

THE COUNCIL

*Minutes of the Proceedings for the
STATED MEETING
of
Thursday, May 28, 2020, 1:40 p.m.
held remotely via video-conference*

The Public Advocate (Mr. Williams)
Acting President Pro Tempore and Presiding Officer

Council Members

Corey D. Johnson, *Speaker*

Adrienne E. Adams	Mark Gjonaj	Bill Perkins
Alicia Ampry-Samuel	Barry S. Grodenchik	Keith Powers
Diana Ayala	Robert F. Holden	Antonio Reynoso
Inez D. Barron	Ben Kallos	Donovan J. Richards
Joseph C. Borelli	Andy L. King	Carlina Rivera
Justin L. Brannan	Peter A. Koo	Ydanis A. Rodriguez
Fernando Cabrera	Karen Koslowitz	Deborah L. Rose
Margaret S. Chin	Rory I. Lancman	Helen K. Rosenthal
Andrew Cohen	Bradford S. Lander	Rafael Salamanca, Jr
Costa G. Constantinides	Stephen T. Levin	Ritchie J. Torres
Robert E. Cornegy, Jr	Mark D. Levine	Mark Treyger
Laurie A. Cumbo	Farah N. Louis	Eric A. Ulrich
Chaim M. Deutsch	Alan N. Maisel	Paul A. Vallone
Ruben Diaz, Sr.	Steven Matteo	James G. Van Bramer
Daniel Dromm	Carlos Menchaca	Kalman Yeger
Mathieu Eugene	I. Daneek Miller	
Vanessa L. Gibson	Francisco P. Moya	

At the time of this virtual Stated Meeting, there was one vacant seat in the Council pending the swearing-in of the certified winner of an upcoming election to be held in the 37th District (Brooklyn).

The Public Advocate (Mr. Williams) assumed the chair as the Acting President Pro Tempore and Presiding Officer for these virtual 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 Public Advocate (Mr. Williams)

There were 50 Council Members marked present at this Stated Meeting held remotely due to the coronavirus pandemic. The virtual Stated Meeting was video-conferenced via Zoom.

INVOCATION

The Invocation was delivered by Pastor Gabriella Cudjoe Wilkes, spiritual leader at Double Love Experience, located at 334 South Fifth Street, Brooklyn, New York 11211.

Greetings to everyone.
It's been a tough week in the headlines
and so I invite all who are willing
to bow their heads with me for a word of prayer.

Holy One, we give thanks to you
for sustaining us this day.
Thank you for the breath in our bodies,
the air in our lungs,
and the determination in our hearts
to bring about justice and equality for all we serve.
May the power of Your presence grant us the vision,
clarity of thought, and fortitude
to have a productive gathering today.
May we work together in unity
and may we follow the words of your prophet, Micah,
to do justice, love mercy, and walk humbly with our God.
This we ask in the name of Jesus.
Amen.

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

During the Communication from the Speaker segment of this virtual Meeting, the Speaker (Council Member Johnson) acknowledged a number of people who had recently passed away that are mentioned in the paragraphs below.

The Speaker (Council Member Johnson) recognized the hard work that all New Yorkers undertook to flatten the COVID-19 curve. He reminded everyone to continue staying vigilant as the city begins to slowly re-open. The Speaker (Council Member Johnson) acknowledged, that as of May 27th, the number of deaths and probable deaths of New Yorkers lost to the coronavirus had reached 21,362. More than 280 NYC employees and 123 transit workers were among those who passed away. In addition, the total number of COVID-19 deaths in the United States had climbed to over 100,000. He reiterated that these statistics were not just numbers but instead represented mothers and fathers, daughters, cousins, uncles, best friends, co-workers, neighbors, and fellow New Yorkers-- people who were lost too soon.

The Speaker (Council Member Johnson) noted that among the COVID-19 victims was Council Member Adams's father, Irvin Edy. Mr. Edy was found to have contracted the virus after entering the hospital for heart failure several weeks before his death on May 23, 2020. The Speaker (Council Member Johnson) praised Council Member Adams for the incredible strength that she displayed during a most painful period in her life. On behalf of the Council, he offered his condolences to her, as well as to her husband Jay, her sister Tracy, and to her entire family. The Speaker (Council Member Johnson) also reminded everyone of the death of Council Member Salamanca's father to coronavirus at the start of the crisis. He noted that both Council

Members Adams and Salamanca had handled themselves with tremendous grace as they continued to serve their districts and communities during their time of personal loss.

The Speaker (Council Member Johnson) acknowledged two members of the NYPD who died from 9/11-related illnesses: Detective Thomas L. Neil and Officer Edward J. Reilly. In addition, Reginald L. Portee of the NYC Department of Transportation had also passed away due to a 9/11 related illnesses.

The Speaker (Council Member Johnson) acknowledged the death of a New York City worker killed during the course of his employment: Victor Pando, 35, died in an explosion on May 13, 2020 while working at the Morgan General U.S. Postal Service Mail Facility in Chelsea.

The Speaker (Council Member Johnson) acknowledged the death of his personal friend, activist-writer Larry Kramer. Mr. Kramer, who died on May 27, 2020 at the age of 84, had founded the Gay Men's Health Crisis and Act Up. The Speaker (Council Member Johnson) noted that millions of people were alive today due to Larry Kramer's activism. He recognized that Mr. Kramer's death was a tremendous loss for the LGBT community, for the AIDS community, and for activism around the world.

The Speaker (Council Member Johnson) acknowledged the death of George Floyd, 46, who was killed at the hands of Minneapolis police on May 25, 2020. He noted that Mr. Floyd's death was another reminder that the nation needed to reform a broken criminal justice system and needed to confront the continuing racial inequalities in this country. The Speaker (Council Member Johnson) expressed his hope that the police officer who committed this crime would be brought to justice.

The Speaker (Council Member Johnson) asked for a Moment of Silence in memory of Detective Neil, Officer Reilly, Reginald Portee, Victor Pando, Irvin Edy, Larry Kramer, George Floyd, and for those who had lost their lives to COVID-19.

At this point, a Moment of Silence was observed.

ADOPTION OF MINUTES

Council Member Miller moved that the Minutes of the Stated Meeting of May 13, 2020 be adopted as printed.

REPORTS OF THE STANDING COMMITTEES

Report of the Committee on Criminal Justice

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

Report for Int. No. 1954-A

Report of the Committee on Criminal Justice in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to requiring the department of correction and correctional health services to issue reports during public health emergencies.

The Committee on Criminal Justice, to which the annexed preconsidered and amended proposed local law was referred on May 28, 2020, respectfully

REPORTS:

I. Introduction

On May 28 2020, the Committee on Criminal Justice, chaired by Council Member Keith Powers, voted on two pieces of legislation, as detailed above, relating to the establishment of a local conditional release commission and reporting during public health emergencies. The Committee passed both bills, voting 5 in the affirmative, 0 in the negative, and 0 abstentions for 1954-A, and 4 in the affirmative, 1 in the negative, and 0 abstentions for 1956-A. These bills were first heard on May 19, 2020, in a joint hearing on COVID-19 in NYC Jails and Juvenile Detention Centers.

II. Background

Since the onset of the COVID-19 pandemic, the inherent difficulty of managing infectious diseases in jail environments has been the topic of much public discussion.¹ In response to COVID-19 former Chief Medical Officer at Rikers Island, Dr. Homer Venters, stated:

“All of the new terms of art that everybody has learned in the last two weeks, like “social distancing” and “self-quarantine” and “flattening the curve” of the epidemic—all of these things are impossible in jails and prisons, or are made worse by the way jails and prisons are operated. Everything about incarceration is going to make that curve go more steeply up. . . . For prison systems or jails that are full—or, let’s say, over seventy-five per cent capacity—this process may be almost impossible for them to do. They may not have room to spread out. So if you can’t do that, if you can’t effectively keep the people with symptoms away from the people without symptoms, then you have a brand-new way of promoting transmission, which is separate and apart from jails being dirty or not having soap or hand-washing capacity.”²

¹ E.g., Jan Ransom and Alan Feuer, *‘We’re Left for Dead’: Fears of Virus Catastrophe at Rikers Jail*, The New York Times, March 30, 2020, available at <https://www.nytimes.com/2020/03/30/nyregion/coronavirus-rikers-nyc-jail.html>

² Jennifer Gonnerman, *How Prisons and Jails Can Respond to the Coronavirus*, The New Yorker, March 14, 2020, available at <https://www.newyorker.com/news/q-and-a/how-prisons-and-jails-can-respond-to-the-coronavirus>

Current Chief Medical Officer Dr. Ross McDonald stated via Twitter that “[w]e cannot change the fundamental nature of jail . . . [w]e cannot socially distance dozens of elderly men living in a dorm, sharing a bathroom[,]”³ and urged District Attorneys and Courts to “let out as many people as you possibly can.”⁴ Accordingly, throughout this pandemic, city agencies have worked not only to manage exceedingly difficult conditions within correctional and detention facilities, but also to reduce the jail population to allow for more effective social distancing. Several Mayoral agencies have worked collaboratively to facilitate the release of people in custody, and the Committees will examine those efforts across the court system, DOC jails, and juvenile detention facilities.

The New York State Correction Law allows every county, and the city of New York to create a local conditional release commission by local law.⁵ The law requires the commission to be appointed by the Mayor, “upon the advice and consent of the city council,” and requires the commission to have “at least five members”⁶ who “have graduated from an accredited four year college or university,”⁷ “five years experience in the field of criminology, administration of criminal justice, law enforcement, probation, parole, law, social work, social science, psychology, psychiatry, or corrections.”⁸ The director of probation, or the director’s designee, is required to serve on the commission as a non-voting member, and the local Department of Probation is tasked with assigning staff to support the commission.⁹

The Correction Law grants any such commission the power and duty of determining which individuals sentenced within New York City and serving a definite sentence of imprisonment (“city-sentenced”) may be released under conditional release and under what conditions.¹⁰ The commission is also required to present an annual report to the city Council of its findings and actions on submitted applications.¹¹ The law only allows the commission to release a person in custody if the person has verified community ties with respect to employment, residence, or family; has not been previously convicted or does not stand convicted for an offense which is ineligible for merit time as authorized by § 803; an offense defined in Penal Article 235 (obscenity offenses) where the victim was under 18 years of age; or an offense which a commission determines was a crime of domestic violence. The law also requires that people in custody serve a minimum of 60 days of their sentence before applying for conditional release and that the person in custody not be released until they have served at least 90 days of their sentence.¹²

The original version of the legislation, which was allowed to sunset in 2005, did not require the Council to create local release commissions by law and did not require the Council to consent or advise on appointees.¹³ These sections were added following an analysis of the previous law’s shortcomings, and after seeing how the commission was perceived to function to aid the release of those with political connections.¹⁴ When discussing the value of the previous law in a public hearing, the Assembly highlighted its flaws, including “a lack of uniform standards and criteria for granting early release, deficient reporting and record-keeping concerning early release decisions, a lack of accountability for decisions about conditional release and the failure of commissions in some cases to follow lawful procedures in making their determinations.”¹⁵ Accordingly, the Legislature gave the City Council and other local legislative bodies increased power to oversee and consent to appointment of those on the commission.

³ <https://twitter.com/RossMacDonaldMD/status/1240455801397018624>

⁴ Id.

⁵ N.Y. Correction Law § 271

⁶ Id.

⁷ Id.

⁸ Id.

⁹ Id.

¹⁰ N.Y. Correction Law § 272

¹¹ Id.

¹² N.Y. Correct. Law § Ch. 43, art. 12, Refs & Annos

¹³ LOCAL CONDITIONAL RELEASE COMMISSION, 1989 N.Y. Sess. Law Serv. 79 (McKinney)

¹⁴ ASSEMBLY STANDING COMMITTEE ON CORRECTION

NOTICE OF PUBLIC HEARING, To consider how the statutes governing New York State’s local conditional release system should be modified, January 11, 2005, *available at*

<https://nyassembly.gov/comm/Correct/20041223/>

¹⁵ Id.

III. Legislation

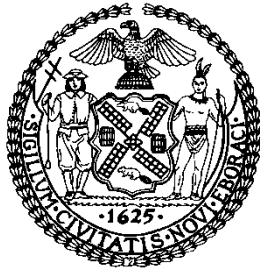
A. *Preconsidered Introduction (Related to Reporting)*

Section one of this proposed legislation requires the Department and CHS to submit to the speaker of the council, and make publicly available on the department's website, a weekly report related to the outbreak of infectious diseases in city jails during the public health emergency. The report must include cumulative numbers of individuals diagnosed, recommended for compassionate release, and hospitalized, if known to CHS. The legislation also requires the Department to report weekly on the number of people in custody serving determinate sentences who have 30 or less, 31- 60, and 60-90 days remaining to serve on such sentences and the number of people in custody with a serious mental illness. The proposed legislation also requires the Department and Correctional Health Services or the Department of Health and Mental Hygiene (DOHMH) to provide regular updates to people in custody about the public health emergency. Finally, the legislation requires the Department and CHS to publish a timeline of significant events.¹⁶ Section 2 makes the law take effect immediately.

B. *Preconsidered Introduction (Related to Release)*

Section one of this proposed legislation requires the Mayor to create a local conditional release commission pursuant to § 271 of the Correction Law. Section two makes it so that the law takes effect immediately.

(The following is the text of the Fiscal Impact Statement for Int. No. 1954-A:)



**THE COUNCIL OF THE CITY OF NEW YORK
FINANCE DIVISION
LATONIA MCKINNEY, DIRECTOR
FISCAL IMPACT STATEMENT**

**PRECONSIDERED –
PROPOSED INT. NO: 1954-A
COMMITTEE: Criminal Justice**

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of correction and correctional health services to issue reports during public health emergencies.

SPONSOR(S): Council Member Powers.

SUMMARY OF LEGISLATION: Proposed Int. No. –A would require the Department of Correction (DOC) and Correctional Health Services to issue reports regarding any public health emergency and the outbreak of infectious diseases in city jails, which would include information on the incidence of infections among

¹⁶ See Department of Corrections, Washington State, Coronavirus COVID-19 Significant Events Timeline, *available at* <https://www.doc.wa.gov/news/2020/docs/daily-situation-report.pdf>

individuals in DOC custody, the number of tests administered to incarcerated individuals, and information on the number of staff who voluntarily self reported to be medically confirmed with the infection. The legislation would also require DOC and Correctional Health Services to publish a timeline of significant events related to the public health emergency, and to provide weekly updates to incarcerated individuals.

EFFECTIVE DATE: This local law would take effect immediately.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: FISCAL 2021

FISCAL IMPACT STATEMENT:

	Effective FY20	FY Succeeding Effective FY21	Full Fiscal Impact FY21
Revenues	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0
Net	\$0	\$0	\$0

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

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

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: New York City Department of Correction
Mayor's Office of City Legislative Affairs

ESTIMATE PREPARED BY: Jack Storey, Legislative Financial Analyst

ESTIMATED REVIEWED BY: Eisha Wright, Unit Head, New York City Council Finance Division
Regina Poreda Ryan, Deputy Director, New York City Council
Finance Division
Stephanie Ruiz, Assistant Counsel, New York City Council Finance Division

LEGISLATIVE HISTORY: This legislation was first considered by the Committee on Criminal Justice, at a hearing held jointly with the Committee on Justice System, as a Preconsidered Introduction on May 19, 2020 and the bill was laid over. The legislation was subsequently amended and the amended legislation, Proposed Int. No. –A, will be considered by the Committee on Criminal Justice at a hearing on May 28, 2020. Proposed Int. No. –A will be introduced to the full Council on May 28, 2020, and upon a successful vote by the Committee on Criminal Justice, it will be submitted to the full Council for a vote on May 28, 2020.

DATE PREPARED: May 27, 2020.

(For text of Int. No. 1956-A and their Fiscal Impact Statement, please see the Report of the Committee on Criminal Justice for Int. Nos. 1956-A printed in these Minutes; for text of Int. No. 1954-A, please see below)

Accordingly, this Committee recommends the adoption of Int. Nos. 1954-A and 1956-A.

(The following is the text of Int. No. 1954-A:)

Preconsidered Int. No. 1954-A

By Council Members Powers, Ayala, Rivera, Rosenthal, Maisel, Kallos and Chin.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of correction and correctional health services to issue reports during public health emergencies

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 9 of the administrative code of the city of New York is amended by adding a new section 9-160 to read as follows:

§ 9-160 Reports during public health emergencies. a. Definitions. For the purposes of this section, the following terms have the following meanings:

Application for compassionate release. The term “application for compassionate release” means an application submitted, with the consent of the incarcerated individual, by correctional health services to the incarcerated individual’s defense attorney to be used to request that a court release the incarcerated individual.

Cumulative infections. The term “cumulative infections” means the total number of positive infections of people who have been incarcerated during a given public health emergency, regardless of whether those individuals have been discharged after being confirmed positive while in the department's custody.

Infection. The term “infection” means any infection that is the subject of a public health emergency.

Public health emergency. The term “public health emergency” means any declared state of emergency made in response to an outbreak of an infectious disease.

Staff. The term “staff” means civilian and uniform staff of the department of correction and correctional health staff.

b. During the duration of any public health emergency, the department and correctional health services shall submit to the speaker of the council, and make publicly available on the correctional health services website, a weekly report related to the outbreak of infectious diseases in city jails. Such report shall be submitted in a machine-readable format and stored permanently on correctional health services’ website, and include the following information for each day in the preceding week:

1. The number of incarcerated individuals tested for the infection, disaggregated by each day starting from the first day of the announcement of the public health emergency, or for the COVID-19 pandemic, each day starting from March 13, 2020, in total and disaggregated by whether such tests were positive, negative, or pending results. For those dates following the effective date of the local law that added this section, the number of incarcerated individuals tested for the infection shall be further disaggregated by the reason the test was administered;

2. The number of incarcerated individuals currently diagnosed with the infection; unless otherwise reported by the board of correction;

3. The number of currently incarcerated individuals who have been diagnosed with the infection but are no longer contagious;

4. The number of tests administered to incarcerated individuals;

5. The cumulative number of unique incarcerated individuals who have been tested for the infection, disaggregated by whether test results were positive or negative;

6. Cumulative number of tests administered, disaggregated by whether test results were positive or negative;

7. The cumulative number of staff who voluntarily self reported to be medically confirmed with the infection; disaggregated by whether such infections were of uniform, civilian, or correctional health staff; unless otherwise reported by the board of correction.

8. *The total number of staff employed by the department, disaggregated by uniform and non-uniform staff; and further disaggregated by out sick and not out sick;*

9. *The number of deaths of incarcerated individuals related to the infection;*

10. *The cumulative number of incarcerated individuals provided applications for compassionate release, in total and disaggregated by number of such individuals released;*

11. *The number of incarcerated individuals known to correctional health services to be hospitalized due to the infection;*

12. *The cumulative number of incarcerated individuals known to correctional health services to be hospitalized due to the infection;*

13. *The number of people in custody with a serious mental illness; and*

c. *During the duration of any public health emergency, the department of correction shall provide a weekly report related to the outbreak of infectious diseases in city jails to the board of correction and to the speaker. Such reports shall include, for the previous week and the previous month:*

1. *The number of individuals incarcerated solely on a definite sentence, disaggregated by how many such individuals have 30 or fewer, 31-60, and 60-90 days remaining to serve on such sentence;*

2. *The number of individuals incarcerated solely on a definite sentence, disaggregated by which individuals have been deemed medically vulnerable by correctional health services.*

3. *The number of calls made to any correctional health services phone number designed to handle calls from incarcerated individuals, and the number of voice messages left on such phone number;*

d. *Correctional health services in collaboration with the department of correction shall provide and ensure the distribution of a weekly written communication to persons in custody including information about the public health emergency and a frequently asked questions section.*

e. *During the duration of a public health emergency, the department and correctional health services shall submit to the speaker of the council, and make publicly available on the department's website, a timeline of significant events related to the public health emergency, including but not limited to general criteria for testing and discharge planning related to the public health emergency. Such a timeline shall be updated weekly.*

f. *Privacy. Reports required pursuant to this section shall not contain identifying information as defined in section 23-1201 of the administrative code of the city of New York. If a category to be reported contains fewer than ten individuals or contains an amount that would allow another category that contains fewer than ten individuals to be deduced, the number shall be replaced with a symbol.*

§2. This local law takes effect immediately.

KEITH POWERS, *Chairperson*; RORY I. LANCMAN; ALICKA AMPRY-SAMUEL, ROBERT F. HOLDEN, CARLINA RIVERA; Committee on Criminal Justice, May 28, 2020 (Remote Hearing).

On motion of the Speaker (Council Member Johnson), 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 Johnson) announced that the following items had been **preconsidered** as amended by the Committee on Criminal Justice and had been favorably reported for adoption.

Report for Int. No. 1956-A

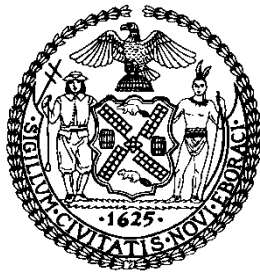
Report of the Committee on Criminal Justice in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to establishing a local conditional release commission.

The Committee on Criminal Justice, to which the annexed proposed preconsidered as amended local law was referred on May 28, 2020, respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Criminal Justice for Int. No. 1954-A printed in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 1956-A:



**THE COUNCIL OF THE CITY OF NEW YORK
FINANCE DIVISION
LATONIA MCKINNEY, DIRECTOR
FISCAL IMPACT STATEMENT**

**PRECONSIDERED - PROPOSED INT. NO: 1956-A
COMMITTEE: Criminal Justice**

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to establishing a local conditional release commission.

SPONSORS: Council Members Powers and Louis.

SUMMARY OF LEGISLATION: Proposed Intro. No.-A would create a Local Conditional Release Commission (LCRC or Commission) with the power and duty of determining which persons sentenced within the city of New York may be released on conditional release and under what conditions. The LCRC would be comprised of at least five members appointed by the Mayor, upon advice or consent of the City Council, and the term of office for each member shall be for four years. The LCRC would be assigned staff from the New York City Department of Probation (DOP).

EFFECTIVE DATE: This local law would take effect immediately.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: FISCAL 2021

FISCAL IMPACT STATEMENT:

	Effective FY20	FY Succeeding Effective FY21	Full Fiscal Impact FY21
Revenues	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0
Net	\$0	\$0	\$0

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

IMPACT ON EXPENDITURES: It is estimated that there would be no impact on expenditures resulting from the enactment of this legislation. According to the Department of Probation the previous Commission had a staff of four: an executive director, an analyst, and two administrative staff. DOP estimated that salary costs and per diem stipends for Commissioners would amount to almost \$500,000 annually. However, given DOP's current staff vacancy rate and assignment of several DOP staff to other agencies including the Department of Correction and the Mayor's Office of Criminal Justice, we find that DOP currently has sufficient budgetary resources to support a Commission.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: Existing resources.

SOURCE OF INFORMATION: New York City Department of Probation
Mayor's Office of City Legislative Affairs

ESTIMATE PREPARED BY: Jack Storey, Legislative Financial Analyst

ESTIMATED REVIEWED BY: Eisha Wright, Unit Head
Regina Poreda Ryan, Deputy Director
Stephanie Ruiz, Assistant Counsel

LEGISLATIVE HISTORY: This legislation was first considered by the Committee on Criminal Justice, at a hearing held jointly with the Committee on Justice System, as a Preconsidered Introduction on May 19, 2020 and the bill was laid over. The legislation was subsequently amended and the amended legislation, Proposed Int. No. –A, will be considered by the Committee on Criminal Justice at a hearing on May 28, 2020. Proposed Int. No. –A will be introduced to the full Council on May 28, 2020, and upon a successful vote by the Committee on Criminal Justice, it will be submitted to the full Council for a vote on May 28, 2020.

DATE PREPARED: May 27, 2020.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 1956-A:)

Int. No. 1956-A

By Council Members Powers, Louis, Ayala, Rivera, Van Bramer, Ampry-Samuel, Reynoso, Barron, Rosenthal and Kallos.

A Local Law to amend the administrative code of the city of New York, in relation to establishing a local conditional release commission

Be it enacted by the Council as follows:

Section 1. The administrative code of the city of New York is amended by adding a new section 9-207 to read as follows:

§ 9-207 *Local conditional release commission. There is hereby established a local conditional release commission. Such commission shall have the powers, duties, and composition as set forth in article 12 of the correction law or any successor statute.*

§ 2. This local law takes effect immediately.

KEITH POWERS, *Chairperson*; RORY I. LANCMAN; ALICKA AMPRY-SAMUEL, CARLINA RIVERA; Committee on Criminal Justice, May 28, 2020 (Remote Hearing).

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

Report of the Committee on Health

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

Report for Int. No. 1961-A

Report of the Committee on Health in favor of approving and adopting, a Local Law in relation to public reporting on contact tracing for COVID-19.

The Committee on Health, to which the annexed preconsidered and amended proposed local law was referred on May 28, 2020, respectfully

REPORTS:

I. Introduction

On May 28, 2020, the Committee on Health, chaired by Council Member Mark Levine, held a hearing on Preconsidered Proposed Int. No. 1961_A, a Local Law in relation to public reporting on contact tracing for COVID-19, sponsored by Council Member Torres. This legislation was originally heard at a hearing of this Committee on May 15, 2020, at which the Committee received testimony from the Health and Hospitals (H+H), the New York City Department of Health and Mental Hygiene (DOHMH), and other interested parties. On May 28, 2020, the Committee passed this legislation by a vote of six in the affirmative, zero in the negative, and one non-voting.

II. Background

Since the novel coronavirus first emerged in Wuhan, China in late 2019,¹ it has spread rapidly around the world. As of May 14, 2020, there have been more than 4,490,959 confirmed COVID-19 cases and more than 301,600 deaths worldwide, including more than 1,441,000 cases and more than 86,000 deaths in United States.² New York State and New York City have been hit particularly hard by this pandemic, with the virus likely initially entering New York via travelers from Europe.³ As of May 14, there have been more than 343,000 confirmed cases⁴ and more than 22,000 deaths in the State,⁵ including more than 186,293 cases and 15,349 confirmed deaths⁶ in New York City.⁷

¹ NPR, Wuhan To Test All 11 Million Residents After New Coronavirus Cases Emerge, May 12, 2020, <https://www.npr.org/sections/coronavirus-live-updates/2020/05/12/854431546/wuhan-to-test-all-residents-after-new-coronavirus-cases-emerge>.

² Worldometer, COVID-19 Coronavirus Pandemic, <https://www.worldometers.info/coronavirus/>.

³ Mt. Sinai, "Mount Sinai Study Finds First Cases of COVID-19 in New York City are Primarily from European and US Sources," Apr. 9, 2020,

<https://www.mountsinai.org/about/newsroom/2020/mount-sinai-study-finds-first-cases-of-covid-19-in-new-york-city-are-primarily-from-european-and-us-sources-pr>.

⁴ NYS DOH COVID-19 Tracker, Persons Tested Positive by County, <https://covid19tracker.health.ny.gov/views/NYS-COVID19-Tracker/NYSDOHCOVID-19Tracker-Map?%3Aembed=yes&%3Atoolbar=no&%3Atabs=n>.

⁵ NYS DOH COVID-19 Tracker, Fatalities, <https://covid19tracker.health.ny.gov/views/NYS-COVID19-Tracker/NYSDOHCOVID-19Tracker-Fatalities?%3Aembed=yes&%3Atoolbar=no&%3Atabs=n>.

⁶ In addition to confirmed deaths, the City tracks "probable" COVID-19 deaths. As of May 14th, 2020, there were 5,057 probable COVID-19 deaths reported. See NYC DOHMH, COVID-19: Data, <https://www1.nyc.gov/site/doh/covid/covid-19-data.page>

⁷ NYC DOHMH, COVID-19: Data, <https://www1.nyc.gov/site/doh/covid/covid-19-data.page>.

In order to slow the growth of COVID-19 cases in New York, Governor Andrew Cuomo declared a State of Emergency on March 7, and has since issued a series of orders that have closed schools, businesses, and changed the day-to-day lives of millions of New York residents.⁸ The goal of these social distancing measures was to slow the spread of coronavirus, and thereby “flatten the curve.”⁹ The primary concern for public health authorities in recommending these measures was to ensure that the number of people who required hospitalization was limited as much as possible, to put hospitals in a better position to manage a surge in cases.¹⁰

In the weeks since these social distancing measures were enacted, the immediate concern regarding hospital capacity has abated as the number of new COVID-19 cases, hospitalizations, and deaths has declined significantly.¹¹ On May 4, Governor Cuomo announced a phased, regionally-based reopening plan for the state, set to begin on May 15.¹² Under the plan, in order to determine whether a region can loosen restrictions, state and local officials will monitor four core factors. Phased re-openings can only occur in a region if:¹³

- The infection rate is sufficiently low;
- The healthcare system has the capacity to absorb a potential resurgence in new cases;
- Diagnostic testing capacity is sufficiently high to detect and isolate new cases; and
- Robust contact-tracing capacity is in place to help prevent the spread of the virus.

While each of these factors is crucial, public health experts agree that a robust network of “contact tracers” are key to safely reopening the economy.¹⁴

Contact Tracing

According to the Centers for Disease Control and Prevention (CDC), contact tracing involves public health staff working with an individual with a confirmed or suspected infection to help them recall everyone with whom they have had close contact during the timeframe while they may have been infectious.¹⁵ Public health staff then warns these exposed individuals, or contacts, of their potential exposure as rapidly and sensitively as possible, while keeping the identity of the infected individual private.¹⁶ Contact tracers also play an educational role by providing contacts with information and guidance to understand their level of risk, what to do if they are feeling unwell or begin to feel unwell, and how they can best isolate themselves to prevent further spread of the virus.¹⁷ Effective contact tracing includes wide scale access to testing as well as timely and complete case reporting by laboratories and medical care providers, and linking these reports to health departments’ case management systems.¹⁸

⁸ Syracuse.com, Coronavirus timeline in NY: Here’s how Gov. Cuomo has responded to COVID-19 pandemic since January, Apr.14, 2020, <https://www.syracuse.com/coronavirus/2020/04/coronavirus-timeline-in-ny-heres-how-gov-cuomo-has-responded-to-covid-19-pandemic-since-january.html>.

⁹ Harry Stevens, *Why outbreaks like coronavirus spread exponentially, and how to “flatten the curve,”* THE WASHINGTON POST (Mar. 14, 2020), available at <https://www.washingtonpost.com/graphics/2020/world/corona-simulator/>.

¹⁰ Harry Stevens, *Why outbreaks like coronavirus spread exponentially, and how to “flatten the curve,”* THE WASHINGTON POST (Mar. 14, 2020), available at <https://www.washingtonpost.com/graphics/2020/world/corona-simulator/>.

¹¹ CBS News, New York Governor Andrew Cuomo touts “exciting new phase” as virus cases continue to decline, May 11, 2020, <https://www.cbsnews.com/news/new-york-coronavirus-economic-reopening-new-phase-governor-cuomo/>.

¹² ReedSmith, Employment Law Watch, Gov. Cuomo announces guidelines to “reopen” New York, <https://www.employmentlawwatch.com/2020/05/articles/employment-us/gov-cuomo-announces-guidelines-to-reopen-new-york/>. See also NY Forward, A Guide to Reopening New York & Building Back Better, accessible at: <https://www.governor.ny.gov/sites/governor.ny.gov/files/atoms/files/NYForwardReopeningGuide.pdf>.

¹³ NY Forward, A Guide to Reopening New York & Building Back Better, p.26, accessible at:

<https://www.governor.ny.gov/sites/governor.ny.gov/files/atoms/files/NYForwardReopeningGuide.pdf>.

¹⁴ The Hill, Why contact tracers are key to unlocking economy, Apr. 18, 2020, <https://thehill.com/policy/healthcare/493416-why-contact-tracers-are-key-to-unlocking-economy>.

¹⁵ Centers for Disease Control and Prevention, *Contact Tracing : Part of a Multipronged Approach to Fight the COVID-19 Pandemic*, April 29, 2020, available at <https://www.cdc.gov/coronavirus/2019-ncov/php/principles-contact-tracing.html>

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ Resolve to Save Lives, *Introduction*, May 9, 2020, available at <https://contacttracingplaybook.resolvetosavelives.org/>

Contact tracing has received significant attention because of the COVID-19 pandemic, yet it has been around for many years and was utilized during other outbreaks and pandemics, such as the AIDS epidemic of the 1980's and 90's and the 2014 outbreak of Ebola.¹⁹ Contact tracing requires knowledge and skills,²⁰ and New York State has partnered with the Johns Hopkins Bloomberg School of Public Health and former Mayor Michael Bloomberg (through Bloomberg Philanthropies) to develop a robust tracing program.²¹ On May 11, John Hopkins released a contact tracing course online, and applicants in New York City and State will be directed to take this course.²²

Contact Tracing: New York City Test and Trace Corps

On May 8, Mayor Bill de Blasio announced the formation of the New York City Test and Trace Corps (“the Corps”), the City’s “comprehensive plan to test, trace, and treat every case of COVID-19.”²³ The Corps is set to be housed and run under H+H, under the leadership of Dr. Ted Long, Jackie Bray, Dr. Andrew Wallach, Dr. Jay Varma, and Dr. Demetre Daskalakis.²⁴

The Corps is set to launch with 1,000 contact tracers by the end of May-June 1,²⁵ and more than 2,500 contact tracers are expected to be hired by the City by June (ideally focusing on individuals with medical backgrounds), with an eventual goal of adding 5,000-10,000 additional employees to work in a contact tracing call center. The goal is to have 30 contact tracers per 100,000 residents, per current State and Federal guidelines.²⁶ As part of the transfer of this work from DOHMH to H+H, DOHMH will transfer its 40 experienced contact tracers to H+H.²⁷ Contact tracers will begin investigating cases, tracing and monitoring contacts, and managing all case data and inquiries by the end of May.²⁸ The City is preparing hotel rooms for individuals who cannot safely isolate at home.²⁹ The City will immediately isolate and care for those who test positive for the virus, and then rapidly track, assess, and quarantine anyone they came in contact with who they may have infected.³⁰

The Mayor has also stated that they will partner directly with community clinics, with a goal of testing 20,000 people per day by May 25, and expanding testing capacity and setting up additional community testing sites outside of the traditional clinic and hospital settings (so as not to burden the healthcare system) across the City.³¹ The Corp will aim to test 50,000 people per day by August 1.³² These sites will also aim to support communities hit hardest by COVID-19.³³ The Corp will also ensure that individuals that are required to quarantine or isolate as part of these efforts will have access to a hotel or hospital, meals, clean clothing, medical refills, laundry, groceries, pet services, or other wraparound services as needed.³⁴ The City will also

¹⁹ Alejandro de la Garza, *What Is Contact Tracing? Here's How It Could Be Used to Help Fight Coronavirus*, Time, April 22, 2020, available at <https://time.com/5825140/what-is-contact-tracing-coronavirus/>

²⁰ Centers for Disease Control and Prevention, *Contact Tracing : Part of a Multipronged Approach to Fight the COVID-19 Pandemic*, April 29, 2020, available at <https://www.cdc.gov/coronavirus/2019-ncov/php/principles-contact-tracing.html>

²¹ Erin Schumaker, *Want to be a contact tracer? Johns Hopkins is offering a free course*, ABC News, May 11, 2020, available at <https://abcnews.go.com/Health/johns-hopkins-launches-free-contact-tracing-amid-covid/story?id=70618298>

²² *Id.*

²³ Mayor Bill de Blasio Press Release, “Test and Trace: Mayor de Blasio Announces New York City Test and Trace Corps,” May 8, 2020, available at <https://www1.nyc.gov/office-of-the-mayor/news/333-20/test-trace-mayor-de-blasio-new-york-city-test-trace-corps>.

²⁴ *Id.*

²⁵ Fox 5 News, *How to become a contact tracer in New York City*, May 6, 2020, available at <https://www.fox5ny.com/news/how-to-become-a-contact-tracer-in-new-york-city>

²⁶ Associated Press, *New York Rolling Out Online Training for Contact Tracers to Curb Coronavirus Spread*, Time, May 11, 2020, available at <https://time.com/5835133/new-york-coronavirus-contact-tracers/>

²⁷ Mayor Bill de Blasio Press Release, “Test and Trace: Mayor de Blasio Announces New York City Test and Trace Corps,” May 8, 2020, available at <https://www1.nyc.gov/office-of-the-mayor/news/333-20/test-trace-mayor-de-blasio-new-york-city-test-trace-corps>.

²⁸ *Id.*

²⁹ Hilary Brueck, *New York City is readying 1,200 hotel rooms with laundry service and meals as part of the city's coronavirus testing and tracing efforts*, Business Insider, May 9, 2020, available at <https://www.businessinsider.com/new-york-city-contact-tracing-begins-june-how-it-works-2020-5>

³⁰ *Id.*

³¹ *Id.*

³² *Id.*

³³ *Id.*

³⁴ *Id.*

utilize telemedicine to perform remote medical checks on those in isolation and quarantine, and to evaluate individuals with symptoms to determine whether testing is appropriate.³⁵

As of May 12, the City announced that the first 535 contact tracers completed their 5-hour contact training from Johns Hopkins University.³⁶ The Mayor also announced a partnership with Salesforce to build out a system to test, trace, and contact New Yorkers.³⁷ Salesforce is a company that specializes in customer relationship management, and brings companies and customers together through one integrated platform.³⁸

Contact Tracing: Other Countries' Approaches

Contact tracing has been a part of the approach to contain COVID-19 in reopening plans around the world, though different countries have varied in their exact approach. In Wuhan, China, a city of 11 million, 1,800 contact investigator teams of five people each were required before the city reopened (which translates to approximate 1 tracer for each 1,200 people).³⁹ Using the same model, the United States would need around 300,000 tracers, and that New York City would need over 5,500 tracers. Other countries, such as Denmark, China, Japan, Taiwan, Singapore, and Australia, are utilizing Bluetooth-based apps to identify and connect with individuals if they have been in contact with an infected individual.⁴⁰ Some countries and cities, like Hong Kong, are using technology in even more restrictive ways, such as mandatory electronic wristbands that alert authorities when people under mandatory quarantine leave their homes.⁴¹

Contact Tracing: Potential Concerns

For contact tracing to be effective, contact tracers must be culturally inclusive and connected to the City's diverse and different communities, and there must also be public buy-in. The pandemic has highlighted inequities that have long persisted in our society, including racial, socioeconomic, and religious inequities, which impact the health and financial stability of many communities. Data shows that COVID-19 has disproportionately impacted lower income communities and New Yorkers who are Black and Latinx, and Black and Latinx New Yorkers are two times more likely to die from COVID-19 than their white counterparts.⁴² Additionally, those who are older are at higher risk, with numerous disturbing reports about high rates of nursing home cases and deaths.⁴³ As of May 13, there were 1,173 confirmed COVID deaths at nursing homes in New York City, with 1,815 probable deaths.⁴⁴ Although DOHMH has not released data to

³⁵ *Id.*

³⁶ Mayor Bill de Blasio Press Release, "Test and Trace: Mayor de Blasio Builds Out Tracing and Isolation Operation," May 12, 2020, available at <https://www1.nyc.gov/office-of-the-mayor/news/341-20/test-trace-mayor-de-blasio-builds-out-tracing-isolation-operation>.

³⁷ See, e.g., CNBC, "New York City partners with Salesforce on coronavirus contact tracing program, mayor says," May 8, 2020, available at <https://www.cnbc.com/2020/05/08/new-york-city-partners-with-salesforce-on-coronavirus-contact-tracing-program-mayor-says.html>.

³⁸ Salesforce, *What is Salesforce?*, available at <https://www.salesforce.com/products/what-is-salesforce/>

³⁹ See, Association of State and Territorial Health Officials, "A Coordinated, National Approach to Scaling Public Health Capacity for Contact Tracing and Disease Investigation," available at <https://www.astho.org/COVID-19/A-National-Approach-for-Contact-Tracing/>.

⁴⁰ See, e.g., "Japanese government to release coronavirus contact-tracing app in May," *The Japan Times*, Apr. 29, 2020, available at https://www.japantimes.co.jp/news/2020/04/29/national/japanese-government-release-coronavirus-contact-tracing-app-may/#.Xrw_eWhKjIU.

⁴¹ See, e.g., "What the US can learn from other countries using phones to track Covid-19," *Vox*, Apr 22, 2020, available at <https://www.vox.com/recode/2020/4/18/21224178/covid-19-tech-tracking-phones-china-singapore-taiwan-korea-google-apple-contact-tracing-digital>.

⁴² DOHMH, *Rates of Cases, Hospitalizations and Deaths by Race/Ethnicity Group*, last updated May 7, 2020, available at <https://www1.nyc.gov/assets/doh/downloads/pdf/imm/covid-19-deaths-race-ethnicity-05072020-1.pdf>; Chris Wilson, *These Graphs Show How COVID-19 Is Ravaging New York City's Low-Income Neighborhoods*, *Time*, April 15, 2020, available at <https://time.com/5821212/coronavirus-low-income-communities/>

⁴³ DOHMH, *COVID-19: Data*, available at <https://www1.nyc.gov/site/doh/covid/covid-19-data.page>; CBS News, *New York reports over 1,700 previously undisclosed deaths at nursing homes and adult care facilities*, May 5, 2020, available at <https://www.cbsnews.com/news/coronavirus-deaths-new-york-nursing-homes-adult-care-facilities-covid-19/>

⁴⁴ New York State Department of Health, *Nursing Home and ACF COVID Related Deaths Statewide*, available at https://www.health.ny.gov/statistics/diseases/covid-19/fatalities_nursing_home_acf.pdf

illustrate the impact on all communities, we know that individuals who are undocumented, disabled, experiencing homelessness, incarcerated, and the Orthodox Jewish community have also been greatly impacted by the pandemic.⁴⁵ The communities hardest hit by the pandemic must be involved in the test and trace efforts, including in the City's communication strategies and recruitment practices.

According to Resolve to Save Lives, an initiative of Vital Strategies led by the former head of the CDC and DOHMH, Dr. Tom Frieden, communication with the public is one of the key factors in a successful test and trace program.⁴⁶ A contact tracing program should be transparent, provide accurate and timely information to all residents, and should reassure residents about their concerns and safety.⁴⁷ Communication efforts should be partnered with community members, such as religious and ethnic group leaders, community leaders, business leaders, teachers, and trusted public officials, and should allow for feedback from communities to ensure their effectiveness.⁴⁸ Communications should also be translated and available in appropriate languages.⁴⁹

In a recent press release, Mayor de Blasio and his administration connected the newly founded Racial Inclusion and Equity Task Force to their recovery efforts, stating that the “task force is comprised of officials from across the Administration to engage hardest-hit communities, monitor response and recovery efforts in those neighborhoods, and work with City officials and agencies to narrow long-standing racial and economic disparities.”⁵⁰ The job application to be a contact tracer in New York City incorporates an equity lens, stating that it requires applicants to have the “ability to understand the concepts of institutional and structural racism and bias and their impact on underserved and underrepresented communities,” as well as a commitment to supporting communities traditionally oppressed by society and the ability to interact with individuals from diverse backgrounds.⁵¹ The Committees look forward to learning more about the City's hiring practices, including the demographics of those hired and efforts to ensure recruitment is equitable, collaborative, representative, and targeted towards all communities disproportionately impacted by the pandemic (Black and Latinx New Yorkers, and individuals who are experiencing homelessness, lower income, involved in the criminal justice system, disabled, older, Orthodox Jewish and/or undocumented), as well as individuals who are out of work.

Another potential issue with New York City's contact tracing program is the public's willingness to comply. Contact tracing relies on the public's willingness to come forward if they feel ill, get tested, and disclose information about who they have come in contact with.⁵² The public must feel confident doing so, as well as confident and trusting in the services they may need in order to comply with isolation and quarantine.⁵³ Adding the use of technology into the mix also complicates things. According to one survey of nearly one thousand U.S. adults, approximately half of respondents would not use a cell phone-based tracing system established by the CDC and public health officials.⁵⁴ The likelihood gets even worse for programs created by

⁴⁵ Sophia Chang, *Despite Their Impact From COVID-19, Undocumented New Yorkers Have Few Options For Financial Help*, Gothamist, April 24, 2020, available at <https://gothamist.com/news/despite-their-impact-covid-19-undocumented-new-yorkers-have-few-options-financial-help>; Liam Stack, ‘Plague on a Biblical Scale’: Hasidic Families Hit Hard by Virus, *The New York Times*, April 21, 2020, available at <https://www.nytimes.com/2020/04/21/nyregion/coronavirus-jews-hasidic-ny.html>; Coalition for the Homeless, *COVID-19 Update*, May 7, 2020, available at <https://www.coalitionforthehomeless.org/covid-19/>; David Brand, *At least 167 NYC inmates, 114 jail staffers now have COVID-19*, *The Queens Daily Eagle*, March 30, 2020, available at <https://queenseagle.com/all/2020/3/30/at-least-167-nyc-inmates-114-jail-staffers-now-have-covid-19/>; & Danny Hakim, ‘It’s Hit Our Front Door’: Homes for the Disabled See a Surge of Covid-19, *The New York Times*, April 8, 2020, available at <https://www.nytimes.com/2020/04/08/nyregion/coronavirus-disabilities-group-homes.html>

⁴⁶ Resolve to Save Lives, *Public Communication*, May 10, 2020, available at <https://contacttracingplaybook.resolveetosavelives.org/checklists/communications>

⁴⁷ *Id.*

⁴⁸ *Id.*

⁴⁹ *Id.*

⁵⁰ *Test and Trace: Mayor de Blasio Builds Out Tracing and Isolation Operation*, May 12, 2020, available at <https://www1.nyc.gov/office-of-the-mayor/news/341-20/test-trace-mayor-de-blasio-builds-out-tracing-isolation-operation>

⁵¹ TBG Executive Search Recruitment Consulting, *Contact Tracer I & II*, available at <https://bachrachgroup.com/search-jobs/?postid=lohqh09Yaac>

⁵² Caitlin Owens, *Why contact tracing may fall apart*, *Axios*, May 12, 2020, available at <https://www.axios.com/contact-tracing-challenges-35f688df-c432-4058-906a-88addc6623cf.html>

⁵³ *Id.*

⁵⁴ Margaret Talev, *Axios-Ipsos Coronavirus Index Week 9: Americans hate contact tracing*, *Axios*, May 12, 2020, available at https://www.axios.com/axios-ipsos-coronavirus-week-9-contact-tracing-bd747eaa-8fa1-4822-89bc-4e214c44a44d.html?utm_source=newsletter&utm_medium=email&utm_campaign=newsletter_axiosvitals&stream=top

other entities, with those least likely to use a system developed by the Federal Government, with 68 percent of respondents stating that they would not at all or not very likely use such a program. Many are suspicious and cautious to share sensitive information, and the issue seems to have become partisan, with Democrats seeming more open than Republicans to the notion of opt-in reporting.⁵⁵ This level of trust and compliance is a point of concern, and must be addressed by the City's program.

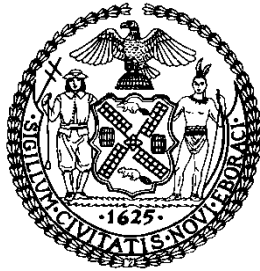
III. Analysis of Preconsidered Int. No. 1961 -A

This legislation would require DOHMH, or another agency designated by the Mayor, to ensure a report providing details of the program is posted online and updated daily. This report would include data on: (i) the number of employees hired by the contact tracing program, disaggregated by languages spoken and zip code of residence, (ii) the number of people identified to the program as having tested positive for currently having COVID-19, (iii) the number of people identified by the program who may have had contact with a person who tested positive for currently having COVID-19, and (iv) the number of those individuals the program successfully contacted, disaggregated by zip code, race, ethnicity, gender age range, COVID-19 symptoms present in the last 14 days, and whether such persons were referred to wraparound services.

The legislation would also require DOHMH, or another agency designated by the Mayor to ensure a report on comorbidities and occupation is posted online and updated weekly.

This legislation would take effect immediately, provided that: (i) the daily reports required by this law would be due no earlier than June 22, 2020; and (ii) the requirement to update the required reporting on a daily or weekly basis would expire one year after it takes effect.

(The following is the text of the Fiscal Impact Statement for Int. No. 1961-A:)



THE COUNCIL OF THE CITY OF NEW YORK

FINANCE DIVISION

LATONIA MCKINNEY, DIRECTOR

FISCAL IMPACT STATEMENT

PRECONSIDERED INT. NO: 1961-A

COMMITTEE: Health

TITLE: A Local Law in relation to public reporting on contact tracing for COVID-19. **SPONSORS:** Council Member Torres.

SUMMARY OF LEGISLATION: Preconsidered Proposed Int. No. -A would require the Department of Health and Mental Hygiene (DOHMH), or another agency designated by the Mayor, to ensure the reporting on details of the City's contact tracing program, and that it is posted online and updated daily or weekly, for certain information. This report would include: the number of employees and languages and zip codes of such employees of the program; the number of people identified to the program who have tested positive for currently having COVID-19, and the contacts of such people, disaggregated by zip code, race, ethnicity, gender, age range, COVID-19 symptoms, whether such persons were referred to wraparound services, occupational setting, and comorbidities.

⁵⁵ *Id.*

EFFECTIVE DATE: This local law would take effect immediately after becoming law, provided that: (i) the daily reports required by this law shall be due no earlier than June 22, 2020; and (ii) the requirement to update the required reporting on a daily or weekly basis shall expire one year after it takes effect.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2021

FISCAL IMPACT STATEMENT:

	Effective FY20	FY Succeeding Effective FY21	Full Fiscal Impact FY21
Revenues	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0
Net	\$0	\$0	\$0

IMPACT ON REVENUES: It is anticipated that the proposed legislation would not affect revenues.

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

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

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

ESTIMATE PREPARED BY: Lauren Hunt, Financial Analyst

ESTIMATE REVIEWED BY: Nathan Toth, Deputy Director, NYC Council Finance Division
Cirilhien R. Francisco, Unit Head, NYC Council Finance Division
Stephanie Ruiz, Assistant Counsel, NYC Council Finance Division

LEGISLATIVE HISTORY: This legislation was first considered by the Committee on Health, at a hearing held jointly with the Committee on Hospitals, as a Preconsidered Introduction on May 15, 2020 and the bill was laid over. The legislation was subsequently amended and the amended legislation, Preconsidered Proposed Int. No. -A, was considered by the Committee on Health at a hearing on May 28, 2020. Preconsidered Int. No. -A will be introduced to the full Council on May 28, 2020, and upon a successful vote by the Committee on Health, it will be submitted to the full Council for a vote on May 28, 2020.

DATE PREPARED: May 22, 2020.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 1961-A:)

Preconsidered Int. No. 1961-A

By Council Members Torres, Kallos, Ayala, Rivera, Vallone, Rosenthal, Maisel and Chin.

A Local Law in relation to public reporting on contact tracing for COVID-19

Be it enacted by the Council as follows:

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

Age range. The term “age range” means the following age categories: 0 to 17 years old; 18 to 44 years old; 45 to 64 years old; 65 to 74 years old; and 75 years or older.

Comorbidity. The term “comorbidity” means the following disease categories: (i) respiratory disease; (ii) cardiovascular disease; (iii) diabetes; and (iv) other reported health conditions.

Contact tracing. The term “contact tracing” means the process of identifying individuals who may have had contact with a person who has tested positive for COVID-19, and consequently educating, testing, quarantining, or monitoring such identified individuals for the purpose of containing transmission of such disease.

COVID-19. The term “COVID-19” means the disease caused by the severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2).

Department. The term “department” means the department of health and mental hygiene.

Occupational setting. The term “occupational setting” means one of the following categories: (i) healthcare setting; (ii) congregate setting; and (iii) other setting.

Program. The term “program” refers to any COVID-19 contact tracing program established at the direction or request of the mayor.

Wraparound services. The term “wraparound services” means any services to facilitate quarantine or isolation, including, but not limited to, hotel accommodations or other shelter, food or grocery provision, and medical referrals.

b. **Contact tracing reporting.** The department or another agency designated by the mayor shall cause the information described in this subdivision to be posted conspicuously on the city’s website. Such reports shall begin one week after the effective date of this local law and be updated weekly thereafter, until such time as is practicable for the department or another agency designated by the mayor to cause such information to be posted on a daily basis, provided that such daily reporting shall begin no later than six weeks after the effective date of this local law. Information reported on a daily basis shall be as up-to-date as practicable. In causing such reports to be posted, the department or another agency designated by the mayor may seek the assistance of the health and hospitals corporation. Such reports shall include:

1. The number of persons employed or contracted by the program to conduct contact tracing, disaggregated by languages spoken and zip code of residence;

2. The number of persons identified to the program who have tested positive for currently having COVID-19 by molecular testing, disaggregated by zip code, race, ethnicity, gender, age range, COVID-19 symptoms present in the last 14 days, to the extent available, and whether such persons were referred to wraparound services;

3. The number of individuals identified by the program who may have had contact with a person who has tested positive for currently having COVID-19 by molecular testing, disaggregated by zip code, race, ethnicity, gender, age range, whether they tested positive for currently having COVID-19 or experienced COVID-19 symptoms within the last 14 days, to the extent available, and whether such individuals were referred to wraparound services; and

4. The number of individuals identified by the program who may have had contact with a person who has tested positive for currently having COVID-19 that the program attempted to contact and the number of such individuals who were successfully contacted.

c. **Comorbidity and occupational setting contact tracing reporting.** The department or another agency designated by the mayor shall cause the information described in this subdivision to be posted conspicuously on the city’s website. Such reports shall begin two weeks after the effective date of this local law and be updated weekly thereafter. In causing such reports to be posted, the department or another agency designated by the mayor may seek the assistance of the health and hospitals corporation. Such reports shall include:

1. The number of persons identified to the program who have tested positive for currently having COVID-19 by molecular testing, disaggregated by occupational setting and comorbidity, to the extent available; and

2. The number of individuals identified by the program who may have had contact with a person who has tested positive for currently having COVID-19 by molecular testing, disaggregated by occupational setting and comorbidity, to the extent available.

d. **Privacy.** Reports required pursuant to this section shall not contain identifying information as defined in section 23-1201 of the administrative code of the city of New York. If a category to be reported contains fewer

than five individuals or contains an amount that would allow another category that contains fewer than five individuals to be deduced, the number shall be replaced with a symbol.

e. The data required to be reported by subdivisions b and c of this section shall be archived in a machine-readable table available on the city's website.

§ 2. This local law takes effect immediately, provided that: (i) the first report required by section one of this local law shall be due no earlier than June 22, 2020; and (ii) subdivisions b and c of section one of this local law shall expire one year after it takes effect.

MARK D. LEVINE, *Chairperson*; MATHIEU EUGENE; ANDREW COHEN, ALICKA AMPRY-SAMUEL, ROBERT F. HOLDEN, KEITH POWERS; Committee on Health, May 28, 2020 (Remote Hearing). *Other Council Members Attending: Council Members Menchaca, Borelli, Brannan and Cabrera.*

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

Report of the Committee on Immigration

Report for Int. No. 1836-A

Report of the Committee on Immigration in favor of approving and adopting, as amended, a Local Law to amend the New York city charter and the administrative code of the city of New York, in relation to prohibiting the use of the word “alien” and removing such words in local laws, rules and other documents and materials.

The Committee on Immigration, to which the annexed proposed amended local law was referred on December 19, 2019 (Minutes, page 4879), respectfully

REPORTS:

I. INTRODUCTION

On May 28, 2020, the Committee on Immigration, chaired by Council Member Menchaca, held a second hearing and a vote on the following legislation: Int. No. 1836-A, sponsored by Council Member Moya, in relation to replacing the term “alien” with “noncitizen.” A prior version of this bill was heard by the Committee on January 9, 2020. At the time, the committee received testimony from the Mayor’s Office of Immigrant Affairs (‘MOIA’), as well as advocates, legal and social services providers and members of the public. The Committee approved the legislation on May 28, 2020.

II. ANALYSIS OF INT. NO. 1836-A

Int. No. 1836-A (Council Member Moya) would establish that no laws, documents, or materials generated by any city agency after the effective date of this law could refer to noncitizens as “aliens,” “illegal immigrants,” or “illegal migrants.” This would require all rules, documents and materials produced by city agencies to be amended to replace the term “alien” with “noncitizen.” However, laws, rules, orders, or other documents or materials generated by the city could reference the term “alien” when using such a term is required pursuant to a state or federal law, or excluding that term would be inconsistent with state or federal law. Int. No. 1836-A would also remove the use of the term “alien” in the New York City Charter and Administrative Code and replace it with the term “noncitizen” where applicable, except where such provisions refer to state or federal laws. The bill would take effect 60 days after it became law.

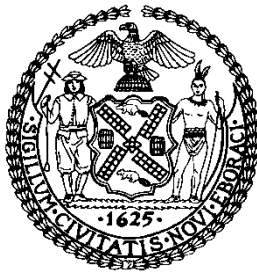
III. AMENDMENTS TO INT. NO. 1836

Since it was heard by the Immigration Committee in January, the bill has been updated to clarify that agencies shall not be required to dispose of printed materials that include such words and may use these materials until they are exhausted. The bill was also amended to require agencies to review their rules, documents, and materials to identify where terms prohibited by this bill appear and amend such rules, documents and materials. The amended bill clarifies that failure to amend existing rules, documents and materials will not invalidate their content and that this prohibition only applies to future rules, documents and materials, based on date of enactment.

Since the bill was first heard, Int. No. 1836-A was also amended to remove amendments to sections within the Administrative Code of the City of New York that derived from or referenced New York State law.

Finally, the bill has been amended to take effect 60 days after it becomes law, rather than immediately, as originally heard.

(The following is the text of the Fiscal Impact Statement for Int. No. 1836-A:)



**THE COUNCIL OF THE CITY OF NEW YORK
FINANCE DIVISION
LATONIA MCKINNEY, DIRECTOR
FISCAL IMPACT STATEMENT**

**PROPOSED INTRO. NO: 1836-A
COMMITTEE: IMMIGRATION**

TITLE: A Local Law to amend the New York city charter and the administrative code of the city of New York, in relation to prohibiting the use of the word “alien” and removing such words in local laws, rules and other documents and materials.

SPONSORS: Council Members Moya, Louis, Dromm, Kallos, Rosenthal, Constantinides, Powers, and Rivera.

SUMMARY OF LEGISLATION: Proposed Intro. 1836-A would replace the term “alien” with “noncitizen” wherever it refers to noncitizen persons in the City Charter and Administrative Code and prohibit the City from using the terms “alien,” “illegal alien,” or “illegal immigrant” in its laws, documents, or materials unless referencing a federal law or program.

EFFECTIVE DATE: This local law would take 60 days after it becomes law.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2021

FISCAL IMPACT STATEMENT:

	Effective FY21	FY Succeeding Effective FY22	Full Fiscal Impact FY22
Revenues	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0
Net	\$0	\$0	\$0

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

IMPACT ON EXPENDITURES: It is estimated that there would be no impact on expenditures resulting from the enactment of this legislation because the agencies responsible for carrying out its commands would be able to use existing resources.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

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

ESTIMATE PREPARED BY: Florentine Kabore, Financial Analyst

ESTIMATE REVIEWED BY: Nathan Toth, Deputy Director, NYC Council Finance Division
Cirilhien R. Francisco, Unit Head, NYC Council Finance Division
Noah Brick, Assistant Counsel, NYC Council Finance Division

LEGISLATIVE HISTORY: This legislation was introduced to the Council as Intro. No. 1836 on December 19, 2019 and was referred to the Committee on Immigration (Committee). The Committee heard the legislation on January 9, 2020, and the bill was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. 1836-A, will be voted by the Committee on May 28, 2020. Upon a successful vote by the Committee, Proposed Int. 1836-A will be submitted to the full Council for a vote on May 28, 2020.

DATE PREPARED: March 17, 2020.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 1836-A:)

Int. No. 1836-A

By Council Members Moya, Louis, Dromm, Kallos, Rosenthal, Constantinides, Powers, Rivera, Chin, Ayala, Barron, Maisel and the Public Advocate (Mr. Williams).

A Local Law to amend the New York city charter and the administrative code of the city of New York, in relation to prohibiting the use of the word "alien" and removing such words in local laws, rules and other documents and materials

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 1 of the administrative code of the city of New York is amended by adding a new section 1-114 to read as follows:

§ 1-114 Language referring to noncitizens. a. Any law, rule, order or other document, or material created by the city shall not use the terms "alien," "illegal immigrant," or "illegal migrant" to refer to an individual who is not a citizen of the United States, provided that:

1. A law, rule, order, or any other document or material shall not be deemed invalid due to the inclusion of such a term.

2. An agency shall not be required to dispose of any printed material that includes such a term if such material was produced prior to the effective date of the local law that added this section, and may use such material until it is exhausted.

3. An agency of the city may use such a term in a law, rule, order, or other document or material if the agency determines that using such a term is required pursuant to a state or federal law, or that excluding such term would be inconsistent with state or federal law, or that using such a term is reasonably necessary to achieve the agency's purpose.

b. No later than one year after the effective date of this section, each agency shall review its rules and other documents or materials to identify any use of the terms prohibited by subdivision a of this section, and amend any such rule that is in effect on the effective date of this section, or revise any such other document or material, in accordance with this section, provided that the failure to amend any such rule, document or material shall not change the validity thereof, and further provided that this paragraph shall not apply to orders issued before the effective date of this section.

§ 2. Subparagraphs b and c of paragraph 6 of subdivision e of section 1304 of the New York city charter, as amended by local law 1 for the year 2013, are amended to read as follows:

b. For the purposes of such certification, "minority owned business enterprise" and "women owned business enterprise" shall mean business enterprises authorized to do business in this state, including sole proprietorships, partnerships and corporations, in which (i) at least fifty-one percent of the ownership interest is held by United States citizens or *lawful permanent residents* [resident aliens] who are either minority group members or women[.]; (ii) the ownership interest of such individuals is real, substantial and continuing[.]; and (iii) such individuals have and exercise the authority to control independently the day to day business decisions of the enterprise;

c. For the purposes of such certification, "emerging business enterprise" shall mean a business enterprise authorized to do business in this state, including sole proprietorships, partnerships and corporations, in which (i) at least fifty-one percent of the ownership interest is held by United States citizens or *lawful permanent residents* [resident aliens]; (ii) the ownership interest of such individuals is real, substantial and continuing[.]; (iii) such individuals have and exercise the authority to control independently the day to day business decisions of the enterprise; and (iv) such individuals have demonstrated, in accordance with regulations promulgated by the commissioner, that they are socially and economically disadvantaged. An individual who is "socially and economically disadvantaged" shall mean an individual who has experienced social disadvantage in American society as a result of causes not common to individuals who are not socially disadvantaged, and whose ability to compete in the free enterprise system has been impaired due to diminished capital and credit opportunities as compared to others in the same business area who are not socially disadvantaged. An individual's race, national origin, or gender by itself, shall not qualify the individual as "socially disadvantaged." In drafting such regulations, the commissioner shall consider criteria developed for federal programs established to promote opportunities for businesses owned by individuals who are socially and economically disadvantaged, including criteria for determining initial and continued eligibility in relation to the net worth of individuals claiming to be economically disadvantaged, provided that the net worth of an individual claiming disadvantage pursuant to this section must be less than one million dollars. In determining such net worth, the department shall exclude the ownership interest in the business enterprise and the equity in the primary personal residence.

§ 3. Subdivision a of section 1305 of the New York city charter, as added by local law 61 for the year 1991, is amended to read as follows:

a. The commissioner shall administer the provisions of this section and enforce a citywide program to ensure that city contractors and subcontractors take appropriate action to ensure that women and minority group members are afforded equal employment opportunity, and that all persons are protected from discrimination prohibited under the provisions of federal, state and local laws and executive orders with regard to recruitment, employment, job assignment, promotion, upgrading, demotion, transfer, layoff, termination, rates of pay and other forms of compensation. The commissioner may request and shall receive from any contracting agency of the city such assistance as may be necessary to carry out the provisions of this section. "Minority group member" shall mean a United States citizen or *lawful permanent resident* [alien] who is a member of a racial or language minority group in New York city protected by the voting rights act of 1965, as amended, or such other groups as may be covered by rule of the agency.

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

§ 8-101 Policy.

In the city of New York, with its great cosmopolitan population, there is no greater danger to the health, morals, safety and welfare of the city and its inhabitants than the existence of groups prejudiced against one another and antagonistic to each other because of their actual or perceived differences, including those based on race, color, creed, age, national origin, [alienage] *immigration* or citizenship status, gender, sexual orientation, disability, marital status, partnership status, caregiver status, sexual and reproductive health

decisions, any lawful source of income, status as a victim of domestic violence or status as a victim of sex offenses or stalking, whether children are, may be or would be residing with a person or conviction or arrest record. The council hereby finds and declares that prejudice, intolerance, bigotry, and discrimination, bias-related violence or harassment and disorder occasioned thereby threaten the rights and proper privileges of its inhabitants and menace the institutions and foundation of a free democratic state. A city agency is hereby created with power to eliminate and prevent discrimination from playing any role in actions relating to employment, public accommodations, and housing and other real estate, and to take other actions against prejudice, intolerance, bigotry, discrimination and bias-related violence or harassment as herein provided; and the commission established hereunder is hereby given general jurisdiction and power for such purposes.

§ 5. Section 8-102 of the administrative code of the city of New York, as amended by local law number 185 for the year 2019, is amended by amending the definition of “alienage or citizenship status”, and setting forth such amended definition in alphabetical order to read as follows:

[Alienage] *Immigration* or citizenship status. The term “[alienage] *immigration* or citizenship status” means:

1. The citizenship of any person, or
2. The immigration status of any person who is not a citizen or national of the United States.

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

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

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

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

(b) For an employment agency or an employee or agent thereof to discriminate against any person because of such person's actual or perceived age, race, creed, color, national origin, gender, disability, marital status, partnership status, caregiver status, sexual and reproductive health decisions, sexual orientation, uniformed service or [alienage] *immigration* or citizenship status in receiving, classifying, disposing or otherwise acting upon applications for its services or in referring an applicant or applicants for its services to an employer or employers.

(c) For a labor organization or an employee or agent thereof, because of the actual or perceived age, race, creed, color, national origin, gender, disability, marital status, partnership status, caregiver status, sexual and reproductive health decisions, sexual orientation, uniformed service or [alienage] *immigration* or citizenship status of any person, to exclude or to expel from its membership such person, to represent that membership is not available when it is in fact available, or to discriminate in any way against any of its members or against any employer or any person employed by an employer.

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

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

(b) To deny to or withhold from any person because of his or her actual or perceived race, creed, color, national origin, gender, age, disability, marital status, partnership status, caregiver status, sexual and reproductive health decisions, sexual orientation, uniformed service or [alienage] *immigration* or citizenship status the right to be admitted to or participate in a guidance program, an apprentice training program, on-the-job training program, or other occupational training or retraining program.

(c) To discriminate against any person in his or her pursuit of such program or to discriminate against such a person in the terms, conditions or privileges of such program because of actual or perceived race, creed, color, national origin, gender, age, disability, marital status, partnership status, caregiver status, sexual and reproductive health decisions, sexual orientation, uniformed service or [alienage] *immigration* or citizenship status.

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

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

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

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

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

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

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

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

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

§ 9. Subparagraphs a, b, c, d, e, and f of subdivision 5 of section 8-107 of the administrative code of the city of New York, as amended by local law number 119 for the year 2017, are amended to read as follows:

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

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

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

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

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

(2) To declare, print or circulate or cause to be declared, printed or circulated any statement, advertisement or publication, or to use any form of application for the purchase, rental or lease of such a housing

accommodation or an interest therein or to make any record or inquiry in conjunction with the prospective purchase, rental or lease of such a housing accommodation or an interest therein which expresses, directly or indirectly, any limitation, specification or discrimination as to race, creed, color, national origin, gender, age, disability, sexual orientation, uniformed service, marital status, partnership status, or [alienage] *immigration* or citizenship status, or any lawful source of income, or whether children are, may be, or would be residing with a person, or any intent to make such limitation, specification or discrimination.

(4) The provisions of this paragraph (a) shall not apply:

(1) to the rental of a housing accommodation, other than a publicly-assisted housing accommodation, in a building which contains housing accommodations for not more than two families living independently of each other, if the owner or members of the owner's family reside in one of such housing accommodations, and if the available housing accommodation has not been publicly advertised, listed, or otherwise offered to the general public; or

(2) to the rental of a room or rooms in a housing accommodation, other than a publicly-assisted housing accommodation, if such rental is by the occupant of the housing accommodation or by the owner of the housing accommodation and the owner or members of the owner's family reside in such housing accommodation.

(b) Land and commercial space. It shall be an unlawful discriminatory practice for the owner, lessor, lessee, sublessee, or managing agent of, or other person having the right of ownership or possession of or the right to sell, rent, or lease, or approve the sale, rental or lease of land or commercial space or an interest therein, or any agency or employee thereof:

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

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

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

(C) To represent to any person or persons that any land or commercial space or an interest therein is not available for inspection, sale, rental or lease when in fact it is available.

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

(c) Real estate brokers. It shall be an unlawful discriminatory practice for any real estate broker, real estate salesperson or employee or agent thereof:

(1) To refuse to sell, rent or lease any housing accommodation, land or commercial space or an interest therein to any person or group of persons or to refuse to negotiate for the sale, rental or lease, of any housing accommodation, land or commercial space or an interest therein to any person or group of persons because of the actual or perceived race, creed, color, national origin, gender, age, disability, sexual orientation, uniformed service, marital status, partnership status, or [alienage] *immigration* or citizenship status of such person or persons, or because of any lawful source of income of such person or persons, or because children are, may be or would be residing with such person or persons, or to represent that any housing accommodation, land or commercial space or an interest therein is not available for inspection, sale, rental or lease when in fact it is so available, or otherwise to deny or withhold any housing accommodation, land or commercial space or an interest therein or any facilities of any housing accommodation, land or commercial space or an interest therein from any person or group of persons because of the actual or perceived race, creed, color, national origin, gender, age, disability, sexual orientation, uniformed service, marital status, partnership status, or [alienage]

immigration or citizenship status of such person or persons, or because of any lawful source of income of such person or persons, or because children are, may be or would be residing with such person or persons.

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

(3) To induce or attempt to induce any person to sell or rent any housing accommodation, land or commercial space or an interest therein by representations, explicit or implicit, regarding the entry or prospective entry into the neighborhood or area of a person or persons of any race, creed, color, gender, age, disability, sexual orientation, uniformed service, marital status, partnership status, national origin, [alienage] *immigration* or citizenship status, or a person or persons with any lawful source of income, or a person or persons with whom children are, may be or would be residing.

(d) Lending practices.

(1) It shall be an unlawful discriminatory practice for any person, bank, trust company, private banker, savings bank, industrial bank, savings and loan association, credit union, investment company, mortgage company, insurance company, or other financial institution or lender, doing business in the city, including unincorporated entities and entities incorporated in any jurisdiction, or any officer, agent or employee thereof to whom application is made for a loan, mortgage or other form of financial assistance for the purchase, acquisition, construction, rehabilitation, repair or maintenance of any housing accommodation, land or commercial space or an interest therein:

(A) To discriminate against such applicant in the granting, withholding, extending or renewing, or in the fixing of rates, terms or conditions of any such financial assistance or in the appraisal of any housing accommodation, land or commercial space or an interest therein:

(i) Because of the actual or perceived race, creed, color, national origin, gender, disability, sexual orientation, age, marital status, uniformed service, partnership status, or [alienage] *immigration* or citizenship status of such applicant, any member, stockholder, director, officer or employee of such applicant, or the occupants or tenants or prospective occupants or tenants of such housing accommodation, land or commercial space; or

(ii) Because children are, may be or would be residing with such applicant or other person.

(B) To use any form of application for a loan, mortgage, or other form of financial assistance, or to make any record or inquiry in connection with applications for such financial assistance, or in connection with the appraisal of any housing accommodation, land or commercial space or an interest therein, which expresses, directly or indirectly, any limitation, specification or discrimination as to race, creed, color, national origin, gender, disability, sexual orientation, uniformed service, age, marital status, partnership status, or [alienage] *immigration* or citizenship status, or whether children are, may be, or would be residing with a person.

(2) It shall be an unlawful discriminatory practice for any person, bank, trust company, private banker, savings bank, industrial bank, savings and loan association, credit union, investment company, mortgage company, insurance company, or other financial institution or lender, doing business in the city, including unincorporated entities and entities incorporated in any jurisdiction, or any officer, agent or employee thereof to represent to any person that any type or term of loan, mortgage or other form of financial assistance for the purchase, acquisition, construction, rehabilitation, repair or maintenance of such housing accommodation, land or commercial space or an interest therein is not available when in fact it is available:

(A) Because of the actual or perceived race, creed, color, national origin, gender, disability, sexual orientation, uniformed service, age, marital status, partnership status, or [alienage] *immigration* or citizenship status of such person, any member, stockholder, director, officer or employee of such person, or the occupants or tenants or prospective occupants or tenants of such housing accommodation, land or commercial space; or

(B) Because children are, may be or would be residing with a person.

(e) Real estate services. It shall be an unlawful discriminatory practice, because of the actual or perceived race, creed, color, national origin, gender, disability, sexual orientation, uniformed service, age, marital status, partnership status, or [alienage] *immigration* or citizenship status of any person or because children are, may be or would be residing with such person:

(1) To deny such person access to, membership in or participation in a multiple listing service, real estate brokers' organization, or other service; or

(2) To represent to such person that access to or membership in such service or organization is not available, when in fact it is available.

(f) Real estate related transactions. It shall be an unlawful discriminatory practice for any person whose business includes the appraisal of housing accommodations, land or commercial space or interest therein or an employee or agent thereof to discriminate in making available or in the terms or conditions of such appraisal on the basis of the actual or perceived race, creed, color, national origin, gender, disability, sexual orientation, uniformed service, age, marital status, partnership status, or [alienage] *immigration* or citizenship status of any person or because children are, may be or would be residing with such person.

§ 10. Subparagraph a of subdivision 9 of section 8-107 of the administrative code of the city of New York, as amended by local law number 119 for the year 2017, is amended to read as follows:

9. *Licenses, registrations and permits.*

(a) It shall be an unlawful discriminatory practice:

(1) Except as otherwise provided in paragraph c of this subdivision, for an agency authorized to issue a license, registration or permit or an employee thereof to falsely deny the availability of such license, registration or permit, or otherwise discriminate against an applicant, or a putative or prospective applicant for a license, registration or permit because of the actual or perceived race, creed, color, national origin, age, gender, marital status, partnership status, disability, sexual orientation, uniformed service or [alienage] *immigration* or citizenship status of such applicant.

(2) Except as otherwise provided in paragraph (c) of this subdivision, for an agency authorized to issue a license, registration or permit or an employee thereof to declare, print or circulate or cause to be declared, printed or circulated any statement, advertisement or publication, or to use any form of application for a license, registration or permit or to make any inquiry in connection with any such application, which expresses, directly or indirectly, any limitation, specification or discrimination as to race, creed, color, national origin, age, gender, marital status, partnership status, disability, sexual orientation, uniformed service [alienage] *immigration* or citizenship status, or any intent to make any such limitation, specification or discrimination.

§ 11. Subdivision 14 of section 8-107 of the administrative code of the city of New York, as amended by local law number 63 for the year 2018, is amended to read as follows:

14. *Applicability; [alienage] immigration or citizenship status.* Notwithstanding any other provision of this section, it shall not be an unlawful discriminatory practice for any person to discriminate on the ground of [alienage] *immigration* or citizenship status, or to make any inquiry as to a person's [alienage] *immigration* or citizenship status, or to give preference to a person who is a citizen or national of the United States over an equally qualified person who is [an alien] *not a citizen or national of the United States*, when such discrimination is required or when such preference is expressly permitted by any law or regulation of the United States, the state of New York or the city, and when such law or regulation does not provide that state or local law may be more protective of [aliens] *a person who is not a citizen or national of the United States*; provided, however, that this provision shall not prohibit inquiries or determinations based on [alienage] *immigration* or citizenship status when such actions are necessary to obtain the benefits of a federal program. An applicant for a license or permit issued by the city may be required to be authorized to work in the United States whenever by law or regulation there is a limit on the number of such licenses or permits which may be issued.

§ 12. Subdivision 18 of section 8-107 of the administrative code of the city of New York, as amended by local law number 119 for the year 2017, is amended to read as follows:

18. *Unlawful boycott or blacklist.* It shall be an unlawful discriminatory practice (i) for any person to discriminate against, boycott or blacklist or to refuse to buy from, sell to or trade with, any person, because of such person's actual or perceived race, creed, color, national origin, gender, disability, age, marital status, partnership status, sexual orientation, uniformed service or [alienage] *immigration* or citizenship status or of such person's partners, members, stockholders, directors, officers, managers, superintendents, agents,

employees, business associates, suppliers or customers, or (ii) for any person willfully to do any act or refrain from doing any act which enables any such person to take such action. This subdivision shall not apply to:

- (a) Boycotts connected with labor disputes;
- (b) Boycotts to protest unlawful discriminatory practices; or
- (c) Any form of expression that is protected by the First Amendment.

§ 13. Subdivision 20 of section 8-107 of the administrative code of the city of New York, as amended by local law number 119 for the year 2017, is amended to read as follows:

20. *Relationship or association.* The provisions of this section set forth as unlawful discriminatory practices shall be construed to prohibit such discrimination against a person because of the actual or perceived race, creed, color, national origin, disability, age, sexual orientation, uniformed service or [alienage] *immigration* or citizenship status of a person with whom such person has a known relationship or association.

§ 14. Subdivision a of section 8-602 of the administrative code of the city of New York, as amended by local law number 20 for the year 2019, is amended to read as follows:

(a) Whenever a person interferes by threats, intimidation or coercion or attempts to interfere by threats, intimidation or coercion with the exercise or enjoyment by any person of rights secured by the constitution or laws of the United States, the constitution or laws of this state, or local law of the city and such interference or attempted interference is motivated in whole or in part by the victim's actual or perceived race, creed, color, national origin, gender, sexual and reproductive health decisions, sexual orientation, age, whether children are, may or would be residing with such victim, marital status, partnership status, disability, or [alienage] *immigration* or citizenship status as defined in chapter one of this title, the corporation counsel, at the request of the City Commission on Human Rights or on his or her own initiative, may bring a civil action on behalf of the city for injunctive and other appropriate equitable relief in order to protect the peaceable exercise or enjoyment of the rights secured.

§ 15. Subdivisions a and b of section 8-603 of the administrative code of the city of New York, as amended by local law number 20 for the year 2019, are amended to read as follows:

(a) No person shall by force or threat of force, knowingly injure, intimidate or interfere with, oppress, or threaten any other person in the free exercise or enjoyment of any right or privilege secured to him or her by the constitution or laws of this state or by the constitution or laws of the United States or local law of the city when such injury, intimidation, oppression or threat is motivated in whole or in part by the victim's actual or perceived race, creed, color, national origin, gender, sexual and reproductive health decisions, sexual orientation, age, marital status, partnership status, disability, or [alienage] *immigration* or citizenship status, as defined in chapter one of this title.

(b) No person shall knowingly deface, damage or destroy the real or personal property of any person for the purpose of intimidating or interfering with the free exercise or enjoyment of any right or privilege secured to the other person by the constitution or laws of this state or by the constitution or laws of the United States or by local law of the city when such defacement, damage or destruction of real or personal property is motivated in whole or in part by the victim's actual or perceived race, creed, color, national origin, gender, sexual and reproductive health decisions, sexual oration, age, marital status, partnership status or whether children are may be, or would be residing with such victim, disability or [alienage] *immigration* or citizenship status, as defined in chapter one of this title.

§ 16. Subdivision a of section 14-151 of the administrative code of the city of New York, as amended by local law number 71 for the year 2013, is amended to read as follows:

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

1. "Bias-based profiling" means an act of a member of the force of the police department or other law enforcement officer that relies on actual or perceived race, national origin, color, creed, age, [alienage] *immigration* or citizenship status, gender, sexual orientation, disability, or housing status as the determinative factor in initiating law enforcement action against an individual, rather than an individual's behavior or other information or circumstances that links a person or persons to suspected unlawful activity.

2. "Law enforcement officer" means (i) a peace officer or police officer as defined in the Criminal Procedure Law who is employed by the city of New York; or (ii) a special patrolman appointed by the police commissioner pursuant to section 14-106 of the administrative code.

3. The terms “national origin,” “gender,” “disability,” “sexual orientation,” and “[alienage] *immigration* or citizenship status” shall have the same meaning as in section 8-102 of the administrative code.

4. "Housing status" means the character of an individual's residence or lack thereof, whether publicly or privately owned, whether on a temporary or permanent basis, and shall include but not be limited to:

- (i) an individual's ownership status with regard to the individual's residence;
- (ii) the status of having or not having a fixed residence;
- (iii) an individual's use of publicly assisted housing;
- (iv) an individual's use of the shelter system; and
- (v) an individual's actual or perceived homelessness.

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

CARLOS MENCHACA, *Chairperson*; MATHIEU EUGENE, DANIEL DROMM, FRANCISCO P. MOYA; Committee on Immigration, May 28, 2020 (Remote Hearing). *Other Council Members Attending: Council Member Cohen.*

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

Report of the Committee on Land Use

Report for L.U. No. 632

Report of the Committee on Land Use in favor of filing, pursuant to a letter of withdrawal, Application No. C 200050 ZSM (Lenox Terrace) submitted by Lenox Terrace Development Associates pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-743 of the Zoning Resolution to modify the height and setback requirements of Sections 23-60 (Height and Setback Regulations) and 35-60 (Modification of Height and Setback Regulations), and the distance between buildings requirements of Section 23- 711 (Standard minimum distance between buildings), in connection with a proposed mixed use development, within a large scale general development, on property generally bounded by West 135th Street, Fifth Avenue, West 132nd Street, and Lenox Avenue-Malcolm X. Boulevard (Block 1730, Lots 1, 7, 9, 25, 33, 36, 40, 45, 50, 52, 64, 68, and 75), in a proposed C6-2 District, Borough of Manhattan, Council District 9, Community District 10.

The Committee on Land Use, to which the annexed Land Use item was referred on February 11, 2020 (Minutes, page 283) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

MANHATTAN CB-10 - FOUR APPLICATIONS RELATED TO LENOX TERRACE

C 200050 ZSM (L.U. No. 632)

City Planning Commission decision approving an application submitted by Lenox Terrace Development Associates pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-743 of the Zoning Resolution to modify the height and setback requirements of Sections 23-60 (Height and Setback Regulations) and 35-60 (Modification of Height and Setback Regulations), and the distance between buildings requirements of Section 23-711 (Standard minimum distance between buildings), in connection with a proposed mixed use development, within a large scale general development, on property generally bounded by West 135th Street, Fifth Avenue, West 132nd Street, and Lenox Avenue-Malcolm X. Boulevard (Block 1730, Lots 1, 7, 9, 25, 33, 36, 40, 45, 50, 52, 64, 68, and 75), in a C6-2 District.

N 200051 ZRM (L.U. No. 633)

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

C 200052 ZMM (L.U. No. 634)

City Planning Commission decision approving an application submitted by Lenox Terrace Development Associates pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 6a:

1. eliminating from an existing R7-2 District a C1-4 District bounded by West 135th Street, Fifth Avenue, West 132nd Street, a line 100 feet westerly of Fifth Avenue, the easterly centerline prolongation of West 134th Street, the easterly street line terminus of West 134th Street, the southerly, easterly and northerly boundary line of Public Bath and its westerly prolongation, Lenox Terrace Place, a line 100 feet southerly of West 135th Street, a line 100 feet easterly of Lenox Avenue-Malcolm X. Boulevard, West 132nd Street, and Lenox Avenue-Malcolm X. Boulevard;
2. changing from an R7-2 District to an R8 District property bounded by West 135th Street, Fifth Avenue, West 132nd Street, and Lenox Avenue-Malcolm X. Boulevard; and
3. establishing within the proposed R8 District a C1-5 District bounded by West 135th Street, Fifth Avenue, West 132nd Street, a line 150 feet westerly of Fifth Avenue, a line 100 feet northerly of West 132nd Street, a line 125 feet westerly of Fifth Avenue, the easterly centerline prolongation of West 134th Street, the southerly, easterly and northerly boundary line of Public Bath and its westerly prolongation, Lenox Terrace Place, a line 100 feet southerly of West 135th Street, a line 100 feet easterly of Lenox Avenue-Malcolm X. Boulevard, a line 100 feet northerly of West 132nd Street, a line 225 feet easterly of Lenox Avenue-Malcolm X. Boulevard, West 132nd Street, and Lenox Avenue-Malcolm X. Boulevard;

as shown on a diagram (for illustrative purposes only) dated August 26, 2019, revised on January 22, 2020, modified by the City Planning Commission on February 3, 2020, and subject to the conditions of CEQR Declaration E-547.

C 200054 ZSM (L.U. No. 635)

City Planning Commission decision approving an application submitted by Lenox Terrace Development Associates pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-533 of the Zoning Resolution to waive the required number of accessory off-street parking spaces for dwelling units in a development within a Transit Zone, that includes at least 20 percent of all dwelling units as income-restricted housing units, in connection with a proposed mixed-use development, within a large scale general development, on property generally bounded by West 135th Street, Fifth Avenue, West 132nd Street, and Lenox Avenue-Malcolm X. Boulevard (Block 1730, Lots 1, 7, 9, 25, 33, 36, 40, 45, 50, 52, 64, 68, and 75), in a C6-2 District.

INTENT

To grant an approval of the special permit pursuant to ZR 74-743 to modify height and setback requirements and distance between buildings requirements within a large-scale general development; amend zoning text to modify Appendix F and map the Project Area as a Mandatory Inclusionary Housing (MIH) Area utilizing Option 1 and 2; amend to rezone the Project Area to eliminate the C1-4 commercial overlays, and change the R7-2 district to R8 and R8/C1-5 districts; approve the special permit to reduce the required number of accessory off-street parking spaces for dwelling units in a development pursuant to ZR 74-533 in the Harlem neighborhood of Manhattan, Community District 10.

PUBLIC HEARING

DATE: February 12, 2020

Witnesses in Favor: Eight

Witnesses Against: Twenty

SUBCOMMITTEE RECOMMENDATION

DATE: February 26, 2020

The Subcommittee recommended that the Land Use Committee disapprove the applications for L.U. Nos. 632 through 635.

In Favor:

Moya, Levin, Richards, Reynoso, Grodenchik, Rivera.

Against:

None

Abstain:

None

COMMITTEE ACTION**DATE:** March 3, 2020

The Committee recommended that the Council approve the resolutions to disapprove the applications.

In Favor:

Salamanca, Gibson, Deutsch, Koo, Miller, Reynoso, Richards, Treyger, Grodenchik, Ayala, Diaz, Moya, Rivera.

Against:

None

Abstain:

None.

WITHDRAWAL**DATE:** March 13, 2020

By letter dated March 13, 2020, the Applicant withdrew the applications.

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

Res. No. 1327

Resolution approving a motion to file pursuant to withdrawal of the application which was the subject of the decision of the City Planning Commission on ULURP No. C 200050 ZSM, for the grant of a special permit (L.U. No. 632).

By Council Members Salamanca and Moya.

WHEREAS, the New York City Planning Commission filed with the Council on February 3, 2020, its decision dated February 3, 2020 (the “Decision”), on the application submitted by Lenox Terrace Development Associates, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-743 of the Zoning Resolution to modify the height and setback requirements of Sections 23-60 (Height and Setback Regulations) and 35-60 (Modification of Height and Setback Regulations), in connection with a proposed mixed use development, within a large scale general development, on property generally bounded by West 135th Street, Fifth Avenue, West 132nd Street, and Lenox Avenue-Malcolm X. Boulevard (Block 1730, Lots 1, 7, 9, 25, 33, 36, 40, 45, 50, 52, 64, 68, and 75), in R8 and R8/C1-5 Districts, which in conjunction with the related actions would facilitate the proposed development of five mixed-use buildings containing residential, commercial, and community facility uses located within an existing development known as Lenox Terrace in the Harlem neighborhood of Manhattan, Community District 10 (ULURP No. C 200050 ZSM) (the “Application”);

WHEREAS, the Application is related to applications N 200051 ZRM (L.U. No. 633), a zoning text amendment to designate a Mandatory Inclusionary Housing (MIH) area for the project area; C 200052 ZMM (L.U. No. 634), a zoning map amendment to change R7-2/C1-4 zoning districts of the project area to a R8/C1-5 zoning district; and C 200054 ZSM (L.U. No. 635), a special permit pursuant to ZR Section 74-533 to reduce the number of required parking spaces at the development site;

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on February 12, 2020; and

WHEREAS, by submission dated March 13, 2020 and submitted to the Council on March 13, 2020, the Applicant withdrew the Application.

RESOLVED:

The Council approves the motion to file pursuant to withdrawal in accordance with Rules 7.90 and 11.60(b) of the Rules of the Council.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, DONOVAN J. RICHARDS, VANESSA L. GIBSON, CHAIM M. DEUTSCH, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, DIANA AYALA, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, March 3, 2020.

Coupled to be Filed pursuant to Letter of Withdrawal.

Report for L.U. No. 633

Report of the Committee on Land Use in favor of filing, pursuant to a letter of withdrawal, Application No. N 200051 ZRM (Lenox Terrace) submitted by Lenox Terrace Development Associates, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area, for property located within a large scale general development, on property generally bounded by West 135th Street, Fifth Avenue, West 132nd Street, and Lenox Avenue-Malcolm X. Boulevard, Borough of Manhattan, Council District 9, Community District 10.

The Committee on Land Use, to which the annexed Land Use item was referred on February 11, 2020 (Minutes, page 283) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Land Use for L.U. No. 632 printed in these Minutes)

Accordingly, this Committee recommends its filing.

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

Res. No. 1328

Resolution approving a motion to file pursuant to withdrawal of the application which was the subject of the decision of the City Planning Commission on Application No. N 200051 ZRM, for an amendment of the text of the Zoning Resolution (L.U. No. 633).

By Council Members Salamanca and Moya.

WHEREAS, the New York City Planning Commission filed with the Council on February 3, 2020, its decision dated February 3, 2020 (the “Decision”), on the application submitted by Lenox Terrace Development Associates, pursuant to Section 201 of the New York City Charter, for an amendment of the text of the zoning resolution of the City of New York, modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area utilizing Options 1 and 2, which in conjunction with the related action would facilitate the development of five mixed-use buildings containing residential, commercial, and community facility uses located within an existing development known as Lenox Terrace in the Harlem neighborhood of Manhattan, Community District 10 (Application No. N 200051 ZRM) (the “Application”);

WHEREAS, the Application is related to applications C 200050 ZSM (L.U. No. 632), a special permit pursuant to ZR Section 74-743 to modify certain height and setback regulations within a large scale general development; C 200052 ZMM (L.U. No. 634), a zoning map amendment to change R7-2 / C1-4 zoning districts of the project area to a R8 /C1-5 zoning district; and C 200054 ZSM (L.U. No. 635), a special permit pursuant to ZR Section 74-533 to reduce the number of required parking spaces at the development site;

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on February 12, 2020; and

WHEREAS, by submission dated March 13, 2020 and submitted to the Council on March 13, 2020, the Applicant withdrew the Application.

RESOLVED:

The Council approves the motion to file pursuant to withdrawal in accordance with Rules 7.90 and 11.60(b) of the Rules of the Council.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, DONOVAN J. RICHARDS, VANESSA L. GIBSON, CHAIM M. DEUTSCH, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, DIANA AYALA, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, March 3, 2020.

Coupled to be Filed pursuant to Letter of Withdrawal.

Report for L.U. No. 634

Report of the Committee on Land Use in favor of filing, pursuant to a letter of withdrawal, Application No C 200052 ZMM (Lenox Terrace) submitted by Lenox Terrace Development Associates pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 6a, eliminating from an existing R7-2 District a C1-4 District and changing from an R7-2 District to a C6-2 District, on property generally bounded by West 135th Street, Fifth Avenue, West 132nd Street, and Lenox Avenue-Malcolm X. Boulevard, Borough of Manhattan, Council District 9, Community District 10.

The Committee on Land Use, to which the annexed Land Use item was referred on February 11, 2020 (Minutes, page 284) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Land Use for L.U. No. 632 printed in these Minutes)

Accordingly, this Committee recommends its filing.

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

Res. No. 1329

Resolution approving a motion to file pursuant to withdrawal of the application which was the subject of the decision of the City Planning Commission on ULURP No. C 200052 ZMM, a Zoning Map amendment (L.U. No. 634).

By Council Members Salamanca and Moya.

WHEREAS, the New York City Planning Commission filed with the Council on February 3, 2020, its decision dated February 3, 2020 (the "Decision"), on the application submitted by Lenox Terrace Development Associates, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 6a, eliminating from an existing R7-2 District a C1-4 District, changing from an R7-2 District to an R8 District, and establishing within the proposed R8 District a C1-5 District, which in conjunction with the related actions would facilitate the development of five mixed-use buildings containing residential, commercial, and community facility uses located within an existing development known as Lenox Terrace in the Harlem neighborhood of Manhattan, Community District 10 (ULURP C 200052 ZMM) (the "Application");

WHEREAS, the Application is related to applications C 200050 ZSM (L.U. No. 632), a special permit pursuant to ZR Section 74-743 to modify certain height and setback regulations within a large scale general development; N 200051 ZRM (L.U. No. 633), a zoning text amendment to designate a Mandatory Inclusionary Housing (MIH) area for the project area; and C 200054 ZSM (L.U. No. 635), a special permit pursuant to ZR Section 74-533 to reduce the number of required parking spaces at the development site;

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on February 12, 2020; and

WHEREAS, by submission dated March 13, 2020 and submitted to the Council on March 13, 2020, the Applicant withdrew the Application.

RESOLVED:

The Council approves the motion to file pursuant to withdrawal in accordance with Rules 7.90 and 11.60(b) of the Rules of the Council.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, DONOVAN J. RICHARDS, VANESSA L. GIBSON, CHAIM M. DEUTSCH, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, DIANA AYALA, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, March 3, 2020.

Coupled to be Filed Pursuant to Letter of Withdrawal.

Report for L.U. No. 635

Report of the Committee on Land Use in favor of filing, pursuant to a letter of withdrawal, Application No. C 200054 ZSM (Lenox Terrace) submitted by Lenox Terrace Development Associates pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-533 of the Zoning Resolution to waive the required number of accessory off-street parking spaces for dwelling units in a development within a Transit Zone, that includes at least 20 percent of all dwelling units as income-restricted housing units, in connection with a proposed mixed-use development, within a large scale general development, on property generally bounded by West 135th Street, Fifth Avenue, West 132nd Street, and Lenox Avenue-Malcolm X. Boulevard (Block 1730, Lots 1, 7, 9, 25, 33, 36, 40, 45, 50, 52, 64, 68, and 75), in a proposed C6-2 District. Borough of Manhattan, Council District 9, Community District 10.

The Committee on Land Use, to which the annexed Land Use item was referred on February 11, 2020 (Minutes, page 284) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Land Use for L.U. No. 632 printed in these Minutes)

Accordingly, this Committee recommends its filing.

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

Res. No. 1330

Resolution approving a motion to file pursuant to withdrawal of the application which was the subject of the decision of the City Planning Commission on ULURP No. C 200054 ZSM, for the grant of a special permit (L.U. No. 635).

By Council Members Salamanca and Moya.

WHEREAS, the New York City Planning Commission filed with the Council on February 3, 2020, its decision dated February 3, 2020 (the “Decision”), on the application submitted by Lenox Terrace Development Associates, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-533 of the Zoning Resolution to waive the required number of accessory off-street parking spaces for dwelling units in a development within a Transit Zone, that includes at least 20 percent of all dwelling units as income-restricted housing units, in connection with a proposed mixed-use development, within a large scale general development, on property generally bounded by West 135th Street, Fifth Avenue, West 132nd Street, and Lenox Avenue-Malcolm X Boulevard (Block 1730, Lots 1, 7, 9, 25, 33, 36, 40, 45, 50, 52, 64, 68, and 75), in R8 district and R8/C1-5 District, which in conjunction with the related actions would facilitate the development of five mixed-use buildings containing residential, commercial, and

community facility uses located within an existing development known as Lenox Terrace in the Harlem neighborhood of Manhattan, Community District 10 (ULURP No. C 200054 ZSM) (the “Application”);

WHEREAS, the Application is related to applications C 200050 ZSM (L.U. No. 632), a special permit pursuant to ZR Section 74-743 to modify certain height and setback regulations within a large scale general development; N 200051 ZRM (L.U. No. 633), a zoning text amendment to designate a Mandatory Inclusionary Housing (MIH) area for the project area; and C 200052 ZMM (L.U. No. 634), a zoning map amendment to change R7-2/C1-4 zoning districts of the project area to a R8/C1-5 zoning district;

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on February 12, 2020; and

WHEREAS, by submission dated March 13, 2020 and submitted to the Council on March 13, 2020, the Applicant withdrew the Application.

RESOLVED:

The Council approves the motion to file pursuant to withdrawal in accordance with Rules 7.90 and 11.60(b) of the Rules of the Council.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, DONOVAN J. RICHARDS, VANESSA L. GIBSON, CHAIM M. DEUTSCH, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, DIANA AYALA, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, March 3, 2020.

Coupled to be Filed Pursuant to Letter of Withdrawal.

At this point, the Speaker (Council Member Johnson) 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. 659

Report of the Committee on Land Use in favor of approving Application No. 20205399 HAM (311-313 Pleasant Avenue Cluster) submitted by the New York City Department of Housing Preservation and Development pursuant to Article 16 of the General Municipal Law and Article XI of the Private Housing Finance Law, requesting the waiver of the designation requirements and approval of an urban development action area project, and requesting an exemption from real property taxes for property located at 311-313 Pleasant Avenue (Block 1710, Lot 27), 51-55 East 129th Street (Block 1754, Lot 26), and 1263 Park Avenue (Block 1625, Lot 72), Borough of Manhattan, Council Districts 5, 8 and 9, Community District 11.

The Committee on Land Use, to which the annexed Land Use item was referred on April 22, 2020 (Minutes, page 866) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT**MANHATTAN CB - 11****20205399 HAM**

Application submitted by the New York City Department of Housing Preservation and Development pursuant to Article 16 of the General Municipal Law and Section 577 of Article XI of the Private Housing Finance Law for approval of an urban development action area project, waiver of the area designation requirement, waiver of the requirements of Sections 197-c and 197-d of the New York City Charter, and a real property tax exemption for property located at 311-313 Pleasant Avenue (Block 1710, Lot 27), 51-55 East 129th Street (Block 1754, Lot 26), 1263 Park Avenue (Block 1625, Lot 72) the approval of real property tax exemption, Council Districts 5, 8, and 9, Borough of Manhattan.

INTENT

To approve the Project as an Urban Development Action Area Project and a real property tax exemption pursuant to Article XI of the Private Housing Finance Law for the project to provide sixty-four (64) affordable cooperative dwelling units.

PUBLIC HEARING**DATE:** May 7, 2020**Witnesses in Favor:** Two**Witnesses Against:** None**SUBCOMMITTEE RECOMMENDATION****DATE:** May 27, 2020

The Subcommittee recommends that the Land Use Committee approve the requests made by the New York City Department of Housing Preservation and Development.

In Favor:

Koo, Barron, Miller, Treyger.

Against:

None

Abstain:

None

COMMITTEE ACTION**DATE:** May 27, 2020

The Committee recommends that the Council approve the attached resolution.

In Favor:

Salamanca, Gibson, Barron, Deutsch, Koo, Lancman, Levin, Miller, Richards, Treyger, Grodenchik, Ayala, Diaz, Moya, Rivera.

Against:
None

Abstain:
None

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

Res. No. 1331

Resolution approving an Urban Development Action Area Project pursuant to Article 16 of the General Municipal Law and a real property tax exemption pursuant to Article XI of the Private Housing Finance Law for property located at 311-313 Pleasant Avenue (Block 1710, Lot 27), 51-55 East 129th Street (Block 1754, Lot 26), and 1263 Park Avenue (Block 1625, Lot 72), Borough of Manhattan; and waiving the urban development action area designation requirement and the Uniform Land Use Review Procedure, Community Districts 5, 8, and 9, Borough of Manhattan (Preconsidered L.U. No. 659; 20205399 HAM).

By Council Members Salamanca and Adams.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on March 11, 2020 its request dated March 2, 2020 that the Council take the following action regarding the proposed Urban Development Action Area Project (the "Project") located at 311-313 Pleasant Avenue (Block 1710, Lot 27), 51-55 East 129th Street (Block 1754, Lot 26), and 1263 Park Avenue (Block 1625, Lot 72), Community Districts 5, 8, and 9, Borough of Manhattan (the "Disposition Area"):

1. Find that the present status of the Disposition Area tends to impair or arrest the sound growth and development of the municipality and that the proposed Urban Development Action Area Project is consistent with the policy and purposes of Section 691 of the General Municipal Law;
2. Waive the area designation requirement of Section 693 of the General Municipal Law pursuant to Section 693 of the General Municipal Law;
3. Waive the requirements of Sections 197-c and 197-d of the Charter pursuant to Section 694 of the General Municipal Law; and
4. Approve the project as an Urban Development Action Area Project pursuant to Section 694 of the General Municipal Law.
5. Approve an exemption of the Exemption Area from real property taxes pursuant to Section 577 of Article XI of the Private Housing Finance Law.

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

WHEREAS, upon due notice, the Council held a public hearing on the Project on May 7, 2020; and

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

RESOLVED:

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

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

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

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

The Project shall be developed in a manner consistent with the Project Summary that HPD has submitted to the Council on March 11, 2020, a copy of which is attached hereto.

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

- a. All of the value of the property in the Disposition Area, including both the land and any improvements (excluding those portions, if any, devoted to business or commercial use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the later of (i) the date of conveyance of the Disposition Area to the Sponsor, or (ii) the date that HPD and the Sponsor enter into a regulatory agreement governing the operation of the Disposition Area ("Effective Date") and terminating upon the earlier to occur of (i) a date which is forty (40) years from the Effective Date, (ii) the date of the expiration or termination of the regulatory agreement between HPD and the Sponsor, or (iii) the date upon which the Disposition Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company ("Expiration Date").
- b. Notwithstanding any provision hereof to the contrary, the exemption from real property taxation provided hereunder ("Exemption") shall terminate if HPD determines at any time that (i) the Disposition Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Disposition Area is not being operated in accordance with the requirements of the regulatory agreement between HPD and the Sponsor, (iii) the Disposition Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, or (iv) the demolition of any private or multiple dwelling on the Disposition Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to the owner of the Disposition Area and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified herein, the Exemption shall prospectively terminate.
- c. In consideration of the Exemption, the Sponsor and any future owner of the Disposition Area, for so long as the Exemption shall remain in effect, shall waive the benefits, if any, of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state or federal law, rule or regulation.

ATTACHMENT:**PROJECT SUMMARY**

- 1. PROGRAM:** AFFORDABLE NEIGHBORHOOD COOPERATIVE PROGRAM
- 2. PROJECT:** 311-313 Pleasant Avenue Cluster
- 3. LOCATION:**
- a. BOROUGH:** Manhattan
- b. COMMUNITY DISTRICT:** 11
- c. COUNCIL DISTRICT:** 8, 9, 5
- d. DISPOSITION AREA:**
- | <u>BLOCK</u> | <u>LOT</u> | <u>ADDRESS</u> |
|--------------|------------|-------------------------------------|
| 1710 | 27 | 311-313 Pleasant Avenue |
| 1754 | 26 | 51-55 East 129 th Street |
| 1625 | 72 | 1263 Park Avenue |
- 4. BASIS OF DISPOSITION PRICE:** Nominal (\$1.00 per building). The Sponsor will also deliver a note and mortgage for the remainder of the appraised value (“Land Debt”), with a term of up to sixty (60) years. The balance of the Land Debt may be forgiven in the final year of that period.
- 5. TYPE OF PROJECT:** Rehabilitation
- 6. APPROXIMATE NUMBER OF BUILDINGS:** 3 Multiple Dwellings
- 7. APPROXIMATE NUMBER OF UNITS:** 64
- 8. HOUSING TYPE:** Cooperative. If units remain unsold at the end of the marketing period and HPD determines in writing that (i) sale is not feasible within a reasonable time, and (ii) a rental fallback is the best available alternative, then Sponsor may operate the building as rental housing in accordance with the written instructions of HPD.

- 9. ESTIMATE OF INITIAL PRICE:** The cooperative interests attributable to occupied apartments will be sold to the existing tenants for \$2,500 per apartment. The cooperative interests attributable to vacant apartments will be sold for a price affordable to families earning no more than 165% of the area median income.
- 10. INCOME TARGETS:** The Disposition Area contains an occupied building which will be sold subject to existing tenancies. After sale, units must be resold in compliance with federal regulations, where applicable. Units not subject to such regulation may be resold to purchasers with annual household incomes up to 165% of the area median.
- 11. PROPOSED FACILITIES:** N/A
- 12. PROPOSED CODES/ORDINANCES:** None
- 13. ENVIRONMENTAL STATUS:** Type II
- 14. PROPOSED TIME SCHEDULE:** Approximately 36 months from closing to cooperative conversion.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, DONOVAN J. RICHARDS, VANESSA L. GIBSON, INEZ D. BARRON, CHAIM M. DEUTSCH, RORY I. LANCMAN, I. DANEEK MILLER, MARK TREYGER, BARRY S. GRODENCHIK, DIANA AYALA, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, May 27, 2020 (Remote Hearing).

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

Report for L.U. No. 660

Report of the Committee on Land Use in favor of approving Application No. 20205384 HAX (993-995 Union Avenue Cluster) submitted by the New York City Department of Housing Preservation and Development pursuant to Article 16 of the General Municipal Law and Article XI of the Private Housing Finance Law, requesting the waiver of the designation requirements and approval of an urban development action area project, and requesting an exemption from real property taxes for property located at 993 and 995 Union Avenue (Block 2669, Lots 40 and 41), 774 Union Avenue (Block 2676, Lot 36), 1042 Longfellow Avenue (Block 2756, Lot 71), Borough of the Bronx, Council District 17, Community Districts 1, 2, and 3.

The Committee on Land Use, to which the annexed Land Use item was referred on April 22, 2020 (Minutes, page 866) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT**BRONX CBs – 1, 2, 3****20205384 HAX**

Application submitted by the New York City Department of Housing Preservation and Development pursuant to Article 16 of the General Municipal Law and Section 577 of Article XI of the Private Housing Finance Law for approval of an urban development action area project, waiver of the area designation requirement, waiver of the requirements of Sections 197-c and 197-d of the New York City Charter, and a real property tax exemption for property located at 993 Union Avenue (Block 2669, Lot 41), 995 Union Avenue (Block 2669, Lot 40), 774 Union Avenue (Block 2676, Lot 36), and 1042 Longfellow Avenue (Block 2756, Lot 71) the approval of real property tax exemption, Council District 17.

INTENT

To approve the Project as an Urban Development Action Area Project and a real property tax exemption pursuant to Article XI of the Private Housing Finance Law for the project to provide sixty-nine (69) affordable cooperative dwelling units and two (2) superintendent's units.

PUBLIC HEARING**DATE:** May 7, 2020**Witnesses in Favor:** Three**Witnesses Against:** None**SUBCOMMITTEE RECOMMENDATION****DATE:** May 27, 2020

The Subcommittee recommends that the Land Use Committee approve the requests made by the New York City Department of Housing Preservation and Development.

In Favor:

Koo, Barron, Miller, Treyger.

Against:

None

Abstain:

None

COMMITTEE ACTION**DATE:** May 27, 2020

The Committee recommends that the Council approve the attached resolution.

In Favor:

Salamanca, Gibson, Barron, Deutsch, Koo, Lancman, Levin, Miller, Richards, Treyger, Grodenchik, Ayala, Diaz, Moya, Rivera.

Against:

None

Abstain:

None

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

Res. No. 1332

Resolution approving an Urban Development Action Area Project and waiving the urban development action area designation requirement and the Uniform Land Use Review Procedure pursuant to Article 16 of the General Municipal Law, and approving a real property tax exemption pursuant to Article XI of the Private Housing Finance Law for property located at 993 Union Avenue (Block 2669, Lot 41), 995 Union Avenue (Block 2669, Lot 40), 774 Union Avenue (Block 2676, Lot 36), and 1042 Longfellow Avenue (Block 2756, Lot 71), Borough of the Bronx, Community Districts 1, 2, and 3; (Preconsidered L.U. No. 660; 20205384 HAX).

By Council Members Salamanca and Adams.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on March 4, 2020 its request dated February 28, 2020 that the Council take the following action regarding the proposed Urban Development Action Area Project (the "Project") located at 993 Union Avenue (Block 2669, Lot 41), 995 Union Avenue (Block 2669, Lot 40), 774 Union Avenue (Block 2676, Lot 36), and 1042 Longfellow Avenue (Block 2756, Lot 71), Community Districts 1, 2, and 3, Borough of the Bronx (the "Disposition Area"):

1. Find that the present status of the Disposition Area tends to impair or arrest the sound growth and development of the municipality and that the proposed Urban Development Action Area Project is consistent with the policy and purposes of Section 691 of the General Municipal Law;
2. Waive the area designation requirement of Section 693 of the General Municipal Law pursuant to Section 693 of the General Municipal Law;
3. Waive the requirements of Sections 197-c and 197-d of the Charter pursuant to Section 694 of the General Municipal Law; and
4. Approve the project as an Urban Development Action Area Project pursuant to Section 694 of the General Municipal Law.
5. Approve an exemption of the Exemption Area from real property taxes pursuant to Section 577 of Article XI of the Private Housing Finance Law.

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

WHEREAS, upon due notice, the Council held a public hearing on the Project on May 7, 2020; and

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

RESOLVED:

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

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

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

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

The Project shall be developed in a manner consistent with the Project Summary that HPD has submitted to the Council on March 4, 2020, a copy of which is attached hereto.

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

- a. All of the value of the property in the Disposition Area, including both the land and any improvements (excluding those portions, if any, devoted to business or commercial use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the later of (i) the date of conveyance of the Disposition Area to the Sponsor, or (ii) the date that HPD and the Sponsor enter into a regulatory agreement governing the operation of the Disposition Area ("Effective Date") and terminating upon the earlier to occur of (i) a date which is forty (40) years from the Effective Date, (ii) the date of the expiration or termination of the regulatory agreement between HPD and the Sponsor, or (iii) the date upon which the Disposition Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company ("Expiration Date").
- b. Notwithstanding any provision hereof to the contrary, the exemption from real property taxation provided hereunder ("Exemption") shall terminate if HPD determines at any time that (i) the Disposition Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Disposition Area is not being operated in accordance with the requirements of the regulatory agreement between HPD and the Sponsor, (iii) the Disposition Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, or (iv) the demolition of any private or multiple dwelling on the Disposition Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to the owner of the Disposition Area and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance

specified in such notice is not cured within the time period specified herein, the Exemption shall prospectively terminate.

- c. In consideration of the Exemption, the Sponsor and any future owner of the Disposition Area, for so long as the Exemption shall remain in effect, shall waive the benefits, if any, of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state or federal law, rule or regulation.

ATTACHMENT:

PROJECT SUMMARY

- | | | | |
|--|--|------------|------------------------|
| 1. PROGRAM: | AFFORDABLE NEIGHBORHOOD
COOPERATIVE PROGRAM | | |
| 2. PROJECT: | 993-995 Union Avenue Cluster | | |
| 3. LOCATION: | | | |
| a. BOROUGH: | Bronx | | |
| b. COMMUNITY DISTRICT: | 1, 2, 3 | | |
| c. COUNCIL DISTRICT: | 17 | | |
| d. DISPOSITION AREA: | <u>BLOCK</u> | <u>LOT</u> | <u>ADDRESS</u> |
| | 2669 | 41 | 993 Union Avenue |
| | 2669 | 40 | 995 Union Avenue |
| | 2676 | 36 | 774 Union Avenue |
| | 2756 | 71 | 1042 Longfellow Avenue |
| 4. BASIS OF DISPOSITION PRICE: | Nominal (\$1.00 per building). The Sponsor will also deliver a note and mortgage for the remainder of the appraised value ("Land Debt"), with a term of up to sixty (60) years. The balance of the Land Debt may be forgiven in the final year of that period. | | |
| 5. TYPE OF PROJECT: | Rehabilitation | | |
| 6. APPROXIMATE NUMBER OF BUILDINGS: | 4 Multiple Dwellings | | |
| 7. APPROXIMATE NUMBER OF UNITS: | 69 Cooperative Units and 2 superintendent's units | | |

- 8. HOUSING TYPE:** Cooperative. If units remain unsold at the end of the marketing period and HPD determines in writing that (i) sale is not feasible within a reasonable time, and (ii) a rental fallback is the best available alternative, then Sponsor may operate the building as rental housing in accordance with the written instructions of HPD.
- 9. ESTIMATE OF INITIAL PRICE:** The cooperative interests attributable to occupied apartments will be sold to the existing tenants for \$2,500 per apartment. The cooperative interests attributable to vacant apartments will be sold for a price affordable to families earning no more than 165% of the area median income.
- 10. INCOME TARGETS:** The Disposition Area contains an occupied building which will be sold subject to existing tenancies. After sale, units must be resold in compliance with federal regulations, where applicable. Units not subject to such regulation may be resold to purchasers with annual household incomes up to 165% of the area median.
- 11. PROPOSED FACILITIES:** None
- 12. PROPOSED CODES/ORDINANCES:** None
- 13. ENVIRONMENTAL STATUS:** Type II
- 14. PROPOSED TIME SCHEDULE:** Approximately 30 months from closing to cooperative conversion.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, DONOVAN J. RICHARDS, VANESSA L. GIBSON, INEZ D. BARRON, CHAIM M. DEUTSCH, RORY I. LANCMAN, I. DANEEK MILLER, MARK TREYGER, BARRY S. GRODENCHIK, DIANA AYALA, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, May 27, 2020 (Remote Hearing).

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

Report for L.U. Nos. 661 & 662

Report of the Committee on Land Use in favor of approving a Resolution related to disposition of property at 266 West 96th Street in Manhattan pursuant to Application No. 20200140 PPM (266 West 96th Street) submitted by the Department of Housing Preservation and Development pursuant to Section 197-c of New York City Charter, for the disposition of one city-owned property located at 266 West 96th Street (Block 1243, Lot 57), Borough of Manhattan, Council District 6, Community

District 7 and Application Number 20205412 HAM (266 West 96th Street) submitted by the New York City Department of Housing Preservation and Development pursuant to section 576-a(2) of the New York State Private Housing Finance Law for the disposition city-owned property located at 266 West 96th Street (Block 1243, Lot 57), Borough of Manhattan, Council District 6, Community District 7.

The Committee on Land Use, to which the annexed Land Use item was referred on April 22, 2020 (Minutes, page 867) and May 13, 2020 (Minutes, page 940) respectively, and which same two Land Use items were both coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

MANHATTAN CB -7 – TWO APPLICATIONS RELATED TO 266 WEST 96TH STREET

C 200140 PPM (L.U. No. 661)

Application submitted by the Department of Housing Preservation and Development pursuant to Section 197-c of New York City Charter, for the disposition of one city-owned property located at 266 West 96th Street (Block 1243, Lot 57), Borough of Manhattan, Council District 6, Community District 7.

20205412 HAM (Pre. L.U. 662)

Application submitted by the Department of Housing Preservation and Development (HPD Requests) pursuant to Section 576-a(2) of the Private Housing Finance Law, for the sale to a developer selected by HPD, of property located at 266 West 96th Street (Block 1243, Lot 57), Borough of Manhattan, Council District 6, Community District 7.

INTENT

To approve the disposition of city-owned property located at 266 West 96th Street (Block 1243, Lot 57) to facilitate the development of a 23-story, mixed-use building with approximately 170 rental dwelling units, plus one unit for a superintendent and approximately 10,843 square feet of community facility space in the Upper West Side neighborhood of Community District 7, Manhattan.

PUBLIC HEARING

DATE: May 7, 2020

Witnesses in Favor: Six

Witnesses Against: Two

SUBCOMMITTEE RECOMMENDATION**DATE:** May 27, 2020

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

In Favor:

Koo, Miller, Treyger.

Against:

Barron

Abstain:

None.

COMMITTEE ACTION**DATE:** May 27, 2020

The Committee recommends that the Council approve the attached resolution.

In Favor:

Salamanca, Gibson, Deutsch, Koo, Lancman, Levin, Miller, Richards, Treyger, Grodenchik, Ayala, Diaz, Moya, Rivera.

Against:

Barron

Abstain:

None.

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

Res. No. 1333

Resolution approving the application submitted by the New York City Department of Housing Preservation and Development (“HPD”) and the decision of the City Planning Commission, approving the disposition of city-owned property located at 266 West 96th Street (Block 1243, Lot 57), Borough of Manhattan, Community District 7, to a developer selected by HPD, and approving the HPD requests (L.U. No. 661, C 200140 PPM; and Pre. L.U. No. 662, 20205412 HAM).

By Council Members Salamanca and Adams.

WHEREAS, the New York City Department of Housing Preservation and Development filed an application regarding city-owned property located at 266 West 96th Street (Block 1243, Lot 57), (the “Disposition Area”), pursuant to Section 197-c of the New York City Charter seeking approval for the

disposition of the Disposition Area to a developer to be selected by the New York City Department of Housing Preservation and Development, to facilitate the development of a 23-story, mixed-use building containing residential and community facility uses in the Upper West Side neighborhood of Community District 7, Manhattan (ULURP No. C 200140 PPM) (the "Application");

WHEREAS, the City Planning Commission filed with the Council on April 20, 2020, its decision dated March 16, 2020 (the "Decision"), on the Application;

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

WHEREAS, by letter dated April 23, 2020 and submitted to the Council on April 23, 2020, HPD submitted its requests (the "HPD Requests"; Application Number 20205412 HAM) respecting the Application, requesting that the Council approve the sale of the Disposition Area to the Sponsor pursuant to Section 576-a(2) of the Private Housing Finance Law, including the submission of the project summary for the Project (the "Project Summary");

WHEREAS, upon due notice, the Council held a public hearing on the Application and Decision and the HPD Requests on May 7, 2020;

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

WHEREAS, the Council has considered the relevant environmental issues, including the positive declaration, issued on May 1, 2019 (CEQR No. 18HPD103M) and a Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on March 5, 2020 which identified significant adverse impacts with respect to historic and cultural resources (architectural resources) and total demolition of the former substation that would make significant adverse impacts unavoidable and the identified significant adverse impacts and proposed mitigation measures under the proposed actions are summarized in Chapter 7 "Mitigation" of the FEIS.

RESOLVED:

Having considered the FEIS with respect to the Decision and Application, the Council finds that:

- (1) The FEIS meets the requirements of 6 N.Y.C.R.R. Part 617;
- (2) Consistent with social, economic, and other essential considerations, from among the reasonable alternatives thereto, the action is one which minimizes or avoids adverse impacts to the maximum extent practicable; and
- (3) The adverse environmental impacts disclosed in the FEIS will be minimized or avoided to the maximum extent practicable by incorporating mitigation measures that were identified as practicable.

The Decision, together with the FEIS constitute the written statement of facts, and of social, economic and other factors and standards that form the basis of this determination, pursuant to 6 N.Y.C.R.R. §617.11(d).

Pursuant to Section 197-d of the New York City Charter, and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, C 200140 PPM, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission.

The Council approves the sale of the Disposition Area to the Sponsor pursuant to Section 576-a(2) of the Private Housing Finance Law, upon condition that the Project shall be developed in a manner consistent with the Project Summary, a copy of which is attached hereto and made a part hereof.

ATTACHMENT:

PROJECT SUMMARY

- | | | | | | | | |
|--|---|------------------------------|---------------|--------------------|------|----|------------------------------|
| 1. PROGRAM: | MIXED INCOME PROGRAM: M ² | | | | | | |
| 2. PROJECT: | 266 West 96 th Street | | | | | | |
| 3. LOCATION: | | | | | | | |
| a. BOROUGH: | Manhattan | | | | | | |
| b. COMMUNITY DISTRICT: | 7 | | | | | | |
| c. COUNCIL DISTRICT: | 6 | | | | | | |
| d. DISPOSITION AREA: | <table border="0" style="width: 100%;"> <tr> <td style="text-align: left;"><u>BLOCK</u></td> <td style="text-align: left;"><u>LOT(S)</u></td> <td style="text-align: left;"><u>ADDRESS(ES)</u></td> </tr> <tr> <td>1243</td> <td>57</td> <td>266 West 96th St</td> </tr> </table> | <u>BLOCK</u> | <u>LOT(S)</u> | <u>ADDRESS(ES)</u> | 1243 | 57 | 266 West 96 th St |
| <u>BLOCK</u> | <u>LOT(S)</u> | <u>ADDRESS(ES)</u> | | | | | |
| 1243 | 57 | 266 West 96 th St | | | | | |
| 4. BASIS OF DISPOSITION PRICE: | Nominal. Sponsor will pay one dollar per lot and deliver a note and mortgage for the remainder of the appraised value ("Land Debt"). For a period of at least thirty (30) years following completion of construction, the Land Debt or the City's capital subsidy may be repayable out of resale or refinancing profits. The remaining balance, if any, may be forgiven at the end of the term. | | | | | | |
| 5. TYPE OF PROJECT: | New Construction | | | | | | |
| 6. APPROXIMATE NUMBER OF BUILDINGS: | 1 | | | | | | |
| 7. APPROXIMATE NUMBER OF UNITS: | 170 dwelling units (+1 Super unit) | | | | | | |
| 8. HOUSING TYPE: | Rental | | | | | | |
| 9. ESTIMATE OF INITIAL RENTS: | Approximately 102 units will be market-rate. Approximately 68 units will be affordable. For the affordable units, rents will be affordable to families | | | | | | |

with incomes between 40% and 130% of AMI. Formerly homeless tenants referred by DHS and other City agencies will pay up to 30% of their income as rent. All affordable units will be subject to rent stabilization.

- | | |
|---------------------------------------|--|
| 10. INCOME TARGETS: | Between 40% and 165% of AMI. |
| 11. PROPOSED FACILITIES: | Approximately 10,843 square feet of community facility space |
| 12. PROPOSED CODES/ORDINANCES: | None |
| 13. ENVIRONMENTAL STATUS: | Environmental Impact Statement |
| 14. PROPOSED TIME SCHEDULE: | Approximately 24 months from closing to completion of construction |

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, DONOVAN J. RICHARDS, VANESSA L. GIBSON, CHAIM M. DEUTSCH, RORY I. LANCMAN, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, May 27, 2020 (Remote Hearing).

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

GENERAL ORDER CALENDAR

There were no additional items on the General Order Calendar section of these Minutes.

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

- (1) **Int. 1836-A -** Prohibiting the use of the word “alien” and removing such words in local laws, rules and other documents and materials.
- (2) **Int. 1954-A -** Services to issue reports during public health emergencies.
- (3) **Int. 1956-A -** Establishing a local conditional release commission.
- (4) **Int. 1961-A -** Public reporting on contact tracing for COVID-19.
- (5) **L.U. 632 & Res 1327 -** App. C **200050 ZSM (Lenox Terrace)** Borough of Manhattan, Council District 9, Community District 10 **(Coupled to be Filed)**.
- (6) **L.U. 633 & Res 1328 -** App. N **200051 ZRM (Lenox Terrace)** Borough of Manhattan, Council District 9, Community District 10 **(Coupled to be Filed)**.
- (7) **L.U. 634 & Res 1329 -** App. C **200052 ZMM (Lenox Terrace)** Borough of Manhattan, Council District 9, Community District 10 **(Coupled to be Filed)**.
- (8) **L.U. 635 & Res 1330 -** Application No. C **200054 ZSM (Lenox Terrace)** Borough of Manhattan, Council District 9, Community District 10 **(Coupled to be Filed)**.
- (9) **L.U. 659 & Res 1331 -** App. **20205399 HAM (311-313 Pleasant Avenue Cluster)** Borough of Manhattan, Council Districts 5, 8 and 9, Community District 11.
- (10) **L.U. 660 & Res 1332 -** App. **20205384 HAX (993-995 Union Avenue Cluster)** Borough of the Bronx, Council District 17, Community Districts 1, 2, and 3.
- (11) **LU 661 & LU 662 & Res 1333 -** App. C **200140 PPM and 20205412 HAM (266 West 96th Street)** Borough of Manhattan, Council District 6, Community District 7.

The Public Advocate (Mr. Williams) put the question whether the Council would agree with and adopt such reports which were decided in the **affirmative** by the following vote:

Affirmative – Adams, Ampry-Samuel, Ayala, Barron, Borelli, Brannan, Cabrera, Chin, Cohen, Constantinides, Cornegy, Deutsch, Diaz, Dromm, Eugene, Gibson, Gjonaj, Grodenchik, Holden, Kallos, King, Koo, Koslowitz, Lancman, Lander, Levin, Levine, Louis, Maisel, Menchaca, Miller, Moya, Perkins, Powers, Reynoso, Richards, Rivera, Rodriguez, Rose, Rosenthal, Salamanca, Torres, Treyger, Ulrich, Vallone, Van Bramer, Yeger, the Minority Leader (Council Member Matteo), the Majority Leader (Council Member Cumbo), and The Speaker (Council Member Johnson) – **50**.

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

The following was the vote recorded for **Int. No. 1836-A**:

Affirmative – Adams, Ampry-Samuel, Ayala, Barron, Brannan, Cabrera, Chin, Cohen, Constantinides, Cornegy, Deutsch, Diaz, Dromm, Eugene, Gibson, Gjonaj, Grodenchik, Kallos, King, Koo, Koslowitz, Lancman, Lander, Levin, Levine, Louis, Maisel, Menchaca, Miller, Moya, Perkins, Powers, Reynoso, Richards, Rivera, Rodriguez, Rose, Rosenthal, Salamanca, Torres, Treyger, Ulrich, Vallone, Van Bramer, the Majority Leader (Council Member Cumbo), and The Speaker (Council Member Johnson) – **46**.

Negative – Borelli, Holden, Yeger, and the Minority Leader (Council Member Matteo) – **4**.

The following was the vote recorded for **Int. No. 1956-A**:

Affirmative – Adams, Ampry-Samuel, Ayala, Barron, Brannan, Cabrera, Chin, Constantinides, Cornegy, Diaz, Dromm, Eugene, Gibson, Kallos, King, Koo, Koslowitz, Lancman, Lander, Levin, Levine, Louis, Maisel, Menchaca, Miller, Moya, Powers, Reynoso, Richards, Rivera, Rodriguez, Rose, Rosenthal, Salamanca, Torres, Treyger, Van Bramer, the Majority Leader (Council Member Cumbo), and The Speaker (Council Member Johnson) – **39**.

Negative – Borelli, Cohen, Deutsch, Gjonaj, Grodenchik, Holden, Perkins, Ulrich, Vallone, Yeger, and the Minority Leader (Council Member Matteo) – **11**.

The following was the vote recorded for **L.U. No. 661 & L.U. 662 & Res. No. 1333**:

Affirmative – Adams, Ampry-Samuel, Ayala, Borelli, Brannan, Cabrera, Chin, Cohen, Constantinides, Cornegy, Deutsch, Diaz, Dromm, Eugene, Gibson, Gjonaj, Grodenchik, Holden, Kallos, King, Koo, Koslowitz, Lancman, Lander, Levin, Levine, Louis, Maisel, Menchaca, Miller, Moya, Powers, Reynoso, Richards, Rivera, Rodriguez, Rose, Rosenthal, Salamanca, Torres, Treyger, Ulrich, Vallone, Van Bramer, Yeger, the Minority Leader (Council Member Matteo), the Majority Leader (Council Member Cumbo), and The Speaker (Council Member Johnson) – **48**.

Negative – Barron and Perkins – **2**.

*The following Introductions were sent to the Mayor for his consideration and approval:
Int. Nos. 1836-A, 1954-A, 1956-A, and 1961-A.*

RESOLUTIONS

Presented for voice-vote

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

Report for voice-vote item Res. No. 1062-A

Report of the Committee on Fire and Emergency Management in favor of approving, as amended, a Resolution calling for the salaries of New York City emergency medical service personnel to be comparable to New York City's firefighters and police officers.

The Committee on Fire and Emergency Management, to which the annexed amended resolution was referred on September 25, 2019 (Minutes, page 3150), respectfully

REPORTS:

I. INTRODUCTION

On May 28, 2020 the Committee on Fire and Emergency Management, Chaired by Joseph C. Borelli, voted on Resolution Number 1062-A (“Res. No. 1062-A”), which calls for the salaries of New York City emergency medical service personnel to be comparable to New York City's firefighters and police officers. The vote was five affirmative, zero negative, and zero abstentions. The Committee previously held a hearing and received testimony on Resolution Number 1062 on January 28, 2020.

II. BACKGROUND

New York City's Fire Department and Emergency Medical Services

The FDNY's core responsibility and expertise has evolved from an exclusive emphasis on fighting traditional structural fires and providing pre-hospital care to an expanded role in handling all types of emergencies. These emergencies include hazardous materials incidents, building collapses, transportation accidents, utility-related emergencies, natural disasters, extensive medical responses and acts of terrorism, throughout the City.¹ Currently, EMS is responsible for delivering ambulance and pre-hospital emergency medical services Citywide. According to the Department, since FDNY became responsible for EMS, the only ambulances routinely dispatched via the City's Emergency 9-1-1 system (“9-1-1 system”) are municipal ambulances and voluntary hospital-based ambulances under contract with the City.² Although community based volunteer ambulances respond to medical emergencies, they are not routinely dispatched via the 9-1-1 system.³ According to the most recent information published by FDNY, there are approximately 4,400 EMS personnel working for the Department. During Fiscal Year 2019, FDNY and EMS responded to more than 1.5 million medical emergencies including 567,757 life-threatening incidents.⁴

EMS Attrition and Pay Inequality

Despite responding to more than 80 percent of the City's emergency call volume, EMS receives approximately 16 percent of FDNY's total budget.⁵ As a result of budget constraints, EMS operations may be

¹ FDNY Strategic Plan found at http://www.nyc.gov/html/fdny/pdf/pr/2004/strategic_plan/responsibilities.pdf.

² Letter from Caroline Kretz, Associate Commissioner Intergovernmental Affairs, N.Y. City Fire Dep't, to Elizabeth S. Crowley, Chair, Comm. on Fire & Criminal Just. Servs., N.Y. City Council, Feb. 11, 2010.

³ New York City Council Fire and Criminal Justice Services oversight hearing transcript- The FDNY and its Utilization of Neighborhood Volunteer Ambulances, Feb. 23, 2010.

⁴ 2019 Mayor's Management Report at <https://www1.nyc.gov/assets/operations/downloads/pdf/mmr2018/fdny.pdf>

⁵ FY20 Adopted Budget; testimony by Local 2507 at City Council Hearing, February 26, 2019.

impacted by deficits in ambulance and station operations, and low salaries that may hinder recruitment and retention efforts.

Disparity in pay and benefits have prompted hundreds of EMS personnel to become firefighters in recent years.⁶ EMS personnel receive preferential treatment in hiring through the FDNY's promotional exam for firefighters; and since 2013, 1,533 have gone on to become firefighters.⁷ As a result there are fewer and less-experienced emergency medical personnel: currently 60 percent of EMS staff has less than three years of experience.⁸ Additionally, as a result of low financial compensation, a significant number of EMS personnel choose to work long periods of overtime⁹ or take a second job, in order to earn a living wage.¹⁰ Overworked EMS personnel doing a highly stressful job, likely results in burnout and high rates of turnover. Furthermore, the City witnessed extreme duress placed on EMS workers during the COVID-19 outbreak. At the height of the outbreak as many as 7,000 emergency calls were placed in a single day, a level not seen since September 11, 2001; including the highest three-day call volume in FDNY history.¹¹

III. ANALYSIS OF RESOLUTION NO. 1062-A

Res. No. 1062-A calls for salaries of New York City emergency medical service personnel to be comparable to New York City's firefighters and police officers. Res. No. 1062-A would explain that during the City's 2018 Fiscal Year, there were approximately 4,400 EMS personnel on staff charged with responding to more than 1.5 million medical emergencies, which included nearly 569,000 life-threatening incidents. Further, Res. No.1062-A cites that approximately 30% of EMS' staff are women and more than 50% are minorities, and that according to the FDNY, EMTs receive a starting salary of \$35,254, which increases to only \$50,604 after five years. Res. No. 1062-A notes that EMS Paramedics receive a starting salary of \$48,237, which increases to only \$65,226 after five years. And, that starting salaries of the City's police officers and firefighters are nearly \$8,000 more than that of EMS; while after five years of service, FDNY firefighters make approximately \$110,000 including fringe benefits. Additionally, EMS members receive only 12 days of leave sick annually compared to unlimited sick leave for firefighters and due to exposure of COVID-19, one quarter of EMS members called out sick at the height of the pandemic, resulting in the deaths of four active duty EMS members.¹² Res. No. 1062-A highlights that it is long overdue for the City to ensure that EMTs, Paramedics and EMS Officers are compensated fairly, and offered substantial wage increases so that they are paid similar to other first responders. By remedying this long-standing pay disparity, the City would help provide equality among EMS and other emergency medical personnel as well as boost moral for EMS personnel.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Res. No. 1062-A:)

Res. No. 1062-A

Resolution calling for the salaries of New York City emergency medical service personnel to be comparable to New York City's firefighters and police officers.

By Council Members Miller, Cumbo, Adams, Chin, Rosenthal, Borelli, Rodriguez, Moya, Kallos, Koo, Ayala, Brannan, Holden, Ampry-Samuel, Lander, Cabrera, Constantinides, Menchaca, Reynoso, Louis, King, Richards, Rose, Cornegy, Powers, Rivera, Levine, Gibson, Vallone, Maisel and the Public Advocate (Mr. Williams).

⁶Editorial Board, Emergency Medical Workers Deserve Pay Equity, September 21, 2019 New York Times.

⁷ Editorial Board, Emergency Medical Workers Deserve Pay Equity, September 21, 2019 New York Times.

⁸ Testimony by Local 2507 at City Council Hearing. February 26, 2019.

⁹ EMS accounted for 1.2 million hours of overtime in 2018, an increase from 893,000 hours in 2008, despite the addition of 1,000 EMS personnel during that time period.

¹⁰ Editorial Board, Emergency Medical Workers Deserve Pay Equity, September 21, 2019 New York Times.

¹¹ Johnson, C and Miller, I. Daneek, *Enough Talk, Time to Give FDNY EMS Their Due*, Gotham Gazette. May 27, 2020

¹² *Id.*

Whereas, The brave men and women who serve the Fire Department of New York's ("FDNY") Bureau of Emergency Medical Services ("EMS") respond to life threatening injuries and medical emergencies, helping to ensure the well-being of the residents of New York City, as well as those who work in and visit the City; and

Whereas, EMS is one of the most diverse groups of first responders in the City's workforce, comprised of approximately 30% women and more than 50% minorities; and

Whereas, During Fiscal Year 2018, there were approximately 4,400 EMS personnel on staff which were charged with responding to more than 1.5 million medical emergencies including nearly 569,000 life-threatening incidents; and

Whereas, EMS runs account for more than 80% of the FDNY's annual emergency calls; and

Whereas, These emergency medical service personnel respond to every major life threatening emergency that occurs in the City; and

Whereas, These emergencies include hazardous materials incidents, building collapses, transportation accidents, utility-related emergencies, natural disasters, acts of terrorism, and extensive medical responses, throughout the City; and

Whereas, Throughout the COVID-19 pandemic, the bravery and dedication of the City's EMS has been nationally highlighted; and

Whereas, The FDNY directed that only EMS would initially respond to calls in which COVID-19 symptoms were reported; and

Whereas, At the peak of the outbreak, as many as 7,000 emergency calls were placed in a single day, a level not seen since September 11, 2001; including the highest three-day call volume in FDNY history; and

Whereas, EMS members receive only 12 days of leave sick annually compared to unlimited sick leave for firefighters; and

Whereas, Due to exposure of COVID-19, one quarter of EMS members called out sick at the height of the pandemic, resulting in the deaths of four active duty EMS members; and

Whereas, Despite working what felt like endless shifts during the pandemic, beleaguered EMS workers continued to answer the call of New Yorkers in need; and

Whereas, The daily heroism of EMS workers continues to be underappreciated as they are not fairly compensated when compared to other City first responders; and

Whereas, In recognition of EMS workers' valor and commitment to the people and visitors of our great City, New York City Council Speaker Corey Johnson and Council Member I. Daneek Miller have publicly called for higher wages and increased benefits for our City's Best; and

Whereas, According to the FDNY, EMS Emergency Medical Technicians ("EMT") receive a starting salary of \$35,254, which increases to only \$50,604 after 5 years; and

Whereas, Additionally, EMS Paramedics receive a starting salary \$48,237, which increases to only \$65,226 after five years; and

Whereas, Starting salaries of the City's police officers and firefighters are nearly \$8,000 more than that of EMS; and

Whereas, After five years of service, FDNY firefighters make approximately \$110,000 including fringe benefits; and

Whereas, It is long overdue for the City to ensure that EMTs, Paramedics and EMS Officers are compensated fairly and offered substantial wage increases to ensure they are paid similar to other first responders; and

Whereas, Remedying this long-standing pay disparity would help provide equality among EMS and other emergency medical personnel in the New York City as well as boost moral for our City's Best; now, therefore, be it

Resolved, That the Council of the City of New York calls for the salaries of New York City emergency medical service personnel to be comparable to New York City's firefighters and police officers.

JOSEPH C. BORELLI, *Chairperson*; FERNANDO CABRERA, CHAIM M. DEUTSCH, ALAN N. MAISEL, JUSTIN L. BRANNAN; Committee on Fire and Emergency Management, May 28, 2020 (Remote Hearing).

Pursuant to Rule 8.50 of the Council, the Public Advocate (Ms. Williams) called for a voice-vote. Hearing no objections, the Public Advocate (Mr. Williams) declared the Resolution to be adopted.

Adopted unanimously by the Council by voice-vote.

INTRODUCTION AND READING OF BILLS

Preconsidered Int. No. 1945

By Council Members Brannan, Ampry-Samuel, Lander, Kallos, Chin and Constantides.

A Local Law to amend the administrative code of the city of New York, in relation to annual reporting of heat vulnerability and heat-related deaths

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 17 of the administrative code of the city of New York is amended by adding a new section 17-199.13 to read as follows:

§ 17-199.13 Report on heat vulnerability and heat-related deaths. a. Definitions. For the purposes of this section, the following terms shall have the following meanings:

Heat exacerbated death. The term “heat exacerbated death” means a natural cause death likely resulting from an existing health condition exacerbated by heat.

Heat stress death. The term “heat stress death” means a death directly attributed to heat on a death certificate, or with an underlying or contributing cause of i) excessive natural heat or ii) effects of heat and light, as such conditions are described in the International Classification of Diseases Version 10 coding system.

Heat vulnerability. The term “heat vulnerability” means the estimated risk of heat stress deaths and heat exacerbated deaths occurring in a geographical area based on social and environmental factors identified by the department.

b. No later than January 15, 2021, and by January 15 annually thereafter, the commissioner shall submit to the mayor and the speaker of the council and shall post conspicuously on the department’s website an annual report of the total number of heat stress deaths and heat exacerbated deaths in the city in the preceding calendar year. Such report shall also describe the relative heat vulnerability of each neighborhood tabulation area in the preceding calendar year.

c. The annual report required by subdivision b of this section shall include a table in which each separate row references a unique heat stress death or heat exacerbated death. Each such row shall include the following information, as well as any additional information the commissioner deems appropriate, set forth in separate columns:

- 1. The month in which the death occurred;*
- 2. The age of the decedent;*
- 3. The race or ethnicity of the decedent;*
- 4. The neighborhood tabulation area of the decedent; and*
- 5. A unique and anonymous identification code corresponding to the decedent about whom information is being reported.*

d. The annual report required by subdivision b of this section shall also include:

- 1. A data dictionary;*
- 2. A description of social and environmental factors assessed by the department to determine heat vulnerability; and*

3. A description of methods used to derive heat vulnerability and identify heat exacerbated heat deaths.

e. Upon a determination that reporting unique heat-related deaths as required by subdivision b of this section is impracticable, the department may instead provide an estimate of the number of heat exacerbated deaths in the preceding calendar year. Such estimate shall be an average of the current year and preceding years' estimates and shall be reported at the smallest interval of time that yields a reliable estimate.

f. Except as otherwise provided in this section, no report required by subdivision b of this section shall contain personally identifiable information.

g. The commissioner may promulgate such rules as may be necessary to implement the provisions of this section.

§ 2. This local law takes effect immediately.

Referred to the Committee on Health (preconsidered but laid over by the Committee on Health).

Res. No. 1323

Resolution calling upon Congress to pass and the President to sign H.R. 6496, the Emergency Money for the People Act, which would provide for the issuance of emergency monthly payments to every American throughout the duration of the coronavirus crisis.

By Council Members Brannan and Chin.

Whereas, SARS-CoV-2 is the virus responsible for causing the new infectious disease known as COVID-19; and

Whereas, On March 13, 2020, President Trump declared a state of national emergency concerning the COVID-19 outbreak; and

Whereas, As of the first week of May 2020, there were over one million total COVID-19 cases and over 70,000 COVID-19 deaths in the United States; and

Whereas, As of the end of the first week of May 2020, there were over 170,000 cases, over 43,000 hospitalizations, nearly 14,000 confirmed deaths, and over 5,000 probable COVID-19 deaths in New York City; and

Whereas, Governor Cuomo issued the "New York State PAUSE" executive order, that among other things, closed all non-essential businesses, effective March 22, 2020; and

Whereas, The PAUSE order and similar orders in other states shut down huge swaths of economy, putting millions of people out of work; and

Whereas, According to the U.S. Department of Labor, more than 33 million Americans have filed for unemployment benefits over a seven-week period from mid-March through early May 2020; and

Whereas, According to the New York State Department of Labor, more than 733,000 people in New York City filed for unemployment benefits over a seven-week period ending April 25, 2020, a 1,832 percent change compared to the same period last year; and

Whereas, According to a Forbes analysis of New York State Department of Labor statistics for the week ending April 18, New York State's unemployment rate was approximately 13 percent, the worst rate since the Great Depression; and

Whereas, According to the New York State Department of Labor, the accommodation and food services, retail trade, and health care and social assistance industries are the top three hardest hit industries in terms of number of unemployment claims filed, and these industries are also among the top four industries with the lowest wages; and

Whereas, On March 20, 2020, Governor Cuomo issued an executive order declaring a moratorium on evictions and foreclosures for 90 days, and on May 7, 2020 extended the moratorium on evictions until August 20, 2020; and

Whereas, This order does not cancel rent or mortgage payments; and

Whereas, Average rent for New York City apartments is well over \$2,000 per month; and

Whereas, In April 2020, the New York City Independent Budget Office issued a report predicting that New York City could face its worst recession since the fiscal crisis of the 1970s; and

Whereas, Governor Cuomo has said that New York State faces a \$10-15 billion budget shortfall, and the State could be forced to implement 20 percent cuts to vital services like schools and hospitals if the federal government does not provide sufficient aid to states and localities;

Whereas, On March 19, 2020, New York City Council Speaker Corey Johnson proposed a coronavirus relief package, to be paid for by the federal government, including, among other things, temporary universal basic income payments of \$550 for each adult and \$275 for each child in New York City; and

Whereas, On March 27, 2020, President Trump signed the Coronavirus Aid, Relief, and Economic Security (CARES) Act, an approximately \$2.2 trillion relief package that included, among other things, a one-time “economic income payment” of \$1,200 for adults earning up to \$75,000 annually; and

Whereas, The government response to the COVID-19 crisis is rapidly evolving, and it remains unclear how a re-opening of the economy will take place, how long industries will take to recover, or how long people will be out of work; and

Whereas, Americans, especially New Yorkers who have been the hardest hit by the COVID-19 crisis, need continued economic relief in the form of direct cash payments to pay for basic necessities like rent, utilities, and food for the duration of this crisis; and

Whereas, On April 14, 2020, U.S. Congressman Tim Ryan, representing Ohio’s 13th District, introduced H.R. 6496, the Emergency Money for the People Act, which would provide for the issuance of emergency monthly cash payments to every American throughout the duration of the coronavirus crisis; and

Whereas, The Emergency Money for the People Act would provide a \$2,000 monthly payment to every American over 16 years of age earning less than \$130,000 annually, a \$4,000 monthly payment to married couples earning less than \$260,000 annually, and an additional \$500 payment per child, up to three children; and

Whereas, Emergency Money for the People Act payments would be guaranteed for a 12-month period, unless as of the end of the sixth month the employment-to-population ratio for people ages 16 and over is greater than 60 percent; now, therefore, be it

Resolved, That the Council of the City of New York calls upon Congress to pass and the President to sign H.R. 6496, the Emergency Money for the People Act, which would provide for the issuance of emergency monthly payments to every American throughout the duration of the coronavirus crisis.

Referred to the Committee on Civil Service and Labor.

Int. No. 1946

By Council Members Constantinides, Kallos, Lander, Brannan, Levin, Gibson, Rivera, Ayala, Yeger and Lander.

A Local Law to amend the administrative code of the city of New York, in relation to assistance for replacing gas infrastructure

Be it enacted by the Council as follows:

Section 1. Article 318 of chapter 3 of title 28 of the administrative code of the city of New York is amended by adding a new section 28-318.6 to read as follows:

§ 28-318.6 Assistance. At the conclusion of an inspection pursuant to this article or upon a building owner's request, the department shall provide the building owner with information about programs and education efforts established pursuant to sections 28-320.4 and 28-320.5 and about programs that provide advisory services to building owners to make energy efficiency and renewable energy improvements.

§ 2. This local law takes effect immediately.

Referred to the Committee on Environmental Protection.

Int. No. 1947

By Council Members Constantinides, Kallos, Reynoso, Lander, Levin, Gibson, Van Bramer, Rosenthal and Rivera.

A Local Law to amend the New York city charter and the administrative code of the city of New York in relation to rent regulated accommodations

Be it enacted by the Council as follows:

Section 1. The definition of “RENT REGULATED ACCOMMODATION” in section 28-320.1 of the administrative code of the city of New York, as amended by local law number 147 for the year 2019, is amended to read as follows:

RENT REGULATED ACCOMMODATION. The term “rent regulated accommodation” means a building [containing one or more] *in which more than 35% of dwelling units are* required by law or by an agreement with a governmental entity to be regulated in accordance with the emergency tenant protection act of 1974, the rent stabilization law of 1969, or the local emergency housing rent control act of 1962.

§ 2. This local law takes effect immediately.

Referred to the Committee on Environmental Protection.

Int. No. 1948

By Council Members Cumbo, Kallos, Brannan, Perkins, Ayala and Louis.

A Local Law to amend the administrative code of the city of New York, in relation to limiting the sale of goods in short supply during declared states of emergency

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 20 of the administrative code of the city of New York is amended by adding a section 20-706.6 to read as follows:

§ 20-706.6 Limiting sales of goods in short supply. a. During an emergency declared by the governor, or by the mayor pursuant to section 24 of the executive law, the department may establish purchase limitations on goods that are determined to be in short supply pursuant to section 5-38 of title 6 of the rules of the city of New York. The department shall consider household size and demand for such goods when determining any such limitations.

b. It shall be unlawful for a seller to sell goods to a single buyer in excess of any limits established pursuant to subdivision a of this section.

c. A seller of goods the department has declared in short supply must give all consumers an equal opportunity to purchase the goods with purchase limits, to the extent that such opportunity existed before the determination that such goods were in short supply, except that a seller may give preference to a category of consumers having a special health- or safety-related need for the good in short supply.

d. Any person who violates subdivision b or c of this section, or any rule promulgated pursuant to this section, within two days of the establishment of purchase limits with respect to the item at issue shall receive a warning from the department. Any person who commits any other violation of subdivision b or c of this section, or any rule promulgated pursuant to this section, shall be subject to a civil penalty of \$300 per excess item sold.

§ 2. This local law takes effect immediately.

Referred to the Committee on Consumer Affairs and Business Licensing.

Int. No. 1949

By Council Members Cumbo, Borelli, Kallos, Moya, Ampry-Samuel, Brannan, Perkins, Ayala, Rose, Gibson and Louis.

A Local Law to amend the New York city charter, in relation to the inter-agency review of emergency plans and public reporting on such plans

Be it enacted by the Council as follows:

Section 1. Subdivision j of section 497 of the New York city charter, as added by vote of the electors on November 6, 2001, is amended to read as follows:

j. coordinate with all city agencies to ensure that all such agencies develop, [and] implement and periodically review emergency response plans in connection with planning major city events and other emergency circumstances;

§ 2. Section 498 of the New York city charter, as added by vote of the electors on November 6, 2001, is amended to read as follows:

Section 498. Agency cooperation *and review of emergency plans. a.* The department shall be the lead agency in the coordination and facilitation of resources in incidents involving public safety and health, including incidents which may involve acts of terrorism. All agencies shall provide the department promptly with all information relevant to the performance of the emergency management functions and shall collect and make available any information requested by the department for use in emergency planning. All agencies further shall promptly provide the department with all appropriate material, equipment and resources needed for emergency management functions, including personnel.

b. No later than two years after the effective date of the local law that created this subdivision, and every two years thereafter, the department shall convene a working group from all relevant agencies to review all plans established by the department or any city agency for the purpose of guiding the city's response to, and ensuring the continuity of agency operations during, emergency circumstances.

c. Following each review conducted pursuant to subdivision b of this section, the department shall publish on its website a full list of all emergency plans reviewed and the relevant city agencies involved in the review of each such plan. The department or relevant city agency shall publish a summary of each such plan, including information on agency roles and responsibilities, on its respective website.

d. The department shall establish procedures through which members of the public can submit public comments on emergency planning and maintain a public record of such comments.

§ 2. This local law takes effect immediately.

Referred to the Committee on Fire and Emergency Management.

Int. No. 1950

By Council Members Cumbo, Dromm, Salamanca, Rivera, Kallos, Moya, Van Bramer, Chin, Adams, Rose, Menchaca, Lancman, Cohen, Rosenthal, Ampry-Samuel and Ayala.

A Local Law in relation to establishing a city restart officer and policies and protocols relating to the safe reopening and operation of city agencies in response to the COVID-19 pandemic

Be it enacted by the Council as follows:

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

Agency. The term “agency” has the same meaning as set forth in section 1150 of the New York city charter.

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

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

Officer. The term “officer” means the city restart officer established by this local law.

§ 2. City restart officer established. The mayor shall designate the head of an office of the mayor, or of such other agency headed by a mayoral appointee as the mayor may determine, to act as the city’s restart officer to promote the safe reopening of agency offices and resumption of agency functions in response to COVID-19.

§ 3. Powers and duties. The officer shall have the power and duty to:

a. No later than 30 days after designation by the mayor, in collaboration with the department of health and mental hygiene, recommend policies and protocols regarding the reopening of agency offices and resumption of agency functions to prevent the spread of COVID-19 and infections thereof, including, but not limited to, policies and protocols with respect to the following:

1. For offices and any other facilities where persons may be present, the maximum occupancy, based on room size and all other relevant criteria;
2. The types of and need for protective furnishings, and methods of use of such furnishings;
3. The types and amount of sanitizing products needed, and methods of distribution, access and application;
4. The amount of personal protective equipment needed, and methods of distribution, access and use;
5. The cleaning and sanitizing of surfaces and purification of air, including the frequency of such measures; and
6. The management and accommodation of persons most susceptible to developing serious health complications as a result of a COVID-19 infection;

b. No later than 30 days after designation by the mayor, in collaboration with the department of health and mental hygiene, determine the specific operations and functions that each agency shall address in each such agency’s reopening plan required pursuant to section four of this local law. The officer shall take into account the unique operations, functions and circumstances of each agency when making such determinations. The officer shall make such determinations to promote compliance with applicable federal, state and local laws and regulations related to the reopening of agency offices and resumption of agency functions, and to conform such plans with policies and protocols recommended pursuant to subdivision a of this section;

c. Provide guidance and information to each agency regarding federal, state and local laws and regulations related to the reopening of agency offices and resumption of agency functions;

d. Review agency reopening plans and amendments to such plans submitted pursuant to section four of this local law and propose amendments to such plans to promote: compliance with applicable federal, state and local laws and regulations related to the reopening of agency offices and resumption of agency functions; conformance with the policies and protocols recommended pursuant to subdivision a of this section; adequate treatment of the unique functions and operations identified pursuant to subdivision b of this section; and to further the objectives of the office;

e. No later than 60 days after the effective date of this local law, and every 60 days thereafter until such officer is terminated pursuant to section six of this local law, submit to the mayor and speaker of the council a report on agency compliance with section four of this local law; and

f. Routinely update, as necessary and practicable, the policies and protocols recommended pursuant to subdivisions a and b of this section.

§ 4. Agency reopening plans. No later than 30 days after the officer publishes recommendations pursuant to section three of this local law, each agency shall submit to the officer a plan for reopening and resuming functions. Amendments to such plans shall be submitted to the officer on the same day as such amendments are made by the agency. If any such plan does not conform with the officer's recommendations pursuant to subdivision a of section three or address a specific operation or function identified pursuant to subdivision b of section three, an explanation shall be provided in such plan. Each agency shall publish such agency's plan on such agency's website no later than 1 day after submitting such plan or any amendment to such plan.

§ 5. Online access to recommendations, plans and reports. The officer shall publish all recommendations, agency reopening plans and reports generated pursuant to this local law online, no later than 1 day after making such recommendation or receiving such plan or report.

§ 6. Termination. The title of city restart officer and the attendant powers and duties accorded by this local law shall terminate upon the mayor's determination that the officer is no longer necessary to promote the safe reopening of agency offices and resumption of agency functions in response to COVID-19. The mayor shall notify the speaker of the council upon making such determination.

§ 7. Effective date. This local law takes effect immediately.

Referred to the Committee on Governmental Operations.

Int. No. 1951

By Council Members Gibson, Kallos, Moya and Ampry-Samuel.

A Local Law to amend the administrative code of the city of New York, in relation to the development of informational guidance regarding youth online activity

Be it enacted by the Council as follows:

Section 1. Chapter 4 of title 21 of the administrative code of the city of New York is amended by adding a new section 21-414 to read as follows

§ 21-414 *Informational guidance regarding youth online activity. a. Definitions. For the purposes of this section, the following terms have the following meanings:*

Electronic device. The term "electronic device" means a device that facilitates or enables the conduct of online activity, including, but not limited to, a computer, tablet, or smart phone.

Online activity. The term "online activity" means public or private communications, or other individualized conduct performed through a social media service, email system, computer program, internet website, or other platform accessed through an electronic device.

Personally identifiable information. The term "personally identifiable information" means information that is linked or reasonably linkable to a specific youth or electronic device used by a specific youth, or for which disclosure and use are subject to the family educational rights and privacy act or the children's online privacy protection act. Information is linked or reasonably linkable to a specific youth or electronic device used by a specific youth if it can reasonably be used on its own, in context, or in combination to identify the youth or electronic device, or to logically associate with other information about a specific youth or electronic device used by a specific youth.

Social media service. The term "social media service" means a service that facilitates social online activity.

Youth. The term "youth" means a person under the age of 18.

b. Informational guidance. Consistent with applicable federal, state and local laws, the department shall develop informational guidance concerning youth online activity. Such guidance shall be targeted to youth and to their parents or legal guardians, and include, but not be limited to:

1. Information regarding federal, state, and local laws that protect the privacy of personally identifiable information while engaging in online activities;

2. Information regarding the permissible and non-permissible usage by third parties of personally identifiable information obtained through online activity;

3. Recommended best practices concerning the disclosure of personally identifiable information while engaging in online activity;

4. Recommended best practices concerning maintaining the privacy of personally identifiable information while engaging in online activity; and

5. An advisory that online activity could last in perpetuity, be misconstrued by others, or potentially be surveilled by and used against a youth by law enforcement.

c. Publication and dissemination. The department shall publish the guidance developed pursuant to subdivision b of this section on its website no later than September 1, 2021 and provide hard copies of such guidance for dissemination through department programs.

d. Periodic review. The guidance developed pursuant to subdivision b of this section shall be reviewed and updated by the department annually if needed no later than September 1.

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

Referred to the Committee on Youth Services.

Int. No. 1952

By Council Members Gibson, Treyger, Lander, Brannan, Rosenthal, Kallos, Louis, Richards, Rose, Moya, Chin, Koo, Ampry-Samuel, Ayala and Adams.

A Local Law in relation to the creation of a database to track the expenditure of funds in connection with COVID-19

Be it enacted by the Council as follows:

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

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

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

COVID-19 funded projects. The term “COVID-19 funded projects” means any services, goods or materials, programs or construction paid for, in whole or in part, with any COVID-19 funds.

COVID-19 funds. The term “COVID-19 funds” means any federal, state or local funds allocated to any city department to provide assistance for preventing COVID-19 spread among the population, containing or treating COVID-19 or mitigating the effects of COVID-19 that are administered or disbursed by the city and provided to a recipient in an amount exceeding \$100,000.

Recipient. The term “recipient” means any person or entity, including any individual, sole proprietorship, public authority, partnership, association, joint venture, limited liability company, corporation or any other form of doing business, awarded COVID-19 funds.

§ 2. No later than 90 days following the effective date of this local law, the mayor shall establish and maintain a public online searchable and interactive database on the website of the city that shall include summaries of the administration of COVID-19 funds as set forth in this local law. The data included in such database shall be available in a format that permits automated processing and shall be available without any registration requirement, license requirement or restrictions on their use, provided that the city may require a

third party providing to the public any data from such database, or any application utilizing such data, to explicitly identify the source and version of the data, and a description of any modifications made to such data. The database shall include but not be limited to the following information, which shall be disaggregated by federal, state and local COVID-19 funds, and, for federal funds, by the source of such funds:

a. For each executed city procurement contract associated with COVID-19 funding, the name of the contract vendor, contract identification number, purpose of the contract, original contract value in dollars, revised contract value in dollars, if applicable, method of award, original contract start and end date, revised contract end date, if applicable, contract status and information on the contract recipient's qualification for receipt of COVID-19 funds for a COVID-19 funded project;

b. For each grant or loan issuance associated with COVID-19 funding, the recipient name, the recipient's zip code, grant or loan name, the purpose of the grant or loan, the grant or loan award amount, whether the grant or loan was subject to a selective award process and the nature of that process, award status and information on the grant or loan recipient's qualification for receipt of COVID-19 funds for a COVID-19 funded project; and

c. For each contract, grant or loan reported pursuant to subdivisions a and b of this section, the amount of COVID-19 funds spent by the contract vendor or recipient.

§ 3. Notwithstanding the provisions of this local law, the website required pursuant to this local law shall not be used to distribute information which, if disclosed, would jeopardize compliance with local, state or federal law, threaten public health, welfare, or safety, or harm the competitive economic position of a party.

§ 4. The public online database prescribed in section 2 of this local law shall be updated on a monthly basis.

§ 5. This local law shall not be construed to create a private right of action to enforce its provisions. Failure to comply with this local law shall not result in liability for the city. The city shall not be deemed to warrant the completeness, accuracy, content or fitness for any particular purpose or use of any information provided by the city pursuant to this local law, including but not limited to information provided to the city by a third party or information provided by the city that is based upon information provided by a third party.

§ 6. This local law shall not require reporting on any contracts entered into prior to the effective date of this local law where the reporting requirements of this local law would require collecting information that is not available to the city, and cannot reasonably be obtained by the city.

§ 7. If any provision of this local law or the application thereof shall for any reason be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such judgment shall not effect, impair or invalidate the remainder of this local law.

§ 8. Data maintained pursuant to this local law shall also be subject to chapter 5 of title 23 of the administrative code, where such chapter is otherwise applicable.

§ 9. This local law takes effect immediately.

Referred to the Committee on Finance.

Int. No. 1953

By Council Members Louis, Rivera, Salamanca, Lander, Kallos, Moya, Chin and Ampry-Samuel.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the police department to issue public reports on the department's enforcement of public health orders

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 14-182 to read as follows:

§14-182 Enforcement of public health orders. a. Definitions. For the purposes of this section, the following terms have the following meanings:

Public health emergency. The term “public health emergency” means any declared state of emergency made in response to an outbreak of an infectious disease.

Public health enforcement action. The term “public health enforcement action” means any civil enforcement or criminal enforcement regarding compliance with a public health order.

Public health order. The term “public health order” means any state or local order requiring individuals to take certain precautions when in public in order to mitigate the spread of an infectious disease, including but not limited to the utilizing of face coverings or the maintaining of adequate distance between individuals while in public.

Public health task force. The term “public health task force” means any group of departmental employees assigned primarily to enforce or monitor compliance with a public health order.

b. By the end of Monday every week, during any period during which a public health order is in effect, the department shall submit to the speaker of the council, and make publicly available on the department’s website, a report related to the department’s public health enforcement actions for the preceding seven days. Such report shall be submitted in a machine-readable format and stored permanently on the department’s website, and include the following information for each public health enforcement action:

- 1. The date and time of such action;*
- 2. The location of such action, including latitude and longitude if available, but in all cases at least as specific as the nearest intersection;*
- 3. The outcome of the such action, including but not limited to whether a civil summons was issued, a criminal summons was issued, or an arrest occurred;*
- 4. Whether a use of force incident as defined in section 14-158 occurred related to such action, and if so, what use of force category was involved; and*
- 5. The race, gender, and age of the individual subject to such action.*

c. The reports required by subdivision b of this section shall also contain the following information regarding public health enforcement actions for the preceding 7 day period, the preceding month, and the entire duration of the public health order:

- 1. Location of such actions, disaggregated by zip code and precinct;*
- 2. Outcomes of such actions, in total and disaggregated by the type of summons issues or whether an arrest occurred;*
- 3. Whether a use of force incident as defined in section 14-158 occurred during such actions, further disaggregated by the category of such use of force;*
- 4. The race and gender of the individual subject to such actions; and*
- 5. The age of the individual subject to such actions in the following categories: under 18, 19-29, 20-30, 40-49, 50-59, 60 and over.*

d. The reports required by subdivision b of this section shall also contain the following information regarding public health enforcement actions for the preceding 7 day period, the preceding month, and the entire duration of the public health order: the geographic deployment of any public health task force, including but not limited to the number of officers and shifts such task force was deployed, in total and disaggregated by police precinct.

§2. This local law takes effect immediately.

Referred to the Committee on Public Safety.

Res. No. 1324

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 Members Louis, Cornegy, Treyger, Kallos and Chin.

Whereas, Ten percent of students in New York City lacked stable housing in 2019, according to a report by Advocates for Children; 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 homeless students 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 homeless, 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 problems 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 be either homeless 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 problems 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-related problems.

Referred to the Committee on Education.

Preconsidered Int. No. 1954-A

By Council Members Powers, Ayala, Rivera, Rosenthal, Maisel, Kallos and Chin.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of correction and correctional health services to issue reports during public health emergencies

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 9 of the administrative code of the city of New York is amended by adding a new section 9-160 to read as follows:

§ 9-160 Reports during public health emergencies. a. Definitions. For the purposes of this section, the following terms have the following meanings:

Application for compassionate release. The term “application for compassionate release” means an application submitted, with the consent of the incarcerated individual, by correctional health services to the incarcerated individual’s defense attorney to be used to request that a court release the incarcerated individual.

Cumulative infections. The term “cumulative infections” means the total number of positive infections of people who have been incarcerated during a given public health emergency, regardless of whether those individuals have been discharged after being confirmed positive while in the department’s custody.

Infection. The term “infection” means any infection that is the subject of a public health emergency.

Public health emergency. The term “public health emergency” means any declared state of emergency made in response to an outbreak of an infectious disease.

Staff. The term “staff” means civilian and uniform staff of the department of correction and correctional health staff.

b. During the duration of any public health emergency, the department and correctional health services shall submit to the speaker of the council, and make publicly available on the correctional health services website, a weekly report related to the outbreak of infectious diseases in city jails. Such report shall be submitted in a machine-readable format and stored permanently on correctional health services’ website, and include the following information for each day in the preceding week:

1. The number of incarcerated individuals tested for the infection, disaggregated by each day starting from the first day of the announcement of the public health emergency, or for the COVID-19 pandemic, each day starting from March 13, 2020, in total and disaggregated by whether such tests were positive, negative, or pending results. For those dates following the effective date of the local law that added this section, the number of incarcerated individuals tested for the infection shall be further disaggregated by the reason the test was administered;

2. The number of incarcerated individuals currently diagnosed with the infection; unless otherwise reported by the board of correction;

3. The number of currently incarcerated individuals who have been diagnosed with the infection but are no longer contagious;

4. The number of tests administered to incarcerated individuals;

5. The cumulative number of unique incarcerated individuals who have been tested for the infection, disaggregated by whether test results were positive or negative;

6. Cumulative number of tests administered, disaggregated by whether test results were positive or negative;

7. The cumulative number of staff who voluntarily self reported to be medically confirmed with the infection; disaggregated by whether such infections were of uniform, civilian, or correctional health staff; unless otherwise reported by the board of correction.

8. The total number of staff employed by the department, disaggregated by uniform and non-uniform staff; and further disaggregated by out sick and not out sick;

9. The number of deaths of incarcerated individuals related to the infection;

10. The cumulative number of incarcerated individuals provided applications for compassionate release, in total and disaggregated by number of such individuals released;

11. The number of incarcerated individuals known to correctional health services to be hospitalized due to the infection;

12. The cumulative number of incarcerated individuals known to correctional health services to be hospitalized due to the infection;

13. The number of people in custody with a serious mental illness; and

c. During the duration of any public health emergency, the department of correction shall provide a weekly report related to the outbreak of infectious diseases in city jails to the board of correction and to the speaker. Such reports shall include, for the previous week and the previous month:

1. *The number of individuals incarcerated solely on a definite sentence, disaggregated by how many such individuals have 30 or fewer, 31-60, and 60-90 days remaining to serve on such sentence;*
2. *The number of individuals incarcerated solely on a definite sentence, disaggregated by which individuals have been deemed medically vulnerable by correctional health services.*
3. *The number of calls made to any correctional health services phone number designed to handle calls from incarcerated individuals, and the number of voice messages left on such phone number;*
- d. *Correctional health services in collaboration with the department of correction shall provide and ensure the distribution of a weekly written communication to persons in custody including information about the public health emergency and a frequently asked questions section.*
- e. *During the duration of a public health emergency, the department and correctional health services shall submit to the speaker of the council, and make publicly available on the department's website, a timeline of significant events related to the public health emergency, including but not limited to general criteria for testing and discharge planning related to the public health emergency. Such a timeline shall be updated weekly.*
- f. *Privacy. Reports required pursuant to this section shall not contain identifying information as defined in section 23-1201 of the administrative code of the city of New York. If a category to be reported contains fewer than ten individuals or contains an amount that would allow another category that contains fewer than ten individuals to be deduced, the number shall be replaced with a symbol.*

§2. This local law takes effect immediately.

Adopted by the Council (preconsidered as amended and approved by the Committee on Finance).

Preconsidered Int. No. 1955

By Council Members Powers, Lander, the Public Advocate (Mr. Williams) and Council Members Yeger, Ayala, Chin and Rosenthal.

A Local Law to amend the administrative code of the city of New York, in relation to the maximum fee allowed when transferring money to a person in the custody of the department of correction

Be it enacted by the Council as follows:

Section 1. Title 9 of the administrative code of the city of New York is amended by adding a new section 9-161 to read as follows:

§ 9-161 Accounts of people in custody. The department of correction shall ensure that members of the public depositing funds into institutional fund account established pursuant to subdivision 7 of section 500-c of the correction law are not charged a service fee that is more than \$5. This fee cap applies to all devices or systems capable of allowing members of the public to deposit funds into a person in custody's institutional fund account, including wire and online transfers.

§ 2. This local law takes effect immediately.

Referred to the Committee on Criminal Justice (preconsidered but laid over by the Committee on Criminal Justice).

Preconsidered Int. No. 1956-A

By Council Members Powers, Louis, Ayala, Rivera, Van Bramer, Ampry-Samuel, Reynoso, Barron, Rosenthal and Kallos.

A Local Law to amend the administrative code of the city of New York, in relation to establishing a local conditional release commission

Be it enacted by the Council as follows:

Section 1. The administrative code of the city of New York is amended by adding a new section 9-207 to read as follows:

§ 9-207 Local conditional release commission. There is hereby established a local conditional release commission. Such commission shall have the powers, duties, and composition as set forth in article 12 of the correction law or any successor statute.

§ 2. This local law takes effect immediately.

Adopted by the Council (preconsidered as amended and approved by the Committee on Criminal Justice).

Res No. 1325

Resolution calling upon the federal government to introduce and pass the Pandemic Heroes Compensation Act to help all essential workers, personnel and their families, across all industries, who were required to leave their homes to perform their services and became ill or died as a result of COVID-19.

By Council Members Powers, Kallos and Chin.

Whereas, The proposed Pandemic Heroes Compensation Act (PHDA) was unveiled at a press conference on May 14, 2020 and it was announced that it would be co-sponsored by a bipartisan group of members of Congress including Representatives Jerrold Nadler (D-NY), Carolyn Maloney (D-NY), Peter King (R-NY) and Senator Tammy Duckworth (D-Ill.), who plan to introduce a bill to create a fund for essential workers affected by COVID-19; and

Whereas, According to the bipartisan co-sponsors, the proposed legislation would be modeled after the September 11th Victims Compensation Fund and designed to assist those whose jobs require them to continue to go to work during the pandemic, putting them at significant risk of becoming infected by COVID-19, so the public at large could remain safely at home; and

Whereas, In addition to establishing a compensation fund for all essential workers, the co-sponsors propose including all personnel and their families, for the purpose of providing financial assistance to cover the costs of healthcare, loss of employment, loss of business and burial assistance; and

Whereas, The proposed legislation would require that a Special Master would be appointed to oversee the creation and administration of a website to assist in the application process and allow applicants to provide information for consideration regarding the extent of their financial losses; and

Whereas, New York City has been disproportionately affected by the COVID-19 pandemic and according to the New York City Department of Health and Mental Hygiene, as of May 19, 2020, the City had registered 191,650 confirmed cases, 50,6187 hospitalizations, 16,059 confirmed deaths and 4,828 probable deaths due to COVID-19; and

Whereas, During the outbreak of COVID-19, New York's first responders and essential workers have continued to work tirelessly in order to provide essential services including medical, fire and police emergency response, transportation, food and grocery delivery, pharmacy services, as well as postal and package delivery services that are all crucial to maintaining the public wellbeing and ability to comply with stay at home orders as directed by New York State Governor Andrew M. Cuomo; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the federal government to introduce and pass the Pandemic Heroes Compensation Act to help all essential workers, personnel and their families, across all industries, who were required to leave their homes to perform their services and became ill or died as a result of COVID-19.

Referred to the Committee on Civil Service and Labor.

Int. No. 1957

By Council Members Reynoso, Gjonaj, Rivera, Cumbo, Powers, Van Bramer, Lander, Ayala, Richards, Salamanca, Kallos, the Speaker (Council Member Johnson), Constantinides, Holden, Vallone, Brannan, Dromm, Koslowitz, Moya, Levine and Rosenthal.

A Local Law in relation to temporary space for outdoor dining

Be it enacted by the Council as follows:

Section 1. Temporary space for outdoor dining. a. Definitions. For the purposes of this section, the following terms have the following meanings:

Food service establishment. The term “food service establishment” has the same meaning as in subdivision s of section 81.03 of the health code of the city of New York.

Food vendor. The term “food vendor” has the same meaning as in section 17-306 of the administrative code of the city of New York.

Open space. The term “open space” means a location that may be used by a food service establishment for temporary outdoor dining that: (i) has been approved for such use by the department of transportation, including but not limited to a sidewalk, pedestrian plaza, street, parking lot, or other public or privately-owned space designated as such by the department of transportation; provided, however that a privately-owned space shall be utilized only with the consent of the owner of such space; or (ii) a section of a sidewalk where a sidewalk café would be permitted under the New York city zoning resolution

Pedestrian plaza. The term “pedestrian plaza” has the same meaning as in section 19-157 of the administrative code of the city of New York.

Temporary outdoor dining area. The term “outdoor dining” means a portion of a food service establishment operated under permit from the department of health and mental hygiene, located in an open space.

Temporary spacing order. The term “temporary spacing order” means an emergency order issued pursuant to section 24 or 29-a of article 2-B of the executive law that prohibits gatherings of more than 100 individuals in the city or requires individuals in the city to social distance.

b. Temporary outdoor dining. Notwithstanding sections 19-107, 19-136, and subchapter six of chapter two of title 20 of the administrative code of the city of the New York, when a temporary spacing order is in effect and service of food or beverages is permitted on-premises, indoors or outside, the department of consumer affairs shall issue permits to allow a food service establishment to operate a temporary outdoor dining area; provided, however, that nothing in this section shall be construed to effect the rights and responsibilities of a food service establishment with a valid sidewalk café license issued pursuant to section 20-224.

c. Permit required. 1. No food service establishment shall operate in a public open space without a temporary outdoor dining permit issued by the department of consumer affairs. No such permit shall be required for a food service establishment to operate a temporary outdoor dining area in a privately owned open space, provided that: (i) the consent of such owner is required and (ii) such establishment comply with any guidelines issued by the department of health and mental hygiene pursuant to subdivision e of this section.

2. No later than ten days following the effective date of this local law, the department of consumer affairs shall begin accepting applications for such permits. Such application shall be limited to: (i) a proposed open space to be used as a temporary outdoor dining area; and (ii) a proposed layout for such space and may be submitted to the department without the seal and signature of an architect or engineer licensed by the state of New York.

3. Within five days of receipt of an application for a temporary outdoor dining permit, the department of consumer affairs shall approve any such application from a licensed food service establishment that:

(i) identifies a location identified by the department of transportation pursuant to subdivision d of this section or identifies a section of a sidewalk where a sidewalk café would be permitted under the New York city zoning resolution; and

(ii) includes a proposed layout that would allow workers and patrons to observe department of health and

mental hygiene guidelines issued pursuant to subdivision e of this section.

3. There shall be no fee for such permit.

4. Permits issued by the department of consumer affairs shall include the location and square footage of the open space to be used as a temporary outdoor dining area.

d. Identification of open spaces. 1. No later than seven days following the effective date of this local law, the department of transportation shall identify open spaces in each community district that are suitable for a temporary outdoor dining area.

2. The department of transportation shall consult with any business improvement district, community board, or association representing food service establishment that contacts the department regarding a location that could be utilized for a temporary outdoor dining area. Such locations shall be published online and updated at least once each week.

3. The department of transportation shall take all measures necessary to ensure that any open space utilized as a temporary outdoor dining area provides protection for all street users.

e. Outdoor dining guidelines. No later than seven days following the effective date of this local law, the department of health and mental hygiene shall establish guidelines for temporary outdoor dining area, including, but not limited to, those relating to social distancing, protection of the health and safety of patrons and workers, and cleaning.

f. Vendors. 1. Notwithstanding section 17-315 of the administrative code of the city of the New York, when a temporary spacing order is in effect, a food vendor may vend in an open space approved by the department of transportation pursuant to this subdivision provided that such vendor adhere to any guidelines issued by the department of health and mental hygiene pursuant to this subdivision.

2. No later than seven days following the effective date of this local law, the department of transportation shall publish a list of open spaces in which a food vendor may vend. Such list shall be published online and updated at least once per week.

3. No later than seven days following the effective date of this local law, the department of health and mental hygiene shall establish guidelines for food vending in open spaces, including, but not limited to, those relating to spacing of food vendors.

g. Notification. The department shall consult with and notify affected council members and community boards of an application for a temporary outdoor dining permit.

h. Expiration. The requirements of this section apply until the expiration or repeal of temporary spacing order or October 31, 2020, whichever is later.

§ 2. This local law takes effect immediately.

Referred to the Committee on Consumer Affairs and Business Licensing.

Int. No. 1958

By Council Members Richards, Lander, Kallos, Moya, Chin, Ampry-Samuel, Gjonaj and Ayala.

A Local Law in relation to reporting on financial assistance received by small businesses impacted by COVID-19

Be it enacted by the Council as follows:

Section 1. Small business COVID-19 financial assistance report. a. Definitions. For purposes of this local law the following terms have the following meanings:

Employee retention program. The term “employee retention program” means the program created by the mayor in March 2020 to provide grants covering a percentage of payroll for a limited amount of time to certain small businesses experiencing a loss of revenue because of the novel coronavirus, COVID-19.

Small business continuity loan fund. The term “small business continuity loan fund” means the fund created by the mayor to provide zero-interest loans to certain small businesses that experienced decreased sales revenue because of the novel coronavirus, COVID-19.

b. No later than 60 days after the effective date of this local law, the department of small business services shall post on its website and submit to the mayor and speaker of the council a report that details each business that received a grant pursuant to the employee retention program and each business that received a loan pursuant to the small business continuity loan fund. The report shall include, at minimum:

1. The name of the business;
2. The location of the business, including cross streets, ZIP code and neighborhood; and
3. The loan or grant amount the business received.

§ 2. This local law takes effect immediately, and expires and is deemed repealed upon final submission of the report as required by section one of this local law.

Referred to the Committee on Small Business.

Res. No. 1326

Resolution calling on the New York State Department of Health to clarify and ensure that the New York State Hospital Patients’ Bill of Rights applies to all hospitals, including temporary emergency hospitals and field hospitals.

By Council Members Rivera, Kallos, Moya and Chin.

Whereas, The new coronavirus, COVID-19, has severely impacted New York City and stretched the resources of New York City hospitals and health care providers; and

Whereas, A March 28, 2020, news article published by The City found that as of March 26, 2020, only 3,557 hospital beds of all types were available out of 20,330 beds citywide; and

Whereas, As part of efforts to increase patient capacity in New York City and treat patients impacted by COVID-19, New York State and New York City permitted the establishment of publicly-operated and privately-operated temporary emergency field hospitals in New York City; and

Whereas, On March 31, 2020, Samaritan's Purse and Mount Sinai Health System established a 68-bed emergency field hospital in Central Park in New York City; and

Whereas, Samaritan’s Purse is led by Franklin Graham, who has a history of promoting homophobic and transphobic biases, and has called the LGBTQ community “immoral” and “detestable”; and

Whereas, Samaritan’s Purse requires that its volunteers agree to a written affirmation “that marriage is exclusively the union of one genetic male and one genetic female”; and

Whereas, The New York State Department of Health is charged with enforcing the New York State Hospital Patients’ Bill of Rights pursuant to Section 405.7 of Title 10 of the Codes, Rules, and Regulations of New York; and

Whereas, Section 2801 of the New York Public Health Law defines a hospital as a facility or institution engaged principally in providing services by or under the supervision of a physician including, but not limited to, a general hospital; and

Whereas, Consistent with the New York State Hospital Patients’ Bill of Rights, every general hospital must guarantee patients certain rights, including the right to receive treatment without discrimination as to race, color, religion, sex, gender identity, national origin, disability, sexual orientation, age or source of payment; and

Whereas, The New York State Hospital Patients’ Bill of Rights applies to every general hospital, regardless of whether such hospital is operated by a public or private entity; and

Whereas, The rights afforded to hospital patients in New York State under the Patients' Bill of Rights should be guaranteed to patients regardless of the temporary or emergency nature of a particular field hospital; and

Whereas, Public and private entities providing health-related services in New York City hospitals during the COVID-19 crisis should care for their patients in a manner consistent with the rights guaranteed under the New York State Patients' Bill of Rights; and

Whereas, Every hospital patient deserves to be treated with equal dignity and respect; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Department of Health to ensure and clarify that the New York State Hospital Patients' Bill of Rights applies to the provision of care in all hospital settings, including temporary and emergency field hospitals.

Referred to the Committee on Hospitals.

Int. No. 1959

By Council Members Rodriguez, Cohen and the Public Advocate (Mr. Williams).

A Local Law to amend the New York city charter, in relation to the establishment of an office of sports recreation and the repeal of chapter 21-A of such charter relating to the New York city sports commission

Be it enacted by the Council as follows:

Section 1. Chapter 21-A of the New York city charter is REPEALED.

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

§ 20-j *Office of sports recreation. a. Definitions. For the purposes of this section the following terms have the following meanings:*

Director. The term "director" means the director of sports recreation.

Office. The term "office" means the office of sports recreation.

b. The mayor shall establish an office of sports recreation. Such office may be established within any office of the mayor or as a separate office or within any agency. Such office shall be headed by a director of sports recreation, who shall be appointed by the mayor or, if the office is established within an agency other than the office of the mayor, by the head of such agency.

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

- 1. Consult with the official marketing, tourism and partnership organization for the city to promote the city as a base for professional sports teams;*
- 2. Make recommendations for the growth of professional, amateur and scholastic sports recreation;*
- 3. Coordinate sports initiatives and agendas with other agencies, including but not limited to, the department of education and the department of parks and recreation;*
- 4. Work to provide access to sports-related opportunities for students and promote the role of sports in education and recreation;*
- 5. Develop a plan, in conjunction with other agencies, for providing sports recreation;*
- 6. Promote a robust sports recreation program to further the city's interests in health, education and economic growth, while accounting for the best interests of the city and its residents; and*
- 7. Perform such other relevant duties as the mayor may assign.*

d. Report. No later than 18 months after the effective date of the local law that added this section, and annually thereafter, the director shall submit to the mayor, the speaker of the council and, if the office is

established within an agency other than the office of the mayor, the head of such agency and publish on its website, a report that shall include, but need not be limited to, the activities of the office, information received by the office and any recommendations for legislation or policy developed by the director pursuant to this section.

§ 3. This local law takes effect 60 days after it becomes law. The mayor and any affected agency may take any steps necessary for the implementation of this local law before such effective date.

Referred to the Committee on Parks and Recreation.

Preconsidered Int. No. 1960

By Council Members Salamanca, Ampry-Samuel, Kallos, Chin, Koslowitz and Constantinides.

A Local Law to amend the administrative code of the city of New York, in relation to a comprehensive cooling and communication plan

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 30 of the administrative code of the city of New York is amended by adding a new section 30-116 to read as follows:

§ 30-116 *Comprehensive cooling and communication plan. a. Definitions. For purposes of this section, the following terms have the following meanings:*

Cooling center. The term “cooling center” means any facility that is designated by the city to provide air-conditioned relief to the public whenever there is an occurrence or a forecast of a heat-related emergency.

Heat index. The term “heat index” means a measurement of the combined air temperature and relative humidity that attempts to determine the human-perceived equivalent temperature.

Heat-related emergency. The term “heat-related emergency” means the level at which the heat index is deemed to be unsafe or unhealthy for vulnerable populations, as determined by the commissioner of health and mental hygiene.

Urban heat island effect. The term “urban heat island effect” means the increase in urban air temperature as compared to surrounding suburban and rural temperature.

Vulnerable population. The term “vulnerable population” means any group of persons that are sensitive to or otherwise at a greater health risk than the general population from a heat-related emergency.

b. No later than June 30, 2020 and on or before every March 1 thereafter, the commissioner of emergency management and the commissioner of health and mental hygiene, in consultation with the director of long-term planning and sustainability and any other relevant office or agency, shall submit to the council and make available to the public on the city’s website a plan describing how the city will provide individuals with information on the dangers of heat exposure, access to cooling, including cooling centers, and how vulnerable populations can stay cool during heat-related emergencies. Such plan shall include, but not be limited to, the following:

1. a mechanism to assess the city’s cooling needs generally and the cooling needs of vulnerable populations when the heat index reaches a certain number, as determined by the commissioner of health and mental hygiene;

2. a description of how the commissioner of emergency management and the commissioner of health and mental hygiene will communicate to residents the dangers of heat exposure, including information about the urban heat island effect, heat index, heat-related emergencies and other relevant information pursuant to this section;

3. a description of the temperature, heat index and other conditions under which the city will open cooling centers, including: (a) whether such centers can be safely opened; (b) the feasibility of practicing social distancing in such centers, including a description of any necessary procedures to ensure social distancing and any appropriate cleaning, if applicable; (c) the locations of such centers by street address, cross streets,

and ZIP code; and (d) the hours of operations, maximum capacity, minimum capacity, and accessibility for individuals with disabilities for each such center;

4. a description of how the commissioner of emergency management and the commissioner of health and mental hygiene will communicate the information in paragraph 3 of this subdivision to residents on or before May 1 of each year;

5. if cooling centers are not expected to be open or if they will be insufficient to serve the needs of vulnerable populations, a description of how the city will provide such vulnerable populations with cooling during a heat-related emergency, including but not limited to the direct provision of, and support for, residential cooling mechanisms, and a description of how the commissioner of emergency management will communicate this information to vulnerable populations;

6. a description of how the commissioner of emergency management and the commissioner of health and mental hygiene, or any other relevant office or agency, will provide public communications, written or otherwise, in the designated citywide languages, as defined in section 23-1101, and whether communications in any additional languages are needed based on the demographics of current or anticipated vulnerable populations;

7. an evaluation of the measures taken to reduce the number of heat-related deaths during the previous summer season and a description of the measures the commissioner of emergency management and the commissioner of health and mental hygiene will take to further reduce the number of heat-related deaths in the upcoming summer season; and

8. a plan for office buildings to set thermostats at or above a specific temperature to reduce stress on the electric grid, including a description of the heat conditions during which such a plan should be activated, a recommendation on the temperature or temperatures to which such thermostats should be set, and a description of how to ensure compliance with such plan when activated.

c. The commissioner of emergency management and the commissioner of health and mental hygiene shall update the plan described in subdivision b of this section by March 1 of each year.

§ 2. This local law takes effect immediately.

Referred to the Committee on Health (preconsidered but laid over by the Committee on Health).

Preconsidered Int. No. 1961-A

By Council Members Torres, Kallos, Ayala, Rivera, Vallone, Rosenthal, Maisel and Chin.

A Local Law in relation to public reporting on contact tracing for COVID-19

Be it enacted by the Council as follows:

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

Age range. The term “age range” means the following age categories: 0 to 17 years old; 18 to 44 years old; 45 to 64 years old; 65 to 74 years old; and 75 years or older.

Comorbidity. The term “comorbidity” means the following disease categories: (i) respiratory disease; (ii) cardiovascular disease; (iii) diabetes; and (iv) other reported health conditions.

Contact tracing. The term “contact tracing” means the process of identifying individuals who may have had contact with a person who has tested positive for COVID-19, and consequently educating, testing, quarantining, or monitoring such identified individuals for the purpose of containing transmission of such disease.

COVID-19. The term “COVID-19” means the disease caused by the severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2).

Department. The term “department” means the department of health and mental hygiene.

Occupational setting. The term “occupational setting” means one of the following categories: (i) healthcare setting; (ii) congregate setting; and (iii) other setting.

Program. The term “program” refers to any COVID-19 contact tracing program established at the direction or request of the mayor.

Wraparound services. The term “wraparound services” means any services to facilitate quarantine or isolation, including, but not limited to, hotel accommodations or other shelter, food or grocery provision, and medical referrals.

b. Contact tracing reporting. The department or another agency designated by the mayor shall cause the information described in this subdivision to be posted conspicuously on the city’s website. Such reports shall begin one week after the effective date of this local law and be updated weekly thereafter, until such time as is practicable for the department or another agency designated by the mayor to cause such information to be posted on a daily basis, provided that such daily reporting shall begin no later than six weeks after the effective date of this local law. Information reported on a daily basis shall be as up-to-date as practicable. In causing such reports to be posted, the department or another agency designated by the mayor may seek the assistance of the health and hospitals corporation. Such reports shall include:

1. The number of persons employed or contracted by the program to conduct contact tracing, disaggregated by languages spoken and zip code of residence;

2. The number of persons identified to the program who have tested positive for currently having COVID-19 by molecular testing, disaggregated by zip code, race, ethnicity, gender, age range, COVID-19 symptoms present in the last 14 days, to the extent available, and whether such persons were referred to wraparound services;

3. The number of individuals identified by the program who may have had contact with a person who has tested positive for currently having COVID-19 by molecular testing, disaggregated by zip code, race, ethnicity, gender, age range, whether they tested positive for currently having COVID-19 or experienced COVID-19 symptoms within the last 14 days, to the extent available, and whether such individuals were referred to wraparound services; and

4. The number of individuals identified by the program who may have had contact with a person who has tested positive for currently having COVID-19 that the program attempted to contact and the number of such individuals who were successfully contacted.

c. Comorbidity and occupational setting contact tracing reporting. The department or another agency designated by the mayor shall cause the information described in this subdivision to be posted conspicuously on the city’s website. Such reports shall begin two weeks after the effective date of this local law and be updated weekly thereafter. In causing such reports to be posted, the department or another agency designated by the mayor may seek the assistance of the health and hospitals corporation. Such reports shall include:

1. The number of persons identified to the program who have tested positive for currently having COVID-19 by molecular testing, disaggregated by occupational setting and comorbidity, to the extent available; and

2. The number of individuals identified by the program who may have had contact with a person who has tested positive for currently having COVID-19 by molecular testing, disaggregated by occupational setting and comorbidity, to the extent available.

d. Privacy. Reports required pursuant to this section shall not contain identifying information as defined in section 23-1201 of the administrative code of the city of New York. If a category to be reported contains fewer than five individuals or contains an amount that would allow another category that contains fewer than five individuals to be deduced, the number shall be replaced with a symbol.

e. The data required to be reported by subdivisions b and c of this section shall be archived in a machine-readable table available on the city’s website.

§ 2. This local law takes effect immediately, provided that: (i) the first report required by section one of this local law shall be due no earlier than June 22, 2020; and (ii) subdivisions b and c of section one of this local law shall expire one year after it takes effect.

Adopted by the Council (preconsidered as amended and approved by the Committee on Health).

Preconsidered L.U. No. 663

By Council Member Salamanca:

Application number 20205414 HAM (2274 Adam Clayton Powell ANCP – UDAAP/Article XI) submitted by the New York City Department of Housing Preservation and Development pursuant to Article 16 of the General Municipal Law and Section 577 of Article XI of the Private Housing Finance Law for approval of an urban development action area project, waiver of the area designation requirement, waiver of the requirements of Sections 197-c and 197-d of the New York City Charter, and approval of a real property tax exemption for property located at 24 West 132nd Street (Block 1729, Lot 45); 37 West 138th Street (Block 1736, Lot 23); 202 West 133rd Street (Block 1938, Lot 38); 2274 Adam Clayton Powell Jr. Boulevard (Block 1939, Lot 34), Borough of Manhattan, Council District 9, Community District 10.

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Sitings and Dispositions (preconsidered but laid over by the Subcommittee on Landmarks, Public Sitings and Dispositions).

[NEW YORK CITY COUNCIL](#)

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

DUE TO THE EXIGENCIES OF THE BUDGET ADOPTION,

THE STATED MEETING OF THE COUNCIL IS RECESSED

AND SUBJECT TO CALL AND THE MEETINGS OF ANY UPCOMING FINANCE AND STATE AND FEDERAL LEGISLATION COMMITTEES MAY BE RECESSED AND SUBJECT TO CALL AS WELL.

WE WILL KEEP YOU ADVISED ACCORDINGLY

*** NO HEARING SCHEDULE FOR JUNE 2020**

AT THIS TIME *

Whereupon on motion of the Speaker (Council Member Johnson), the Public Advocate (Mr. Williams) recessed these proceedings subject to call.

Editor's Local Law Note: Int. No. 1854, adopted at the April 22, 2020 Stated Meeting, was returned unsigned by the Mayor on May 22, 2020. This item became law on May 23, 2020 due to the lack of Mayoral action within the Charter-prescribed thirty day time period. The bill was assigned subsequently as Local Law No. 50 of 2020.

Editor's Local Law Note: Int. No. 1898-A, 1908-B, 1914-A, 1916-A, 1932-A, 1936-A, and 1940-A, all adopted by the Council at the May 13, 2020 Stated Meeting, were signed into law by the Mayor on May 26, 2020 as, respectively, Local Law Nos. 51 to 57 of 2020.

THE COUNCIL

Minutes of the Proceedings for the

RECESSED MEETING

of

Thursday, May 28, 2020

held on

Thursday, June 18, 2020, 2:09 p.m.

held remotely via video-conference

The Majority Leader (Council Member Cumbo)

Acting President Pro Tempore and Presiding Officer

Council Members

Corey D. Johnson, *Speaker*

Adrienne E. Adams	Barry S. Grodenchik	Carlina Rivera
Alicia Ampry-Samuel	Robert F. Holden	Deborah L. Rose
Diana Ayala	Ben Kallos	Helen K. Rosenthal
Inez D. Barron	Andy L. King	Rafael Salamanca, Jr
Joseph C. Borelli	Peter A. Koo	Ritchie J. Torres
Fernando Cabrera	Rory I. Lancman	Mark Treyger
Margaret S. Chin	Bradford S. Lander	Eric A. Ulrich
Andrew Cohen	Stephen T. Levin	Paul A. Vallone
Costa G. Constantinides	Mark D. Levine	James G. Van Bramer
Robert E. Cornegy, Jr	Steven Matteo	Kalman Yeger
Laurie A. Cumbo	Carlos Menchaca	
Chaim M. Deutsch	I. Daneek Miller	
Ruben Diaz, Sr.	Francisco P. Moya	
Daniel Dromm	Bill Perkins	
Mathieu Eugene	Keith Powers	
Vanessa L. Gibson	Antonio Reynoso	
Mark Gjonaj	Donovan J. Richards, Jr.	

The Council Members listed above answered the Roll Call for this brief procedural virtual Recessed Meeting.

Absent for this Recessed Meeting held on June 18, 2020 (*i.e.*, did not answer Roll Call):
Council Members Brannan, Koslowitz, Louis, Maisel, and Rodriguez.

At the time of this virtual Recessed Meeting, there was one vacant seat in the 37th Council District (Brooklyn). This seat will remain vacant pending the swearing-in of the certified winner of a General Election to be held on Tuesday, November 3, 2020.

The Majority Leader (Council Member Cumbo) assumed the chair as the Acting President Pro Tempore and Presiding Officer for these virtual 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 Acting President Pro Tempore (Council Member Cumbo).

*There were 45 Council Members marked present at this brief procedural Recessed Meeting of May 28, 2020 held remotely on June 18, 2020 due to the coronavirus pandemic (**but see Editor's Note: re: Attendance below). The virtual Recessed Meeting was video-conferenced via Zoom.*

***Editor's Note re: Attendance for the Stated Meeting held on May 28, 2020, and this brief procedural Recessed Meeting held on June 18, 2020: This Recessed Meeting held on June 18, 2020 is considered to be the conclusion of the Stated Meeting that opened on May 28, 2020. For attendance purposes, therefore, any Council Member who was present at any one of these two Meetings will be considered present for all of the proceedings known collectively as the Stated Meeting of May 28, 2020. Although Council Members Brannan, Koslowitz, Louis, Maisel, and Rodriguez were absent from this Recessed Meeting held on June 18th, they are considered present for attendance purposes due to their earlier presence at the Stated Meeting held on May 28, 2020.*

(On a separate note: although not listed in the Roll Call above, it should be noted that Council Members Brannan, Koslowitz, Louis, Maisel, and Rodriguez were marked present for the subsequent Roll Call held for the Stated Meeting of June 18, 2020 which opened immediately following the adjournment of this brief procedural Recessed Meeting)

Whereupon on motion of the Speaker (Council Member Johnson), the Majority Leader and Acting President Pro Tempore (Council Member Cumbo) adjourned these virtual proceedings to meet immediately again for the Stated Meeting of June 18, 2020.

MICHAEL M. McSWEENEY, City Clerk
Clerk of the Council