other related issues as may be recommended by the task force, the task force shall evaluate whether each firehouse and each EMS station in operation on the date of the report required by this local law sufficiently serves such recommended

number of persons, and shall identify which firehouses and EMS stations serve fewer persons than such recommended number, and which serve more. The task force shall also evaluate the impact of projected changes in population, zoning and traffic patterns on firehouses and EMS stations and their ongoing ability to serve such recommended number of persons.

e. The task force shall submit a report to the mayor and the council including its findings and recommendations within 15 months of the effective date of this local law. The task force shall dissolve upon submission of such report.

§ 3. This local law takes effect immediately.

Referred to the Committee on Fire and Emergency Management.

Int. No. 19

By Council Members Brannan and Louis

A Local Law to amend the administrative code of the city of New York, in relation to the waiver of covenants prohibiting pets

Be it enacted by the Council as follows:

Section 1. Section 27-2009.1 of the administrative code of the city of New York, as renumbered by chapter 836 of the laws of 1986, is amended to read as follows:

§ 27-2009.1 Rights and responsibilities of *dwelling* owners and [tenants] *occupants* in relation to pets. a. Legislative declaration. The council hereby finds that the enforcement of covenants [contained in multiple dwelling leases] which prohibit [the] *dwelling occupants* from harboring [of] household pets has led to [widespread] abuses by [building] *dwelling* owners [or] and their agents, who, knowing that a [tenant] *dwelling occupant* has a pet for an extended period of time, seek to evict the [tenant and/or his or her pet] *occupant or to obtain an injunction against the occupant's continuing to harbor the pet,* often for reasons unrelated to the creation of a nuisance. Because household pets are kept for reasons of safety and companionship and under the existence of a continuing housing emergency it is necessary to protect pet owners from retaliatory eviction or enforcement of covenants prohibiting pets and to safeguard the health, safety and welfare of [tenants] *dwelling occupants* who harbor pets under the circumstances provided [herein] *in this section*, it is hereby found that the enactment of the provisions of this section is necessary to prevent [potential] hardship *on* and dislocation of [tenants] *dwelling occupants* within this city.

b. Where a [tenant in a multiple] *dwelling occupant* openly and notoriously for a period of three months or more following taking possession of a unit, harbors or has harbored a household pet or pets, the harboring of which is not prohibited by the multiple dwelling law, the housing maintenance or the health codes of the city of New York or any other applicable law, and the *dwelling* owner or [his or her] *such owner's* agent has knowledge of this fact, and such owner fails within this three month period to commence a summary proceeding or action to enforce a *covenant* or lease provision prohibiting the keeping of such household pets, such *covenant* or lease provision shall be deemed waived *for each species of pet that is harbored or was harbored in such dwelling.* *Such waiver shall remain effective for the duration of the occupant's occupancy and shall permit the occupant to replace pets with pets of the same species.*

c. *This section applies to any dwelling occupant who harbors or has harbored a household pet or pets in the dwelling in which the occupant currently resides, at any time within the five years preceding the effective date of the local law that added this subdivision.*

[c.] d. It shall be unlawful for an owner or his or her agent, by express terms or otherwise, to restrict a [tenant's] *dwelling occupant's* rights as provided in this section. Any such restriction shall be unenforceable and deemed void as against public policy.

[d.] e. The waiver provision of this section shall not apply where the harboring of a household pet causes damage to the subject premise, creates a nuisance or interferes substantially with the health, safety or welfare of other tenants or occupants of the same or an adjacent building or structure.

[e.]f. The New York city housing authority shall be exempt from the provisions of this section.
 § 2. This local law takes effect immediately.

Referred to the Committee on Housing and Buildings.

Int. No. 20

By Council Members Brannan, Mealy, Louis and Won.

A Local Law to amend the administrative code of the city of New York, in relation to increasing penalties on chain businesses for failure to remove snow, ice and dirt from sidewalks

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 16-123.1 to read as follows:

§16-123.1 Increased penalties for chain businesses for failure to remove snow, ice and dirt from sidewalks.

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

Chain business. The term “chain business” means any establishment that is part of a group of establishments that share a common owner or principal who owns at least thirty percent of each establishment where such establishments (i) engage in the same business or (ii) operate pursuant to franchise agreements with the same franchisor as defined in general business law section 681.

b. Notwithstanding the penalties contained in subdivision h of section 16-123, any chain business that violates the provisions of subdivisions a or b of section 16-123 shall be liable and responsible for a civil penalty of not less than \$500 nor more than \$1,000 for the first violation, except that for a second violation of either such subdivision within any 12-month period, such chain business shall be liable for a civil penalty of not less than \$1,000 nor more than \$3,000 and for a third or subsequent violation of either such subdivision within any 12-month period, such chain business shall be liable for a civil penalty of not less than \$3,000 nor more than \$5,000. Penalties for the violations mentioned herein shall be imposed in lieu of, not in addition to, those fixed by subdivision h of section 16-123.

§ 2. This local law takes effect immediately.

Referred to the Committee on Sanitation and Solid Waste Management.

Int. No. 21

By Council Members Brannan, Mealy, Louis and Won.

A Local Law to amend the administrative code of the city of New York, in relation to requiring a clause in commercial leases that obligates the parties to engage in good faith negotiations during certain states of emergency

Be it enacted by the Council as follows:

Section 1. Chapter 10 of title 22 of the administrative code of the city of New York is amended by adding a new section 22-1007 to read as follows:

§ 22-1007 Good faith negotiation clause in commercial leases. a. Definitions. As used in this section, the following terms have the following meanings:

Commercial lease. The term “commercial lease” means a lease or other rental agreement to rent a covered property for any period of time.

Covered property. The term “covered property” means any property or portion of a property (i) that is lawfully used for buying, selling or otherwise providing goods or services or for other lawful business, commercial, professional services or manufacturing activities, and (ii) for which a certificate of occupancy authorizing residential use of such property or portion of a property has not been issued.

State of emergency. The term “state of emergency” means a period of time during which one or both of the following are in effect: (i) a proclamation issued by the mayor, declaring a local state of emergency pursuant to section 24 of the executive law or other applicable law; or (ii) an executive order issued by the governor, declaring a state disaster emergency pursuant to section 28 of the executive law or other applicable law, and the city of New York, or some portion thereof, an affected area.

b. Good faith negotiations required. 1. Whenever parties contract for the rental of a covered property, the commercial lease shall include, at a minimum, a clause obligating the parties to negotiate in good faith toward a rent concession where the tenant’s business is required to close pursuant to an order issued as a result of a state of emergency. Failure to include such good faith clause in a commercial lease shall not be construed to abrogate any implied covenant of good faith and fair dealing.

2. Where parties entered into a commercial lease before the effective date of the local law that added this section and the tenant’s business is required to be closed pursuant to an order issued as a result of a state of emergency that is in effect on such effective date, the parties shall negotiate in good faith toward a rent concession.

3. Nothing in this section shall be construed as creating a private right of action.

4. This section does not limit or abrogate any claim or cause of action a person has under common law or by statute.

§ 2. This local law takes effect immediately.

Referred to the Committee on Small Business.

Res. No. 3

Resolution calling upon the New York City Department of Education to install vape detectors in New York City public schools.

By Council Members Brannan, Menin and Yeger.

Whereas, According to the Center on Addiction, vaping includes inhaling and exhaling vapor, also known as aerosol, which is created by electronic cigarettes (e-cigarettes) or similar devices; and

Whereas, The Center on Addiction also reports that many of the particles in e-cigarettes contain toxic chemicals that have been linked to heart disease, respiratory disease, and cancer; and

Whereas, While the American Vaping Association claims that e-cigarettes were developed to serve as a replacement for cigarettes, studies show that children who vape have an increased likelihood of using cigarettes or other tobacco products later in life, according to Pennsylvania State University; and

Whereas, The National Institute on Drug Abuse reports that about 30 percent of e-cigarette smokers began smoking within 6 months, while about 8 percent of non-users began smoking within this same timeframe; and

Whereas, As reported by a researcher at John Hopkins Medicine, e-cigarettes may appeal to many teens because they believe that vaping is less injurious than smoking, and e-cigarettes cost less per use than traditional cigarettes; and

Whereas, E-cigarette flavors, like cotton candy and watermelon, have been identified as one of the main reasons for their popularity among younger people; and

Whereas, Although in New York City (NYC) it is illegal to sell e-cigarettes to individuals younger than 21, e-cigarettes are widely used by NYC youth; and

Whereas, During a January 2019 NYC Council Committee on Health oversight hearing, the NYC Department of Health testified that in 2017, more than 17 percent of the city’s high school students reported vaping at least once during the previous month; and

Whereas, Many news sources reported that some NYC students are vaping inside of schools, and according to a November 2018 article in the Wall Street Journal (WSJ), Bronx High School of Science closed six bathrooms to prevent students from vaping in them; and

Whereas, The WSJ also reported that the Bronx High School of Science informed parents that patrolling school bathrooms was ineffective in stopping students from using them to vape, and thus, the school decided to take additional action; and

Whereas, As reported by Fox 5 News and ABC News, statewide, schools are installing vape detectors to prevent students from the harms of vaping on campus; and

Whereas, It is imperative that NYC schools also take such measures to help protect the health and wellbeing of the city's students; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York City Department of Education to install vape detectors in New York City public schools.

Referred to the Committee on Education.

Res. No. 4

Resolution calling upon the New York State Legislature to pass, and the Governor to sign, A. 838, an act to amend the education law, in relation to establishing schools dedicated to teaching dyslexic students in certain school districts.

By Council Members Brannan, Louis and Hanif.

Whereas, Over 76,000 New York City students experience learning disabilities, according to a 2018 report from the New York City Department of Education (DOE); and

Whereas, Dyslexia, a disability characterized by difficulty in processing language that impedes reading, is the most common learning disability, according to a 2014 report from the National Center for Learning Disabilities; and

Whereas, Public schools in New York City do not use the curriculum and teaching methods required to effectively teach students experiencing dyslexia or other phonemic awareness challenges; and

Whereas, Students with dyslexia or other phonemic awareness challenges must learn to read through a multi-sensory, phonics-based approach, such as Orton-Gillingham instruction; and

Whereas, The current education system teaches reading with a balanced literacy approach, which has been ineffective for the roughly 10%-20% of students who experience dyslexia or other phonemic-based learning challenges; and

Whereas, Establishing one school in each New York City community school district dedicated to teaching these students using evidence-based approaches, such as Orton-Gillingham, would drastically improve the chances of them becoming fluid and fluent learners; and

Whereas, A. 838, sponsored by Assemblyman Robert Carroll, would achieve such a goal by requiring a city of one million people or more to dedicate one school in each school district within the city to specialize in the teaching of students with dyslexia and other phonemic-based learning challenges; and

Whereas, This bill would further enable its mission to be reached by requiring all teachers in such specialized schools to have at least 20 hours of training in the utilization of multi-sensory sequential phonics techniques, such as Orton-Gillingham; 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. 838, an act to amend the education law, in relation to establishing schools dedicated to teaching dyslexic students in certain school districts.

Referred to the Committee on Education.

Res. No. 5

Resolution calling on the New York State Legislature to introduce and pass legislation to end the New York State Returnable Container Act.

By Council Member Brannan.

Whereas, The New York State Returnable Container Act, also known as the "Bottle Bill", was passed in 1982 to create a cleaner and healthier New York; and

Whereas, New York is one of 10 states that currently have similar bottle bills; and

Whereas, Bottle bills create a privately-funded collection infrastructure for beverage containers by requiring distributors and retailers to collect a refundable deposit on certain beverage containers; and

Whereas, Bottle bills make producers and consumers responsible for their packaging waste as a way to incentivize recycling and disincentivizing littering of beverage containers; and

Whereas, New York's Bottle Bill places a mandatory refundable \$0.05 deposit on carbonated soft drink, beer and malt beverage, wine cooler, and water containers; and

Whereas, According to the New York State Department of Environmental Conservation (DEC), the Bottle Bill has decreased roadside container litter in New York by 70%; and

Whereas, According to the DEC, in 2016 the New York Bottle Bill helped to recycle 5.1 billion beverage containers—weighing more than 336,000 tons of plastic, glass and aluminum—at no cost to local governments; and

Whereas, In 2010, Delaware repealed its bottle bill by creating a plan to replace its bottle deposit program with universal recycling; and

Whereas, On January 13, 2019, New York Governor Andrew Cuomo announced plans to expand the state Bottle Bill to include a mandatory refundable \$0.05 deposit on beverage containers for sports drinks, energy drinks, fruit and vegetable beverages and ready-to-drink teas and coffee; and

Whereas, Governor Cuomo also announced the DEC will conduct a study, in consultation with industry participants and retailers, on how the Bottle Bill could be further expanded to include wine and liquor bottles; and

Whereas, Governor Cuomo further stated the expansion of the bottle bill will reduce the sorting and financial burdens on local government recycling programs; and

Whereas, The expansion of bottle bills is often resisted by beverage companies, while some recycling businesses also worry they may lose a reliable and profitable material from their recycling stream; and

Whereas, The Bottle Bill is no longer necessary to ensure New Yorkers recycle their bottles and cans; now, therefore, be it

Resolved, That the Council of the City of New York calls on the New York State Legislature to introduce and pass legislation to end the New York State Returnable Container Act.

Referred to the Committee on Environmental Protection.

Res. No. 6

Resolution calling on the New York State Legislature to pass, and the Governor to sign, S.1080/A.3131, in support of establishing requirements for residential healthcare facilities to protect and maintain the health and safety of residents and staff in a state of emergency during an outbreak of disease.

Council Members Brannan and Louis.

Whereas, As of January, 2022, New York State reported over 4.6 million cases of COVID-19 and more than 62,000 deaths; and

Whereas, On behalf of Health and Human Services (HHS), the entity charged with enforcing compliance requirements, solving complaints and conducting proactive compliance audits, the Center for Medicare & Medicaid Services (CMS) confirmed nursing homes have been severely impacted by COVID-19 with outbreaks causing high rates of infection, morbidity and mortality; and

Whereas, The high incidence of death in nursing home and long-term care facilities has been attributed to the virus being lethal to aging and immune-compromised individuals; and

Whereas, At the onset of the pandemic, insufficient training and a lack of COVID-19 testing and shortages of personnel protective equipment (PPE) may have hastened the viral spread among workers, many of whom had multiple jobs in congregate care settings, which put them at risk of contracting and spreading the virus from one location to another; and

Whereas, Vulnerabilities inherent in nursing home settings include residents living in close proximity to one another with shared dining and recreational areas; and

Whereas, In an effort to free up hospital beds during the peak of the pandemic, the New York State Department of Health notified nursing homes on March 25, 2020 that they must accept coronavirus patients deemed medically stable for discharge from hospitals who were still in need of convalescent care; and

Whereas, In the absence of testing upon admission to congregate care facilities by newly discharged nursing home residents, COVID-19 claimed the life of a reported 6,000 people—six percent of New York state's 100,000 nursing home residents; and

Whereas, Federal lawmakers have expressed concern that despite CMS's broad authority, failure to provide PPE, testing and oversight of nursing homes and long-term care facilities as was left to state and local officials contributed to the high number of confirmed cases and subsequent nursing home deaths; and

Whereas, In 2020, approximately 21 percent—or nearly one in four—COVID-19 related deaths in New York occurred in long-term health care facilities with the majority being directly linked to adult care and assisted living facilities; and

Whereas, In an effort to better prepare and equip New York congregate care facilities from additional negative impacts for current and future challenges from COVID-19 and other viral communicable diseases; now, therefore, be it

Resolved, That the Council of the City of New York call on the New York State Legislature to pass, and the Governor to sign, S.1080/A.3131, in support of establishing requirements for residential healthcare facilities to protect and maintain the health and safety of residents and staff in a state of emergency during an outbreak of disease.

Referred to the Committee on Health.

Res. No. 7

Resolution calling upon the New York State Legislature to pass, and the Governor to sign, S.4638/A.2307, known as the Nail Salon Accountability Act, which aims to raise standards and improve working conditions for those in the nail salon industry.

By Council Members Brannan, Mealy, Louis, Hanif and Avilés.

Whereas, There are over 4,000 nail salons in New York City, and more than 40,000 nail salon workers across the State; and

Whereas, The majority of these workers are immigrant women; and

Whereas, For years, this industry has been plagued by problems related to worker exploitation, unhealthy working conditions, and wage theft; and

Whereas, In 2015, The New York Times published an article exposing many of these problems, prompting former New York Governor, Andrew Cuomo, to introduce a package of legislation and convene a multi-agency taskforce aimed at improving conditions in the nail salon industry; and

Whereas, The regulatory changes established both a bill of rights for nail salon workers and strict requirements on providing workers with personal protective equipment; and

Whereas, The taskforce, meanwhile, was given the authority to recover lost wages and close businesses that were either unlicensed or not in compliance with the law; and

Whereas, Although the 2015 changes did help to provide a level of protection for nail salon workers, labor violations are still frequent in the industry; and

Whereas, In February 2020, the New York Nail Salon Workers Association released the results from a survey they conducted of nail salon workers in New York State; and

Whereas, According to their findings, 82 percent of the respondents reported being victims of wage theft; and

Whereas, These hardworking nail salon workers were missing wages that on average totaled \$181 per week, or \$9,412 a year; and

Whereas, Although the survey and report occurred before the declaration of the COVID-19 emergency, 86 percent of respondents reported not receiving paid sick leave from their employers, even though they were entitled to this leave; and

Whereas, At a time when nail salons were forced to close for months due to the COVID-19 pandemic, this theft of wages and sick leave is particularly devastating; and

Whereas, At the State level, Assemblymember Catalina Cruz and Senator Diane Savino have introduced S.4638/A.2307, respectively, as a way to strengthen protections for New York's nail salon workers; and

Whereas, This legislation, known as the Nail Salon Accountability Act, would make a number of changes to existing law in order to strengthen worker protections in the nail salon industry; and

Whereas, For instance, if enacted, the new law would require nail salon owners and operators to undergo training on how to provide adequate information to their staff on worker entitlements, such as wages, leave, and occupational health and safety; and

Whereas, Salon owners and operators would also be required to submit payroll records each month, and their licenses could be denied or not renewed if they fail to meet any of the workplace standards; and

Whereas, Linking the businesses' licenses to their compliance with labor laws is an important tool to reduce wage theft and worker exploitation by ensuring accountability and flushing out bad actors; and

Whereas, In 2019, former New York Governor Andrew Cuomo announced that the State would begin phasing out the subminimum wage, which allows employers to pay workers below the minimum wage if they receive tips; and

Whereas, In theory, eliminating the subminimum wage is meant to raise the wages of nail salon workers and eliminate the confusing tip credit; and

Whereas, The report by New York Nail Salon Workers Association, however, showed that 79 percent of those surveyed were not even receiving the subminimum wage, therefore making it unlikely that these workers will receive the new higher pay once it goes into effect by the end of 2020; and

Whereas, As the New York Nail Salon Workers Association states, "Compliance with the law must become part of the cost of doing business"; and

Whereas, Nail technicians themselves have to be licensed, and this process includes taking a 250-hour approved course and successfully sitting an exam; and

Whereas, Given that a majority of nail salon workers in New York are immigrant women, who are particularly vulnerable to exploitation, strengthening the law to protect their wages, working conditions and their worker entitlements, should be a given; 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 sign, S.4638/A.2307, known as the Nail Salon Accountability Act, which aims to raise standards and improve working conditions for those in the nail salon industry.

Referred to the Committee on Health.

Res. No. 8

Resolution calling upon the Metropolitan Transportation Authority (MTA) to make subways and buses fare-free on major holidays.

By Council Members Brannan, Mealy, Menin, Louis, Yeger and Hanif.

Whereas, According to TransitCenter, a foundation that works on the improvement of public transit, as of January 2019, there were 97 cities and towns across the world that provide fully fare-free public transit, and there is a growing movement both in the United States and abroad in favor of fare elimination as part of addressing climate change, rising income inequality and socioeconomic disparity; and

Whereas, Currently, the Department of Transportation (DOT) suspends alternate side parking on 37 legal and major holidays in New York City, and DOT also suspends parking meter regulations on some major legal holidays including New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving, and Christmas; and

Whereas, Several metropolitan jurisdictions offer free New Year's Eve transit to help ease travel options and reduce drunk driving, such as Los Angeles, California (CA); Milwaukee, Wisconsin; Minneapolis (MN), Minnesota; Toronto, Ontario; and Vancouver, British Columbia; among others; and

Whereas, New York City's buses, subways, and commuter rail lines were free between 8 am and 8 pm on New Year's Eve in 1984 and 1985; and

Whereas, Major cities in the United States have offered free transit for selected holidays such as Saint Paul, MN in connection with St. Patrick's Day festivities, and Los Angeles, CA; Dallas, Texas (TX); Houston, TX; and Tampa, Florida offered free buses and trains on Election Day, November 6, 2018; and

Whereas, In 2005, the MTA offered a fare discount for the holiday season, reducing the base fare by half at the time, to \$1 for weekends between Thanksgiving and New Year's Day as well as throughout the last week of December; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the Metropolitan Transportation Authority (MTA) to make subways and buses fare-free on major holidays.

Referred to the Committee on Transportation and Infrastructure.

Res. No. 9

Resolution calling upon the Metropolitan Transportation Authority to make any subway stations undergoing enhancement or renovation fully accessible to people with disabilities.

By Council Members Brannan, Mealy, Menin, Louis, Yeger, Hanif and Hudson.

Whereas, The subway system is the backbone of New York City's transportation network, serving as an essential mode of transportation that millions of New Yorkers rely on every day; and

Whereas, For most people, the subway system is an extensive network serving neighborhoods throughout the city, but the ability of people with disabilities, particularly those with mobility impairments, to access the system is extremely limited; and

Whereas, Only 117 out of a total of 493 stations in the City's subway system, which is operated by the Metropolitan Transportation Authority ("MTA"), are fully accessible to people with disabilities; and

Whereas, In 2016, the MTA began the Enhanced Station Initiative ("ESI"), a more than \$900 million program to make physical improvements at 32 stations including enhanced lighting, improved signage and new station finishes such as canopies, fare control area barriers and seating using design-build contracting and station closures to allow for compressed construction timelines; and

Whereas, The ESI program attracted criticism for not including accessibility upgrades such as elevators and was ultimately terminated in April 2018 after its funding was exhausted with only 20 stations receiving upgrades; and

Whereas, In 2019, a United States District Court found that the MTA violated the Americans with Disabilities Act by failing to put in an elevator when it renovated a Bronx subway station, and federal officials subsequently stated that the MTA must install elevators in any subway station that undergoes renovation; and

Whereas, When work is being performed at a station, especially when service is interrupted, the MTA should use that opportunity to add elevators instead of delaying such work, potentially necessitating further disruption in the future; and

Whereas, All New Yorkers fundamentally deserve equal access to a public good as important as the subway system, regardless of their physical abilities; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to pass, and the Governor to sign, legislation calling upon the Metropolitan Transportation Authority to make any subway stations undergoing enhancement or renovation fully accessible to people with disabilities.

Referred to the Committee on Transportation and Infrastructure.

Res. No. 10

Resolution calling upon the New York State Legislature to pass, and the Governor to sign, S. 2562/A. 6578, which would make it a felony to throw or spray water, urine or any other substance on police officers.

By Council Members Brannan, Yeger and Menin.

Whereas, In 2019, several incidents of individuals dousing New York City Police Department (NYPD) officers with water were caught on camera and shared widely on social media; and

Whereas, One incident occurred in Brooklyn, where an individual purportedly approached NYPD officers, who were responding to an unruly crowd, and poured a bucket of water over the heads of the officers as the officers walked on the street, according to various sources; and

Whereas, A similar incident occurred in Harlem, according to several media outlets, where a group of individuals allegedly splashed NYPD officers with water, and one individual hurled a red bucket that hit an officer in the head as that officer attempted to make an arrest; and

Whereas, Similarly, according to the Wall Street Journal, two NYPD officers were also allegedly splashed with water while working in Queens just days following the incidents in Harlem and Brooklyn; and

Whereas, According to the Wall Street Journal, NYPD officials launched an investigation into all three incidents and made an arrest in one of the incidents, charging the alleged perpetrator with obstruction of governmental administration and criminal nuisance; and

Whereas, In each of the incidents, the NYPD officers refused to confront and arrest their attackers, exercising tremendous restraint while being humiliated and disrespected; and

Whereas, These incidents were met with a swift and strong rebuke from New York City officials, such as the Mayor, the Public Advocate and many City Council members, according to various sources; and

Whereas, The Police Benevolent Association (PBA) and several Council members have called for “zero tolerance” for such behavior and the prosecution of individuals responsible for these incidents, according to Fox News; and

Whereas, S. 2562, introduced by State Senator Daphne Jordan, and companion bill A. 6578, introduced by State Assembly Member Michael Montesano, would amend the penal law and criminal procedure law to make it a felony for throwing water, urine or other substances on a police officer; and

Whereas, The PBA President supports the legislation and expressed that officers should have the discretion to make arrests that result in felony charges in cases of dousing, according to the Wall Street Journal; and

Whereas, S. 2562/A. 6578, if adopted, would send a message that it is not acceptable to douse police officers with water; 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.2652/A. 6578, which would make it a felony to throw or spray water, urine or any other substance on police officers.

Referred to the Committee on Public Safety.

Int. No. 22

By Council Members Dinowitz, Menin, Louis and Yeger.

A Local Law to amend the administrative code of the city of New York, in relation to creating a mobile application to support the efficient handling of 311 service requests by city employees

Be it enacted by the Council as follows:

Section 1. Chapter 3 of title 23 of the administrative code of the city of New York is amended by adding a new section 23-308 to read as follows:

§ 23-308 *Mobile application to support efficient handling of 311 service requests. a. Definitions. For purposes of this section, the following terms have the following meanings:*

311 service request. The term “311 service request” means a request for service or a complaint submitted to the 311 customer service center.

Department. The term “department” means the department of information technology and telecommunications.

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

b. Mobile application required. No later than 180 days following the effective date of the local law that added this section, the department shall create a mobile application that may be used by a city employee in carrying out work to respond to a 311 service request. At a minimum, the mobile application shall be designed:

1. To provide a city employee to whom a 311 service request is assigned with relevant information necessary to complete the work for the 311 service request; and

2. To indicate when a 311 service request has been completed.

c. Assistance of other agencies. In developing the mobile application required by subdivision b, the department shall consult with agencies responsible for carrying out 311 service requests, and such agencies shall cooperate with, and provide assistance to, the department as necessary in developing such application.

d. Privacy protections. 1. The mobile application required by subdivision b shall not:

(a) Retain internet protocol addresses or data regarding the device operating system;

(b) Have access to data or information stored on the mobile device;

(c) Have access to microphones, cameras or Bluetooth on the mobile device; or

(d) Be able to activate or deactivate Wi-Fi on the mobile device.

2. Any data collected by such mobile application shall not be retained for more than six months from the date of completion of the applicable 311 service request.

§ 2. This local law takes effect immediately.

Referred to the Committee on Technology.

Int. No. 23

By Council Members Holden and Ariola.

A Local Law to amend the administrative code of the city of New York, in relation to permitting the use of segregated housing as a disciplinary sanction for certain incarcerated individuals in city jails

Be it enacted by the Council as follows:

Section 1. Title 9 of the administrative code of the city of New York is amended by adding a new section 9-163 as follows:

§9-163 Segregated housing. a. Definitions. As used in this section, the following terms have the following meanings:

Segregated housing unit. The term “segregated housing unit” means any city jail housing units in which incarcerated individuals are regularly restricted to their cells more than the maximum number of hours as set forth in subdivision (b) of section 1-05 of chapter 1 of title 40 of the rules of the city of New York, or any successor rule establishing such maximum number of hours for the general population of incarcerated individuals in city jails. Segregated housing units include, but are not limited to, punitive segregation housing and enhanced supervision housing and do not include mental health units.

Therapeutic counseling. The term “therapeutic counseling” means any program or service, which treats the behavioral or mental health needs of an incarcerated individual.

Violent act. The term “violent act” mean any conduct capable of causing serious physical injury, as defined in section 10.00 of the penal law.

b. The use of segregated housing shall be permitted as a disciplinary sanction for any incarcerated individual 18 to 21 years of age who commits a violent act while in the custody of the department and has previously received therapeutic counseling for a prior violent act committed while in such custody.

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

Referred to the Committee on Criminal Justice.

Int. No. 24

By Council Members Holden, Mealy, Menin, Louis and Yeger.

A Local Law to amend the New York city charter, in relation to the mayor’s office of operations establishing and maintaining an online tool for measuring performance of city agencies

Be it enacted by the Council as follows:

Section 1. Section 15 of the New York city charter is amended by adding a new subdivision l to read as follows:

l. The office of operations shall:

1. Establish and maintain an online performance measurement tool for each agency that includes metrics integral to the quality of life in the city, and make such tool available on the city’s website;

2. Update daily the information measured by the metrics applied by the performance measurement tool;

3. Ensure that information is presented by the performance measurement tool in a format that is clear and supports ease of use and understanding;

4. At least twice each year, review the effectiveness of the performance measurement tool and consider additional metrics and information from agencies, including information available on the open data portal, that may be included to measure agency performance and additional ways to facilitate and increase use of the performance measurement tool by the public;

5. Consult with agencies as appropriate in considering additional information that may be included to measure agency performance; and

6. Implement modifications to the performance measurement tool based on the reviews required by paragraph 4.

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

Referred to the Committee on Governmental Operations.

Int. No. 25

By Council Members Holden and Yeger.

A Local Law to amend the administrative code of the city of New York, in relation to contact information for outdoor advertising companies

Be it enacted by the Council as follows:

Section 1. Section 28-502.5 of the administrative code of the city of New York, as added by local law number 33 for the year 2007, is amended to read as follows:

§ 28-502.5 Display of name and registration number of outdoor advertising company. On and after a date to be prescribed by rule, the commissioner shall require that each outdoor advertising company display, in a manner to be provided by rule, on each sign under its control or on the building or premises where each sign under its control is located or both, (i) the name, *phone number* and registration number of such company and, (ii) unless a permit is not required, the work permit identification number for the installation, alteration or erection of the sign pursuant to chapter 1 of this code and, if applicable, for the maintenance of the sign pursuant to article 501.

§ 2. This local law takes effect 120 days after it becomes law, except that the commissioner of buildings shall take any actions necessary for the implementation of this local law, including the promulgation of rules, before such date.

Referred to the Committee on Housing and Buildings.

Int. No. 26

By Council Member Holden.

A Local Law to amend the administrative code of the city of New York, in relation to prohibiting the exhalation of smoke at a person's face with the intent to harass, annoy or alarm such person

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 10 of the administrative code of the city of New York is amended by adding a new section 10-184 to read as follows:

§ 10-184 Unlawful exhalation of smoke. a. Definitions. As used in this section, the term "smoke" means the smoke or vapor produced by inhaling, exhaling, burning or carrying any lighted or heated cigar, cigarette, little cigar, pipe, water pipe, herbal cigarette, non-tobacco smoking product, or any similar form of lighted object or device designed for human use or consumption by the inhalation of smoke.

b. Unlawful exhalation of smoke. It is unlawful for a person, with the intent to harass, annoy or alarm another person, to exhale smoke so that such smoke is directed at the face of such other person.

c. Criminal penalty. Any person who violates subdivision b of this section shall be guilty of a misdemeanor punishable by up to one month in jail, or a fine of up to \$500, or both.

d. Civil penalty. Any person who violates subdivision b of this section shall be liable for a civil penalty of up to \$500, which may be recoverable in a proceeding before the office of administrative trials and hearings, pursuant to chapter 45-A of the charter.

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

Referred to the Committee on Public Safety.

Int. No. 27

By Council Members Holden, Mealy and Yeger.

A Local Law to amend the administrative code of the city of New York, in relation to prohibiting the use of a vehicle to reserve a parking space and prohibiting the continuous parking of a vehicle in the same location for more than five consecutive days

Be it enacted by the Council as follows:

Section 1. Subchapter 2 of chapter 1 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-175.8 to read as follows:

§ 19-175.8 *Restrictions on parking. a. Prohibiting the use of a vehicle to reserve a parking space. Notwithstanding any rule or regulation to the contrary, a person shall not use a vehicle to reserve or attempt to reserve a parking space or to prevent a vehicle from parking on a public street, except as otherwise permitted by law. A person found to be in violation of this subdivision shall be liable for a civil penalty of \$95 for each violation.*

b. Prohibiting the parking of a vehicle for more than 5 consecutive days. When parking is not otherwise restricted, a person shall not continuously park a vehicle in the same location on a public street or roadway in any area, including a residential area, for more than 5 consecutive days.

c. Outreach. Beginning no later than the effective date of the local law that added this section, and continuing for 90 days thereafter, the commissioner, in collaboration with relevant agencies and relevant stakeholders, shall conduct culturally appropriate outreach in the designated citywide languages, as defined in section 23-1101, to alert vehicle owners and relevant stakeholders to the parking restrictions established by subdivisions a and b of this section. Such outreach shall include, but need not be limited to, posting information on relevant agency websites.

d. The commissioner shall promulgate rules necessary and appropriate to the administration of this section.

§ 2. This local law takes effect 90 days after it becomes law, except that the commissioner of transportation shall take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

Referred to the Committee on Transportation and Infrastructure.

Int. No. 28

By Council Members Holden and Mealy.

A Local Law in relation to establishing a pilot program to study increasing the minimum percentage of reclaimed asphalt pavement in asphaltic concrete

Be it enacted by the Council as follows:

Section 1. Reclaimed asphalt pavement pilot program. a. Definitions. For purposes of this local law, the following terms have the following meanings:

Asphaltic concrete. The term “asphaltic concrete” means a mixture of liquid asphalt and graded aggregate used as paving material.

City. The term “city” means the city of New York.

Heavy-duty vehicle. The term “heavy-duty vehicle” means a motor vehicle that is greater than 8,500 pounds in gross vehicle weight.

Light-duty vehicle. The term “light-duty vehicle” means a motor vehicle that is a maximum of 8,500 pounds in gross vehicle weight.

Reclaimed asphalt pavement. The term “reclaimed asphalt pavement” means asphalt pavement that has been processed for reuse in asphaltic concrete.

b. No later than 90 days after the effective date of this local law, the department of design and construction, jointly with the department of transportation, shall establish a pilot program to study increasing the minimum percentage of reclaimed asphalt pavement used by the city in asphaltic concrete. The pilot program shall, at a minimum, include not less than 5 street paving projects, including streets that are used by light-duty vehicles and streets that are used by heavy-duty vehicles, as determined by the commissioner of design and construction and the commissioner of transportation.

c. Each street paving project that is part of the pilot program pursuant to subdivision b shall, at a minimum:

1. Include asphaltic concrete that contains no less than 30 percent reclaimed asphalt pavement; and
2. Contain varying percentages of reclaimed asphalt pavement, as determined by the commissioner of design and construction and the commissioner of transportation.

d. No later than May 1, 2024, the commissioner of design and construction, jointly with the commissioner of transportation, shall submit to the mayor and to the speaker of the council, and post on the department of design and construction’s website, a report on the results of the pilot program, which shall include, but not be limited to, the following:

1. The location and number of streets that were chosen;
2. The type and weight of vehicles and average daily number of vehicles on such streets;
3. An analysis of the durability of such streets, including the physical impact of vehicular traffic;
4. An analysis of any limitations of increasing the minimum required percentage of reclaimed asphalt pavement used for street paving;
5. The total cost of the program, including projected cost of expanding and maintaining such a program;
6. An analysis of the industry availability of reclaimed asphalt pavement and the percentages of reclaimed asphalt pavement in asphaltic concrete; and
7. Recommendations for increasing the minimum required percentage of reclaimed asphalt pavement used in asphaltic concrete for city street paving projects.

§ 2. This local law takes effect immediately.

Referred to the Committee on Transportation and Infrastructure.

Res. No. 11

Resolution calling upon the State Legislature to pass, and Governor to sign, S.4203, requiring putrescible and non-putrescible waste to be covered by a hard tarp when transported by rail.

By Council Members Holden and Yeger.

Whereas, New York City (City) has no active sanitary landfills, no construction and demolition debris landfills, no traditional incinerators, and very limited waste-to-energy resource recovery facilities, necessitating that most refuse be exported from the City for disposal; and

Whereas, New York City's 2006 Comprehensive Solid Waste Management Plan initiated a shift from truck based methods of long haul waste export to freight and marine based transport alternatives, in order to reduce the environmental impacts of long haul truck carting; and

Whereas, According to the New York City Mayor's Office on Climate and Sustainability, the City produces over 14 million tons of trash every year, approximately 75 percent of which is sent to landfills or incinerators; and

Whereas, The City also produces approximately 1,400 tons of dewatered biosolids, which is treated sewage sludge, reclaimed from the wastewater treatment process, every day; and

Whereas, Approximately 89 percent of the biosolids produced within New York State are sent to landfills within state bounds; and

Whereas, Despite requirements necessitating that municipal solid waste shipped via rail be transported in sealed containers, complaints about odor management and refuse blowing onto properties persist in adjacent route communities; and

Whereas, Putrescible waste, defined as solid wastes that contain organic matter having the tendency to decompose and form malodorous by-products, have the potential to attract vermin when improperly secured; and

Whereas, Requiring putrescible and non-putrescible waste to be covered by a hard tarp when transported by rail, as per S.4203, introduced by State Senator Joseph Addabbo, has the potential to better contain odor and loose refuse, resulting in fewer disturbances to communities through which this waste transits; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the State Legislature to pass, and Governor to sign, S.4203, requiring putrescible and non-putrescible waste to be covered by a hard tarp when transported by rail.

Referred to the Committee on Environmental Protection.

Res. No. 12

Resolution calling on the State Legislature to pass, and the Governor to sign, A.3629/S.3182, prohibiting the operation of establishments where animals and fowls are slaughtered or butchered for food.

By Council Member Holden.

Whereas, Inspection reports by the New York Department of Agriculture and Markets obtained from the Humane Society of New York indicate ongoing health, safety and welfare problems at New York's live animal markets; and

Whereas, According to the Centers for Disease Control and Prevention (CDC), zoonotic diseases are caused by harmful germs like viruses, bacteria and parasites, which are transmitted from animals to humans; and

Whereas, According to the Physicians Committee for Responsible Medicine, fatal diseases such as severe acute respiratory syndrome (SARS) and the new coronavirus, COVID-19, are believed to have originated from live animal markets; and

Whereas, New York City has over 80 live animal markets where members of the public can choose live animals, such as chickens and rabbits, who are then slaughtered while the customer waits, according the People for the Ethical Treatment of Animals; and

Whereas, New York City's live animal markets pose public health concerns, as some operate near schools, playgrounds and people's homes, despite New York State public health laws that prohibit new slaughterhouses from operating within 1,500 feet of a residential building; and

Whereas, A.3629, introduced by Assembly Member Linda B. Rosenthal and its companion bill, S.3182, introduced by New York Senator Luis Sepulveda, would prohibit the operation of slaughterhouses as an emergency measure to stem the transmission of zoonotic diseases for their effect on public health and animal welfare; and

Whereas, A primary focus of A.3629/S.3182 is to convene the “Task Force on Slaughterhouse Public Health and Safety and Animal Welfare,” composed of experts in epidemiology, veterinary science and animal welfare, to determine the amount of regulation that will be needed to make slaughterhouses safe enough to operate; and

Whereas, According to the CDC, the COVID-19 global pandemic has claimed over 835,000 lives in the United States; and

Whereas, Further examination by infectious disease experts on the connection between zoonotic diseases and live animal markets will eliminate a potential avenue for the transmission of zoonotic diseases and the suffering it causes for human and animal welfare; now, therefore, be it

Resolved, That the Council of the City of New York calls on the State Legislature to pass, and the Governor to sign, A.3629/S.3182, prohibiting the operation of establishments where animals and fowls are slaughtered or butchered for food.

Referred to the Committee on Health.

Res. No. 13

Resolution calling on the New York City Department of Education to partner with nonprofit organizations to provide on-site pro bono legal assistance at schools to help students and their families with housing issues.

By Council Member Louis.

Whereas, More than 100,000 students in New York City lacked stable housing in 2021, according to a report by the New York Times; and

Whereas, Shelter providers estimate more than 22,000 children in New York City sleep in homeless shelters each night; and

Whereas, Instability in living situations and homelessness negatively impacts student performance and achievement; and

Whereas, Lacking stable housing often prevents students from being engaged in class or coming to school at all on a consistent basis; and

Whereas, Almost two-thirds of students who live in shelters are chronically absent from school, according to Advocates for Children; and

Whereas, The national graduation rate for students experiencing homelessness is approximately twenty percent lower than the graduation rate for students overall, according to the National Center for Homeless Education; and

Whereas, New York City dedicates significant resources to provide supports to students who are experiencing homelessness, or students living in temporary housing, including additional school coordinators and social workers to help families with enrollment, getting immunizations and school records, and arranging transportation to and from school, among other things; and

Whereas, School staff have additionally devoted extra time outside of school to help students who are struggling with housing problems, by doing activities such as accompanying students to seek temporary shelter or picking up students to go to school; and

Whereas, New York City public schools have experienced positive results partnering with nonprofit organizations to provide greater opportunities and supports for students and families who need assistance, such as in community schools where nonprofit partners work to provide food assistance and health and social services supports for students and their families; and

Whereas, Schools partnering with nonprofit organizations to provide on-site pro bono legal assistance to students and families to help with housing-related difficulties has proved to be beneficial to students and families in areas outside of New York City, such as in Atlanta, Georgia, where thousands of youth are also estimated to either be experiencing homelessness or lacking stable housing according to the 2018 Atlanta Youth Count; and

Whereas, The nonprofit Atlanta Volunteer Lawyers Foundation has described how its program, “Standing with Our Neighbors,” has helped hundreds of families and children by providing on-site assistance with housing-related challenges in at least eight schools, resulting in children staying in school longer without moving and experiencing less eviction and displacement; and

Whereas, In the past, the New York City Council has acknowledged its commitment to providing support for low-income New Yorkers experiencing housing struggles by enacting local law 136 of 2017 to provide legal services in housing court for low-income tenants who are subject to eviction proceedings, and on-site pro bono legal assistance at schools would provide additional needed support for low-income New Yorkers experiencing such housing struggles; now, therefore, be it

Resolved, That the Council of the City of New York calls on the New York City Department of Education to partner with nonprofit organizations to provide on-site pro bono legal assistance at schools to help students and their families with housing issues.

Referred to the Committee on Education.

Int. No. 29

By Council Members Powers and Velázquez.

A Local Law to amend the New York city fire code, in relation to outdoor gas fueled heating devices

Be it enacted by the Council as follows:

Section 1. Section 313.5.2.1 of the New York City fire code is amended to read as follows:

313.5.2.1 Portable [natural] gas heaters. Portable space heaters fueled by piped natural, *or liquefied petroleum*, gas may be stored, handled and used for outdoor use when designed, installed, operated and maintained in accordance with this code, including FC 313.6, the rules and the construction codes, including the Building Code.

§ 2. Section 313.6 of the New York City fire code is amended to read as follows:

313.6 Portable [natural] gas heaters. Portable space heaters fueled by piped natural, *or liquefied petroleum*, gas shall be designed, operated and maintained in accordance with FC 313.6.1 through [313.6.5] 313.6.7.

313.6.1 Clearance to buildings. Heaters shall be located outdoors and at least 5 feet (1524 mm) from any building or structure.

313.6.2 Clearance to combustible materials. Heaters shall not be located beneath, or closer than 5 feet (1524 mm) to combustible decorations and combustible overhangs, awnings, sun control devices or similar combustible attachments to buildings or structures.

313.6.3 Proximity to exits. Heaters shall not be located within 5 feet (1524 mm) of exits or exit discharges.

313.6.4 Tip-over switch. Heaters shall be equipped with a tilt or tip-over switch that automatically shuts off the flow of gas if the appliance is tilted more than 15 degrees (0.26 rad) from the vertical.

313.6.5 Guard against contact. The heating element or combustion chamber of heaters shall be permanently protected so as to prevent accidental contact by persons or material.

313.6.6 Installation and maintenance. *Liquefied petroleum-fueled heaters shall be installed and maintained in accordance with the manufacturer's instructions.*

313.6.7 Gas containers. *Fuel gas containers for portable outdoor gas-fired heaters shall comply with FC 313.6.7.1 through 313.6.7.*

313.6.7.1 Approved containers. *Only approved DOTn or ASME gas containers shall be used.*

313.6.7.2 Container replacement. *Replacement of fuel gas containers in portable outdoor gas-fired heaters shall not be conducted while the public is present.*

313.6.7.3 Container capacity. *The maximum individual capacity of gas containers used in connection with portable outdoor gas-fired heating appliances shall not exceed 20 pounds (9 kg).*

313.6.7.4 Indoor storage prohibited. *Gas containers shall not be stored inside of buildings.*

- § 3. Item 12 of section 3805.3 of the New York city fire code is amended to read as follows:
 12. store, handle or use LPG for [space heating or] water heating, except as authorized by the commissioner.
 § 4. This local law takes effect immediately.

Referred to the Committee on Fire and Emergency Management.

Int. No. 30

By Council Members Rivera, De La Rosa, Louis, Schulman, Narcisse, Hanif, Won, Hudson and Williams.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of correction to create and implement policies to address medical needs during and after lock-ins

Be it enacted by the Council as follows:

Section 1. Subdivision a of section 9-108 of the administrative code of the city of New York is amended by adding a new definition of “lock-in” in alphabetical order to read as follows:

Lock-in. The term “lock-in” means any period of time in which incarcerated individuals are confined to their cells or beds.

§ 2. Subdivision d of section 9-108 of the administrative code of the city of New York, as added by local law number 132 for the year 2019, is amended to read as follows:

d. Where individuals are not produced for medical appointments, department personnel shall record the facility, along with the reason for non-production, including but not limited to: “court”, “visits”, “production refusal”, “walkout”, “programming”, “barbershop,” “recreation,” “lock-in” and “other”. For the category, “other,” department personnel shall provide a brief narrative. If the reason for non-production is a refusal or walkout, the department [will] *shall* also record the reason for refusal or walkout, if given. The department shall make such records legible and available to the board of correction at any time. On a monthly basis, the department shall publish an aggregate report on non-production on its website and submit such a report to correctional health services and the city council. This report shall also contain an aggregate count of reasons for production refusal or walkout, if given, and the facility.

§ 3. Section 9-108 of the administrative code of the city of New York is amended by adding new subdivisions f, g and h to read as follows:

f. The department shall, in consultation with correctional health services, develop a plan to address clinic production during and after a lock-in. Such plan shall ensure that the department is communicating with correctional health services throughout a lock-in. Such plan shall ensure that correctional health services determines the order in which individuals who were not produced for a medical appointment due to a lock-in are produced, based on medical necessity. Such plan shall ensure that department staff continue to escort patients to medical appointments during a lock-in whenever practicable.

g. The department shall notify correctional health services of an impending or present lock-in as soon as possible and include all information that had been provided to department staff, including the time the lock-in was initiated, the anticipated length of the lock-in and the reason for such lock-in.

h. Correctional health services shall submit to the speaker of the council a quarterly report on the number of instances of non-production during a lock-in. The first such report shall be due on April 30, 2023, and shall cover the quarter that began on January 1, 2023. Subsequent reports shall be submitted no later than 30 days after the end of each quarter thereafter.

§ 4. Section 9-155 of the administrative code of the city of New York is amended by adding a new subdivision e to read as follows:

e. Thirty days after the end of the quarter beginning April 1, 2023, and no later than 30 days after the end of each subsequent quarter, the department shall post on its website and submit to the speaker of the council a report containing information pertaining to emergency lock-ins of mental health units as defined in section 9-

134 that occurred during the preceding quarter. Such report shall include how mental health services were supplemented during the emergency lock-ins.

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

Referred to the Committee on Criminal Justice.

Preconsidered Int. No. 31

By Council Members Velázquez, Powers and Menin (by request of the Mayor).

A Local Law to amend the New York city charter and the administrative code of the city of New York, in relation to granting licenses and revocable consents for sidewalk cafes and roadway cafes, to repeal subchapter 6 of chapter 2 of title 20 of such administrative code, relating to granting licenses and revocable consents for sidewalk cafes, to amend section 2 of local law number 114 for the year 2020, relating to the establishment of a permanent outdoor dining program, in relation to the commencement of such program, and to amend section 1 of local law number 77 for the year 2020, relating to establishing a temporary outdoor dining program, in relation to the expiration of such program

Be it enacted by the Council as follows:

Section 1. Subdivision e of section 364 of the New York city charter, as added by a vote of the electors at a general election held on November 7, 1989, is amended to read as follows:

e. Notwithstanding any provision of this charter or the administrative code, revocable consents to construct and operate sidewalk cafes shall be reviewed pursuant to [subchapter six of chapter two of title twenty] *sections 19-160 through 19-160.5* of the administrative code.

§ 2. Section 371 of the New York city charter, as amended by local law number 78 for the year 1990, is amended to read as follows:

§ 371. Public hearing on proposed agreement; publication of notice. The franchise and concession review committee in the case of a franchise, or the responsible agency in the case of a revocable consent, shall hold a public hearing on the proposed agreement memorializing the terms and conditions of each proposed franchise or revocable consent before final approval of the proposed franchise or consent. Any such public hearing conducted by the franchise and concession review committee shall be held within thirty days of the filing with the committee by the responsible agency of a proposed agreement containing the terms and conditions of the proposed franchise. No hearing held by the franchise and concession review committee or by the responsible agency shall be held until after notice thereof and a summary of the terms and conditions of the proposed agreement shall have been published for at least fifteen days, except Sundays and legal holidays, immediately prior thereto in the City Record, nor until a notice of such hearing, indicating the place where copies of the proposed agreement may be obtained by all those interested therein, shall have been published at least twice at the expense of the proposed grantee in a *print or online edition of a* daily newspaper designated by the mayor which is published in the city of New York and having a circulation in the borough or boroughs in which the affected property of the city is located and a *print or online edition of a* weekly newspaper or newspapers designated by the mayor which are published in the city of New York and have a circulation in the community district or districts in which the affected property of the city is located. In the event a franchise or revocable consent relates to property of the city located in more than one borough, notice of hearing in a weekly newspaper shall not be required; however, in that event, notice of hearing in *the print or online editions of* two daily newspapers, and mailing by the grantee, no later than fifteen days immediately prior to the date of the public hearing, of such notice to the borough presidents and community boards and council members in whose districts the affected property of the city is located, shall be required. In the case of a franchise for a bus route which crosses one or more borough boundaries, notice of hearing in a weekly newspaper shall not be required; however, in that event, notice of hearing in *the print or online editions of* two daily newspapers, and mailing by the grantee, no later than fifteen days immediately prior to the date of the public hearing, of such notice to the borough

presidents and community boards and council members in whose districts the bus route is located, and posting of such notice in the buses operating upon such route, shall be required.

§ 3. Paragraph 1 of subdivision c of section 17-503 of the administrative code of the city of New York, as amended by local law number 152 for the year 2013, is amended to read as follows:

1. Outdoor dining areas of restaurants [with no roof or other ceiling enclosure; provided, however, that smoking, or using electronic cigarettes, may be permitted in a contiguous outdoor area designated for smoking, or using electronic cigarettes, so long as such area: (i) constitutes no more than twenty-five percent of the outdoor seating capacity of such restaurant; (ii) is at least three feet away from the outdoor area of such restaurant not designated for smoking, or using electronic cigarettes; and (iii) is clearly designated with written signage as a smoking area or an area for using electronic cigarettes] *including but not limited to any area operated by a restaurant as a sidewalk cafe, or a roadway cafe, as those terms are defined in section 19-101.*

§ 4. Section 19-101 of the administrative code of the city of New York is amended by adding new subdivisions i through n to read as follows:

i. *“Enclosed sidewalk cafe” shall mean a sidewalk cafe that is constructed predominantly of light materials such as glass, slow-burning plastic or lightweight metal pursuant to a permit issued by the department of buildings.*

j. *“Ground floor” shall mean visible from the street and directly accessible to the public from the street.*

k. *“Ground floor restaurant” shall mean any ground floor premises that is operated pursuant to a food service establishment permit issued by the department of health and mental hygiene.*

l. *“Roadway” shall mean that portion of a street designed, improved or ordinarily used for vehicular travel, exclusive of the shoulder and slope.*

m. *“Roadway cafe” shall mean a portion of a ground floor restaurant that is located in the curb lane or parking lane of a roadway adjacent to the curb fronting the restaurant and is designed and operated pursuant to rules of the department.*

n. *“Sidewalk cafe” shall mean a portion of a ground floor restaurant that is located on a sidewalk in front of the restaurant and is designed and operated pursuant to rules of the department.*

§ 5. Subchapter 1 of chapter 1 of title 19 of the administrative code of the city of New York is amended by adding new sections 19-160, 19-160.1, 19-160.2, 19-160.3, 19-160.4 and 19-160.5 to read as follows:

§ 19-160 *Open restaurants; license and revocable consent required for sidewalk cafe and roadway cafe.*

a. *Any person owning, leasing, managing or operating a ground floor restaurant upon property which abuts upon any street may establish and operate a sidewalk cafe upon the sidewalk of such street in an area immediately adjacent to its premises, or a roadway cafe upon the roadway adjacent to the curb in front of such ground floor restaurant, or both, provided that such sidewalk cafe or roadway cafe be granted a license and a revocable consent by the commissioner. Notwithstanding the preceding sentence, no such license shall be granted or renewed, or revocable consent be granted, for the operation of an enclosed sidewalk cafe at any location other than a location where: (i) an enclosed sidewalk cafe had been constructed pursuant to a permit issued by the department of buildings and in accordance with section 3111 of the New York city building code prior to March 16, 2020; and (ii) an enclosed sidewalk cafe was lawfully operated as such on March 16, 2020 or at any time within four years prior to such date. Granting or renewal of any such license or granting of any such revocable consent at such location for the operation of an enclosed sidewalk cafe shall be in accordance with section 19-160 and section 19-160.2 of this code.*

b. *The department, consistent with chapter 14 of the charter and the provisions of this subchapter, shall promulgate rules relating to (i) the granting and issuance of such licenses and revocable consents, and the administration of such licenses and revocable consents; (ii) the design of a sidewalk cafe or roadway cafe; (iii) priorities among applicants for a license covering the same area on a sidewalk or a roadway; and (iv) the operation and maintenance of any sidewalk cafe or roadway cafe to prevent undue obstruction of the street, to ensure good order, public safety and the general welfare and to secure the beneficial purpose of opening streets to outdoor dining.*

c. *A license to operate a sidewalk cafe shall be granted after the review and approval of a petition for a revocable consent to establish and operate such cafe pursuant to the provisions of this subchapter and the rules of the department. A license to operate a roadway cafe shall be granted after the review and approval of a petition for a revocable consent to establish and operate such cafe pursuant to chapter 14 of the charter, the provisions of this subchapter, and the rules of the department. An operator of a sidewalk cafe or roadway cafe*

who is licensed by the commissioner shall cause the boundary of the area licensed as a sidewalk cafe or roadway cafe to be marked in a manner prescribed pursuant to rules of the department.

d. No license or revocable consent shall be granted for a sidewalk cafe or roadway cafe located in a historic district, on a landmark site or attached or adjacent to a landmark or an improvement containing an interior landmark without the applicant for such license or revocable consent having obtained the approval of the landmarks preservation commission.

e. No license or revocable consent shall be granted for a sidewalk cafe or roadway cafe which obstructs the means of egress from any portion of a building.

f. There shall be separate fees for a sidewalk cafe license and a roadway cafe license. The fee for a license to establish and operate a sidewalk cafe shall be \$1,050, and the fee for a renewal of such license shall be \$525, for each license period. The fee for a license to establish and operate a roadway cafe shall be \$1,050, and the fee for a renewal of such license shall be \$525, for each license period. Such license and renewal fees shall be in addition to the amount required to be paid upon approval of a petition for a revocable consent, or renewal thereof, to establish and operate a sidewalk cafe or roadway cafe.

g. The terms of a license and renewal thereof shall be established by rules of the department.

h. A licensee must provide adequate service to maintain the tables in the sidewalk cafe or roadway cafe and the adjacent street in a manner that ensures good order and cleanliness.

i. Where in accordance with applicable law alcohol may be served at a ground floor restaurant, a licensee must provide table service to patrons seated in the sidewalk cafe or roadway cafe.

j. The license to establish and operate a sidewalk cafe or a roadway cafe shall be personal to the applicant and may not be sold, leased or transferred and shall be deemed revoked by the sale or transfer of the lease or of title to the building or structure to which the sidewalk cafe or roadway cafe is related.

§ 19-160.1 Review and approval of petitions for revocable consents to establish and operate roadway cafes.

a. It shall be unlawful for any person to establish or operate a roadway cafe without a revocable consent granted pursuant to chapter 14 of the charter, this section and any rules adopted by the commissioner pursuant thereto.

b. The petition shall be in such form as prescribed by the department and established by rule and shall be reviewed by the department and other relevant agencies as determined by the department.

c. Revocable consents for roadway cafes shall provide for fees to be paid annually to the city during the continuance of the consent. Such fees shall be calculated pursuant to a formula established by rule, which shall apply uniformly to all revocable consents for roadway cafes.

d. A roadway cafe may not be opened or operated prior to the approval of a petition for a consent therefor by the department pursuant to this section and any rules promulgated by the department.

e. The department shall provide notice of a petition for a revocable consent for a roadway cafe to the affected community board, in a manner prescribed in the department's rules.

f. A revocable consent granted pursuant to this section may be renewed pursuant to rules of the department.

§ 19-160.2 Review and approval of petitions for revocable consents to establish and operate sidewalk cafes. A petition for a revocable consent to establish and operate a sidewalk cafe shall be reviewed and approved in the following manner:

a. The petition shall be in such form as prescribed by the department. The department shall forward copies of the petition, within five days of the filing of such petition, to the president of the borough in which the cafe is proposed to be located, the speaker of the council and the council member in whose district the cafe is proposed to be located, for information purposes, and to the community board for the community district in which the cafe is proposed to be located, for review pursuant to subdivision b of this section.

b. The community board shall, not later than 30 days after receipt of such petition, either (i) notify the public of the petition, conduct a public hearing thereon and submit a written recommendation to the department and to the council or (ii) waive by a written statement its public hearing and recommendation on such petition and submit such statement to the department and to the council. The petitioner shall amend the petition if both the community board and the petitioner agree to modifications in writing. Such modifications shall be reflected in the written recommendations of the community board to the department and the council. If the community board submits a recommendation on a petition after the 30-day time period has expired, such recommendation may be accepted by the department at the sole discretion of the department.

c. *Within 30 days after the expiration of the period allowed for the filing of a recommendation or waiver by the community board pursuant to subdivision b of this section, the department shall (i) hold a public hearing on the petition, provided that such hearing is required pursuant to subdivision d of this section, (ii) approve the petition, disapprove it or approve it with modifications, and (iii) file with the council any such decision to approve or approve with modifications, together with the petition.*

d. *The public hearing described by subdivision c of this section shall be held when (i) the community board has submitted a recommendation to deny such petition or (ii) the community board has submitted a recommendation to approve such petition with modifications or conditions. Such hearing may also be held when the department determines that such hearing would be beneficial to address a concern with the effect of the proposed sidewalk cafe at the proposed location. One or more petitions may be heard at the same public hearing upon a determination that doing so is in the public interest. For a period of not less than 15 calendar days prior to the date of such public hearing, the petitioner shall post notice of the public hearing in a place conspicuous to public view at the location of the proposed sidewalk cafe. At least 15 days prior to the date of the hearing, the department will give notice to the community board for the district in which the cafe is proposed to be located, to the president of the borough in which the cafe is proposed to be located and to the council member in whose district the cafe is proposed to be located. Not less than five calendar days prior to the date of any such hearing, notice of the hearing shall be published in the City Record and in the print or online edition of one newspaper of local circulation in the community where the cafe is proposed to be located.*

e. *Within 20 days of the date the petition is received by the council pursuant to subdivision c of this section, the council may resolve by majority vote of all the council members to review the petition. If the council does not so resolve, the approval of the petition by the department shall be forwarded to the mayor for approval pursuant to subdivision g of this section, unless, in accordance with such subdivision, the petition is one for which the mayor has determined that separate and additional mayoral approval is not required.*

f. *If the council resolves to review a petition pursuant to subdivision e of this section, the council shall hold a public hearing, after giving public notice not less than five days in advance of such hearing. The council shall take final action on the petition and shall file with the mayor its resolution, if any, with respect to the petition, except that if, in accordance with subdivision g of this section, the petition is one for which the mayor has determined that separate and additional mayoral approval is not required, the council shall file its resolution with the department. Such filing of the resolution shall take place within 35 days of the filing of the petition with the council pursuant to subdivision c of this section. The affirmative vote of a majority of all the council members shall be required to approve, approve with modifications or disapprove the petition. Any modification by the council shall not affect the terms of any proposed revocable consent agreement which relate to term, compensation, revocability, exclusivity, security, insurance, indemnification, erection, operation, maintenance or removal of any structure, right of access by the city and rights of abutting property owners. If within the time period provided for in this subdivision, the council fails to act or fails to act by the required vote on a petition, the council shall be deemed to have approved the petition. If within the time period provided for in this subdivision, the council approves the petition with modifications, the petitioner shall accept such modifications within 15 days of such approval, or the council shall be deemed to have denied the petition.*

g. *(1) The term of the revocable consent shall be one license period and shall be concurrent with such license period. The term of the renewal of such revocable consent shall be two consecutive license periods and shall be concurrent with such license periods.*

(2) The consent shall be upon such conditions as may be provided in the approval of the petition by the department, as such approval may be modified by action of the council pursuant to subdivision f of this section, but shall be revocable at any time by the department. The separate and additional approval of the mayor shall be necessary to its validity, unless the mayor has determined that separate and additional mayoral approval is not required for such petition or any category of such petitions.

h. *Consents for sidewalk cafes shall provide for fees to be paid annually to the city during the continuance of the consent. Such fees shall be calculated pursuant to a formula established by rule, which shall apply uniformly to all consents for sidewalk cafes.*

i. *A sidewalk cafe may not be opened or operated prior to the approval of the consent therefor by the department pursuant to this section.*

j. *A revocable consent granted pursuant to this section may be renewed pursuant to rules promulgated by the department.*

§ 19-160.3 Alcohol consumption in a sidewalk or roadway cafe. Notwithstanding any other provision of this code, beer and alcoholic beverages may be served in a sidewalk cafe or roadway cafe to the extent permitted by state law.

§ 19-160.4 No advertising in a sidewalk or roadway cafe. No advertising sign, picture, flag, banner, side curtain or other device, including an illuminated or non-illuminated sign, shall be placed or painted on or affixed to any awning, screen or other appurtenance used in connection with a sidewalk cafe or roadway cafe, except that the name of the establishment may be painted, imprinted or otherwise displayed in a manner prescribed by rules promulgated by the department.

§ 19-160.5 Violations; penalties for a sidewalk or roadway cafe. a. Any person who violates the provisions of section 19-160, 19-160.1, 19-160.2, 19-160.3 or 19-160.4 or any rule of the department adopted pursuant to such section shall be subject to penalties and enforcement pursuant to sections 19-150 and 19-151.

b. In addition to any other enforcement procedures authorized by this subchapter, the department may, after providing notice and an opportunity to be heard, suspend or revoke a license to operate a sidewalk or roadway cafe and order the removal or sealing of such sidewalk or roadway cafe for three or more violations of this subchapter or rules of the department within a two year period

c. For purposes of this subdivision, a subsequent license holder shall be liable for violations by a prior license holder unless the subsequent license holder provides the department with adequate documentation demonstrating that the subsequent license holder acquired the premises or business through an arm's length transaction and that the sale or lease was not conducted, in whole or in part, for the purpose of permitting the original license holder to avoid the effect of violations on the premises. For purposes of this subdivision, the term "arm's length transaction" means a sale of a fee or all undivided interests in real property, or lease of any part thereof, or a sale of a business, in good faith and for valuable consideration, that reflects the fair market value of such real property, lease or business in the open market between two informed and willing parties, where neither party is under any compulsion to participate in the transaction, unaffected by any unusual conditions indicating a reasonable possibility that the sale or lease was made for the purpose of permitting the original licensee to avoid the effect of violations on the premises. The following sales or leases shall be presumed not to be arm's length transactions unless adequate documentation is provided demonstrating that the sale or lease was not conducted, in whole or in part, for the purpose of permitting the original licensee to avoid the effect of violations on the premises:

(1) a sale between relatives;

(2) a sale between related companies or partners in a business; or

(3) a sale or lease affected by other facts or circumstances that would indicate that the sale or lease is entered into for the primary purpose of permitting the original licensee to avoid the effect of violations on the premises.

d. Notwithstanding the provisions of subdivision a or b of this section, the decision to suspend or revoke a license shall be waived if, upon the submission of satisfactory proof, the department determines that the person or persons who committed the violations which are the basis for the suspension or revocation acted against the licensee's instructions in committing such violations.

e. The commissioner may order the removal of any furniture, equipment, structure or other obstruction used in connection with the operation of an outdoor dining area on the sidewalk or in the roadway by a person that is not licensed to operate a sidewalk cafe or roadway cafe pursuant to this subchapter and has no other lawful right to operate an outdoor dining area on such sidewalk or in such roadway or where any furniture, equipment, structure or other obstruction placed on the sidewalk or roadway by a licensee is inconsistent with criteria or design for such area as set forth in the rules of the department. Such order shall be served in the manner provided by the rules of the department and shall afford the person to whom such order is directed an opportunity to be heard in accordance with such rules. Where such order has not been complied with within a reasonable period of time as set forth in such order, officers or employees of the department or the police department may remove such furniture, equipment, structure or other obstruction from the sidewalk or the roadway and convey them to a place of safety. Where the department has an address for the person to whom such order was directed, within 30 days of removal, the department shall mail to such person notice of such removal and the manner in which such furniture, equipment, structure or other obstruction may be claimed. Such furniture, equipment, structure or other obstructions shall not be released until all removal charges and storage fees have been paid or a bond or other security for such amount has been posted. Any furniture,

equipment, structure or other obstructions that are not claimed shall be disposed of in accordance with applicable law and the rules of the department. Nothing in this section is intended to alter or affect the power of the commissioner to immediately remove any obstruction from the sidewalk or roadway that the commissioner determines is a danger to public safety.

§ 6. Subchapter 6 of chapter 2 of title 20 of the administrative code of the city of New York is REPEALED.

§ 7. Subdivision b of section 2 of local law number 114 for the year 2020 is amended to read as follows:

b. [By September 30, 2021, the] *The* department of transportation and any other agency designated by the mayor shall establish a permanent open restaurants program to succeed the temporary program established by local law number 77 for the year 2020[, provided that any additional legislation necessary to authorize such program has been enacted]. Such program shall include but not be limited to the following elements:

1. The use of roadway seating for outdoor dining;
2. [The use of a pedestrian plaza, or other public outdoor location for outdoor dining; and
- 3.] Accessibility for people with disabilities in compliance with applicable federal, state and local law.

§ 8. Subdivision f of section 1 of local law number 77 for the year 2020, as amended by local law number 114 for the year 2020, is amended to read as follows:

f. Expiration. The outdoor restaurants program established pursuant to this local law shall remain in effect until [September 30, 2021] *revocation or expiration of authorization for an outdoor dining program pursuant to mayor's emergency executive order number 126, as amended and continued by subsequent emergency executive orders, or an earlier date determined in accordance with the rules of the department of transportation adopted in accordance with section 19-160 of the administrative code of the city of New York, as added by section five of a local law for the year 2022 amending the New York city charter and the administrative code of the city of New York, relating to a permanent outdoor dining program, as proposed in introduction number XXX.*

§ 9. Any restaurant operating outdoor dining pursuant to emergency executive order number 126, as amended and continued by subsequent executive orders, may continue in operation after the effective date of this local law without the license and revocable consent of the commissioner of transportation required by sections 19-160 and 19-160.1 of the administrative code, as added by section five of this local law, provided that such restaurant submits a petition for such revocable consent within a period of time after such effective date, as set forth in the rules of the department of transportation, and further provided that upon the expiration of such emergency executive order, any restaurant operating outdoor dining pursuant to such emergency executive order that has not been issued a license and revocable consent by the commissioner of transportation must cease the operation of such outdoor dining and must remove from the sidewalk and roadway all structures, equipment and other obstructions used for the operation of such outdoor dining.

§ 10. Any restaurant operating outdoor dining pursuant to emergency executive order number 126, as amended and continued by subsequent executive orders, whose outdoor dining is located within or adjacent to a structure that does not comply with rules of the department of transportation relating to the design of roadway cafes and sidewalk cafes shall remove such structure within 90 days after the date such rules take effect.

§ 11. Any agency or officer to which are assigned by or pursuant to this local law any functions, powers and duties shall exercise such functions, powers and duties in continuation of their exercise by the agency or officer by which the same were heretofore exercised and shall have power to continue any business, proceeding or other matter commenced by the agency or officer by which such functions, powers and duties were heretofore exercised. Any provision in any law, rule, regulation, contract, grant or other document relating to the subject matter of such functions, powers or duties, and applicable to the agency or officer formerly exercising the same shall, so far as not inconsistent with the provisions of this local law, apply to the agency or officer to which such functions, powers and duties are assigned by or pursuant to this local law.

§ 12. Any rule or regulation in force on the effective date of this local law, and promulgated by an agency or officer whose power to promulgate such type of rule or regulation is assigned by or pursuant to this local law to some other agency or officer, shall continue in force as the rule or regulation of the agency or officer to whom such power is assigned, except as such other agency or officer may hereafter duly amend, supersede or repeal such rule or regulation.

§ 13. No existing right or remedy of any character accruing to the city shall be lost or impaired or affected by reason of the adoption of this local law.

§ 14. No action or proceeding, civil or criminal, pending at the time when this local law shall take effect, brought by or against the city or any agency or officer, shall be affected or abated by the adoption of this local

law or by anything herein contained; but all such actions or proceedings may be continued notwithstanding that functions, powers and duties of any agency or officer party thereto may by or pursuant to this local law be assigned or transferred to another agency or officer, but in that event the same may be prosecuted or defended by the head of the agency or the officer to which such functions, powers and duties have been assigned or transferred by or pursuant to this local law.

§ 15. Any license or revocable consent granted pursuant to a provision of the administrative code repealed by section six of this local law in force on the effective date of this local law shall continue in force in accordance with its terms and conditions until it expires or is suspended or revoked by the appropriate agency or officer pursuant to this local law. Such license or revocable consent shall be renewable in accordance with the applicable law by the agency or officer with such power pursuant to this local law.

§ 16. This local law shall apply to all licenses, permits or other authorizations in force as of its effective date.

§ 17. This local law takes effect on the later of the date 180 days after it becomes law or the date upon which amendments to chapter 4 of article I of the New York city zoning resolution, relating to sidewalk cafe regulations, are adopted, provided that the city agencies affected, including, but not limited to, the department of consumer and worker protection and the department of transportation, may take any actions necessary to effectuate the provisions of this local law prior to its effective date, including promulgation of rules prior to such effective date and, provided further that upon the determination of the effective date pursuant to this section, the commissioner of transportation shall notify the corporation counsel, who shall notify the New York state legislative bill drafting commission, in order that the commission may maintain an accurate and timely effective database of the official text of the New York city charter and administrative code of the city of New York in furtherance of effectuating the provisions of section 70-b of the public officers law, and the corporation counsel shall notify relevant publishers in furtherance of effectuating the provisions of section 7-111 of the administrative code, and provided further that failure to provide the notifications described in this section shall not affect the effective date of any section of this local law.

Referred to the Committee on Consumer and Worker Protection (laid over by the Committee on Consumer and Worker Protection and the Subcommittee on Zoning and Franchises).

Res. No. 14

Resolution calling on the New York State Legislature to pass, and the Governor to sign, S.121-A/A.472-A, authorizing the Commissioner of Education to conduct a study regarding courses of study on the Holocaust within the state.

By Council Members Velázquez, Dinowitz, Menin and Louis.

Whereas, January 2022 commemorated the 77th anniversary of the Holocaust, marked by the liberation of the concentration and extermination camp, Auschwitz; and

Whereas, The Holocaust was the systematic, bureaucratic, and state-sponsored persecution and murder of six million Jews by the Nazi regime and its collaborators; and

Whereas, The Nazi regime also targeted and killed members of other minority groups such as people with disabilities, members of the LGBTQ community, and Slavic peoples, as well as political opponents, opposition forces, and others; and

Whereas, In its effort to extinguish Jewish culture and fundamentally change humanity, the Nazi regime established over 44,000 concentration camps and ghettos between 1933 and 1945 to detain people in harsh conditions, force labor, and perpetrate mass murder; and

Whereas, The horrors of the Holocaust carry important lessons about humanity, politics, and justice, including the importance of the concepts of democracy, dictatorship, propaganda, xenophobia, and genocide; and

Whereas, In 2020, the Claims Conference, a Jewish organization, published the results of a 50-state survey on Millennial and Gen Z knowledge of the Holocaust, revealing that 63 percent of survey respondents did not

know that six million Jews were murdered and 36 percent thought that “two million or fewer Jews” were killed during the Holocaust; and

Whereas, In addition to the surprisingly unfortunate results, New York tested amongst the lowest Holocaust knowledge states, with 58 percent of Millennial and Gen Z participants unable to identify a single concentration camp or ghetto; and

Whereas, The New York Times reported in 2018 that the Holocaust is fading from memory, raising concern about what is possible in the present; and

Whereas, In 2021, the Anti-Defamation League tracked a 75 percent spike in antisemitic incidents in the United States, including assaults, vandalism, harassment, and hate speech; and

Whereas, As recently as January 17, 2022, a 44-year-old British national held four people hostage inside of a Jewish synagogue in Colleyville, Texas, resulting in an 11-hour standoff according to the Federal Bureau of Investigation; and

Whereas, The week beginning on January 27 has ceremonially been attributed to a citywide week of Holocaust Education throughout New York City’s schools, fostering empathy between City residents and school-age children who learn of this significant historical event and the impacts it has had on the present-day world; and

Whereas, To ensure these education efforts continue, New York State Senator Anna Kaplan introduced S.121-A, along with its companion bill, A.472-A, sponsored by New York State Assembly Member Nily Rozic, directing the Commissioner of the New York State Education Department to conduct a study and put forth recommendations to ensure instruction on the Holocaust is provided at all schools within the state; and

Whereas, When discussing this legislation, Assembly Member Nily Rozic expressed her concerns, stating “It is imperative that we teach our students the dangers of anti-Semitic attitudes and actions and that we teach them how to combat Holocaust distortion and trivialization....to make it clear that hate has no place in New York – past, present, or future”; 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.121A/A.472A, authorizing the Commissioner of Education to conduct a study regarding courses of study on the Holocaust within the state.

Referred to the Committee on Education.

Int. No. 32

By Council Members Yeger, Menin, Louis and Marte.

A Local Law to amend the administrative code of the city of New York, in relation to requiring a searchable dashboard for notices of violation issued by the department of sanitation

Be it enacted by the Council as follows:

Section 1. Title 23 of the administrative code of the city of New York is amended by adding a new chapter 9 to read as follows:

**CHAPTER 9
DASHBOARDS**

§ 23-901 Definitions. As used in this chapter, the following terms have the following meanings:

Dashboard. The term “dashboard” means a data visualization tool publicly available on the internet that includes a customizable interface and uses current data from one or more sources.

Department. The term “department” means the department of information technology and telecommunications or any successor agency.

§ 23-902 Notices of violation. Within 180 days after the effective date of the local law that added this section, the department of sanitation shall, in conjunction with the department, create a dashboard consisting, at a minimum, of data on all notices of violation issued by the department of sanitation on or after January 1, 2019. Such data shall include, but need not be limited to, the number of notices of violation issued each month, searchable by the issuing agent, date, type of violation and by address, block, community district and borough in which such violation was issued.

§ 2. This local law takes effect immediately.

Referred to the Committee on Sanitation and Solid Waste Management.

Int. No. 33

By Council Members Yeger and Marte.

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.

Preconsidered L.U. No. 5

By Council Member Salamanca:

Application No. C 210453 ZSM (415 Madison Avenue) submitted by 415 Madison Avenue LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 81-645 of the Zoning Resolution to allow an increase in the amount of floor area ratio permitted on a qualifying site where an above-grade public concourse, in the form of an open publicly accessible space is provided, in connection with a proposed commercial building, on property located at 415 Madison Avenue (Block 1284, Lot 21), in a C5-3 District, within the Special Midtown District (Southern Subarea), Borough of Manhattan, Community District , Council District 4. (LU 0958-2021)

Adopted by the Council (preconsidered and approved by the Committee on Land Use and the Subcommittee on Zoning & Franchises).

Preconsidered L.U. No. 6

By Council Member Salamanca:

Application No. C 210454 ZSM (415 Madison Avenue) submitted by 415 Madison Avenue LLC pursuant to Sections 197-c and 201 of the New York City Charter for, in conjunction with the related special permit pursuant to Section 81-645, the grant of a special permit pursuant to Section 81-685 of the Zoning Resolution, to modify: the height and setback requirements of Section 81-27 (Alternate Height and Setback Regulations – Daylight Evaluation), as modified by Section 81-66 (Special Height and Setback Requirements); the mandatory district plan elements of Section 81-42 (Retail Continuity Along Designated Streets); and the mandatory street wall requirements of Sections 81-43 (Street Wall Continuity Along Designated Streets) and 81-671 (Special Street Wall Requirements); in connection with a proposed commercial building, on property located at 415 Madison Avenue (Block 1284, Lot 21), in a C5-3 District, within the Special Midtown District (Southern Subarea), Borough of Manhattan, Community District , Council District 4. (LU 0959-2021)

Adopted by the Council (preconsidered and approved by the Committee on Land Use and the Subcommittee on Zoning & Franchises).

Preconsidered L.U. No. 7

By Council Member Salamanca:

Application No. C 210189 ZMQ (99-07 Astoria Boulevard Commercial Overlay) submitted by 99-20 Realty Corp., pursuant to Sections 197- c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 9c, establishing within the existing R3-2 District a C2-3 District, Borough of Queens, Community District 3, Council District 21.

Referred to the Committee on Land Use and the Subcommittee on Zoning & Franchises (preconsidered but laid over by the Subcommittee on Zoning and Franchises).

Preconsidered L.U. No. 8

By Council Member Salamanca:

Application No. C 200329 ZMK (2892 Nostrand Avenue Rezoning) submitted by Mikerose Realty Inc., pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 23b, changing from an R3-2 District to an R6B District, changing from an R3-2 District to an R7A District, establishing within the proposed R6B District a C2-4 District, and establishing within the proposed R7A District a C2-4 District, Borough of Brooklyn, Community District 15, Council District 45.

Referred to the Committee on Land Use and the Subcommittee on Zoning & Franchises (preconsidered but laid over by the Subcommittee on Zoning and Franchises).

Preconsidered L.U. No. 9

By Council Member Salamanca:

Application No. N 200328 ZRK (2892 Nostrand Avenue Rezoning) submitted by Mikerose Realty Inc., pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of Brooklyn, Community District 15, Council District 45.

Referred to the Committee on Land Use and the Subcommittee on Zoning & Franchises (preconsidered but laid over by the Subcommittee on Zoning and Franchises).

Preconsidered L.U. No. 10

By Council Member Salamanca:

Application No. C 210239 ZMK (2134 Coyle Street Rezoning) submitted by Coyle Properties, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 29a, eliminating from within an existing R4 District a C1-2 District, changing from an R4 District to an R6A District, and establishing within the proposed R6A District a C2-4 District, Borough of Brooklyn, Community District 15, Council District 46.

Referred to the Committee on Land Use and the Subcommittee on Zoning & Franchises (preconsidered but laid over by the Subcommittee on Zoning and Franchises).

Preconsidered L.U. No. 11

By Council Member Salamanca:

Application No. N 210240 ZRK (2134 Coyle Street Rezoning) submitted by Coyle Properties, LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of Brooklyn, Community District 15, Council District 46.

Referred to the Committee on Land Use and the Subcommittee on Zoning & Franchises (preconsidered but laid over by the Subcommittee on Zoning and Franchises).

Preconsidered L.U. No. 12

By Council Member Salamanca:

Application No. N 210434 ZRY (Open Restaurants Text Amendment) submitted by the New York City Department of Transportation and the New York City Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, removing Article I, Chapter 4 (Sidewalk Cafe Regulations) and modifying related Sections, Citywide.

Referred to the Committee on Land Use and the Subcommittee on Zoning & Franchises (preconsidered but laid over by the Subcommittee on Zoning and Franchises).

L.U. No. 13

By Council Member Salamanca:

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

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Sitings & Dispositions.

L.U. No. 14

By Council Member Salamanca:

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

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Sitings & Dispositions.

L.U. No. 15

By Council Member Salamanca:

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

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Sitings & Dispositions.

L.U. No. 16

By Council Member Salamanca:

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

Referred to the Committee on Land Use and the Subcommittee on Zoning & Franchises.

L.U. No. 17

By Council Member Salamanca:

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

Referred to the Committee on Land Use and the Subcommittee on Zoning & Franchises.

[NEW YORK CITY COUNCIL](#)

A N N O U N C E M E N T S

Wednesday, February 16, 2022

[Subcommittee on Landmarks, Public Sitings and Dispositions](#)

Farah N. Louis, Chairperson

See Land Use Calendar

Remote Hearing (Virtual Room 3).....10:00 a.m.

[Committee on Veterans](#)

Robert F. Holden, Chairperson

Oversight - The Needs of the Department of Veterans' Services.

Remote Hearing (Virtual Room 2).....1:00 p.m.

Thursday, February 17, 2022

[Subcommittee on Zoning & Franchises](#)

Kevin C. Riley, Chairperson

See Land Use Calendar

Remote Hearing (Virtual Room 1).....12:00 p.m.

[Committee on Land Use](#)

Rafael Salamanca, Jr., Chairperson

All items reported out of the Subcommittees

AND SUCH OTHER BUSINESS AS MAY BE NECESSARY

Remote Hearing (Virtual Room 1).....12:30 p.m.

Committee on Contracts

Julie Won, Chairperson

Oversight - Updates to the Procurement and Sourcing Solutions Portal (PASSPort).

Remote Hearing (Virtual Room 2).....1:00 p.m.

Tuesday, February 22, 2022

Committee on Cultural Affairs, Libraries & International Intergroup Relations

Chi A. Ossé, Chairperson

Oversight - Expanding Access to Cultural Institutions for Underserved BIPOC Youth and the BIPOC Community At Large.

Remote Hearing (Virtual Room 1).....10:00 a.m.

Committee on Women and Gender Equity

Tiffany Cabán, Chairperson

Oversight - Barriers to Accessing Survivor Services in New York City.

Remote Hearing (Virtual Room 2).....1:00 p.m.

Wednesday, February 23, 2022

Committee on Health jointly with the Subcommittee on Covid Recovery and Resiliency

Lynn C. Schulman, Chairperson
Francisco P. Moya, Chairperson

Oversight - COVID-19: Looking Ahead.

Remote Hearing (Virtual Room 2).....10:00 a.m.

Thursday, February 24, 2022

Stated Council Meeting

Council Chambers – City Hall.....Agenda – 1:30 p.m.

The following comments were among the remarks made by the Speaker (Council Member Adams) during the Communication from the Speaker segment of this meeting:

The Speaker (Council Member Adams) acknowledged that February was Black History Month which was a time to reflect on the legacy and the contributions that black Americans have made to the city and to the nation. She affirmed that the City Council was committed in its fight for justice and equality. She wished all those assembled a Happy Black History Month.

The Speaker (Council Member Adams) wished a Happy Lunar New Year to all who had celebrated earlier in the month. She welcomed the Year of the Tiger and explained that the Tiger stood for courage and ambition – two qualities she characterized as being indispensable and needed for the city to recover from the current pandemic. She wished all those assembled a happy and prosperous Lunar New Year.

The Speaker (Council Member Adams) acknowledged and formally announced the new members of her senior staff and the promotion of long-time Council staff to new leadership positions: Jeremy Johns as First Deputy Chief of Staff; Carlos Beato as Special Counsel; Tanisha Edwards as Chief Financial Officer and Deputy Chief of Staff of Finance; Faiza Ali promoted to Deputy Chief of Staff of Community Engagement; Jeff Baker promoted to Deputy Chief of Staff of Legislation and Policy; Andrea Vasquez promoted to Director of the Legislative Division; Charles Davis promoted to Director of the Administrative Services Division; and Raju Mann promoted to Deputy Chief of Staff of the Land Use Division. She congratulated them all and those assembled applauded in response to the announcements.

Whereupon on motion of the Speaker (Council Member Adams), the Majority Leader and Acting President Pro Tempore (Council Member Powers) adjourned these hybrid proceedings to meet again for the Stated Meeting on Thursday, February 24, 2022.

MICHAEL M. McSWEENEY, City Clerk
Clerk of the Council

