

THE COUNCIL

Minutes of the Proceedings for the

STATED MEETING

of

Thursday, February 24, 2022, 2:20 p.m.

(held in a hybrid meeting format)

The Majority Leader (Council Member Powers)

presiding as the Acting President Pro Tempore

Council Members

Adrienne E. Adams, *Speaker*

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

Medical Leave: Council Member Hanif.

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

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

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

INVOCATION

The Invocation was delivered by Bishop Roderick Roberts, Sr., Senior Pastor at Ramah Christian Center Inc., located at 3360 Fish Avenue, Bronx, NY 10469.

Good afternoon, everyone.

It's an honor to be here.

Father, we're thankful to you
for your grace, for your mercy.
We thank you for this city government.
Thank you for our national government,
all elected officials represented here today.
Your word said, "Except you build a house,
we labor in vain that build it.
Except you keep the City,
the watchman waiteth, but in vain."
So we lift up every representative here this afternoon.
We pray for great grace and wisdom
to conduct the affairs of the City.
Pray for our educational sector,
our law enforcement officials,
our local municipalities, those in our medical field,
our essential workers, those in housing.
We pray oh, God, for strategies to combat crime,
sickness, and mental illness in our city.
Pray for the healing of families,
for we understand that families create cities.
Cities create states, and states create nations.
Pray for healing amongst our families,
healing in our city and our nation.
Pray for healing among
ethnic, Lord God, clashes and diversity.
We pray for healing amongst
political parties and political lines.
We pray for great grace as we conduct the affairs
of the business of this city and for wisdom and strategy
to lead the people of New York City.
Amen.

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

During the Communication from the Speaker segment of this meeting, the Speaker (Council Member Adams) acknowledged a death in the Council family: Anne Holden, mother of Council Member Holden, had recently passed away. Ms. Holden died on February 12, 2022 at the age of 97. On behalf of the Council, she offered her condolences to Council Member Holden, his family, and his friends.

The Speaker (Council Member Adams) acknowledged the death of 33-year old FDNY Firefighter Jesse Gerhard of Ladder 1314 in Far Rockaway, Queens. Firefighter Gerhard died after suffering a medical episode inside his firehouse on February 16, 2022. The day before, Firefighter Gerhard had responded to a two-alarm fire in a three story home. He had worked extensively inside and outside the burning building while looking to rescue victims.

The Speaker (Council Member Adams) asked for a moment of silence in memory of the deceased individuals mentioned above

At this point, a moment of silence was observed.

* * *

ADOPTION OF MINUTES

Council Member Bottcher moved that the Minutes of the Stated Meeting of February 10, 2022 be adopted as printed.

MESSAGES & PAPERS FROM THE MAYOR

M-21

Communication from the Mayor - Submitting Preliminary Expense, Revenue, and Contract Budget for Fiscal Year 2023, pursuant to Sections 225 and 236 of the New York City Charter.

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

Referred to the Committee on Finance.

M-22

Communication from the Mayor – Submitting January 2022 Financial Plan Detail for Fiscal Years 2022-2026, pursuant to Sections 101 and 213 of the New York City Charter.

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

Referred to the Committee on Finance.

M-23

Communication from the Mayor - Submitting Geographic Reports for Expense Budget for Fiscal Year 2023, pursuant to Sections 100 and 231 of the New York City Charter.

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

Referred to the Committee on Finance.

M-24

Communication from the Mayor - Submitting Departmental Estimates for Fiscal Year 2023, pursuant to Sections 100, 212 and 231 of the New York City Charter.

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

Referred to the Committee on Finance.

M-25

Communication from the Mayor - Submitting the Preliminary Capital Budget, Fiscal Year 2023, pursuant to Section 213 and 236 of the New York City Charter.

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

Referred to the Committee on Finance.

M-26

Communication from the Mayor - Submitting the Preliminary Capital Commitment Plan, Fiscal Year 2023, Volumes 1, 2, 3, & 4, pursuant to Section 219 of the New York City Charter.

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

Referred to the Committee on Finance.

M-27

Communication from the Mayor - Submitting the Preliminary Certificate, setting forth the maximum amount of debt and reserves which the City, and the NYC Municipal Water Finance Authority, may soundly incur for capital projects for Fiscal Year 2023 and the ensuing three fiscal years, and the maximum amount of appropriations and expenditures for capital projects which may soundly be made during each fiscal year, pursuant to Section 235 of the New York City Charter.

February 16, 2022

Honorable Members of the Council
Honorable Brad Lander, Comptroller

Honorable Vanessa L. Gibson, Bronx Borough President
Honorable Antonio Reynoso, Brooklyn Borough President
Honorable Mark D. Levine, Manhattan Borough President
Honorable Donovan Richards, Queens Borough President
Honorable Vito Fossella, Staten Island Borough President
Honorable Members of the City Planning Commission
Ladies and Gentlemen:

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

2023	\$11,104	Million
2024	12,532	Million
2025	14,168	Million
2026	15,019	Million

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

2023	\$9,190	Million
2024	10,358	Million
2025	11,755	Million
2026	12,402	Million

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

2023	\$1,914	Million
2024	2,174	Million
2025	2,413	Million
2026	2,617	Million

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

2023	\$10,181	Million
2024	17,422	Million
2025	16,226	Million
2026	17,452	Million

Sincerely,

Eric Adams
Mayor

Received, Ordered, Printed and Filed.

PETITIONS & COMMUNICATIONS

M-28

Communication from Council Member Brannan withdrawing Int. No. 9 of 2022 - A Local Law to amend the administrative code of the city of New York, in relation to prohibiting commercial parking garages from charging higher rates for utility vehicles.

Editor's Note: Int. No. 9-A of 2022 was withdrawn by the prime first sponsor of the legislation.

Withdrawn and Filed.

LAND USE CALL-UPS

M-29

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

Pursuant to Sections 11.20(b-d) of the Council Rules and Section 197-d(b)(3) of the New York City Charter, the Council hereby resolves that the action of the City Planning Commission on Application No. C 210379 ZSK (1034 – 1042 ATLANTIC AVENUE REZONING) shall be subject to Council review. This item is related to Application Nos. C 210386 ZMK and N 210387 ZRK.

Coupled on Call-Up Vote.

M-30

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

Pursuant to Sections 11.20(b-d) of the Council Rules and Section 197-d(b)(3) of the New York City Charter, the Council hereby resolves that the action of the City Planning Commission on Application No. C 210260 ZSK (870 - 888 ATLANTIC AVENUE REZONING) shall be subject to Council review. This item is related to Application Nos. C 210335 ZMK and N 210336 ZRK.

Coupled on Call-Up Vote.

M-31

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

Pursuant to Sections 11.20(b-d) of the Council Rules and Section 197-d(b)(3) of the New York City Charter, the Council hereby resolves that the action of the City Planning Commission on Application No. C 220131 PSM (NEW PROVIDENCE REDEVELOPMENT - 225 EAST 45TH STREET) shall be subject to Council review. This item is related to Application No. C 220132 HAM.

Coupled on Call-Up Vote.

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

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

Present, Not Voting: Mealy.

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

REPORTS OF THE STANDING COMMITTEES

Report of the Committee on Land Use

Report for L.U. No. 1

Report of the Committee on Land Use in favor of approving Application number C 220082 PCX (NYPD Bronx Special Victims Services) submitted by the New York City Police Department and the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, for a site selection and acquisition of property for use as a new NYPD Bronx Special Victim Services Squad facility located at 188 West 230th Street, aka 2992 Exterior Street (Block 3264, Lot 104), Borough of the Bronx, Community District 8, Council District 14.

The Committee on Land Use, to which the annexed Land Use item was referred on January 20, 2022 (Minutes, page 66) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

BRONX CB - 8

C 220082 PCX

City Planning Commission decision approving an application submitted by the New York City Police Department (NYPD) and the Department of Citywide Administrative Services (DCAS), pursuant to Section 197-c of the New York City Charter, for a site selection and acquisition of property located at 188 West 230th Street, aka 2992 Exterior Street (Block 3264, Lot 104) for use as a new NYPD Bronx Special Victim Services Squad facility.

INTENT

To approve the site selection and acquisition of property located at 188 West 230th Street, aka 2992 Exterior Street (Block 3264, Lot 104) to facilitate a new NYPD Bronx Special Victims Services (SVS) unit, which includes office space and an adjoining outdoor accessory parking lot, Borough of the Bronx, Community District 8.

PUBLIC HEARING

DATE: February 9, 2022

Witnesses in Favor: Eight

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION**DATE:** February 16, 2022

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

In Favor:	Against:	Abstain:
Louis	None	None
Holden		
Feliz		
De la Rosa		
Marte		
Nurse		
Ung		
Vernikov		

COMMITTEE ACTION**DATE:** February 17, 2022

The Committee recommends that the Council approve the attached resolution.

In Favor:	Against:	Abstain:
Salamanca	None	None
Moya		
Rivera		
Louis		
Riley		
Brooks-Powers		
Bottcher		
Hanks		
Kagan		
Krishnan		
Sanchez		
Borelli		

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

Res. No. 42

Resolution approving the decision of the City Planning Commission on ULURP No. C 220082 PCX (L.U. No. 1), a site selection and acquisition of property located at 188 West 230th Street, aka 2992 Exterior Street (Block 3264, Lot 104), Borough of the Bronx, for use as a new NYPD Bronx Special Victim Services Squad facility.

By Council Members Salamanca and Louis.

WHEREAS, the New York City Police Department (NYPD) and the Department of Citywide Administrative Services (DCAS), filed an application pursuant to Section 197-c of the New York City Charter for the site selection and acquisition of property located at 188 West 230th Street, aka 2992 Exterior Street (Block 3264, Lot 104), for use as a new NYPD Bronx Special Victim Services Squad facility, in the Kingsbridge neighborhood of Bronx, Community District 8 (ULURP No. C 220082 PCX) (the “Application”);

WHEREAS, the City Planning Commission filed with the Council on January 14, 2022 its decision dated December 15, 2021 (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, upon due notice, the Council held a public hearing on the Decision and Application on February 9, 2022;

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

WHEREAS, the Council has considered the relevant environmental issues, including the Negative Declaration issued August 27th, 2021 (CEQR No. 21NYP001X) (the “Negative Declaration”).

RESOLVED:

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

Pursuant to Section 197-d of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, C 220082 PCX, incorporated by reference herein, and the record before the Council, the Council approves the Decision for the site selection and acquisition of the Site to facilitate a new NYPD Bronx Special Victims Services (SVS) unit, which includes office space and an adjoining outdoor accessory parking lot.

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, CARLINA RIVERA, FARAH N. LOUIS, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, ERIK D. BOTTCHER, KAMILLAH HANKS, ARI KAGAN, SHEKAR KRISHNAN, PIERINA ANA SANCHEZ AND THE MINORITY LEADER (COUNCIL MEMBER BORELLI) 12-0-0; *Absent*: Darlene Mealy; Committee on Land Use, February 17, 2022 (Remote Hearing). *Other Council Members Attending: Barron and Richardson Jordan.*

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

Report for L.U. No. 2

Report of the Committee on Land Use in favor of approving Application number N 220210 HIM [DL 526/LP-2654] (200 Madison Avenue) submitted by the Landmarks Preservation Commission pursuant to the provisions of Section 3020 of the Charter of the City of New York and Chapter 3 of Title 25 of the Administrative Code of the City of New York, the designation of the First Floor Lobby Interior of 200 Madison Avenue as an interior landmark, located at Block 865, Lot 14 Borough of Manhattan, Community District 5, Council District 4.

The Committee on Land Use, to which the annexed Land Use item was referred on January 20, 2022 (Minutes, page 67) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 5

20225009 HIM (N 220210 HIM)

Designation by the Landmarks Preservation Commission [DL-526/LP-2654] pursuant to Section 3020 of the New York City Charter of the landmark designation of the 200 Madison Avenue First Floor Lobby Interior (Tax Map Block 865, Lot 14), as an historic landmark.

PUBLIC HEARING

DATE: February 9, 2022

Witnesses in Favor: Two

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: February 16, 2022

The Subcommittee recommends that the Land Use Committee affirms the designation.

In Favor:

Louis
Holden
Feliz
De la Rosa
Marte
Nurse
Ung
Vernikov

Against:

None

Abstain:

None

COMMITTEE ACTION

DATE: February 17, 2022

The Committee recommends that the Council approve the attached resolution.

In Favor:

Salamanca
Moya
Rivera
Louis

Against:

None

Abstain:

None

Riley
 Brooks-Powers
 Bottcher
 Hanks
 Kagan
 Krishnan
 Sanchez
 Borelli

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

Res. No. 43

Resolution affirming the designation by the Landmarks Preservation Commission of the 200 Madison Avenue First Floor Lobby Interior located at 200 Madison Avenue, aka 200-214 Madison Avenue, 11-19 East 35th Street, 10-20 East 36th Street (Tax Map Block 865, Lot 14), Borough of Manhattan, Designation List No. 526, LP-2654 (L.U. No. 2; 20225009 HIM; N 220210 HIM).

By Council Members Salamanca and Louis.

WHEREAS, the Landmarks Preservation Commission filed with the Council on November 18, 2021 a copy of its designation report dated November 9, 2021 (the "Designation"), designating the 200 Madison Avenue First Floor Lobby Interior located at 200 Madison Avenue, Community District 5, Borough of Manhattan, as a landmark and Tax Map Block 865, Lot 14, as its landmark site pursuant to Section 3020 of the New York City Charter;

WHEREAS, the Designation is subject to review by the Council pursuant to Section 3020 of the New York City Charter and Section 25-303 of the Administrative Code of the City of New York;

WHEREAS, the City Planning Commission submitted to the Council on January 14, 2022, its report on the Designation dated January 5, 2022 (the "Report");

WHEREAS, upon due notice, the Council held a public hearing on the Designation on February 9, 2022; and

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

RESOLVED:

Pursuant to Section 3020 of the City Charter and Section 25-303 of the Administrative Code of the City of New York, and on the basis of the information and materials contained in the Designation and the Report, and the record before the Council, the Council affirms the Designation.

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, CARLINA RIVERA, FARAH N. LOUIS, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, ERIK D. BOTTCHER, KAMILLAH HANKS, ARI KAGAN, SHEKAR KRISHNAN, PIERINA ANA SANCHEZ AND THE MINORITY LEADER (COUNCIL MEMBER BORELLI) 12-0-0; *Absent*: Darlene Mealy; Committee on Land Use, February 17, 2022 (Remote Hearing). *Other Council Members Attending: Barron and Richardson Jordan.*

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

Report for L.U. No. 3

Report of the Committee on Land Use in favor of approving, as modified, Application number C 210285 ZMK (749 Van Sinderen Avenue Rezoning) submitted by ENY Community Residences LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 17d, by changing from an M1-1 District to a C4-4L District property bounded by a line 430 feet northerly of Linden Boulevard, a line midway between Van Sinderen Avenue and Snediker Avenue, a line 90 feet northerly of Linden Boulevard, and Van Sinderen Avenue, Borough of Brooklyn, Community District 5, Council District 42.

The Committee on Land Use, to which the annexed Land Use item was referred on January 20, 2022 (Minutes, page 67), respectfully

REPORTS:

(For text of the updated report, please see the Report of the Committee on Land Use for L.U. No. 3 & Res. No. 47 printed in the General Order Calendar section of these Minutes)

Accordingly, this Committee recommends its adoption, as modified.

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, CARLINA RIVERA, FARAH N. LOUIS, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, ERIK D. BOTTCHER, KAMILLAH HANKS, ARI KAGAN, SHEKAR KRISHNAN, PIERINA ANA SANCHEZ AND THE MINORITY LEADER (COUNCIL MEMBER BORELLI) 12-0-0; *Absent*: Darlene Mealy; Committee on Land Use, February 17, 2022 (Remote Hearing). *Other Council Members Attending: Barron and Richardson Jordan.*

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

Report for L.U. No. 4

Report of the Committee on Land Use in favor of approving, as modified, Application number N 210286 ZRK (749 Van Sinderen Avenue Rezoning) submitted by ENY Community Residences LLC pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of Brooklyn, Community District 5, Council District 42.

The Committee on Land Use, to which the annexed Land Use item was referred on January 20, 2022 (Minutes, page 67), respectfully

REPORTS:

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

Accordingly, this Committee recommends its adoption, as modified.

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, CARLINA RIVERA, FARAH N. LOUIS, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, ERIK D. BOTTCHEER, KAMILLAH HANKS, ARI KAGAN, SHEKAR KRISHNAN, PIERINA ANA SANCHEZ AND THE MINORITY LEADER (COUNCIL MEMBER BORELLI) 12-0-0; *Absent*: Darlene Mealy; Committee on Land Use, February 17, 2022 (Remote Hearing). *Other Council Members Attending: Barron and Richardson Jordan.*

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

Report for L.U. No. 7

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

The Committee on Land Use, to which the annexed Land Use item was referred on February 10, 2022 (Minutes, page 136) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

QUEENS CB - 3

C 210189 ZMQ

City Planning Commission decision approving an application submitted by 99-20 Realty Corp., pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 9c, establishing within the existing R3-2 District a C2-3 District bounded by 27th Avenue, 100th Street, Astoria Boulevard, and 99th Street, Borough of Queens, Community District 3, as shown on a diagram (for illustrative purposes only) dated August 30, 2021, and subject to the conditions of CEQR Declaration E-640.

INTENT

To approve the amendment to establish within the existing R3-2 District a C2-3 District, to facilitate the development of a new one-story commercial building at 99-07 Astoria Boulevard in the East Elmhurst neighborhood of Queens, Community District 3.

PUBLIC HEARING

DATE: January 27, 2022

Witnesses in Favor: Four

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: February 17, 2022

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

In Favor:

Riley
Moya
Louis
Abreu
Bottcher
Hanks
Schulman
Carr

Against:

None

Abstain:

None

COMMITTEE ACTION

DATE: February 17, 2022

The Committee recommends that the Council approve the attached resolution.

In Favor:

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

Against:

None

Abstain:

None

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

Res. No. 44

Resolution approving the decision of the City Planning Commission on ULURP No. C 210189 ZMQ, a Zoning Map amendment (Preconsidered L.U. No. 7).

By Council Members Salamanca and Riley.

WHEREAS, 99-20 Realty Corp., filed an application pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 9c, establishing within the existing R3-2 District a C2-3 District, which would facilitate the development of a new one-story commercial building at 99-07 Astoria Boulevard in the East Elmhurst neighborhood of Queens, Community District 3 (ULURP No. C 210189 ZMQ) (the "Application");

WHEREAS the City Planning Commission filed with the Council on January 21, 2022 its decision dated January 19, 2022 (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, upon due notice, the Council held a public hearing on the Decision and Application on January 27, 2022;

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

WHEREAS, the Council has considered the relevant environmental issues, including the Negative Declaration issued on August 30, 2021 (CEQR No. 21DCP176Q), which includes an (E) designation to avoid the potential for significant adverse impacts related to hazardous materials and air quality (E-640) (the "Negative Declaration").

RESOLVED:

The Council finds that the action described herein will have no significant impact on the environment as set forth in the (E) Designation (E-640) and Negative Declaration.

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, C 210189 ZMQ, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission.

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section No. 9c, establishing within the existing R3-2 District a C2-3 District bounded by 27th Avenue, 100th Street, Astoria Boulevard, and 99th Street, Borough of Queens, Community District 3, as shown on a diagram (for illustrative purposes only) dated August 30, 2021, and subject to the conditions of CEQR Declaration of E-640.

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, CARLINA RIVERA, FARAH N. LOUIS, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, ERIK D. BOTTCHEER, KAMILLAH HANKS, ARI KAGAN, SHEKAR KRISHNAN, PIERINA ANA SANCHEZ AND THE MINORITY LEADER (COUNCIL MEMBER BORELLI) 12-0-0; *Absent*: Darlene Mealy; Committee on Land Use, February 17, 2022 (Remote Hearing). *Other Council Members Attending: Barron and Richardson Jordan.*

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

Report for L.U. No. 8

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

The Committee on Land Use, to which the annexed Land Use item was referred on February 10, 2022 (Minutes, page 136), respectfully

REPORTS:

(For text of the updated report, please see the Report of the Committee on Land Use for L.U. No. 8 & Res. No. 50 printed in the General Order Calendar section of these Minutes)

Accordingly, this Committee recommends its adoption, as modified.

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, CARLINA RIVERA, FARAH N. LOUIS, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, ERIK D. BOTTCHEER, KAMILLAH HANKS, ARI KAGAN, SHEKAR KRISHNAN, PIERINA ANA SANCHEZ AND THE MINORITY LEADER (COUNCIL MEMBER BORELLI) 12-0-0; *Absent*: Darlene Mealy; Committee on Land Use, February 17, 2022 (Remote Hearing). *Other Council Members Attending: Barron and Richardson Jordan.*

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

Report for L.U. No. 9

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

The Committee on Land Use, to which the annexed Land Use item was referred on February 10, 2022 (Minutes, page 137), respectfully

REPORTS:

(For text of the updated report, please see the related Report of the Committee on Land Use for L.U. No. 8 & Res. No. 49 printed in the General Order Calendar section of these Minutes)

Accordingly, this Committee recommends its adoption, as modified.

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, CARLINA RIVERA, FARAH N. LOUIS, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, ERIK D. BOTTCHEER, KAMILLAH HANKS, ARI KAGAN, SHEKAR KRISHNAN, PIERINA ANA SANCHEZ AND THE MINORITY LEADER (COUNCIL MEMBER BORELLI) 12-0-0; *Absent*: Darlene Mealy; Committee on Land Use, February 17, 2022 (Remote Hearing). *Other Council Members Attending: Barron and Richardson Jordan.*

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

Report for L.U. No. 10

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

The Committee on Land Use, to which the annexed Land Use item was referred on February 10, 2022 (Minutes, page 137), respectfully

REPORTS:

(For text of the updated report, please see the Report of the Committee on Land Use for L.U. No. 10 & Res. No. 51 printed in the General Order Calendar section of these Minutes)

Accordingly, this Committee recommends its adoption, as modified.

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, CARLINA RIVERA, FARAH N. LOUIS, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, ERIK D. BOTTCHER, KAMILLAH HANKS, ARI KAGAN, SHEKAR KRISHNAN, PIERINA ANA SANCHEZ AND THE MINORITY LEADER (COUNCIL MEMBER BORELLI) 12-0-0; *Absent*: Darlene Mealy; Committee on Land Use, February 17, 2022 (Remote Hearing). *Other Council Members Attending: Barron and Richardson Jordan.*

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

Report for L.U. No. 11

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

The Committee on Land Use, to which the annexed Land Use item was referred on February 10, 2022 (Minutes, page 137), respectfully

REPORTS:

(For text of the updated report, please see the related Report of the Committee on Land Use for L.U. No. 10 & Res. No. 51 printed in the General Order Calendar section of these Minutes)

Accordingly, this Committee recommends its adoption, as modified.

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, CARLINA RIVERA, FARAH N. LOUIS, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, ERIK D. BOTTCHER, KAMILLAH HANKS, ARI KAGAN, SHEKAR KRISHNAN, PIERINA ANA SANCHEZ AND THE MINORITY LEADER

(COUNCIL MEMBER BORELLI) 12-0-0; *Absent:* Darlene Mealy; Committee on Land Use, February 17, 2022 (Remote Hearing). *Other Council Members Attending: Barron and Richardson Jordan.*

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

Report for L.U. No. 12

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

The Committee on Land Use, to which the annexed Land Use item was referred on February 10, 2022 (Minutes, page 137), respectfully

REPORTS:

(For text of the updated report, please see the Report of the Committee on Land Use for L.U. No. 12 & Res. No. 53 printed in the General Order Calendar section of these Minutes)

Accordingly, this Committee recommends its adoption, as modified.

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, CARLINA RIVERA, FARAH N. LOUIS, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, ERIK D. BOTTCHEER, KAMILLAH HANKS, SHEKAR KRISHNAN, PIERINA ANA SANCHEZ AND THE MINORITY LEADER (COUNCIL MEMBER BORELLI) 11-1-0; *Negative:* Ari Kagan; *Absent:* Darlene Mealy; Committee on Land Use, February 17, 2022 (Remote Hearing). *Other Council Members Attending: Barron and Richardson Jordan.*

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

Report of the Committee on Rules, Privileges and Elections

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

Report for Res. No. 26

Report of the Committee on Rules, Privileges and Elections in favor of approving a Resolution amending Rule 7.00 of the Rules of the Council in relation to changes in membership of the standing committees and subcommittees of the Council.

The Committee on Rules, Privileges and Elections, to which the annexed preconsidered resolution was referred on February 24, 2022, respectfully

REPORTS:**PRECONSIDERED RES. NO. 26:** By Council Member Keith Powers**SUBJECT:** Resolution amending Rule 7.00 of the Rules of the Council in relation to changes in membership of the standing committees and subcommittees of the Council.**ANALYSIS:** Before the Committee, for its consideration, are proposed changes to the membership of certain standing committees and subcommittees, through changes to the Rules of the Council. Pursuant to Chapter 2 § 46 of the New York City Charter, the Council sets the rules of its proceedings at the first Stated meeting of each calendar year. These rules may be amended by a resolution introduced and passed by the Council's Committee on Rules, Privileges and Elections ("Rules Committee") pursuant to Rules 7.00(a) and 7.70(a), followed by a majority vote of all Council Members pursuant to Rules 7.00(a) and 10.20.

See attached for the changes to membership.

*Accordingly, this Committee recommends its adoption.***(The following is the text of Res. No. 26:)**

Preconsidered Res. No. 26

Resolution amending Rule 7.00 of the Rules of the Council in relation to changes in membership of the standing committees and subcommittees of the Council.

By Council Member Powers:

RESOLVED, pursuant to Rule 7.00(a) of the Rules of the Council, the Council does hereby consent to the following changes in membership of certain standing committees and subcommittees.**STANDING COMMITTEES****CONTRACTS**

[Holden]

[Restler]

CULTURAL AFFAIRS, LIBRARIES & INTERNATIONAL INTERGROUP RELATIONSMoya**EDUCATION**

[Marte]

ENVIRONMENTAL PROTECTIONHolden**FINANCE**Moya

FIRE AND EMERGENCY MANAGEMENT

[Louis]

GOVERNMENTAL OPERATIONS

[Dinowitz]

HOUSING AND BUILDINGSCarr

[Rivera]

IMMIGRATION

[Won]

PARKS AND RECREATIONMoya**PUBLIC SAFETY**

[Moya]

RULES, PRIVILEGES AND ELECTIONSBorelli**STATE AND FEDERAL LEGISLATION**

[Moya]

Marte**TRANSPORTATION AND INFRASTRUCTURE**Rivera

[Velázquez]

VETERANS

[Dinowitz]

SUBCOMMITTEES:**LANDMARKS, PUBLIC SITINGS AND DISPOSITIONS**

[Holden]

SENIOR CENTERS AND FOOD INSECURITY

[Dinowitz]

KEITH POWERS, *Chairperson*; RAFAEL SALAMANCA, Jr.; SELVENA N. BROOKS-POWERS, JUSTIN L. BRANNAN, GALE BREWER, CRYSTAL HUDSON, PIERINA ANA SANCHEZ , THE SPEAKER (COUNCIL MEMBER ADRIENNE E. ADAMS), 8-0-0; Committee on Rules, Privileges and Elections, February 24, 2022.

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

Report for M-12

Report of the Committee on Rules, Privileges and Elections in favor of approving the appointment by the Mayor of Judge Sylvia Hinds-Radix as Corporation Counsel of the New York City Law Department.

The Committee on Rules, Privileges and Elections, to which the annexed Council communication was referred on February 10, 2021 (Minutes, page 74) and which same Council communication was coupled with the resolution shown below, respectfully

REPORTS:**Topic I: Candidate for Appointment by the Mayor upon Advice and Consent of the Council as Corporation Counsel of the City of New York.**

- **Sylvia Hinds-Radix [M-012]**

By letter dated January 28, 2022, Mayor Eric L. Adams formally submitted the name of Judge Sylvia Hinds-Radix to the Council of the City of New York concerning the appointment of Judge Hinds-Radix as Corporation Counsel of the City of New York. As Corporation Counsel, Judge Hinds-Radix would serve as the head of the New York City Law Department.

Pursuant to the New York City Charter (“Charter”) Section 31, the Mayor nominates and, with the advice and consent of the Council, appoints the Corporation Counsel. Section 391(b) of the Charter stipulates that the Mayor shall submit a nominee for Corporation Counsel to the City Council for its advice and consent within 60 days of a vacancy. Today, the Corporation Counsel receives an annual salary of \$243,272.

Law Department Powers and Duties

Chapter 17 of the Charter outlines the powers of the Corporation Counsel and the New York City Law Department. The Charter dictates that the Corporation Counsel shall be the attorney for the City and all City agencies. The Law Department “shall have the charge and conduct of all the law business of the city and its agencies and in which the city is interested.” New York City Charter, Section 394(a).

This mandate includes the ability to institute legal actions on behalf of the City in any court. New York City Charter, Section 394(c). Any settlement requires the approval of the Comptroller. *Id.* The Corporation Counsel is also charged with preparing certain legal papers for the City, including leases, deeds, contracts, and bonds, among other types of legal papers. New York City Charter, Section 394(b).

Agency Structure

Pursuant to Section 392 of the Charter, the Corporation Counsel is authorized to appoint and assign various positions.

The Corporation Counsel “may appoint a first assistant corporation counsel, and such other assistants as may be necessary” New York City Charter, Section 392(a).

The First Assistant Corporation Counsel “possesses all of the powers” to act as the Corporation Counsel if the Corporation Counsel is absent or disabled, and in case of the death or a vacancy in the office of Corporation Counsel, acts “as the Corporation Counsel until the appointment of a new Corporation Counsel.” New York City Charter, Section 392(b). Georgia Pestana was serving as the First Assistant Corporation Counsel when the position of Corporation Counsel became vacant. Since the vacancy occurred, she has been serving as the Acting Corporation Counsel.

Assistant Corporation Counsels will possess the power to perform duties as assigned by the Corporation Counsel, by written authority filed on record at the Law Department. New York City Charter, Section 392(c).

Conclusion

If appointed, Judge Hinds-Radix will replace Georgia Pestana and serve for an indefinite term. Judge Hinds-Radix will appear before the New York City Council's Committee on Rules, Privileges, and Elections on Thursday, February 17, 2022. Copies of Judge Hinds-Ridix's résumé, Committee Report/Resolution, and answers to pre-hearing questions are attached to this briefing paper.

Topic II: Candidate for Appointment by the Mayor upon Advice and Consent of the Council as Commissioner of the New York City Department of Investigation

- **Jocelyn Strauber [M-013]**

By letter dated January 28, 2022, Mayor Eric L. Adams formally submitted the name of Jocelyn Strauber to the Council of the City of New York ("Council") concerning the appointment of Ms. Strauber as Commissioner of the New York City Department of Investigation ("DOI"). As Commissioner of Investigation ("Commissioner"), Ms. Strauber would serve as the head of DOI.

Pursuant to the New York City ("City") Charter ("Charter"), the Mayor nominates and, with the advice and consent of the Council, appoints the Commissioner. Section 801 of the Charter stipulates that the Mayor may remove the Commissioner upon filing in the office of the Commissioner of Citywide Administrative Services and upon serving on the Commissioner the reasons for the Commissioner's removal; the Mayor must also grant the Commissioner an opportunity to make a public explanation. Today, the Commissioner receives an annual salary of \$237,240.

Charter § 801 lists the requirements for appointment as Commissioner. The appointee must be a member of the Bar of the State of New York in good standing and have a minimum of five years of law enforcement experience.¹

DOI Powers and Duties

Chapter 34 of the Charter and Mayoral Executive Order #105 (1986), in conjunction with Executive Order #16 (1978), Executive Order # 72 (1984), and Executive Order #78 (1984), detail the primary responsibilities and jurisdiction of DOI. Primary responsibilities include investigating and referring for prosecution cases of fraud, corruption and other criminal activities by City employees, contractors and others who do business with the City. In addition, DOI is charged with studying City agency procedures to identify systemic failures and recommend improvements; investigating backgrounds of future City employees selected for sensitive positions; conducting background checks on companies awarded City contracts; and serving as the investigative unit of the Conflicts of Interest Board ("COIB"). DOI must maintain a Complaint Bureau, which receives complaints from the public.

The Commissioner is authorized and empowered to conduct any study or investigation that, in the Commissioner's opinion, may be in the best interests of the City. These include, but are not limited to, investigations concerning the affairs, functions, accounts, methods, personnel or efficiency of any agency over which DOI has jurisdiction. The Commissioner must also conduct investigations directed by the Mayor or the Council. In addition, COIB may direct DOI to conduct investigations of matters relating to COIB's responsibilities under Charter Chapter 68. In sum, the Commissioner has a duty to investigate any matter directed by the Mayor, Council and COIB and must do so within a reasonable time.

DOI has jurisdiction over any agency, officer, or employee of the City; any person or entity doing business

¹ Charter § 801 does not define the term "law enforcement experience." Black's Law Dictionary, 9th ed., defines "law enforcement" as "[t]he detection and punishment of violations of the law." The term is not limited to criminal law enforcement. For example, the Freedom of Information Act includes an exemption from disclosure for information compiled for law enforcement purposes and given in confidence. The exemption is valid for the enforcement of a variety of noncriminal (such as national security laws) as well as criminal laws. *See* 5 USCA § 552(b)(7).

with the City; and any person or entity paid with or receiving City funds. DOI has the right to compel the production of documents and testimony of witnesses.

Appointment and Assignment Powers

Under Chapter 34 of the Charter, the Commissioner is authorized to appoint and assign various positions. These appointment and assignment powers are summarized below:

The Commissioner may appoint two deputies who are authorized to conduct or preside over, at the direction of the Commissioner, any investigation authorized by Chapter 34 of the Charter. As with the Commissioner, each deputy also has the power to compel the testimony of witnesses, administer oaths and examine such persons.

Pursuant to Executive Order #11 (1990) (as amended by Executive Order #34 (1992)), the Commissioner must appoint a Special Commissioner of Investigation for the New York City School District (“SCI”). In April 2018, the Mayor issued Executive Order #32, which prohibits the Commissioner from appointing or removing the SCI without mayoral consent. The SCI investigates allegations of corruption, criminal activity, conflicts of interest and unethical conduct, instances of corporal punishments and sexual misconduct. In addition, the SCI determines whether Department of Education employee allegations concerning whistleblower violations are valid.²

Pursuant to Executive Order #7 (1994), the Commissioner must appoint a Special Counsel to the Mayor for the Fiscal Oversight of Education, tasked with overseeing the budgetary procedures and finances of the City school system. The Special Counsel is also a Special Deputy Commissioner of DOI (receiving no compensation for this second role.)

Local Law 70 of 2013 empowers the Commissioner to appoint an Inspector General of the New York City Police Department (“NYPD”) (“OIG-NYPD”). The duties of the OIG-NYPD include investigating, reviewing, studying, auditing and making recommendations relating to the operations, policies, programs and practices of the NYPD on an ongoing basis, with the goal of enhancing the effectiveness of the department, increasing public safety, protecting civil liberties and civil rights, and increasing the public’s confidence in the police force. These investigations, reviews, studies, audits and recommendations also address NYPD’s ongoing partnerships with other law enforcement agencies.

Pursuant to Local Law #165 of 2016, the Commissioner must appoint an individual responsible for conducting system-wide investigations, reviews, studies and audits of operations, policies, programs and practices of the Department of Correction (“DOC”). The Commissioner must also make recommendations with the goal of improving conditions in City jails.

The Commissioner is responsible for approving the appointments of all City agency Inspectors General (“IG”). Beyond such appointments, the Commissioner is tasked with creating and disseminating associated standards of conduct for IGs. The Commissioner also has the responsibility of monitoring and evaluating the activities of IGs to ensure uniformity of activity. All IGs report directly to the Commissioner.

Guidelines and Recommendations

The Commissioner’s responsibilities include reviewing and auditing various City agencies and providing recommendations for improvements. These responsibilities are summarized below:

² A note on City school system naming: In June 30, 2002, the New York State legislature turned over control of the City school system to Mayor Michael R. Bloomberg, who was empowered to appoint a Chancellor to preside over a newly named “Board of Education.” The Board was expanded from seven to 13 members, with one member each selected by the Borough Presidents and the rest by the Mayor. The 13-member Board, later designated as the “Panel for Educational Policy,” together with the Chancellor comprise the “Department of Education of the City of New York.”

Pursuant to Executive Order #87-2 (1987), the Commissioner sets guidelines regulating the submission of annual employee financial disclosures. These disclosures must be submitted to DOI. The guidelines establish the time frame for the submission of these disclosures in order to ensure compliance within a reasonable time.

Executive Order #18 (1995) created the Commission to Combat Police Corruption (“CCPC”) to assist the Mayor and the Police Commissioner in monitoring and evaluating anti-corruption efforts made by the NYPD. While NYPD retains primary investigatory power concerning specific corruption allegations made by NYPD personnel, the CCPC and the Commissioner, with mayoral approval, may determine that there are special circumstances in which the very assessment of anti-corruption efforts mandate investigating underlying allegations against NYPD personnel.

Under Executive Order #26 (1996), which renamed the Child Welfare Administration to the Administration for Children’s Services (“ACS”), the Commissioner was mandated to chair the newly created Inter-Agency Group. The Commissioner, along with the Mayor’s Office of Management and Budget, Office of Labor Relations, NYPD, the Human Resources Administration and the Law Department are tasked with making recommendations concerning ACS, with the goal of improving ACS operations.

If in the course of its investigation the DOI uncovers the need for systematic changes at a City agency, it may publish Policy and Procedure Recommendations (“PPRs”). Aside from a few instances in which City agencies’ implementation efforts are publicly disclosed, DOI has been tracking overall City agency acceptance and implementation of PPRs since at least 2007. That year, the DOI formalized the PPR program, and began to track its recommendations and City agencies’ implementations in a centralized way.

Pursuant to Executive Order #64 (2021), City agencies that contract with outside entities for the provision of human services must make best efforts to amend existing contracts with such providers to require that such providers supply information about sexual harassment complaints brought against such providers. These contract amendments must require that the contracted providers make certain information (e.g., sexual harassment policies, complaint information, and complaint resolution information) available to DOI. DOI is required to review provided materials related to any sexual harassment complaint and to submit its findings to all City agencies that contract with the relevant provider.

Pursuant to Local Laws #33 of 2012 and #9 of 2021, the Commissioner has certain responsibilities pertaining to whistleblower complaints. An officer or employee of a City agency can make a report to the Commissioner concerning conduct which the officer/employee knows or reasonably believes to involve corruption, criminal activity, conflict of interest, gross mismanagement or abuse of authority by another City officer or employee that concerns that City officer’s office or employment, or by a person dealing with the City that concerns that person’s dealings with the City. Also, an officer or employee of certain City contractors and subcontractors can make a report to the Commissioner regarding such conduct by an officer or employee of that contractor or subcontractor that concerns a contract with a contracting City agency. Furthermore, an officer or employee of a City agency can make a report to the Commissioner concerning conduct which the officer/employee knows or reasonably believes to present a substantial and specific risk of harm to the health, safety or educational welfare of a child by another City officer or employee that concerns that City officer/employee’s office or employment, or by a person dealing with the City that concerns that person’s dealings with the City. Alleged adverse personnel action by a City officer/employee in retaliation for whistleblowing can be reported to the Commissioner, and the Commissioner must investigate such allegations. Upon a finding that retaliatory adverse personnel was taken, the Commissioner must report the Commissioner’s findings and any recommendations to the head of the appropriate agency or entity for remedial action.

Reporting Requirements

The Commissioner has a duty to comply with various reporting requirements. These requirements are summarized below:

The Commissioner must prepare a written report or statement of findings concerning completed investigations and forward a copy to any requesting party. If the investigation involves allegations of criminal conduct, the Commissioner, upon completing the investigation, must forward a copy of the written report or statement of findings to the appropriate prosecuting attorney. If the matter investigated concerns a conflict of interest or unethical conduct allegation, the Commissioner must forward a copy of the written report or statement of findings to the COIB.³

The Commissioner has a duty to forward to the Council and to the Mayor a copy of all reports and standards prepared by DOI's Corruption Prevention and Management Review Bureau upon their issuance.⁴

DOI is required to post a report online each year regarding public complaints received by DOI for the preceding year. The report must include the total number of complaints, broken out by complaint mechanism, and a summary of DOI outreach activities.⁵

The Commissioner, in consultation with the SCI and the Corporation Counsel, is required to annually report to the Mayor and the Council certain whistleblower-related information for the preceding fiscal year.⁶

The Commissioner and the SCI are required to develop and maintain respective web applications providing information on City agencies' compliance with DOI's and the SCI's investigatory recommendations.⁷

Specifically, the Commissioner is required to report on the functioning of various City agencies, including the New York City Housing Authority ("NYCHA"), NYPD and the DOC. These reports are summarized below:

The Commissioner is required to submit to the Council two annual reports related to NYCHA employee overtime and small procurement contracts. The employee overtime report must include the total overtime hours recorded and total overtime paid to NYCHA employees for the prior calendar year aggregated by borough and housing development and disaggregated by department and job title. The second annual report must include the number of small procurement contracts, as defined by NYCHA procurement rules, awarded during the prior calendar year.⁸

The Commissioner is required to submit a report to the Mayor, Council and Police Commissioner each time the Commissioner reviews NYPD operations, and must annually issue a report to these entities on the Commissioner's review of NYPD that includes recommendations for operational improvement.⁹ Additionally, the Commissioner is required to submit a report to the Mayor, Council and Commissioner of Correction each time the Commissioner examines system-wide operations at the DOC, and to submit a report each year to these entities that summarizes the DOI's investigations of and recommendations for the DOC.¹⁰

Separately, the OIG-NYPD is required to work with the Law Department, Comptroller, NYPD, Civilian Complaint Review Board, CCPC, and City Commission on Human Rights to collect and evaluate information regarding allegations or findings of improper police conduct and to develop recommendations relating to the discipline, training, and monitoring of police officers and related operations, policies, programs, and practices of NYPD. Any written evaluation or recommendations developed by the OIG-NYPD was required to be posted online annually for the first three years following enactment of the local law that established this requirement, and now the OIG-NYPD is required to issue any evaluation or recommendations every three years.¹¹

³ Charter § 803(e)(1)

⁴ Charter § 803(g)

⁵ [Local Law 43 of 2018](#)/Charter § 808(b) (note that there are two section 808s)

⁶ [Local Law 10 of 2003](#)/[Local Law 9 of 2021](#)/Administrative Code § 12-113(i)

⁷ [Local Law 43 of 2020](#)/Administrative Code § 33-201

⁸ [Local Law 141 of 2019](#)/Charter § 803(h), (i)

⁹ [Local Law 70 of 2013](#)/[Local Law 165 of 2016](#)/Charter § 803(c), (e)(2) and (e)(3)

¹⁰ [Local Law 165 of 2016](#)/Chapter 322 of the Laws of 2021/Charter § 803(d), (e)(2) and (e)(3)

¹¹ [Local Law 166 of 2017](#)/Charter § 808 (note that there are two section 808s)

Conclusion

If appointed, Ms. Strauber will fill a recent vacancy and serve for an indefinite term. Ms. Strauber will appear before the Council's Committee on Rules, Privileges, and Elections on Thursday, February 17, 2022. Copies of Ms. Strauber's résumé, Committee Report/Resolution, and answers to pre-hearing questions are attached to this briefing paper.

(After interviewing the candidates and reviewing the submitted material, the Committee decided to approve the appointment of the nominees. For nominee Jocelyn Strauber [M-13], please see, respectively, the Report of the Committee on Rules, Privileges and Elections for M-13 printed in these Minutes; for nominee Judge Sylvia Hinds-Radix [M-12], please see immediately below:)

The Committee on Rules, Privileges and Elections respectfully reports:

Pursuant to §§ 31 and 391 of the New York City *Charter*, the Committee on Rules, Privileges and Elections, hereby approves the appointment by the Mayor of Judge Sylvia Hinds-Radix as Corporation Counsel of the New York City Law Department to serve for an indefinite term.

This matter was referred to the Committee on February 10, 2022.

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

Res. No. 45

RESOLUTION APPROVING THE APPOINTMENT BY THE MAYOR OF JUDGE SYLVIA HINDS-RADIX AS CORPORATION COUNSEL OF THE NEW YORK CITY LAW DEPARTMENT.

By Council Member Powers.

RESOLVED, that pursuant §§ 31 and 391 of the New York City Charter, the Council does hereby approve the appointment by the Mayor of Judge Sylvia Hinds-Radix as the Corporation Counsel of the New York City Law Department to serve for an indefinite term.

KEITH POWERS, *Chairperson*; RAFAEL SALAMANCA, Jr.; SELVENA N. BROOKS-POWERS, JUSTIN L. BRANNAN, GALE BREWER, CRYSTAL HUDSON, PIERINA ANA SANCHEZ, THE SPEAKER (COUNCIL MEMBER ADRIENNE E. ADAMS), 8-0-0; Committee on Rules, Privileges and Elections, February 24, 2022.

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

Report for M-13

Report of the Committee on Rules, Privileges and Elections in favor of approving the appointment by the Mayor of Jocelyn Strauber as Commissioner of the New York City Department of Investigation.

The Committee on Rules, Privileges and Elections, to which the annexed Mayor's Message was referred on February 10, 2022 (Minutes, page 75) and which same Mayor's Message was coupled with the resolution shown below, respectfully

REPORTS:

(For text of the Briefing Paper, please see the Report of the Committee on Rules, Privileges and Elections for M-12 printed above in these Minutes)

The Committee on Rules, Privileges and Elections respectfully reports:

Pursuant to § 31 of the New York City *Charter*, the Committee on Rules, Privileges and Elections, hereby approves the appointment by the Mayor of Jocelyn Strauber as Commissioner of the New York City Department of Investigation to serve for an indefinite term.

This matter was referred to the Committee on February 10, 2022

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

Res. No. 46

RESOLUTION APPROVING THE APPOINTMENT BY THE MAYOR OF JOCELYN STRAUBER AS COMMISSIONER OF THE NEW YORK CITY DEPARTMENT OF INVESTIGATION.

By Council Member Powers.

RESOLVED, that pursuant § 31 of the New York City Charter, the Council does hereby approve the appointment by the Mayor of Jocelyn Strauber as the Commissioner of the New York City Department of Investigation to serve for an indefinite term.

KEITH POWERS, *Chairperson*; RAFAEL SALAMANCA, Jr.; SELVENA N. BROOKS-POWERS, JUSTIN L. BRANNAN, GALE BREWER, CRYSTAL HUDSON, PIERINA ANA SANCHEZ , THE SPEAKER (COUNCIL MEMBER ADRIENNE E. ADAMS), 8-0-0; Committee on Rules, Privileges and Elections, February 24, 2022.

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

GENERAL ORDER CALENDAR

Report for L.U. No. 3 & Res. No. 47

Report of the Committee on Land Use in favor of approving, as modified, Application number C 210285 ZMK (749 Van Sinderen Avenue Rezoning) submitted by ENY Community Residences LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 17d, by changing from an M1-1 District to a C4-4L District property bounded by a line 430 feet northerly of Linden Boulevard, a line midway between Van Sinderen Avenue and Snediker Avenue, a line 90 feet northerly of Linden Boulevard, and Van Sinderen Avenue, Borough of Brooklyn, Community District 5, Council District 42.

The Committee on Land Use, to which the annexed Land Use item was referred on January 20, 2022 (Minutes, page 67) and which same Land Use item was coupled with the resolution shown below and referred to the City Planning Commission, respectfully

REPORTS:

SUBJECT

BROOKLYN CB-5 – TWO APPLICATIONS RELATED TO 749 VAN SINDEREN AVENUE REZONING

C 210285 ZMK (L.U. No. 3)

City Planning Commission decision approving an application submitted by ENY Community Residences, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 17d, by changing from an M1-1 District to a C4-4L District property bounded by a line 430 feet northerly of Linden Boulevard, a line midway between Van Sinderen Avenue and Snediker Avenue, a line 90 feet northerly of Linden Boulevard, and Van Sinderen Avenue, as shown on a diagram (for illustrative purposes only) dated July 12, 2021, and subject to the conditions of CEQR Declaration E-632.

N 210286 ZRK (L.U. No. 4)

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

INTENT

To approve the amendment to rezone the project area to change from an M1-1 District to a C4-4L District and amend the zoning text to designate a Mandatory Inclusionary Housing (MIH) area to facilitate the development of a new nine-story 103,000-square-foot mixed-use building containing 119 affordable dwelling units and approximately 13,000 square feet of commercial floor area located at 749 Van Sinderen Avenue in the East New York neighborhood of Brooklyn, Community District 5.

PUBLIC HEARING**DATE:** January 21, 2022**Witnesses in Favor:** Four**Witnesses Against:** None**SUBCOMMITTEE RECOMMENDATION****DATE:** February 17, 2022

The Subcommittee recommends that the Land Use Committee approve the decision of the City Planning Commission on L.U. No. 3 and approve with modifications the decision of the City Planning Commission on L.U. No. 4.

In Favor:

Riley
Moya
Louis
Abreu
Bottcher
Hanks
Schulman
Carr

Against:

None

Abstain:

None

COMMITTEE ACTION**DATE:** February 17, 2022

The Committee recommends that the Council approve the attached resolutions.

In Favor:

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

Against:

None

Abstain:

None

FILING OF MODIFICATIONS WITH THE CITY PLANNING COMMISSION

The City Planning Commission filed a letter dated February 22, 2022, with the Council on February 23, 2022, indicating that the proposed modifications are not subject to additional environmental review or additional review pursuant to Section 197-c of the City Charter.

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

Res. No. 47

Resolution approving the decision of the City Planning Commission on ULURP No. C 210285 ZMK, a Zoning Map amendment (L.U. No. 3).

By Council Members Salamanca and Riley.

WHEREAS, ENY Community Residences, LLC, filed an application pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 17d, by changing from an M1-1 District to a C4-4L District, which in conjunction with the related item would facilitate the development of a new nine-story 103,000-square-foot mixed-use building containing 119 affordable dwelling units and approximately 13,000 square feet of commercial floor area, located at 749 Van Sinderen Avenue in the East New York neighborhood of Brooklyn, Community District 5 (ULURP No. C 210285 ZMK) (the "Application");

WHEREAS, the City Planning Commission filed with the Council on January 4, 2022 its decision dated December 15, 2021 (the "Decision") on the Application;

WHEREAS, the Application is related to application N 210286 ZRK (L.U. No. 4), a zoning text amendment to designate a Mandatory Inclusionary Housing (MIH) area;

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on January 21, 2022;

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

WHEREAS, the Council has considered the relevant environmental issues, including the Conditional Negative Declaration issued November 6th, 2021 (CEQR No. 21DCP147K) in which the Negative Declaration included an (E) designation to avoid the potential for significant adverse impacts related to hazardous materials, air quality, and noise (E-632) (the "Conditional Negative Declaration").

RESOLVED:

The Council finds that the action described herein will have no significant impact on the environment as set forth in the (E) Designation (E-632) and Conditional Negative Declaration.

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, C 210285 ZMK incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission.

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section 17d, by changing from an M1-1 District to a C4-4L District property bounded by a line 430 feet northerly of Linden Boulevard, a line midway between Van Sinderen Avenue and Snediker Avenue, a line 90 feet northerly of Linden Boulevard, and Van Sinderen Avenue, Borough of Brooklyn, Community District 5, as shown on a diagram (for illustrative purposes only) dated July 12, 2021, and subject to the conditions of CEQR Declaration E-632.

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, CARLINA RIVERA, FARAH N. LOUIS, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, ERIK D. BOTTCHEER, KAMILLAH HANKS, ARI KAGAN, SHEKAR KRISHNAN, PIERINA ANA SANCHEZ AND THE MINORITY LEADER (COUNCIL MEMBER BORELLI) 12-0-0; *Absent*: Darlene Mealy; Committee on Land Use, February 17, 2022. *Other Council Members Attending: Barron and Richardson Jordan.*

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

Report for L.U. No. 4 & Res. No. 48

Report of the Committee on Land Use in favor of approving, as modified, Application number N 210286 ZRK (749 Van Sinderen Avenue Rezoning) submitted by ENY Community Residences LLC pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of Brooklyn, Community District 5, Council District 42.

The Committee on Land Use, to which the annexed Land Use item was referred on January 20, 2022 (Minutes, page 67) and which same Land Use item was coupled with the resolution shown below and referred to the City Planning Commission, respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Land Use for L.U. No. 3 & Res. No. 47 printed above in the General Order Calendar section of these Minutes)

Accordingly, this Committee recommends its adoption, as modified.

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

Res. No. 48

Resolution approving with modifications the decision of the City Planning Commission on Application No. N 210286 ZRK, for an amendment of the text of the Zoning Resolution (L.U. No. 4).

By Council Members Salamanca and Riley.

WHEREAS, ENY Community Residences, LLC, filed an application pursuant to Section 201 of the New York City Charter, for an amendment of the text of the Zoning Resolution of the City of New York, modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing Area, which in conjunction with the related action would facilitate the development of a new nine-story 103,000-square-foot mixed-use building containing 119 affordable dwelling units and approximately 13,000 square feet of

commercial floor area located at 749 Van Sinderen Avenue in the East New York neighborhood of Brooklyn, Community District 5 (Application No. N 210286 ZRK) (the “Application”);

WHEREAS, the City Planning Commission filed with the Council on January 4, 2022, its decision dated December 15, 2021 (the “Decision”), on the Application;

WHEREAS, the Application is related to application C 210285 ZMK (L.U. No. 3), a zoning map amendment to change an M1-1 zoning district to a C4-4L zoning district;

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on January 21, 2022;

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

WHEREAS, the Council has considered the relevant environmental issues, including the Conditional Negative Declaration issued November 6th, 2021 (CEQR No. 21DCP147K) in which the Negative Declaration included an (E) designation to avoid the potential for significant adverse impacts related to hazardous materials, air quality, and noise (E-632) (the “Conditional Negative Declaration”).

RESOLVED:

The Council finds that the action described herein will have no significant impact on the environment as set forth in the (E) Designation (E-632) and Conditional Negative Declaration.

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, N 210286 ZRK, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission with the following modifications:

Matter underlined is new, to be added;

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

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

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

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

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

* * *

APPENDIX F

Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas

* * *

BROOKLYN

* * *

Brooklyn Community District 5

* * *

Map 2 – [December 15, 2021]

[PROPOSED MAP]



Mandatory Inclusionary Housing area (see Section 23-154(d)(3))
 Area # — [date of adoption] MIH Program Option 1 and ~~Option 2~~ Deep Affordability Option

Portion of Community District 5, Brooklyn

* * *

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, CARLINA RIVERA, FARAH N. LOUIS, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, ERIK D. BOTTCHER, KAMILLAH HANKS, ARI KAGAN, SHEKAR KRISHNAN, PIERINA ANA SANCHEZ AND THE MINORITY LEADER (COUNCIL MEMBER BORELLI) 12-0-0; *Absent*: Darlene Mealy; Committee on Land Use, February 17, 2022. *Other Council Members Attending: Barron and Richardson Jordan.*

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

Report for L.U. No. 8 & Res. No. 49

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

The Committee on Land Use, to which the annexed Land Use item was referred on February 10, 2022 (Minutes, page 136) and which same Land Use item was coupled with the resolution shown below and referred to the City Planning Commission, respectfully

REPORTS:**SUBJECT****BROOKLYN CB-15 – TWO APPLICATIONS RELATED TO 2892 NOSTRAND AVENUE****C 200329 ZMK (Pre. L.U. No. 8)**

City Planning Commission decision approving an application submitted by Mikerose Realty, Inc., application pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 23b:

1. changing from an R3-2 District to an R6B District property bounded by a line 800 feet northerly of Avenue P, Nostrand Avenue, a line 700 feet northerly of Avenue P, and a line 110 feet westerly of Nostrand Avenue;
2. changing from an R3-2 District to an R7A District property bounded by a line 700 feet northerly of Avenue P, Nostrand Avenue, a line 300 feet northerly of Avenue P, and a line 110 feet westerly of Nostrand Avenue;
3. establishing within the proposed R6B District a C2-4 District bounded by a line 800 feet northerly of Avenue P, Nostrand Avenue, a line 700 feet northerly of Avenue P, and a line 110 feet westerly of Nostrand Avenue;
4. establishing within the proposed R7A District a C2-4 District bounded by a line 700 feet northerly of Avenue P, Nostrand Avenue, a line 540 feet northerly of Avenue P, and a line 110 feet westerly of Nostrand Avenue;

as shown on a diagram (for illustrative purposes only) dated August 16, 2021, and subject to the conditions of CEQR Declaration E-579.

N 200328 ZRK (Pre. L.U. No. 9)

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

INTENT

To approve the amendment to rezone the project area from R3-2 zoning district to R6B/C2-4, R7A, and R7A/C2-4 zoning districts and amend the zoning text to designate a Mandatory Inclusionary Housing area to facilitate the development of a new nine-story, approximately 43,000-square-foot mixed-use development in the Madison Neighborhood of Brooklyn, Community District 15.

PUBLIC HEARING

DATE: January 27, 2022

Witnesses in Favor: Three

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: February 17, 2022

The Subcommittee recommends that the Land Use Committee approve the decision of the City Planning Commission on Pre. L.U. No. 8 and approve with modifications the decision of the City Planning Commission on Pre. L.U. No. 9.

In Favor:

Riley
Moya
Louis
Abreu
Bottcher
Hanks
Schulman
Carr

Against:

None

Abstain:

None

COMMITTEE ACTION

DATE: February 17, 2022

The Committee recommends that the Council approve the attached resolutions.

In Favor:	Against:	Abstain:
Salamanca	None	None
Moya		
Rivera		
Louis		
Riley		
Brooks-Powers		
Bottcher		
Hanks		
Kagan		
Krishnan		
Sanchez		
Borelli		

FILING OF MODIFICATIONS WITH THE CITY PLANNING COMMISSION

The City Planning Commission filed a letter dated February 22, 2022, with the Council on February 23, 2022, indicating that the proposed modifications are not subject to additional environmental review or additional review pursuant to Section 197-c of the City Charter.

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

Res. No. 49

Resolution approving the decision of the City Planning Commission on ULURP No. C 200329 ZMK, a Zoning Map amendment (Preconsidered L.U. No. 8).

By Council Members Salamanca and Riley.

WHEREAS, Mikerose Realty, Inc., filed an application pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 23b, changing from an R3-2 District to an R6B District, changing from an R3-2 District to an R7A District, establishing within the proposed R6B District a C2-4 District, and establishing within the proposed R7A District a C2-4 District, which in conjunction with the related action would facilitate the development of a new nine-story, approximately 43,000-square-foot mixed-use development that would contain approximately 3,800 square feet of commercial use and approximately 3,600 square feet of community facility use, as well as 55 residential units, approximately 14 of which would be designated as permanently affordable pursuant to the Mandatory Inclusionary Housing (MIH) program, at 2892 Nostrand Avenue in the Madison neighborhood of Community District 15, Brooklyn (ULURP No. C 200329 ZMK) (the "Application");

WHEREAS, the City Planning Commission filed with the Council on January 21, 2022 its decision dated January 5, 2022 (the "Decision") on the Application;

WHEREAS, the Application is related to application N 200328 ZRK (Pre. L.U. No. 9), a zoning text amendment to designate an MIH area coterminous with the project area;

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on January 27, 2022;

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

WHEREAS, the Council has considered the relevant environmental issues, including the Negative Declaration issued August 16th, 2021 (CEQR No. 20DCP148K), which includes an (E) designation to avoid the potential for significant adverse impacts related to hazardous materials, air quality, and noise (E-579) (the “Negative Declaration”).

RESOLVED:

The Council finds that the action described herein will have no significant impact on the environment as set forth in the (E) Designation (E-579) and Negative Declaration.

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, C 200329 ZMK, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission.

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section No. 23b:

1. changing from an R3-2 District to an R6B District property bounded by a line 800 feet northerly of Avenue P, Nostrand Avenue, a line 700 feet northerly of Avenue P, and a line 110 feet westerly of Nostrand Avenue;
2. changing from an R3-2 District to an R7A District property bounded by a line 700 feet northerly of Avenue P, Nostrand Avenue, a line 300 feet northerly of Avenue P, and a line 110 feet westerly of Nostrand Avenue;
3. establishing within the proposed R6B District a C2-4 District bounded by a line 800 feet northerly of Avenue P, Nostrand Avenue, a line 700 feet northerly of Avenue P, and a line 110 feet westerly of Nostrand Avenue;
4. establishing within the proposed R7A District a C2-4 District bounded by a line 700 feet northerly of Avenue P, Nostrand Avenue, a line 540 feet northerly of Avenue P, and a line 110 feet westerly of Nostrand Avenue;

as shown on a diagram (for illustrative purposes only) dated August 16, 2021, and subject to the conditions of CEQR Declaration E-579, Borough of Brooklyn, Community District 15.

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, CARLINA RIVERA, FARAH N. LOUIS, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, ERIK D. BOTTCHEER, KAMILLAH HANKS, ARI KAGAN, SHEKAR KRISHNAN, PIERINA ANA SANCHEZ AND THE MINORITY LEADER (COUNCIL MEMBER BORELLI) 12-0-0; *Absent*: Darlene Mealy; Committee on Land Use, February 17, 2022. *Other Council Members Attending: Barron and Richardson Jordan.*

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

Report for L.U. No. 9 & Res. No. 50

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

The Committee on Land Use, to which the annexed Land Use item was referred on February 10, 2022 (Minutes, page 137) and which same Land Use item was coupled with the resolution shown below and referred to the City Planning Commission, respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Land Use for L.U. No. 8 & u& Res. No. 49 printed in the General Order Calendar section of these Minutes)

Accordingly, this Committee recommends its adoption, as modified.

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

Res. No. 50

Resolution approving with modifications the decision of the City Planning Commission on Application No. N 200328 ZRK, for an amendment of the text of the Zoning Resolution (Preconsidered L.U. No. 9).

By Council Members Salamanca and Riley.

WHEREAS, Mikerose Realty, Inc., filed an application pursuant to Section 201 of the New York City Charter, for an amendment of the text of the Zoning Resolution of the City of New York, modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing Area, which in conjunction with the related action would facilitate the development of a new nine-story, approximately 43,000-square-foot mixed-use development that would contain approximately 3,800 square feet of commercial use and approximately 3,600 square feet of community facility use, as well as 55 residential units, approximately 14 of which would be designated as permanently affordable pursuant to the Mandatory Inclusionary Housing (MIH) program, at 2892 Nostrand Avenue in the Madison neighborhood of Community District 15, Brooklyn (Application No. N 200328 ZRK) (the “Application”);

WHEREAS, the City Planning Commission filed with the Council on January 21, 2022, its decision dated January 5, 2022 (the “Decision”), on the Application;

WHEREAS, the Application is related to application C 200329 ZMK (Pre. L.U. No. 8), a zoning map amendment to change an R3-2 zoning district to R6B/C2-4, R7A, and R7A/C2-4 zoning districts;

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on January 27, 2022;

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

WHEREAS, the Council has considered the relevant environmental issues, including the Negative Declaration issued August 16th, 2021 (CEQR No. 20DCP148K), which includes an (E) designation to avoid the potential for significant adverse impacts related to hazardous materials, air quality, and noise (E-579) (the “Negative Declaration”).

RESOLVED:

The Council finds that the action described herein will have no significant impact on the environment as set forth in the (E) Designation (E-579) and Negative Declaration.

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, N 200328 ZRK, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission, with the following modifications:

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

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

* * *

BROOKLYN

* * *

Brooklyn Community District 15

Map 2 - August 16, 2021



Mandatory Inclusionary Housing Area see Section 23-154(d)(3)
Area # — [date of adoption] — MIH Program Option 1 and ~~Option 2~~ Deep
Affordability Option

Portion of Community District 15, Brooklyn

* * *

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, CARLINA RIVERA, FARAH N. LOUIS, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, ERIK D. BOTTCHER, KAMILLAH HANKS, ARI KAGAN, SHEKAR KRISHNAN, PIERINA ANA SANCHEZ AND THE MINORITY LEADER (COUNCIL MEMBER BORELLI) 12-0-0; *Absent*: Darlene Mealy; Committee on Land Use, February 17, 2022. *Other Council Members Attending: Barron and Richardson Jordan.*

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

Report for L.U. No. 10 & Res. No. 51

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

The Committee on Land Use, to which the annexed Land Use item was referred on February 10, 2022 (Minutes, page 137) and which same Land Use item was coupled with the resolution shown below and referred to the City Planning Commission, respectfully

REPORTS:**SUBJECT****BROOKLYN CB-15 – TWO APPLICATIONS RELATED TO 2134 COYLE STREET REZONING****C 210239 ZMK (Pre. L.U. No. 10)**

City Planning Commission decision approving an application submitted by Coyle Properties, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 29a:

1. eliminating from within an existing R4 District a C1-2 District bounded by a line 100 feet southerly of Avenue U, Coyle Street, a line 100 feet northerly of Avenue V, and a line midway between Ford Street and Coyle Street;
2. changing from an R4 District to an R6A District property bounded by a line 100 feet southerly of Avenue U, Coyle Street, a line 100 feet northerly of Avenue V, and a line midway between Ford Street and Coyle Street; and
3. establishing within the proposed R6A District a C2-4 District bounded by a line 100 feet southerly of Avenue U, Coyle Street, a line 100 feet northerly of Avenue V, and a line midway between Ford Street and Coyle Street;

as shown on a diagram (for illustrative purposes only) dated August 30, 2021, and subject to the conditions of CEQR Declaration E-620.

N 210240 ZRK (Pre. L.U. No. 11)

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

INTENT

To approve the amendment to rezone the project area from R4/C1-2 district to R6A/C2-4 district and amend the zoning text to map a Mandatory Inclusionary Housing (MIH) area utilizing Options 1 and 2, to facilitate a five-story, 129,000-square-foot mixed-use development containing 120 dwelling units, approximately 36 of which would be designated as permanently affordable, as well as approximately 32,000 square feet of commercial floor area at 2134 Coyle Street in the Sheepshead Bay neighborhood of Community District 15, Brooklyn.

PUBLIC HEARING

DATE: January 27, 2022

Witnesses in Favor: Three

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: February 17, 2022

The Subcommittee recommends that the Land Use Committee approve the decision of the City Planning Commission on Pre. L.U. No. 10 and approve with modifications the decision of the City Planning Commission on Pre. L.U. No. 11.

In Favor:

- Riley
- Moya
- Louis
- Abreu
- Bottcher
- Hanks
- Schulman
- Carr

Against:

None

Abstain:

None

COMMITTEE ACTION

DATE: February 17, 2022

The Committee recommends that the Council approve the attached resolutions.

In Favor:

- Salamanca
- Moya
- Rivera
- Louis
- Riley

Against:

None

Abstain:

None

Brooks-Powers
Bottcher
Hanks
Kagan
Krishnan
Sanchez
Borelli

FILING OF MODIFICATIONS WITH THE CITY PLANNING COMMISSION

The City Planning Commission filed a letter dated February 22, 2022, with the Council on February 23, 2022, indicating that the proposed modifications are not subject to additional environmental review or additional review pursuant to Section 197-c of the City Charter.

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

Res. No. 51

Resolution approving the decision of the City Planning Commission on ULURP No. C 210239 ZMK, a Zoning Map amendment (Preconsidered L.U. No. 10).

By Council Members Salamanca and Riley.

WHEREAS, Coyle Properties, LLC, filed an application pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 29a, by eliminating from within an existing R4 District a C1-2 District; changing from an R4 District to an R6A District; and establishing within the proposed R6A District a C2-4 District which in conjunction with the related action would facilitate a five-story, 129,000-square-foot mixed-use development containing 120 dwelling units, approximately 36 of which would be designated as permanently affordable, as well as approximately 32,000 square feet of commercial floor area at 2134 Coyle Street in the Sheepshead Bay neighborhood of Community District 15, Brooklyn (ULURP No. C 210239 ZMK) (the "Application");

WHEREAS, the City Planning Commission filed with the Council on January 21, 2022 its decision dated January 5, 2022 (the "Decision") on the Application;

WHEREAS, the Application is related to application N 210240 ZRK (Pre. L.U. No. 11), a zoning text amendment to designate a Mandatory Inclusionary Housing (MIH) area coterminous with the project area;

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on January 27, 2022;

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

WHEREAS, the Council has considered the relevant environmental issues, including the Negative Declaration issued on August 30, 2021 (CEQR No. 21DCP123K) (the "Negative Declaration").

RESOLVED:

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

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, C 210239 ZMK, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission.

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section No. 29a:

1. eliminating from within an existing R4 District a C1-2 District bounded by a line 100 feet southerly of Avenue U, Coyle Street, a line 100 feet northerly of Avenue V, and a line midway between Ford Street and Coyle Street;
2. changing from an R4 District to an R6A District property bounded by a line 100 feet southerly of Avenue U, Coyle Street, a line 100 feet northerly of Avenue V, and a line midway between Ford Street and Coyle Street; and
3. establishing within the proposed R6A District a C2-4 District bounded by a line 100 feet southerly of Avenue U, Coyle Street, a line 100 feet northerly of Avenue V, and a line midway between Ford Street and Coyle Street;

as shown on a diagram (for illustrative purposes only) dated August 30, 2021, and subject to the conditions of CEQR Declaration E-620, Borough of Brooklyn, Community District 15.

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, CARLINA RIVERA, FARAH N. LOUIS, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, ERIK D. BOTTCHEER, KAMILLAH HANKS, ARI KAGAN, SHEKAR KRISHNAN, PIERINA ANA SANCHEZ AND THE MINORITY LEADER (COUNCIL MEMBER BORELLI) 12-0-0; *Absent*: Darlene Mealy; Committee on Land Use, February 17, 2022. *Other Council Members Attending: Barron and Richardson Jordan.*

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

Report for L.U. No. 11 & Res. No. 52

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

The Committee on Land Use, to which the annexed Land Use item was referred on February 10, 2022 (Minutes, page 137) and which same Land Use item was coupled with the resolution shown below and referred to the City Planning Commission, respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Land Use for L.U. No. 10 & Res. No. 51 printed in the General Order Calendar section of these Minutes)

Accordingly, this Committee recommends its adoption, as modified.

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

Res. No. 52

Resolution approving with modifications the decision of the City Planning Commission on Application No. N 210240 ZRK, for an amendment of the text of the Zoning Resolution (Preconsidered L.U. No. 11).

By Council Members Salamanca and Riley.

WHEREAS, Coyle Properties, LLC, filed an application pursuant to Section 201 of the New York City Charter, for an amendment of the text of the Zoning Resolution of the City of New York, modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing Area, which in conjunction with the related action would facilitate the construction of a five-story, 129,000-square-foot mixed-use building containing 120 dwelling units, approximately 36 of which would be designated as permanently affordable, as well as approximately 32,000 square feet of ground floor commercial space at 2134 Coyle Street in the Sheepshead Bay neighborhood of Brooklyn, Community District 15 (ULURP No. N 210240 ZRK), (the "Application");

WHEREAS, the City Planning Commission filed with the Council on January 21, 2022, its decision dated January 5, 2022 (the "Decision") on the Application;

WHEREAS, the Application is related to application C 210239 ZMK (Pre. L.U. No. 10), a zoning map amendment to change an R4 district and a C1-2 district to an R6A district and to establish within such R6A district a C2-4 district;

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on January 27, 2022;

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

WHEREAS, the Council has considered the relevant environmental issues, including the Negative Declaration issued on August 30, 2021 (CEQR No. 21DCP123K) (the "Negative Declaration").

RESOLVED:

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

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, N 210240 ZRK,

incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission, with the following modifications:

Matter underlined is new, to be added;

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

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

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

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

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

* * *

APPENDIX F

Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas

* * *

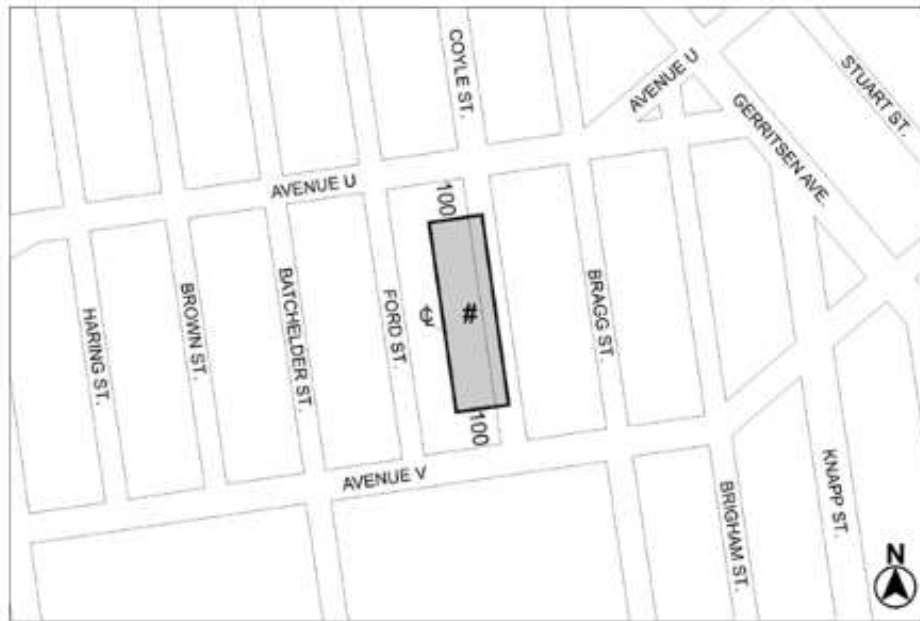
BROOKLYN

* * *

Brooklyn Community District 15

* * *

Map 2 – [date of adoption]



Mandatory Inclusionary Housing Area see Section 23-154(d)(3)
Area # — [date of adoption] — MIH Program Option 1 and ~~Option 2~~ Deep Affordability Option

Portion of Community District 15, Brooklyn

* * *

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, CARLINA RIVERA, FARAH N. LOUIS, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, ERIK D. BOTTCHEER, KAMILLAH HANKS,

ARI KAGAN, SHEKAR KRISHNAN, PIERINA ANA SANCHEZ AND THE MINORITY LEADER (COUNCIL MEMBER BORELLI) 12-0-0; *Absent:* Darlene Mealy; Committee on Land Use, February 17, 2022. *Other Council Members Attending: Barron and Richardson Jordan.*

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

Report for L.U. No. 12 & Res. No. 53

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

The Committee on Land Use, to which the annexed Land Use item was referred on February 10, 2022 (Minutes, page 137) and which same Land Use item was coupled with the resolution shown below and referred to the City Planning Commission, respectfully

REPORTS:

SUBJECT

CITYWIDE

N 210434 ZRY

City Planning Commission decision approving an application submitted by the New York City Department of Transportation and the New York City Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, removing Article I, Chapter 4 (Sidewalk Cafe Regulations) and modifying related Sections.

INTENT

To approve the zoning text amendment of the Zoning Resolution to remove from the ZR Sidewalk Cafe Regulations, which restrict the location of sidewalk cafes to facilitate the implementation of a permanent, streamlined Open Restaurants program, Citywide.

PUBLIC HEARING

DATE: February 8, 2022

Witnesses in Favor: Sixty-two

Witnesses Against: Sixty-five

SUBCOMMITTEE RECOMMENDATION**DATE:** February 17, 2022

The Subcommittee recommends that the Land Use Committee approve with modifications the decision of the City Planning Commission.

In Favor:	Against:	Abstain:
Riley	None	None
Moya		
Louis		
Abreu		
Bottcher		
Hanks		
Schulman		
Carr		

COMMITTEE ACTION**DATE:** February 17, 2022

The Committee recommends that the Council approve the attached resolution.

In Favor:	Against:	Abstain:
Salamanca	Kagan	None
Moya		
Rivera		
Louis		
Riley		
Brooks-Powers		
Bottcher		
Hanks		
Krishnan		
Sanchez		
Borelli		

FILING OF MODIFICATIONS WITH THE CITY PLANNING COMMISSION

The City Planning Commission filed a letter dated February 22, 2022, with the Council on February 23, 2022, indicating that the proposed modifications are not subject to additional environmental review or additional review pursuant to Section 197-c of the City Charter.

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

Res. No. 53

Resolution approving with modifications the decision of the City Planning Commission on Application No. N 210434 ZRY, for an amendment of the text of the Zoning Resolution (Preconsidered L.U. No. 12).

By Council Members Salamanca and Riley.

WHEREAS, the New York City Department of Transportation and the New York City Department of City Planning, filed an application pursuant to Section 201 of the New York City Charter, for an amendment of the text of the Zoning Resolution of the City of New York, removing Article I, Chapter 4 (Sidewalk Cafe Regulations) and modifying related Sections, which would remove from the ZR Sidewalk Cafe Regulations, which restrict the location of sidewalk cafes. Implementation of the proposed text amendment would support the creation of a Permanent Open Restaurants (POR) program, Citywide (ULURP No. N 210434 ZRY) (the “Application”);

WHEREAS, the City Planning Commission filed with the Council on December 30, 2021, its decision dated November 15, 2021 (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, upon due notice, the Council held a public hearing on the Decision and Application on February 8, 2022;

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

WHEREAS, the Council has considered the relevant environmental issues, including the Negative Declaration issued June 18th, 2021 (CEQR No. 21DOT016Y) (the “Negative Declaration”).

RESOLVED:

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

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, N 210434 ZRY, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission, with the following modifications:

Matter underlined is new, to be added; Matter ~~struck out~~ is to be deleted;

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

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

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

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

ARTICLE I
GENERAL PROVISIONS

Chapter 4
Sidewalk Cafe Regulations

* * *

14-01
General Provisions

The provisions of this Chapter shall be in effect only until the adoption of initial rules governing the Permanent Open Restaurants program by an authorized agency ~~the Department of Transportation~~ following authorizing legislation by the City Council.

In conjunction with the termination of this Chapter, the following provisions shall also be terminated:

- a. defined terms in Section 12-10 (DEFINITIONS):
 - #Enclosed sidewalk cafe#;
 - #Sidewalk cafe#;
 - #Small sidewalk cafe#; and
 - #Unenclosed sidewalk cafe#;
- b. provisions in Section 22-00 (GENERAL PROVISIONS) regarding #sidewalk cafes# in R10H Districts;
- c. provisions regarding #sidewalk cafes# in the #Special 125th Street District#, as set forth in Sections 97-03 (District Pan and Maps), 97-13 (Permitted Sidewalk Cafe Locations), and Map 2 (Permitted Sidewalk Cafe Locations) in Appendix A of Article IX, Chapter 7; and
- d. provisions regarding #sidewalk cafes# in the #Special Long Island City Mixed Use District#, as set forth in Sections 117-03 (District Plan and Maps), 117-05 (Permitted Sidewalk Cafe Locations), and on the Permitted Sidewalk Cafe Locations map in Appendix A of Article XI, Chapter 7.

In harmony with the general purpose and intent of this Resolution, and the general purposes of the #sidewalk cafe# regulations, certain specified regulations concerning area eligibility, sidewalk locational criteria and physical criteria for #sidewalk cafes#, in general, and specifically for #enclosed sidewalk cafes#, are herein established.

* * *

ARTICLE III
COMMERCIAL DISTRICT REGULATIONS

Chapter 2
Use Regulations

* * *

32-41
Enclosure Within Buildings

* * *

32-411
In C1, C5, C6-5 or C6-7 Districts
C1 C5 C6-5 C6-7

In the districts indicated, all such #uses# shall be located within #completely enclosed buildings# except for store fronts or store windows, associated with eating and drinking establishments, which may be opened to serve customers outside the #building# upon the adoption of initial rules governing the Permanent Open Restaurants program by an authorized agency following authorizing legislation by the City Council.

32-412
In other Commercial Districts
C2 C3 C4 C6-1 C6-2 C6-3 C6-4 C6-6 C6-8 C6-9 C8

In the districts indicated, all such #uses# shall be located within #completely enclosed buildings# or within #buildings# which are #completely enclosed# except for store fronts or store windows which may be opened to serve customers outside the #building#.

* * *

Chapter 3
Bulk Regulations for Commercial or Community Facility Buildings in Commercial Districts

33-00
APPLICABILITY, DEFINITIONS AND GENERAL PROVISIONS

* * *

33-05
Outdoor Table Service Areas

Notwithstanding any other provisions of this Resolution, outdoor table service areas, associated with eating and drinking establishments, meeting all requirements set forth in legislation by the City Council and any subsequent rulemaking by an authorized agency by the Department of Transportation shall be permitted within any required sidewalk widening areas.

* * *

ARTICLE IV
MANUFACTURING DISTRICT REGULATIONS

Chapter 3
Bulk Regulations

43-00
APPLICABILITY AND GENERAL PROVISIONS

* * *

43-03
Outdoor Table Service Areas

Notwithstanding any other provisions of this Resolution, outdoor table service areas, associated with eating and drinking establishments, meeting all requirements set forth in legislation by the City Council and any subsequent rulemaking by an authorized agency ~~by the Department of Transportation~~ shall be permitted within any required sidewalk widening areas.

* * *

ARTICLE V
NON-CONFORMING USES AND NON-COMPLYING BUILDINGS

Chapter 2
Non-Conforming Uses

* * *

52-30
CHANGE OF NON-CONFORMING USE

* * *

52-34
Commercial Uses in Residence Districts

In all #Residence Districts#, a #non-conforming use# listed in Use Group 6, 7, 8, 9, 10, 11B, 12, 13, 14 or 15 may be changed, initially or in any subsequent change, only to a conforming #use# or to a #use# listed in Use Group 6. In the case of any such change, the limitation on #floor area# set forth in Section 32-15 (Use Group 6) shall not apply. Eating or drinking ~~places~~, establishments with musical entertainment, but not dancing, thus permitted as a change of #use#, shall be ~~limited exclusively to the sale of food or drink for on-premises consumption by seated patrons within a #completely enclosed building#~~ subject to the enclosure provisions of Section 32-411.

* * *

ARTICLE VII
ADMINISTRATION

Chapter 3
Special Permits by the Board of Standards and Appeals

* * *

73-24
Eating or Drinking Places

* * *

73-243

In C1-1, C1-2 and C1-3 Districts

In C1-1, C1-2 and C1-3 Districts, (except in Special Purpose Districts) the Board of Standards and Appeals may permit eating or drinking places (including those which provide musical entertainment but not dancing, with a capacity of 200 persons or less, and those which provide outdoor table service) with #accessory# drive-through facilities for a term not to exceed five years, provided that the following findings are made:

* * *

(d) that in C1-1, C1-2, C1-3, C1-4, C2-1, C2-2, C2-3, C2-4, C5, M1-5A and M1-5B Districts, such #use# shall ~~take place in a #completely enclosed building#~~ be subject to the enclosure provisions of Section 32-411; and

* * *

~~In connection therewith, the Board may modify the requirement of Section 32-411 (In C1, C5, C6-5 or C6-7 Districts) insofar as it relates to the #accessory# drive-through facility.~~ The Board may prescribe additional appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

* * *

Article VIII - Special Purpose Districts

Chapter 3
Special Limited Commercial District

* * *

83-00
GENERAL PURPOSES

* * *

(10/9/69)

83-05
Enclosure of Uses

All permitted #uses# shall be ~~located within #completely enclosed buildings#~~ be subject to the enclosure provisions of Section 32-411.

* * *

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, CARLINA RIVERA, FARAH N. LOUIS, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, ERIK D. BOTTCHER, KAMILLAH HANKS, SHEKAR KRISHNAN, PIERINA ANA SANCHEZ AND THE MINORITY LEADER (COUNCIL MEMBER BORELLI) 11-1-0; Negative: Ari Kagan; *Absent*: Darlene Mealy; Committee on Land Use, February 17, 2022. *Other Council Members Attending: Barron and Richardson Jordan.*

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

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

- (1) **M-12 & Res 45 -** **Honorable Sylvia Hinds-Radix** for appointment as the Corporation Counsel.
- (2) **M-13 & Res 46 -** **Jocelyn Strauber** for appointment as Commissioner of the Department of Investigation.
- (3) **Res 26 -** **Changes in Membership** of the Standing Committees and subcommittees of the Council.
- (4) **L.U. 1 & Res 42 -** **App. C 220082 PCX (NYPD Bronx Special Victims Services)** Borough of the Bronx, Community District 8, Council District 14.
- (5) **L.U. 2 & Res 43 -** **App. N 220210 HIM [DL 526/LP-2654] (200 Madison Avenue)** Borough of Manhattan, Community District 5, Council District 4.
- (6) **L.U. 3 & Res 47 -** **App. C 210285 ZMK (749 Van Sinderen Avenue Rezoning)** Borough of Brooklyn, Community District 5, Council District 42.
- (7) **L.U. 4 & Res 48 -** **App. N 210286 ZRK (749 Van Sinderen Avenue Rezoning)** Borough of Brooklyn, Community District 5, Council District 42.
- (8) **L.U. 7 & Res 44 -** **App. C 210189 ZMQ (99-07 Astoria Boulevard Commercial Overlay)** Borough of Queens, Community District 3, Council District 21.
- (9) **L.U. 8 & Res 49 -** **App. C 200329 ZMK (2892 Nostrand Avenue Rezoning)** Borough of Brooklyn, Community District 15, Council District 45.
- (10) **L.U. 9 & Res 50 -** **App. N 200328 ZRK (2892 Nostrand Avenue Rezoning)** Borough of Brooklyn, Community District 15, Council District 45.
- (11) **L.U. 10 & Res 51 -** **App. C 210239 ZMK (2134 Coyle Street Rezoning)** Borough of

- Brooklyn, Community District 15,
Council District 46.
- (12) **L.U. 11 & Res 52 -** App. N **210240 ZRK (2134 Coyle Street Rezoning)** Borough of Brooklyn, Community District 15, Council District 46.
- (13) **L.U. 12 & Res 53 -** App. N **210434 ZRY (Open Restaurants Text Amendment)** An amendment of the Zoning Resolution of the City of New York, removing Article I, Chapter 4 (Sidewalk Cafe Regulations) and modifying related Sections, Citywide.

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

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

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 **M-13 & Res. No. 46:**

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

Abstention – Barron – **1**.

The following was the vote recorded for **Preconsidered Res. No. 26:**

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

Abstention – Barron – **1**.

The following was the vote recorded for **L.U. No. 1 & Res. No. 42**:

Affirmative – Abreu, Ariola, Ayala, Bottcher, Brannan, Brewer, Brooks-Powers, Carr, De La Rosa, Dinowitz, Farías, Feliz, Gennaro, Hanks, Holden, Joseph, Kagan, Lee, Louis, Marte, Mealy, Menin, Moya, Narcisse, Paladino, Restler, Riley, Rivera, Salamanca, Sanchez, Shulman, Stevens, Ung, Velázquez, Vernikov, Williams, Yeger, the Minority Leader (Council Member Borelli), the Majority Leader (Council Member Powers) and the Speaker (Council Member Adams) - **40**.

Negative – Barron, Nurse, Richardson Jordan - **3**.

Abstention – Avilés, Cabán, Hudson, Gutiérrez, Krishnan, Ossé, and Won - **7**.

The following was the vote recorded for **L.U. No. 12 & Res. No. 53**:

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

Negative – Gennaro, Holden, Kagan, Mealy, Vernikov, and Yeger - **6**.

Abstention – Narcisse - **1**.

The following was the vote recorded for **L.U. No. 2 & Res. No. 43; L.U. No. 7 & Res. No. 44; L.U. 8 & Res. No. 49; L.U. No. 9 & Res. No. 50; L.U. No. 10 & Res. No. 51; and L.U. No. 11 & Res. No. 52**:

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

Abstention – Barron – **1**.

INTRODUCTION AND READING OF BILLS

Int. No. 34

By Council Members Ayala, Hanif, Cabán, Won, Louis and Restler.

A Local Law to amend the administrative code of the city of New York, in relation to requiring closed captioning to be enabled on televisions in places of public accommodation

Be it enacted by the Council as follows:

Section 1. Section 8-102 of the administrative code of the city of New York, as amended by local law number 4 for the year 2021, is amended by adding a new definition in alphabetical order to read as follows:

Closed Captioning. The term "closed captioning" means a feature on a television that, when activated, visually displays a transcription of the audio portion of video programming.

§ 2. Paragraph a of subdivision 4 of section 8-107 of the administrative code of the city of New York, as amended by local law number 58 for the year 2020, is amended to read as follows:

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

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

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

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

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

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

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

3. To fail to have closed captioning enabled on all televisions made available in a public area during the posted hours of operation of the place of public accommodation, except in the following circumstances:

(a) No receiver of television programming of any kind is available in a public area of the place of public accommodations;

(b) The only receiver of television programming available in a public area of the place of public accommodation is technically incapable of displaying closed captioning; or

(c) If multiple television models are displayed together for sale in a public area, for each of those models, at least one closed captioned television must be available for viewing.

§ 3. The New York city commission on human rights in conjunction with the department of small business services and the department of consumer and worker protection shall engage in outreach and education efforts to inform places or providers of public accommodations of the provisions of this local law. Such outreach and education shall be conducted within 6 months of the effective date of this law.

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

Referred to the Committee on Civil and Human Rights.

Int. No. 35

By Council Members Ayala, Won, Louis and Restler.

A Local Law to amend the administrative code of the city of New York, in relation to requiring housing developers that receive public financing to assume financial responsibility for repairs required within 10 years of construction

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 6 of the administrative code of the city of New York is amended by adding a new section 6-147 to read as follows:

§ 6-147 Homeowner repairs. a. Definitions. For the purposes of this section, the following terms have the following meanings:

Contracting agency. The term “contracting agency” means a city, county, borough, or other office, position, administration, department, division, bureau, board or commission, or a corporation, institution, or agency of government, the expenses of which are paid in whole or in part from the city treasury.

Covered developer. The term “covered developer” means an individual, sole proprietorship, partnership, joint venture, corporation or other entity that enters into a contract or other agreement with a contracting agency to build a homeownership construction project.

Homeownership construction project. The term “homeownership construction project” means the construction of any residential building funded in whole or in part by any loans, grants, tax credits, tax exemptions, tax abatements, subsidies, mortgages, debt forgiveness, land conveyances for less than appraised value, land value or other thing of value allocated, conveyed or expended by the city, which is to be purchased from the developer by a homeowner who will maintain the building as a primary residence.

b. Any contract or other agreement to construct a homeownership construction project executed on or after the effective date of this section shall include a provision requiring the covered developer to assume financial responsibility for repairs to the building required within 10 years of the completion of the homeownership construction project, provided that covered developers shall not be responsible for repairs that become necessary as a result of the following:

- (a) Intentional acts of destruction;*
- (b) Homeowner negligence; or*
- (c) Natural disaster.*

c. Except as otherwise specified by contract or other agreement, disputes between covered developers and homeowners with respect to financial responsibility for repairs required within 10 years of the completion of homeownership construction projects shall be adjudicated by the office of administrative trials and hearings.

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

Referred to the Committee on Housing and Buildings.

Int. No. 36

By Council Members Borelli, Carr, Yeger and Louis.

A Local Law to amend the New York city charter and the New York city building code, in relation to requiring auxiliary radio communication systems in certain buildings in specific occupancy groups

Be it enacted by the Council as follows:

Section 1. Subdivision a of section 528 of the New York city charter, as amended by local law 36 for the year 2014, is amended to read as follows:

a. Installation of security cameras, [and] door alarms *and auxiliary radio communication systems*. The department of education, in consultation with the police department, shall install security cameras and door alarms at schools and consolidated school locations operated by the department of education where the chancellor, in consultation with the police department, deems such cameras and door alarms appropriate for safety purposes. Such cameras may be placed at the entrance and exit doors of each school and may be placed in any area of the school where individuals do not have a reasonable expectation of privacy. The number, type, placement, and location of such cameras within each school shall be at the discretion of the department of education, in consultation with the principal of each school and the police department. Door alarms may be placed at the discretion of the department of education, in consultation with the police department, at the exterior doors of school buildings under the jurisdiction of the department of education, including buildings serving grades pre-kindergarten through five or a district 75 program. Such alarms should provide an audible alert indicating an unauthorized departure from the school building. For the purposes of this section, "district 75 program" shall mean a department of education program that provides educational, vocational, and behavioral support programs for students with severe disabilities from pre-kindergarten through age [twenty-one] 21. *The department of education, in consultation with the fire department, shall install Fire Department Auxiliary Radio Communication Systems in accordance with section 907.2.13.2 of the New York city building code at schools and consolidated school locations operated by the department of education where the chancellor, in consultation with the fire department, deems such Fire Department Auxiliary Radio Communication Systems appropriate for safety purposes.*

§ 2. Section 528 of the New York city charter is amended by adding a new subdivision e to read as follows:

e. *The department of education, in consultation with the fire department, at the discretion of the chancellor, shall conduct a review and evaluation of schools and consolidated school locations operated by the department of education that would require the installation of Fire Department Auxiliary Radio Communication Systems under section 907.2.13.2 of the New York city building code at such schools and consolidated school locations.*

§ 3. Section 907.2.13.2 of the New York city building code, as amended by local law number 141 for the year 2013, is amended to read as follows:

907.2.13.2 Fire Department communication system. A Fire Department Auxiliary Radio Communication System (ARCS), which shall be in accordance with Section 917, shall be required in all high-rise buildings, *and each assembly Group A, business Group B, education Group E, factory Group F, high-hazard Group H, institutional Group I and mercantile Group M building that is an aggregate of 250,000 square feet (76 200 m²) or more on a single lot and where an ARCS is not otherwise required.*

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

Referred to the Committee on Education.

Int. No. 37

By Council Members Borelli, Carr, Yeger and Louis.

A Local Law to amend the administrative code of the city of New York, in relation to allocation of resources for green infrastructure

Be it enacted by the Council as follows:

Section 1. Chapter 5 of title 24 of the administrative code of the city of New York is amended by adding a new section 24-532 to read as follows:

§ 24-532 *Green infrastructure. a. Definitions. As used in this section, the following terms have the following meanings:*

Green infrastructure. The term "green infrastructure" means a source control measure that uses or mimics natural systems to manage stormwater runoff.

Source control measure. The term “source control measure” means any stormwater management practice designed to reduce or slow the flow of stormwater into a combined sanitary and stormwater sewer or a separate stormwater sewer.

b. Green infrastructure resources. The department shall apportion resources for the implementation of green infrastructure in each borough proportionately to the population in each borough. Such population shall be determined according to the most recent federal census.

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

Referred to the Committee on Environmental Protection.

Int. No. 38

By Council Members Borelli, Carr, Yeger, Louis and Holden.

A Local Law to amend the administrative code of the city of New York, in relation to notification of changes to appropriations of capital projects funded by the council

Be it enacted by the Council as follows:

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

§5-109 Notification of changes to capital projects funded by the council. For all capital projects funded by an appropriation to an entity other than the city, and where any portion of such funding was allocated by a council member, the agency responsible for the functions and operations related to the capital project shall provide written notification to the funded entity and applicable council member, and shall post such notification on its website, whenever any amount of the appropriation is reappropriated to another entity. Such notification shall include the amount of the reappropriation, the reason for such reappropriation and a description of the new capital project that will be funded with the reappropriated funds.

§ 2. This local law takes effect immediately.

Referred to the Committee on Finance.

Int. No. 39

By Council Members Borelli, Carr, Yeger and Holden.

A Local Law to amend the administrative code of the city of New York, in relation to use of non-deadly physical force in self-defense by a peace officer or security guard at a shelter

Be it enacted by the Council as follows:

Section 1. Chapter 3 of title 21 of the administrative code of the city of New York is amended by adding a new section 21-328 to read as follows:

§ 21-328 Use of non-deadly physical force in self-defense by a shelter peace officer or security guard. a. Definitions. As used in this section, the following terms have the following meanings:

Peace officer. The term “peace officer” has the meaning of that term as used in section 2.10 of the criminal procedure law.

Security guard. The term “security guard” means an individual assigned to provide security at a shelter pursuant to a contract with the city.

b. Use of non-deadly physical force in self-defense. The commissioner shall not implement any policy that prohibits a shelter peace officer or security guard from using non-deadly physical force in self-defense in the course of carrying out such officer's or security guard's duties, respectively, as permitted under state and federal law.

c. Applicability. This section does not apply with respect to any matter regarding use of physical force that is the subject of a collective bargaining agreement.

§ 2. This local law takes effect immediately.

Referred to the Committee on General Welfare.

Int. No. 40

By Council Members Borelli, Yeger, Holden and Carr.

A Local Law to amend the administrative code of the city of New York, in relation to removing public urination from the list of offenses diverted to the office of administrative trials and hearings, and to repeal paragraph b of subdivision 9 of section 16-118 of the administrative code of the city of New York, relating to the penalties for public urination

Be it enacted by the Council as follows:

Section 1. Paragraph b of subdivision 4 of section 1049 of the New York city charter, as added by local law number 73 for the year 2016, is amended to read as follows:

(b) For purposes of this section, the term “specified violation” means a violation of: subparagraph (i) of paragraph 9 of subdivision a of section 533; section 10-125 of the administrative code; subdivision 1 of section 16-118 of the administrative code; [subdivision 6 of section 16-118 of the administrative code, with respect to the act of public urination;] section 18-146 of the administrative code, excluding paragraphs 2, 3, 21, 23, and 24 of subdivision c; or subdivision (a) of section 24-218 of the administrative code. Specified violations shall not include violations arising during the course of conducting any commercial activity or violations arising from any activity carried out for a commercial purpose, except that a violation of paragraph 15 of section 18-146 of the administrative code is a specified violation, regardless of whether such violation arose during the course of conducting a commercial activity or from an activity carried out for a commercial purpose.

§ 2. Section 14-101 of the administrative code of the city of New York, as amended by local law number 71 for the year 2016, is amended to read as follows:

§ 14-101 Definitions. As used in this title, the following terms have the following meanings:

Civil enforcement. The term “civil enforcement” means the issuance of a civil summons.

Civil summons. The term “civil summons” means a civil notice of violation.

Commissioner. The term “commissioner” means the commissioner of the department.

Criminal enforcement. The term “criminal enforcement” means the charging of a misdemeanor or violation.

Criminal summons. The term “criminal summons” means an appearance ticket issued by the department pursuant to article 150 of the criminal procedure law that is an accusatory instrument pursuant to article 100 of the criminal procedural law, and returnable to the criminal court.

Department. The term department means the police department of the city of New York.

Desk appearance ticket. The term “desk appearance ticket” means an appearance ticket issued by the department pursuant to article 150 of the criminal procedure law that is not an accusatory instrument pursuant to article 100 of the criminal procedure law.

Specified unlawful act. The term “specified unlawful act” means an act that violates any of the following provisions: subdivision b of section 10-125 of the code, subdivision 1 of section 16-118 of the code, [subdivision 6 of section 16-118 of the code with respect to the act of public urination,] subdivision a of section 24-218 of the code, section 18-146 of the code, section 18-147 of the code, and rules and regulations of the department of parks and recreation described in paragraph 9 of subdivision a of section 533 of the charter.

§ 3. Paragraph b of subdivision 9 of section 16-118 of the administrative code of the city of New York is REPEALED and a new paragraph b is added to read as follows:

b. Reserved.

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

Referred to the Committee on Governmental Operations.

Int. No. 41

By Council Members Borelli, Carr and Restler.

A Local Law to amend the administrative code of the city of New York, in relation to increasing access to annual disclosure forms and repealing paragraph 2 of subdivision e of section 12-110 of such code relating to notification of requests to examine disclosure reports

Be it enacted by the Council as follows:

Section 1. The opening paragraph of subdivision e of section 12-110 of the administrative code of the city of New York, as amended by local law number 21 for the year 2016, is amended to read as follows:

e. Public inspection of reports and privacy considerations. Information filed in reports required by this section shall be maintained by the conflicts of interest board and shall be made available for public inspection, upon written request on such form as the board shall prescribe[, except that information filed in reports required by this section by each elected officer described in sections four, twenty-four, twenty-five, eighty-one, ninety-one and eleven hundred twenty-five of the New York city charter shall be made available for public inspection] *and on the board's website without written request no later than 60 days following the date such reports are filed with the board, except when a request pursuant to subparagraph (a) of paragraph 1 of this subdivision is pending.* The availability of forms for public inspection pursuant to this subdivision is subject to the following provisions:

§ 2. Subparagraph (a) of paragraph 1 of subdivision e of section 12-110 of the administrative code of the city of New York, as amended by local law number 21 for the year 2016, is amended to read as follows:

(a) Any person required to file a report pursuant to this section may, at the time the report is filed or at any time thereafter, [except when a request for inspection is pending,] submit a request to the conflicts of interest board, in such form as the board shall require, to withhold any item disclosed therein from public inspection on the ground that the inspection of such item by the public would constitute an unwarranted invasion of his or her privacy or a risk to the safety or security of any person. Such request shall be in writing and shall be in such form as the conflicts of interest board shall prescribe and shall set forth the reason such person believes the item should not be disclosed. During the time for evaluation of such a request, such report shall not be available for public inspection.

§ 3. Paragraph 2 of subdivision e of section 12-110 of the administrative code of the city of New York is REPEALED.

§ 4. This local law takes effect immediately; provided, however, that it shall not apply to reports of annual disclosure filed in the year in which this local law takes effect for the preceding calendar year.

Referred to the Committee on Governmental Operations.

Int. No. 42

By Council Members Borelli, Carr and Yeger.

A Local Law in relation to establishing a charter revision commission to draft a new or revised city charter

Be it enacted by the Council as follows:

Section 1. There is hereby established a commission to draft a new or revised charter for the city of New York aimed at restoring power to county governments in the five boroughs.

§ 2. Composition of the commission. a. The commission shall consist of 15 members to be appointed as follows:

1. Two members appointed by the mayor;
2. Two members appointed by each borough president;
3. One member appointed by the speaker of the council;
4. One member appointed by the comptroller; and
5. One member appointed by the public advocate.

b. The commission members shall elect from among the membership a chairperson and vice chairperson.

c. All appointments to the commission shall be made within 60 days of the enactment of this local law, after which time any unused appointment authority granted by subdivision a of this section is forfeited. Any vacancy in the membership of the commission occurring after such date shall be filled in the same manner as the original appointment. A vacancy in the commission shall not impair the right of the remaining members to exercise all the powers of the commission, and any number of commissioners greater than half the number of appointments made within 60 days of the enactment of this local law shall constitute a quorum.

d. No member of the commission may be removed except for cause and by the official who appointed that member.

e. No commission member shall be a registered lobbyist as that term is defined in subdivision (a) of section 3-211 of the administrative code of the city of New York. Any person who has business dealings with the city, as that term is defined in subdivision 18 of section 3-702, may serve as a commission member only after approval by the conflicts of interest board and only subject to such restrictions or limitations on their duties and responsibilities for the commission as the conflicts of interest board may require.

f. No person is disqualified to serve as a commission member by reason of holding any other public office or employment, nor shall they forfeit any such office or employment by reason of their appointment hereunder, notwithstanding the provisions of any law.

g. Commission members shall receive no compensation for their services, but shall be reimbursed for the actual and necessary expenses incurred by them in the performance of their duties.

h. The terms of office of the commission members expire on the day of the election at which the proposed new or revised charter prepared by the commission is submitted to the qualified electors of the city, or on the day of the second general election following the date of the enactment of this local law if no such questions have been submitted by that time.

§ 3. Commission mandate and powers. a. The commission shall review the entire charter and prepare a draft of a new or revised charter. In preparing such new or revised charter, the commission shall undertake the following functions: (i) identify any provisions, duties, responsibilities, or obligations mandated under the charter that are inconsistently or inequitably applied among the five boroughs; (ii) assess and identify any disproportionate disparities in resource allocation to, and service provision by, each borough; and (iii) recommend amendments to the charter that empower each borough to address the disparities identified, together with such other amendments as the commission recommends.

b. The commission shall conduct not less than one public hearing in each borough and shall conduct an extensive outreach campaign that solicits ideas and recommendations from a wide variety of civic and community leaders, and which encourages the public to participate in such hearings. The commission shall maintain a website that includes its public hearing agendas and transcripts, as well as webcasts of its public hearings.

c. The commission may conduct private hearings, take testimony, subpoena witnesses and require the production of books, papers and records.

d. The city shall make appropriations for the support of the commission and the commission may accept any services, facilities, or funds and use or expend the same for its purposes. In addition, the city may, on the request of the commission, appropriate to such commission such sums as are necessary to defray its expenses.

e. On request of the commission, the mayor may direct any board, body, officer or employee of the city to cooperate with, assist, advise, provide facilities, materials or data to, and render services to the commission.

f. The commission shall appoint and may at pleasure remove such employees and consultants as it shall require and fix their compensation.

g. No commission employee or consultant may be a registered lobbyist as that term is defined in subdivision (a) of section 3-211 of the administrative code of the city of New York. Any person other than a such a lobbyist who is a person doing business with the city, as that term is defined in subdivision 18 of section 3-702 of the administrative code of the city of New York, may serve as a commission employee or consultant only after approval by the conflicts of interest board and only subject to such restrictions on their duties and responsibilities for the commission as the conflicts of interest board may require.

h. No person is disqualified to serve as a commission employee or consultant by reason of holding any other public office or employment nor shall any such person forfeit such office or employment by reason of appointment pursuant to this local law, notwithstanding any contrary provision of law.

i. The commission shall be considered an agency for the purposes of article 6 of the public officers law.

§ 4. Submission of recommendation for voter approval. a. The commission may require that its proposed new or revised charter be submitted in two or more parts arranged so that corresponding parts of the existing charter shall remain in effect if one or more of such parts are not adopted, or in lieu of a new charter may submit a revision of the existing charter in one or more amendments and may also submit alternative charters or amendments or alternative provisions to supersede designated portions of a proposed charter or amendment if adopted.

b. The commission may submit its proposed new or revised charter in time for submission to the electors of the city at a general or special election, and shall complete and file in the office of the city clerk its proposed new or revised charter in time for submission to the electors not later than the second general election after the date of the enactment of this local law.

§ 5. Severability. If any provision of this local law, or any amendments thereto, are held invalid or ineffective in whole or in part, or inapplicable to any person or situation, such holding shall not affect, impair, or invalidate any portion of or the remainder of this local law, and all such provisions thereof shall nevertheless be separately and fully effective and the application of any such provision to other persons or situation shall not be affected.

§ 6. This local law takes effect immediately.

Referred to the Committee on Governmental Operations.

Int. No. 43

By Council Members Borelli, Carr, Yeger and Louis.

A Local Law to amend the administrative code of the city of New York, in relation to requiring that certain injured animals receive timely veterinary care

Be it enacted by the Council as follows:

Section 1. Chapter 8 of title 17 of the administrative code of the city of New York is amended by adding a new section 17-820 to read as follows:

§ 17-820 Care required for injured animals. a. Definitions. As used in this section, the term “animal welfare provider” means a person who provides care to animals pursuant to a contract with the city.

b. Veterinary care required. If an animal welfare provider is called to the field to attend to an animal that may have been injured and determines that such animal requires veterinary care, the owner of such animal shall, within seven days of the date of the determination by such animal welfare provider:

1. Pay the reasonable costs of veterinary care administered by such animal welfare provider; or
 2. Provide evidence to the department, or other applicable agency, that veterinary care was administered to such animal within 12 hours of the determination by such animal welfare provider that such animal required care. Such evidence shall include a notarized signed statement by the owner that such care was provided within 12 hours of such determination, and that supporting documentation provided to the department or agency regarding such care is correct.

c. Penalty. Upon a finding by the department, or other applicable agency, that a person has failed to comply with the requirements in subsection b, such person shall be liable for a civil penalty of not more than \$5,000.

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

Referred to the Committee on Health.

Int. No. 44

By Council Members Borelli, Carr, Yeger, Louis and Holden.

A Local Law to amend the administrative code of the city of New York, in relation to a report on costs to repair sidewalks damaged by city-owned trees

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 18 of the administrative code of the city of New York is amended by adding a new section 18-151.1 to read as follows:

§ 18-151.1 *Report on tree-related sidewalk repair costs. On or before December 1 of each year, the department, in conjunction with the department of transportation, shall submit to the mayor and council a report for the immediately preceding fiscal year on the costs incurred by the city to repair or replace sidewalk flags that were determined by the department to be damaged by a tree under the jurisdiction of the department. Such report shall include, but not be limited to, a description of the following:*

a. *The location of each sidewalk flag that was repaired or replaced, and the cost to perform such repair or replacement work, disaggregated by borough, council district and community district;*

b. *A description of the type of damage that was caused by each tree; and*

c. *A description of whether any work was performed on each tree or the roots of one or more trees that caused damage to a sidewalk flag, including whether such tree was removed or such roots were pruned.*

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

Referred to the Committee on Parks and Recreation.

Int. No. 45

By Council Members Borelli, Carr and Louis

A Local Law to amend the administrative code of the city of New York, in relation to requiring centralized siting of active transportation docking stations

Be it enacted by the Council as follows:

Section 1. Subchapter 2 of chapter 1 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-160 to read as follows:

§ 19-160 *Active transportation siting. a. Definitions. For the purposes of this section, the following terms have the following meanings:*

Active transportation. The term “active transportation” means all non-vehicular methods of transportation that use a wheeled device propelled by human power. Such term also includes electric bicycles, electric skateboards and electric scooters.

Docking station. The term “docking station” means an automated self-service terminal that is used for the storage of bicycles and other forms of active transportation for rent between rentals. Such term includes areas designated by the commissioner for such purposes, whether or not they contain rental instructions, equipment for the acceptance of payment or locking mechanisms.

b. Where the department approves the designation, installation or relocation of a docking station within the same vicinity as another docking station that has already been installed or approved for installation, the commissioner shall require that the docking station to be designated, installed or relocated be placed within one city block of such preexisting docking station. Where placing multiple docking stations for the same vicinity within the same city block as each other is impracticable, docking stations in the same vicinity shall be placed as near to each other as the commissioner determines is practicable under the circumstances.

c. Nothing in this section modifies a bike share or other active transportation operator’s duties and obligations pursuant to a contract with the department in effect on the effective date of the local law that added this section.

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

Referred to the Committee on Transportation and Infrastructure.

Int. No. 46

By Council Members Borelli, Carr and Holden.

A Local Law to amend the administrative code of the city of New York, in relation to establishing an inter-borough planning and advisory commission for the siting of active transportation parking hubs in the city

Be it enacted by the Council as follows:

Section 1. Subchapter 1 of chapter 1 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-160 to read as follows:

§ 19-160 Inter-borough planning and advisory commission. a. Definitions. As used in this section, the following terms have the following meanings:

Active transportation. The term “active transportation” means all bicycles and other non-vehicular methods of transportation that use a wheeled device propelled by human power, including pedal-assist bicycles, as well as electric bicycles, electric skateboards and electric scooters.

Active transportation parking hub. The term “active transportation parking hub” means all devices to which modes of active transportation can be securely attached for parking purposes.

b. Inter-borough planning and advisory commission. 1. There is hereby established an inter-borough planning and advisory commission to study issues relating to placement of active transportation parking hubs throughout the city. The advisory commission shall identify and study common issues and trends relating to active transportation parking hub placement and shall make recommendations to the commissioner, as appropriate, on ways to improve such placement. In making such recommendations, the advisory commission shall examine the following:

- (a) Current contracts affecting active transportation parking hub placement;*
- (b) Consumer complaints regarding active transportation parking hub placement;*
- (c) Public safety concerns related to active transportation parking hub placement;*
- (d) Zoning and other community development concerns related to active transportation parking hub placement; and*
- (e) Any other issues the advisory commission finds relevant.*

2. *The advisory commission shall consist of 12 members, of whom two members shall be appointed by the commissioner and ten members shall be appointed by the borough presidents, two for each borough. The commissioner shall appoint a chair from among the members.*

3. *All appointments required by this section shall be made no later than 60 days after the effective date of the local law that added this section and thereafter any further appointments to fill vacancies shall be made no later than 60 days after the vacancy occurs.*

4. *All members shall serve for a term of two years. Each member of the advisory commission shall serve at the pleasure of the officer who appointed the member. In the event of a vacancy, a successor shall be appointed in the same manner as the original appointment for the remainder of the unexpired term. All members of the advisory commission shall serve without compensation.*

5. *The advisory commission shall keep a record of its deliberations and determine its own rules of procedure, which shall include a procedure or mechanism by which members of the public may make submissions to the commission.*

6. *The first meeting of the advisory commission shall be convened within 120 days after the effective date of the local law that added this section.*

7. *The advisory commission shall meet quarterly and review the city's capital and infrastructure plans for active transportation at an annual meeting. Such advisory commission meetings shall be open to the public.*

8. *Within 18 months of the effective date of the local law that added this section, the advisory commission shall submit recommendations to the mayor, the speaker of the council, the borough presidents and the commissioner. After such date, the advisory commission may submit additional recommendations to the mayor, the speaker of the council, the borough presidents and the commissioner as appropriate.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Transportation and Infrastructure.

Res. No. 17

Resolution calling on the New York State Legislature to pass, and the Governor to sign, legislation that would require the Metropolitan Transportation Authority to provide free express bus fare to New York City students who take express buses to school.

By Council Members Borelli, Yeger and Louis

Whereas, New York City's (NYC) Department of Education (DOE) Office of Pupil Transportation (OPT) operates the largest school transportation system in the country facilitating transportation of over 600,000 NYC students who attend both public and private schools; and

Whereas, OPT offers four transportation services for students to travel to and from school, including general education yellow bus transportation, specialized yellow bus transportation, MetroCards for public transportation, and Pre-K and Early Intervention yellow bus; and

Whereas, Although OPT's website states that it provides students with MetroCards for public transportation, it does not provide MetroCards for all forms of public transportation, including transportation on the City's express bus; and

Whereas, While available data related to student usage of express buses is limited, advocates contend that some students spend \$2,700 annually on express buses to travel to school, according to an August 2019 New York Daily News article; and

Whereas, In May 2019, the Metropolitan Transportation Authority (MTA) announced that it would provide all students eligible for school MetroCards with full-fare MetroCards, replacing the previous system which administered half fare MetroCards to 7th-12th graders who lived between a half of a mile and 1.5 miles from school; and

Whereas, While this change makes traveling less financially burdensome for students who were paying \$1.35 per way to school while using their half fare MetroCard on local buses, it fails to address the financial burden of students who pay \$6.75 to travel to and from school on express buses; and

Whereas, As of January 1, 2022, more than 2000 parents and advocates signed a change.org petition calling for MTA to lower express bus fares for high school students traveling to and from school; and

Whereas, There are over 80 express bus routes in the city, and students should be able to use express bus services to travel to and from school free of charge; now, therefore, be it

Resolved, That the Council of the City of New York calls on the New York State Legislature to pass, and the Governor to sign, legislation that would require the Metropolitan Transportation Authority to provide free express bus fare to New York City students who take express buses to school.

Referred to the Committee on Education.

Res. No. 18

Resolution calling upon the New York State Legislature to pass and the Governor to sign a law implementing a parking permit system for Park-and-Ride parking lots located in Staten Island.

By Council Member Borelli.

Whereas, According to the New York State Department of Transportation's 511 NY Rideshare program, the borough of Staten Island has three Park-and-Ride parking lots; and

Whereas, Those three Park-and-Ride parking lots offer Staten Island commuters a combined 1,157 parking spaces; and

Whereas, Park-and-Ride parking lots offer Staten Island commuters a safe and convenient location near their homes to park their cars and utilize public transportation around the island and throughout the state of New York; and

Whereas, According to newspaper articles in the online publications DNAinfo and SILive, overcrowding of Park-and-Ride parking lots is an issue for many Staten Island residents; and

Whereas, According to a study of license plates conducted by New York City Council Member Joseph Borelli's office on March 1, 2016, out-of-state residents are taking advantage of the free parking at Park-and-Ride lots to the detriment of Staten Island residents; and

Whereas, Staten Island residents often have to find less convenient parking when parking spaces in Park-and-Ride lots are occupied by out-of-state residents; and

Whereas, The cost of operating and maintaining Park-and-Ride parking lots on Staten Island is supplemented with revenue collected from the taxes paid by Staten Island residents and other residents of the state of New York; and

Whereas, The cost of operating and maintaining Park-and-Ride parking lots on Staten Island is supplemented with revenue collected from the taxes paid by Staten Island residents and other residents of the state of New York; and

Whereas, implementing a paid parking permit system at Staten Island Park-and-Ride lots in which Staten Island residents receive a permit free of charge and out-of-state residents pay an annual fee for a permit would increase the availability of parking spaces for Staten Island residents by deterring out-of-state residents from parking and would be justified by the expenses of the state of New York and by the harms to state residents; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to pass and the Governor to sign a law implementing a parking permit system for Park-and-Ride parking lots located in Staten Island.

Referred to the Committee on Transportation and Infrastructure.

Int. No. 47

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

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

Be it enacted by the Council as follows:

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

§ 25-493 *Castle Hill business improvement district. a. The city council having determined, pursuant to section 25-407 of chapter four of this title: that notice of hearing for all hearings required to be held was published and mailed as required by law and was otherwise sufficient; that, except as otherwise provided in section 25-403 of chapter four of this title, all the real property within the boundaries of the district will benefit from the establishment of the district; that all the real property benefited is included within the limits of the district; and that the establishment of the district is in the public interest; and the council having determined further that the requisite number of owners have not objected as provided in section 25-406 of chapter four of this title, there is hereby established in the borough of the Bronx, the Castle Hill business improvement district. Such district is established in accordance with the district plan required to be filed with the city clerk pursuant to subdivision b of this section.*

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

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

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

Referred to the Committee on Finance.

Res. No. 19

Resolution concerning the establishment of the Castle Hill Business Improvement District in the Borough of the Bronx and setting the date, time and place for the public hearing to hear all persons interested in the establishment of such district.

By Council Members Brannan and Louis.

WHEREAS, pursuant to the authority granted by chapter 4 of title 25 of the Administrative Code of the City of New York (“the Law”), the Mayor, by authorization dated July 22, 2021, provided for the preparation of a district plan (“the Plan”) for the Castle Hill Business Improvement District (“the District”) in the Borough of the Bronx; and

WHEREAS, pursuant to Local Law No. 82 for the year 1990, the City Council assumed responsibility for adopting legislation establishing Business Improvement Districts; and

WHEREAS, pursuant to section 25-405(c) of the Law, the New York City Department of Small Business Services (“SBS”) submitted the Plan to the City Planning Commission (“the CPC”) on September 8, 2021; and

WHEREAS, pursuant to section 25-405(c) of the Law, the CPC submitted the Plan to the City Council on September 13, 2021; and

WHEREAS, pursuant to section 25-405(c) of the Law, the CPC submitted the Plan to the Council Member representing the council district in which the proposed District is located on September 13, 2021; and

WHEREAS, pursuant to section 25-405(c) of the Law, the CPC submitted the Plan to the community boards for the community districts in which the proposed District is located (Bronx Community Board Numbers 9 and 10, hereinafter “the Community Boards”) on September 13, 2021; and

WHEREAS, the CPC submitted the Plan to the Bronx Borough President on September 13, 2021; and

WHEREAS, pursuant to section 25-405(c) of the Law, the Community Boards notified the public of the Plan in accordance with the requirements established by the CPC; and

WHEREAS, by letter dated June 28, 2021, Bronx Community Board Number 9 determined not to conduct a public hearing or submit a written recommendation relating to the Plan to the CPC; and

WHEREAS, by letter dated July 23, 2021, Bronx Community Board Number 10 determined not to conduct a public hearing or submit a written recommendation relating to the Plan; and prepared a report certifying its unqualified approval of the Plan; and

WHEREAS, pursuant to section 25-405(c) of the Law, the CPC submitted its report to the Mayor, to the Bronx Borough President, to the City Council, and to the Council Member representing the council district in which the proposed District is located; and

WHEREAS, pursuant to section 25-405(c) of the Law, a copy of the CPC's report, together with the original Plan, was transmitted for filing with the City Clerk on November 5, 2021; and

WHEREAS, pursuant to section 25-406(a) of the Law, a copy of the Plan and the CPC's report are annexed hereto and are made part of this Resolution; and

WHEREAS, pursuant to section 25-406(a) of the Law, the Plan is on file for public inspection in the Office of the City Clerk, 141 Worth Street, New York, New York; and

WHEREAS, pursuant to Section 25-406(b) of the Law, any owner of real property, deemed benefited and therefore within the District, objecting to the plan must file an objection at the Office of the City Clerk within thirty days of the conclusion of the hearing held by the City Council, notice of which is provided by this Resolution, on forms made available by the City Clerk; and

WHEREAS, pursuant to Section 25-406(b) of the Law, if owners of at least fifty-one percent of the assessed valuation of all the benefited real property situated within the boundaries of the District proposed for establishment, as shown upon the latest completed assessment roll of the City, or at least fifty-one percent of the owners of benefited real property within the area included in the District proposed for establishment, file objections to the Plan with the City Clerk within the thirty-day objection period, the District will not be established; now, therefore, be it

RESOLVED, that the Council of the City of New York, pursuant to Section 25-406 of the Law, hereby directs that:

- (i) March 24, 2022 is the date and 10:00 am is the time and the City Council Committee Room, City Hall, 2nd Floor, is the place for a public hearing ("the Public Hearing") to hear all persons interested in the establishment of the District;
- (ii) the Castle Hill BID Steering Committee shall, not less than ten nor more than thirty days before the date of the Public Hearing, mail a copy of this Resolution or a summary thereof to each owner of real property within the proposed District at the address shown on the latest City assessment roll, to such other persons as are registered with the City to receive tax bills concerning real property within the proposed District, and to the tenants of each building within the proposed District;
- (iii) SBS shall arrange for the publication of a copy of this Resolution or a summary thereof at least once in the City Record or a newspaper in general circulation in the City, the first publication to be not less than ten (10) nor more than thirty (30) days before the date of the Public Hearing; and
- (iv) in the event that the Castle Hill BID Steering Committee mails, or SBS arranges for the publication of, a summary of this Resolution, such summary shall include the information required by section 25-406(c) of the Law.

Referred to the Committee on Finance.

Res. No. 20

Resolution calling upon the New York State Legislature to pass, and the Governor to sign, The New Deal for CUNY (S.4461-A/A.5843-A), which is intended to reestablish the City University of New York as an engine for social and economic mobility by waiving all tuition and creating certain staff-to-student ratios in order to increase student success.

By Council Members Brannan, Dinowitz, Mealy, Restler, Farías, Marte, Avilés, Joseph, Louis, Williams, Brewer, Narcisse, Feliz, Menin, Nurse, Ossé, Powers, Riley, Ung, Cabán, Hanif, Hudson, Sanchez, Abreu, Rivera, Gutiérrez, Krishnan, Barron, De La Rosa, Velázquez, Won, Bottcher, Ayala, Lee, Holden, Stevens, Hanks and Gennaro.

Whereas, The City University of New York (“CUNY” or “University”) was established in 1961 through legislation that united seven existing municipal colleges and a graduate school into a formally integrated citywide system of public higher education; and

Whereas, Currently, CUNY is the largest urban public university in the United States (U.S.) serving more than 275,000 degree and non-degree seeking students, including over 228,000 adult and continuing education course registrations across New York City (“NYC” or “City”); and

Whereas, While only 61 years old, the University’s history dates back to 1847, when the Free Academy, now the City College of New York, was founded as the first publicly-financed institution of higher education in NYC; and

Whereas, Founded on the principles on which the Free Academy was established, CUNY’s mission today remains the same: to uphold a commitment to academic excellence while providing equal access and opportunity for education “as a vehicle for the upward mobility of the disadvantaged in the [city]”; and

Whereas, CUNY schools also instituted a merit-based tuition-free policy that lasted until 1970, when the University eliminated all tuition charges and implemented an open admissions policy, guaranteeing all NYC public high school graduates admission to one of its colleges; and

Whereas, CUNY was only able to operate tuition-free until the financial crisis of 1976, when New York State (“NYS” or “State”) took over the administration of CUNY, to help the City avoid bankruptcy; and

Whereas, Since then, the State’s chronic underinvestment in the University has forced CUNY to cut academic offerings, reduce counseling and inhabit dilapidated buildings, all while increasing tuition; and

Whereas, The actual cost of attending CUNY, which includes, but is not limited to, the cost of transportation, textbooks and student fees, combined with the high cost of living in NYC, means that many current students, who largely come from low- and modest-income families, would not have the opportunity to earn a college degree if it were not for state and federal financial aid; and

Whereas, While funding provided through the NYS Tuition Assistance Program (“TAP”) as well as various public and private scholarships can help to close the opportunity gap by subsidizing tuition, these programs have not been enough to fully counter the State’s austerity approach to funding public higher education; and

Whereas, CUNY is often the best option for a college education for poor and working class New Yorkers, for communities of color, for new immigrants and for the urban middle class, yet students are confronted with larger and larger classes increasingly taught by underpaid adjuncts, limited access to academic advisors and a single mental health counselor for every 2,700 full-time students; and

Whereas, The CUNY New Deal (S.4461-A/A.5843-A), sponsored by State Senator Andrew Gouardes and State Assembly Member Reyes, respectively, would waive all tuition and create certain staff-to-student ratios, including a ratio of one clinical health counselor per 1,000 students, 65 full-time faculty members per 1,000 students by academic year 2026, and one academic advisor per 600 students by academic year 2025, in order to increase student success; and

Whereas, The CUNY New Deal presents a comprehensive approach to improving the student experience at CUNY, providing the appropriate academic, social and emotional support students need to stay on track to graduate and providing the resources needed to renovate CUNY campuses while reducing the need for students to seek outside income to cover tuition and other expenses; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to pass, and the Governor to sign, The New Deal for CUNY (S.4461-A/A.5843-A), which is intended to reestablish the City University of New York as an engine for social and economic mobility by waiving all tuition and creating certain staff-to-student ratios in order to increase student success.

Referred to the Committee on Higher Education.

Int. No. 48

By Council Members Dinowitz, Hanif, Joseph, Ung, Yeger, Won and Restler.

A Local Law to amend the New York city charter, in relation to requiring information about elections for non-municipal offices, ballot proposals and referenda in the voter guide

Be it enacted by the Council as follows:

Section 1. Paragraphs 1 and 2 of subdivision b of section 1052 of the New York city charter, as amended by local law number 48 for the year 2022, are amended to read as follows:

b. 1. The board shall take [such] actions [as it deems necessary and appropriate] to improve public awareness of the candidates, ballot proposals or referenda in all elections in which there are (i) contested elections for the offices of mayor, public advocate, borough presidents, comptroller, or city council or ballot proposals or referenda pursuant to this charter or the municipal home rule law, [including] and (ii) *other contested elections held in the city of New York for city, county, state or federal office or ballot proposals or referenda pursuant to city, county, state or federal law that coincide with the elections, ballot proposals or referenda described in (i) of this paragraph, excluding elections for positions provided by articles 2 and 6 of the election law. Such actions shall include, but not necessarily be limited to the publication of and outreach to voters and stakeholders regarding a non-partisan, impartial voter guide in at least two media formats, including but not necessarily limited to a printed voter guide and a voter guide to be published online, providing information on such candidates, ballot proposals and referenda, and the distribution of one copy of such printed guide to each household in which there is at least one registered voter eligible to vote in the election involved. A voter may opt out of receiving a copy of such printed guide, and the board shall comply with this request to the extent feasible.*

2. The board shall also take [such] actions [as it deems necessary and appropriate] to improve public awareness of the candidates in all other contested elections held in the city of New York for any city, county, state, or federal office or ballot proposals or referenda pursuant to city, county, state, or federal law, including but not necessarily limited to the publication of *and outreach to voters and stakeholders regarding a non-partisan, impartial voter guide in at least one media format, including but not necessarily limited to a voter guide to be published online, providing information on such candidates, ballot proposals or referenda.*

§ 2. The opening paragraph and paragraph 1 of subdivision a of section 1053 of the New York city charter, as amended by local law number 48 for the year 2022, are amended to read as follows:

a. For all elections in which there are (i) contested elections for the offices of mayor, public advocate, borough presidents, comptroller, or city council or ballot proposals or referenda pursuant to this charter or the municipal home rule law, [each printed and online] and (ii) *other contested elections held in the city of New York for city, county, state or federal office or ballot proposals or referenda pursuant to city, county, state or federal law that coincide with the elections, ballot proposals or referenda described in item (i) of this subdivision, excluding elections for positions provided by articles 2 and 6 of the election law, there shall be a printed and an online voter guide published by the board, which shall contain:*

1. material explaining the date and hours during which the polls will be open for that election; when, where, and how to register to vote; when an eligible voter is required to reregister; when, where, and how absentee ballots are obtained and used; instructions on how to vote, *including, but not limited to, information about how to fill out the ballot for each office, proposal or referendum on any such ballot;* information on the political subdivisions applicable to a particular voter's address; and any other general information on voting deemed by the board to be necessary or useful to the electorate or otherwise consistent with the goals of this charter;

§ 3. Subdivision b of section 1053 of the New York city charter, as amended by local law number 48 for the year 2022, is amended to read as follows:

b. For all other elections in which there are contested elections held in the city of New York for any city, county, state, or federal office or ballot proposals or referenda pursuant to city, county, state, or federal law, [each] *there shall be an online voter guide, which shall contain information that [the board deems necessary or useful to the electorate or is otherwise] is consistent with the board's responsibility under this chapter to improve public awareness of candidates, ballot proposals, or referenda.*

§ 4. This local law takes effect January 1, 2023, except that the campaign finance board shall take such measures as are necessary for the implementation of this local law, including the promulgation of any rules, before such date.

Referred to the Committee on Governmental Operations.

Res. No. 21

Resolution reaffirming New York City's status as a Purple Heart City and calling on the State Legislature to pass, and the Governor to sign A.7961/S.2279, designating the State of New York a Purple Heart State.

By Council Members Dinowitz and Yeger.

Whereas, According to the Military Order of the Purple Heart, an organization for combat wounded veterans, the Purple Heart Medal is the oldest and among the most venerated military decorations in present use; and

Whereas, The Purple Heart is awarded in the name of the President of the United States to those wounded or killed in combat by enemy action, or posthumously to their next of kin; and

Whereas, On August 7, 1782, during the Revolutionary War, General George Washington issued an order establishing a badge of distinction for meritorious action, which consisted of a heart made of purple cloth; and

Whereas, The award was notable because it was a way to honor brave soldiers in the lower ranks who fought under General Washington's command for America's independence at a time when only officers were eligible for decoration in European armies; and

Whereas, Although discontinued after the Revolutionary War, the decoration was reinstated by the Department of Defense in 1932; and

Whereas, Our nation's military leaders have awarded the Purple Heart to honor an estimated 1.8 million Americans who have been wounded in battle or killed in action; and

Whereas, New York City is home to 230,000 veterans, according to the New York City Department of Veteran Services; and

Whereas, In 2015, the New York City Council issued a proclamation declaring New York City a Purple Heart City; and

Whereas, S.2279, sponsored by Senator Daphne Jordan and its companion bill A.7961, sponsored by Assembly Member Jake Ashby, would designate the State of New York a Purple Heart State, recognizing the heroic sacrifices our nation's soldiers have made in order to protect our country; now, therefore, be it

Resolved, That the Council of the City of New York reaffirms New York City's status as a Purple Heart City and calls on the State Legislature to pass, and the Governor to sign A.7961/S.2279, designating the State of New York a Purple Heart State.

Referred to the Committee on Veterans.

Int. No. 49

By Council Members Holden, Yeger and Louis.

A Local Law to amend the administrative code of the city of New York, in relation to requiring towing companies to remove debris from the scene of an accident

Be it enacted by the Council as follows:

Section 1. Subdivision b of section 20-518 of the administrative code of the city of New York is amended by adding a new paragraph 6 to read as follows:

6. *A towing company that removes a vehicle from the scene of a vehicular accident shall remove all debris deposited upon the roadway by such vehicle. A towing company that removes a vehicle from the scene of a vehicular accident at the direction of the police department pursuant to this section shall not charge for such removal of debris from the roadway except to the extent authorized by the commissioner by rule.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Consumer and Worker Protection.

Int. No. 50

By Council Member Holden and Yeger.

A Local Law to amend the New York city charter, in relation to temporary absence procedures for citywide public officials

Be it enacted by the Council as follows:

Section 1. Subdivision a of section 10 of the New York city charter, as amended by local law number 19 for the year 1993, is amended to read as follows:

a. In case of the suspension of the mayor from office, the mayor's temporary inability to discharge the powers and duties of the office of mayor by reason of sickness or otherwise, or the mayor's absence from the city, the powers and duties of the office of mayor shall devolve upon the public advocate or the comptroller in that order of succession until the suspension, inability or absence shall cease. *In the case of the mayor's absence from the city, if such absence is for a political purpose separate from the mayor's duties and responsibilities as the chief executive officer of the city, the mayor shall also submit to the speaker of the council a written declaration of the mayor's absence.* While so acting temporarily as mayor neither the public advocate nor the comptroller shall exercise any power of appointment to or removal from office or any power lawfully delegated by the mayor to a deputy mayor before the commencement of such suspension or inability, or before or after the commencement of such absence; and shall not, until such suspension, inability or absence shall have continued nine days, sign, approve or disapprove any local law or resolution, unless the period during which the mayor can act thereon would expire during said nine days in which case the public advocate or the comptroller shall have the power to disapprove the same within forty-eight hours before the time to act expires.

§ 2. Subdivision b of section 24 of the New York city charter, as amended by local law number 19 for the year 1993, is amended to read as follows:

b. The public advocate may be removed or suspended in the same manner as provided in this charter with respect to the mayor. *In the case of the public advocate's absence from the city, if such absence is for a political purpose separate from the duties and responsibilities of the office, the public advocate shall submit to the speaker of the council a written declaration of the public advocate's absence.*

§ 3. Section 92 of the New York city charter is amended to read as follows:

§ 92. Removal from office. The comptroller may be removed or suspended in the same manner as provided in this charter with respect to the mayor. *In the case of the comptroller's absence from the city, if such absence is for a political purpose separate from the duties and responsibilities of the office, the comptroller shall also submit to the speaker of the council a written declaration of the comptroller's absence.*

§ 4. This local law takes effect immediately.

Referred to the Committee on Governmental Operations.

Int. No. 51

By Council Member Holden.

A Local Law to amend the administrative code of the city of New York, in relation to the welfare of shelter animals, and to repeal section 17-820 of such administrative code upon the expiration thereof

Be it enacted by the Council as follows:

Section 1. Section 17-805 of the administrative code of the city of New York, as amended by local law number 59 for the year 2011, is amended to read as follows:

§ 17-805 Reporting requirements. The department shall provide the mayor and the city council with a report by February [twenty-eight] 28 of each year which shall set forth information regarding the management and operation of all full-service shelters performing services pursuant to a contract with the city [of New York], including but not limited to:

a. The following information with respect to the previous calendar year:

- (1) [the] *The* total number of animals accepted by each full-service shelter;
- (2) [the] *The* total number of animals that were sterilized at each full-service shelter;
- (3) [the] *The* total number of animals that were [humanely] euthanized at each full-service shelter;
- (4) [the] *The* total number of healthy animals that were [humanely] euthanized at each full-service shelter;
- (5) [the] *The* total number of animals that were adopted at each full-service shelter;
- (6) [the] *The* total number of animals at each full-service shelter that were returned to their [owner] *respective owners*; and

(7) [the] *The total* number of animals at each full-service shelter that were provided to other shelters for adoption.

b. The following information for each month of the previous calendar year:

- (1) [the] *The* total number of animals, disaggregated by borough, picked up by field services during regular business hours and delivered to (A) receiving facilities and (B) full-service shelters;
- (2) [the] *The* total number of animals, disaggregated by borough, picked up by field services during off hours and delivered to (A) receiving facilities and (B) full-service shelters;
- (3) [the] *The* total number of animals taken in and transferred to a full-service shelter from each receiving facility; and
- (4) [the] *The* staffing levels at all full-service shelters and receiving facilities.

c. The department shall report to the mayor and the council each month the total number of healthy animals that were [humanely] euthanized at each full-service shelter during the previous month[.] *and, for every animal euthanized, whether healthy or otherwise:*

- (1) *The specific health, behavioral or other issue that was the basis for euthanasia;*
- (2) *The relevant credentials and qualifications of any person who evaluated or assessed the animal's condition and whose diagnosis, findings or opinion was relied upon in making a determination to euthanize the animal;*
- (3) *The nature of any evaluation, test or assessment performed to assess the animal's condition in determining whether to euthanize such animal, and the results or findings of any such evaluation, test or assessment, including the prognosis and treatment of any diagnosed condition;*
- (4) *Whether, at the time of euthanasia, any empty cages, kennels or other living environments were available for the animal in the shelter, whether there was additional room to set up temporary cages, kennels or living environments for the animal in the shelter and whether the animal was determined unable to share a cage or kennel with another animal, as well as the basis for that determination;*
- (5) *Whether the shelter made efforts to release the animal to another pound, duly incorporated society for the prevention of cruelty to animals, duly incorporated humane society or duly incorporated animal protective association, or to a person for the purpose of adoption, a detailed summary of those efforts, and the reason why such efforts did not result in release or adoption; and*
- (6) *Whenever practicable, the species, breed, sex, age and name of such animal.*

d. [No later than twenty-four months after the effective date of the local law that added this subdivision, the department shall provide to the mayor and the council a report that summarizes and describes trends in the

reporting requirements provided annually in accordance with this section.] *The information required by subdivision c of this section shall be posted on the department's website no later than ten days after the last day of the month for which the information is required to be reported or upon submission to the mayor and the council of a report containing the information, whichever is earlier.*

§ 2. Chapter 8 of title 17 of the administrative code of the city of New York is amended by adding a new section 17-820 to read as follows:

§ 17-820 *Shelter task force. a. There shall be a task force to develop best practices for animal shelters to promote the welfare of animals housed in such shelters.*

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

(1) The commissioner or the commissioner's designee;

(2) One member appointed by the mayor;

(3) One member appointed by the speaker of the council;

(4) One member appointed by the comptroller;

(5) One representative from each not-for-profit organization operating an animal shelter on the effective date of the local law that added this section; and

(6) Seven persons appointed by the mayor to represent the city community of animal welfare advocates, three of whom must represent an animal rescue group, and all of whom must hold demonstrated expertise or experience in companion animal welfare issues. In appointing such persons, the mayor shall make best efforts to select persons who collectively represent a diversity of perspectives to promote a robust dialogue within the task force.

c. The task force shall select a chair by majority vote. The chair shall set the agenda for meetings.

d. The task force shall review the practices of all animal shelters in operation prior to the expiration of this section to identify opportunities to improve the conditions for, and of, animals housed in such shelters, including, but not limited to, reducing the spread of disease or other ailments among such animals, providing competent behavioral evaluations and medical screening for such animals, and ensuring that all animals with diagnosed conditions susceptible of rehabilitation or treatment receive such rehabilitation or treatment, as necessary. Upon completing its review, the task force shall develop best practices for animal shelters, to be submitted as recommendations to the department. In developing best practices, the task force shall prioritize the ultimate goal of adoption for all animals whenever possible, and shall explore all humane alternatives to euthanasia for animals for which adoption may not be realized. The task force shall identify legal barriers to implementing best practices. The task force shall estimate the amount of additional funding required to implement such practices, and shall denominate priorities among such practices, giving primary consideration to those practices that are identified as holding the greatest potential for improving the welfare of animals housed in shelters. Where members fundamentally disagree with respect to the recommendation of any practice, such disagreement shall be identified in the report required by subdivision g of this section, and the reason for such disagreement shall be explained in detail.

e. The task force shall take any measures necessary and appropriate to obtain information that is relevant to carrying out the tasks set forth in subdivision d of this section, including, but not limited to, consulting with experts.

f. The task force shall meet no later than 15 days after the effective date of the local law that added this section, and after such meeting shall meet no less than once every 60 days until the submission of the report required by subdivision g of this section.

g. No later than 365 days after the first meeting of the task force, the task force shall submit to the mayor, the speaker of the council and the commissioner a report that contains its findings and conclusions, including the best practices as required by subdivision d of this section, and any additional recommendations for policy or legislation that would aid the implementation of such practices. The commissioner shall post such report on the department's website upon submission.

h. This section expires and is deemed repealed 2 years after the effective date of the local law that added this section.

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

Referred to the Committee on Health.

Int. No. 52

By Council Members Holden and Yeger.

A Local Law to amend the administrative code of the city of New York, in relation to requiring that the department of transportation maintain curb heights following street construction

Be it enacted by the Council as follows:

Section 1. Subdivision a of section 19-147 of the administrative code of the city of New York, as amended and renumbered by local law number 104 for the year 1993, is amended to read as follows:

§ 19-147. Replacement of pavement and maintenance of street hardware.

a. General provisions. Whenever any pavement, sidewalk, curb or gutter in any street shall be taken up, the person or persons by whom or for whose benefit the same is removed shall restore such pavement, sidewalk, curb or gutter to its proper condition to the satisfaction of the commissioner of transportation. *The department shall ensure that appropriate curb heights are maintained whenever the department takes up and restores any pavement, sidewalk, curb or gutter in any street.*

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

Referred to the Committee on Transportation and Infrastructure.

Int. No. 53

By Council Members Holden and Yeger

A Local Law to amend the administrative code of the city of New York, in relation to restricting the parking of certain commercial vehicles in residential streets overnight

Be it enacted by the Council as follows:

Section 1. Subdivision b of section 19-170 of the administrative code of the city of New York, as amended by local law number 104 for the year 1993, is amended to read as follows:

b. Notwithstanding the foregoing, no person shall park a commercial vehicle on a residential street from 9 p.m. to 5 a.m. For the purpose of this subdivision, residential streets are defined as those streets, or parts thereof, which are located within a residential district under the zoning resolution. Where a commercial vehicle is parked in violation of this subdivision, it shall be an affirmative defense to said violation, with the burden of proof on the person who received the summons, that he or she was actively engaged in business at the time the summons was issued at a premises located within three city blocks of where the summons was issued. [This subdivision shall not apply to vehicles owned or operated by gas or oil heat suppliers or gas or oil heat systems maintenance companies, the agents or employees, thereof, or any public utility.]

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

Referred to the Committee on Transportation and Infrastructure.

Res. No. 22

Resolution calling on the New York State Legislature to pass, and the Governor to sign, A.337 and A.2091/S.1934, to require prescribing physicians to perform additional actions, such as counseling the patient on the risks of addiction and overdose, when prescribing certain opioids.

By Council Member Holden.

Whereas, Opioids include narcotics intended to manage pain from surgery, injury, or illness, and individuals who require surgery are at higher risk of opioid addiction; and

Whereas, According to a survey conducted by the Kaiser Family Foundation and the Washington Post, more than 4 in 10 long-term opioid users say they started taking painkillers for chronic pain, 25 percent started because of pain after a surgery, and 25 percent because of pain after an accident or injury; and

Whereas, Opioid abuse and death are at epidemic levels in the United States (U.S.), and, according to the National Institute on Drug Abuse, nearly 92,000 people died of drug overdoses in America in 2020; and

Whereas, According to the New York State Department of Health (DOH), there were more than six and a half million opioid analgesic prescriptions provided to New York State residents in 2019; and

Whereas, The crude rate of opioid analgesic prescriptions in 2019 was more than 200 out of 1,000 people in New York City; and

Whereas, According to New York City's Department of Health and Mental Hygiene (DOHMH), overdose deaths in New York City remained at epidemic levels in 2019, and every 4 hours someone in New York City dies from a drug overdose; and

Whereas, According to DOHMH, of the 2,062 people in New York City who died of a drug overdose in 2020, 85 percent of those overdose deaths involved an opioid; and

Whereas, Of those who died from opioid overdose in 2020 in New York City, 16 percent involved prescription opioid painkillers (excluding fentanyl and tramadol); and

Whereas, In New York State, all registered opioid overdose programs are furnished Naloxone (Narcan) by DOH, which is a prescription medicine that reverses an overdose by blocking opioids in the brain for 30 to 90 minutes; and

Whereas, In 2015, the New York City Health Commissioner authorized an order to make naloxone available without a prescription in participating pharmacies, and naloxone is currently available without a prescription in pharmacies citywide including all major chains; and

Whereas, It is crucial for those who are at risk of opioid overdose to know about the risks of opioids and how they can get assistance if they were to become addicted or experience an overdose; and

Whereas, A.337, sponsored by Assembly Member Edward Braunstein, would help combat the opioid crisis by requiring that, for the first opioid analgesic prescription of a calendar year, the prescribing physician shall counsel the patient on the risk of overdose and inform the patient of the availability of an opioid antagonist; and

Whereas, A.2091/S.1934, sponsored by Assembly Member Linda Rosenthal and Senator Fred Akshar, would help combat the opioid crisis by requiring practitioners to counsel their patients regarding the details of their prescriptions and risks when they issue a prescription for a schedule II opioid; and

Whereas, Both bills will help prevent opioid misuse and overdose by ensuring all New Yorkers receive the information they need to have a basic understanding of the risks of taking opioids once they receive a prescription; now, therefore, be it

Resolved, That the Council of the City of New York calls on the New York State Legislature to pass, and the Governor to sign, A.337 and A.2091/S.1934, to require prescribing physicians to perform additional actions, such as counseling the patient on the risks of addiction and overdose, when prescribing certain opioids.

Referred to the Committee on Health.

Res. No. 23

Resolution calling on the New York State Legislature to pass and governor to sign, A.6087/S.3741, which would amend the New York State Penal Law to establish the offenses of reckless endangerment of an emergency service person in the first degree and second degree when individuals knowingly alter or convert a building that impedes egress and results in the injury or death of emergency service personnel

By Council Member Holden.

Whereas, An illegal conversion is an alteration or modification of an existing building to create an additional housing unit without first obtaining approval from the New York State Department of State's Division of Building Standards and Codes; and

Whereas, Building codes exist to ensure that residents, and particularly first responders and emergency personnel, are protected from the dangers posed by fire and inferior construction methods; and

Whereas, New York City has seen a drastic increase in population over the past decade resulting in pervasive illegally converted buildings; and

Whereas, Each year, there are numerous fatal structural fires attributed to illegally converted buildings; and

Whereas, Far too often, these situations result in serious injury to, or the death of, not only residents but also firefighters or other emergency personnel; and

Whereas, New York State passed a law in 2017 that afforded protection to tenants from illegally converted buildings; and

Whereas, Similarly, New York State should pass a law to further protect emergency service personnel when responding to an emergency; and

Whereas, A.6087, introduced by New York State Assembly Member Kenneth Zebrowski, and S.3741, introduced by New York State Senator James Gaughran, seek to amend the New York State Penal Law in relation to establishing the offenses of reckless endangerment of an emergency service personnel in the second degree as a Class E felony and reckless endangerment of an emergency service personnel in the first degree as a Class D felony; and

Whereas, A.6087/S.3741 seeks to create the new crimes of reckless endangerment of a peace officer, police officer, firefighter or emergency medical services professional in the first and second degrees when such individual is injured or killed when responding to an emergency in an illegally converted building; and

Whereas, Emergency service personnel provide an invaluable service in keeping us safe and assisting us in emergencies, and when an unscrupulous individual directly places their health and safety at risk for the sake of their own profits they should be held accountable; now, therefore, be it

Resolved, That the Council of the City of New York calls on the New York State Legislature to pass and governor to sign, A.6087/S.3741, which would amend the New York State Penal Law to establish the offenses of reckless endangerment of an emergency service person in the first degree and second degree when individuals knowingly alter or convert a building that impedes egress and results in the injury or death of emergency service personnel.

Referred to the Committee on Public Safety.

Res. No. 24

Resolution calling upon the State Legislature to pass, and the Governor to sign, S.5374-A/A.6329-A, the Fair Pay for Home Care Act.

By Council Members Hudson, Barron, Hanif, Ossé, Brannan, Gutiérrez, Cabán, Ayala, Gennaro, Joseph, Ung, Avilés, Sanchez, Won, Louis, Farías, De La Rosa, Restler, Narcisse, Brewer, Rivera, Williams and Bottcher.

Whereas, According to a 2021 Mercer report, healthcare labor shortages are projected in every state across the U.S., with New York facing the worst home care worker shortage in the country; and

Whereas, The home care worker industry is one overwhelmingly staffed by women, immigrants, and people of color according to a 2020 report by PHI, a national organization working to strengthen the direct care workforce through research, advocacy, and workforce innovation; and

Whereas, The 2020 report by PHI found that 90 percent of direct care workers are women, 3 in 5 are people of color, and 1 in 4 are immigrants; and

Whereas, New York's population is projected to grow by 3 percent between 2021-2040, while the 65 and older population is expected to grow by 25 percent, and the number of adults over age 85 will grow by 75 percent,

according to a City University of New York (CUNY) Graduate Center report on public investment in higher pay for New York State home care workers; and

Whereas, As a result of an aging population in New York, CUNY has also identified the number of home health aides and careers in personal care aide is projected to rise to more than 700,000 by 2028, up from 440,000 in 2018; and

Whereas, Older adults should be able to age at home with dignity, as the vast majority of people prefer, according to the American Association of Retired Persons (AARP), which found that 76 percent of Americans ages 50 or older wanted to remain in their current residence as they age; and

Whereas, In 2019, a statewide survey of homecare agencies from CUNY found that 17 percent of positions went unfilled because of staff shortages, leaving many New Yorkers with unmet home care needs to consequently experience hospitalization or admittance to costly nursing homes to access needed services; and

Whereas, In July 2021, a New York State Senate Aging Committee report found that home care agency staffing shortages meant the agencies had to turn away as many as 30 percent of new cases; and

Whereas, The Aging Committee’s report also found that more than 1 in 7 low wage workers in NYC is a home care worker, 1 in 4 home care workers live below the federal poverty level, and over half rely on public assistance; and

Whereas, Data published by the Integrated Public Use Microdata Series (IPUMS USA) found that nationally, home care workers have the lowest median annual earnings of \$17,200, followed by residential care aides with \$21,000, and nursing assistances working in nursing homes who earn \$23,300 annually; and

Whereas, Home healthcare workers in NYC made an average of \$15.93 per hour in 2020, far below the living wage of \$21.77 for a single person in Manhattan, as per the Massachusetts Institute of Technology’s living wage calculator for New York; and

Whereas, Realizing the dire working conditions of home care personnel, Senator Rachel May and Assembly Member Richard Gottfried introduced S.5374-A/A.6329-A, entitled the “Fair Pay for Home Care Act,” to raise home care wages to 150 percent of the minimum wage, allowing home care workers to make at least \$35,000 a year on average; and

Whereas, Home care workers make up one of the largest and most important sectors of our economy and deserve fair pay for the vital services they are providing to the City’s most vulnerable communities; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the State Legislature to pass, and the Governor to sign, S.5374-A/A.6329-A, the Fair Pay for Home Care Act.

Referred to the Committee on Civil Service and Labor.

Int. No. 54

By Council Members Louis, Cabán, Yeger and Restler.

A Local Law to amend the administrative code of the city of New York, in relation to financial literacy education in department of youth and community development programs

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 Financial literacy education in department programs. a. As used in this section, the following terms have the following meanings:

Financial literacy education. The term “financial literacy education” means training that includes instruction and best practices regarding banking, budgeting, credit, debt, saving and taxes.

Youth employment program. The term “youth employment program” means a department-funded program in which program participants are provided with employment or internships.

b. The department shall ensure that any entity the department contracts with to provide a youth employment program shall provide at least two hours of financial literacy education to all program participants.

c. The department shall ensure that any entity that the department contracts with to provide a transitional independent living support program or a runaway and homeless youth crisis services program shall provide at least two hours of financial literacy education to all program participants.

d. No later than January 31, 2023, and no later than 30 days after the end of each calendar year thereafter, the department shall post on its website and submit to the speaker of the council a report on how many youth received financial literacy education through programs or services funded by the department, the methods and manner in which each topic was covered, and the amount of time spent covering each topic.

§ 2. This local law takes effect immediately.

Referred to the Committee on Youth Services.

Int. No. 55

By Council Members Menin, Hanif, Cabán, Gutiérrez, Holden, Dinowitz, Farías, Marte, Yeger, Ung, Schulman, Narcisse, Sanchez, Lee, Krishnan, Avilés, Won, Ossé, Louis, Ayala, Gennaro and Carr.

A Local Law to amend the administrative code of the city of New York, in relation to the creation of a separate 311 category for COVID-19 testing site complaints

Be it enacted by the Council as follows:

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

§ 23-308 *COVID-19 testing site complaints. a. Definitions. For the purposes of this section, the following terms have the following meanings:*

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

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

b. The department shall implement and maintain on its 311 citizen center website and mobile device platforms the capability for the public to file a complaint under the category of “COVID-19 testing site complaint.” Such website and platform shall accept any complaint related to sites that perform COVID-19 diagnostic testing, including inaccurate representation of the wait time for COVID-19 diagnostic test results, and refer each such complaint to the appropriate agency to take action as necessary to address the complaint.

c. The department shall maintain and update daily a public website that reports, for each COVID-19 testing site, identified by the operator and location of the testing site:

- 1. The number of complaints received;*
- 2. The nature of each complaint received;*
- 3. The agency to which each complaint was referred; and*
- 4. The disposition of each complaint.*

d. The agency to which the complaint was referred shall investigate each complaint referred to it within 48 hours of the receipt of such complaint.

§ 2. This local law takes effect 30 days after it becomes law.

Referred to the Committee on Technology.

Preconsidered Res. No. 25

Resolution calling upon the New York State legislature to pass, and the Governor to sign, A.8619A/S.7573, which would expand eligibility for victims and survivors of crime to access victim compensation funds.

By Council Members Narcisse, Cabán, Hanif, Rivera, Brannan, Hudson, Joseph, Ossé, Nurse, Menin, Won, Louis, Gutiérrez, Schulman, Avilés, Farías, Sanchez, Hanks, De La Rosa, Ung, Krishnan, Barron, Brewer, Marte, Velázquez, Lee, Stevens, Ayala, Williams, Restler, Brooks-Powers and Richardson Jordan.

Whereas, The Crime Victims Fund (“Fund”), which was established by the Victims of Crime Act (VOCA) of 1984 as a scheme to compensate victims and survivors of crime, is a major funding source for victim services across the United States (U.S.); and

Whereas, As of December 31, 2021, the Fund has a balance of over \$2.7 billion and includes deposits from criminal fines, forfeited bail bonds, penalties, and special assessments collected by U.S. Attorneys’ Offices, federal courts, and the Federal Bureau of Prisons, paid by convicted federal offenders, as well as from gifts, donations, and bequests by private parties; and

Whereas, The Office for Victims of Crime, established by VOCA, administers the Fund to federal, state, and tribal victim assistance programs in the form of formula grants, discretionary grants, and set-asides according to an established annual allocation process; and

Whereas, The state crime victim compensation program formula grants supplement state funds for directly reimbursing to or on behalf of victims of violent crimes for out-of-pocket expenses that result from the crime, including medical costs; funeral and burial costs; mental health counseling; and lost wages or loss of support; and

Whereas, In New York State (“NYS” or “State”), the Office of Victim Services (OVS) provides financial assistance and reimbursement to victims for crime-related out-of-pocket expenses via subgrants funded, in part, by the VOCA Victim Compensation Program; and

Whereas, OVS is a payer of last resort, which means a victim or survivor of a crime or family member must exhaust all other sources of compensation, such as benefits from health or other insurance policies or workers’ compensation, before the agency can provide financial assistance; and

Whereas, In order to be eligible for OVS’ victim compensation, the victim/survivor must (1) be an innocent victim of the crime; (2) have been physically injured as a result of the crime (if between the ages of 18 and 60); (3) report the crime within one week to police or another criminal justice agency; (4) file a claim with OVS within one year of the crime; and (5) cooperate with police, the district attorney’s office and OVS in the investigation of such crime; and

Whereas, According to OVS’ October 1, 2019 – September 30, 2019 Victim Compensation Formula Grant Program Annual Performance Measures Report, which is the latest accessible report, nearly 11,000 people applied for victim compensation benefits during the reporting period (October 2018 – September 2019); and, of the victims, the majority (40 percent) identified as white, compared to 29 percent Black, 21 percent Latinx and 4.5 percent Asian; and

Whereas, According to the Center for Victim Research, in the U.S., less than three percent of all victims receive any victim compensation due to restrictive eligibility requirements that make it inaccessible for many Black, Indigenous, People of Color (BIPOC), members of the LGBTQI+ community, working class people, disabled people, and immigrants; and

Whereas, Nationally, Black men under age 35 living in urban areas with annual incomes below \$25,000 are more likely to be victimized than any other group yet are least likely to receive victim compensation, while the largest recipients of victim compensation are white women above the age of 55 living in non-urban areas with incomes greater than \$75,000 a year, per a 2019 Center for Victim Research report; and

Whereas, Victim/survivor advocates report that victims and survivors often do not report crimes for a variety of reasons, including fear of retaliation, mistrust in law enforcement, the age and/or other demographics of a victim/survivor, or the dynamics of an intimate partner relationship; and

Whereas, LGBTQI+ victims/survivors often fear reporting crimes: over 30 percent of LGBTQI+ victims of homophobic and transphobic violence who reported to the police said they were verbally abusive and 16 percent said they were physically abusive, per a 2017 National Coalition of Anti-Violence Programs report; and

Whereas, Immigrant victims/survivors also often avoid reporting crimes due to fear that it may result in the person who harmed them being deported, or that they themselves might be deported or lose their pathway to citizenship, per a 2017 New York Times article; and

Whereas, According to the National Crime Victimization Survey (NCVS), 5,813,410 violent victimizations occurred in 2019 and, of those victimizations, 59 percent were not reported to law enforcement; and

Whereas, NVCS also reported that in 2019, only 7.7 percent of victims/survivors of violent crimes received assistance from victim service agencies, suggesting that more than 90 percent of victims and survivors are not likely to receive necessary services or support due to non-reporting; and

Whereas, A.8619A/S.7573, sponsored by State Assembly Member Demond Meeks and State Senator Zellnor Myrie, respectively, would remove the State’s onerous mandated law enforcement reporting requirement by expanding eligibility for victims and survivors of qualifying crimes, via (1) increasing the time a victim/survivor may file a claim with OVS from one year to seven years; (2) removing the requirement that a crime be reported to a law enforcement agency “promptly” and within one week of the occurrence of the crime and instead, allowing for reporting “within a reasonable time considering all the circumstances, including the victim’s physical, emotional and mental condition and family situation”; and (3) allowing alternative forms of evidence to be provided to show that a qualifying crime was committed; and

Whereas, Enacting A.8619A/S.7573 would not only refine current law, but provide greater access of funds to many neglected victims and survivors of violence, including LGBTQI+ victims and survivors, immigrant victims and survivors, victims and survivors of color, and victims and survivors of domestic violence, gun violence and police violence; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State legislature to pass, and the Governor to sign, A.8619A/S.7573, which would expand eligibility for victims and survivors of crime to access victim compensation funds.

Referred to the Committee on Women and Gender Equity (preconsidered but laid over by the Committee on Women and Gender Equity).

Int. No. 56

By Council Members Ossé, Powers, Hanif, Hudson, Nurse, Salamanca, Cabán, Restler, Joseph, Farías, Gutiérrez, Schulman, Dinowitz, Louis, Moya, Williams, Krishnan, Bottcher, Stevens, Sanchez, Lee, Hanks, Menin, Narcisse, Won, Abreu, Velázquez, De La Rosa, Feliz, Rivera, Riley, Richardson Jordan, Gennaro, Brannan and Carr,

A Local Law to amend the administrative code of the city of New York, in relation to establishing a nightlife opioid antagonist program

Be it enacted by the Council as follows:

Section 1. Title 17 of the administrative code of the city of New York is amended by adding a new chapter 21 to read as follows:

CHAPTER 21 NIGHTLIFE OPIOID ANTAGONIST PROGRAM

§ 17-2101 Definitions. As used in this chapter, the following terms have the following meanings:

Nightlife establishment. The term “nightlife establishment” has the same meaning as is ascribed to such term in section 20-d of the New York city charter.

Opioid antagonist. The term “opioid antagonist” means naloxone, narkan or any other medication approved by the New York state department of health and the federal food and drug administration that, when administered, negates or neutralizes in whole or in part the pharmacological effects of an opioid in the human body.

Participating establishment. The term “participating establishment” means a nightlife establishment operating in the city that has been approved for participation in the nightlife opioid antagonist program pursuant to this chapter.

§ 17-2102 *Nightlife opioid antagonist program established.* The commissioner shall coordinate with the director of the office of nightlife to establish a program whereby a nightlife establishment in the city may apply to receive an opioid antagonist, free of charge, to be administered to patrons, staff or individuals on premises of such establishment. Such program shall be operated in compliance with existing laws, rules and regulations relating to the distribution of an opioid antagonist. The department shall publish on its website a list of each participating establishment.

§ 17-2103 *Eligibility; application.* a. To be eligible to participate in the program created by this chapter, a nightlife establishment must be located in the city, and must agree to comply with the requirements of this chapter and the rules promulgated pursuant to this chapter.

b. A nightlife establishment applying to participate in the program shall submit an application by mail or online through the department’s website on a form promulgated by the commissioner.

§ 17-2104 *Approval.* Except as otherwise provided by law, the commissioner shall approve an application submitted pursuant to section 17-2103 if the application satisfies all of the requirements of this chapter. Where an application does not satisfy the requirements of this chapter, the commissioner shall notify the applicant in writing of the deficiencies in the application and deny the application without prejudice to reapply.

§ 17-2105 *Fees.* The commissioner shall not charge a fee to a participating establishment for receipt of an opioid antagonist or participation in the program.

§ 17-2106 *Terms and conditions of participation.* a. Each participating establishment is permitted to request to receive a maximum of 10 doses of an opioid antagonist at one time. After a report has been made to the department pursuant to subdivision b of this section, such establishment may apply to receive additional doses of an opioid antagonist up to the maximum of 10 such doses per establishment.

b. A participating establishment shall report to the department each time:

1. A dose of an opioid antagonist received pursuant to the program is used on a person experiencing an emergency; or

2. A dose of an opioid antagonist received pursuant to the program has been accidentally or improperly discharged, or may otherwise no longer be administered effectively.

c. An opioid antagonist received pursuant to the program shall only be used by a participating establishment at the location of such establishment in the city.

d. The commissioner shall promulgate rules that shall govern the use of opioid antagonists by participating establishments. Such rules shall include, but need not be limited to, best practices, standards and policies that participating establishments must meet in connection with:

1. The conduct of participating establishments;

2. The administration of an opioid antagonist;

3. Advertisement of the program, including the dangers of opioid use and the effects of the administration of an opioid antagonist;

4. The privacy of information for participating establishment staff and individuals who receive a dose of an opioid antagonist;

5. Communication between participating establishments and their patrons regarding the program;

6. Communication between the department and participating establishments; and

7. Any other best practices, standards or policies that the commissioner determines would further the purposes of this chapter.

e. A participating establishment shall comply with all applicable federal, state and local laws, rules and regulations, including the requirements of this chapter and the rules promulgated thereunder, and shall keep records of opioid antagonist administration on site and available for inspection upon request of an employee or agent of the department.

§ 17-2107 *Suspension from program.* a. Where a participating establishment violates any federal, state or local law, rule or regulation or the requirements of this chapter, the commissioner may suspend such establishment’s participation in the program, upon due notice and opportunity to be heard.

b. The commissioner may immediately suspend a participating establishment’s participation in the program without a prior hearing where the commissioner determines that such establishment’s continued participation

poses a serious danger to public health, safety or welfare, provided that after such suspension an opportunity for hearing shall be provided on an expedited basis.

c. Suspension from the program under this section shall be in addition to any other penalties provided by applicable laws, rules or regulations.

d. A participating establishment may participate in the program after a suspension has been imposed pursuant to this section if such establishment has (i) cured all violations, (ii) demonstrated full compliance with all applicable federal, state and local laws, rules and regulations, and (iii) applied for reinstatement and such reinstatement has been granted by the commissioner.

e. Where a participating establishment has had its participation in the program suspended two times or more, and the participating establishment subsequently violates any applicable law, rule or regulation or the requirements of this chapter, the commissioner may suspend its participation in the program indefinitely.

§ 17-2108 Training. The department shall offer to staff of participating establishments resources and training on overdose prevention and administration of an opioid antagonist. Only staff who have received such training, or who have received training through a program approved pursuant to section 3309 of the public health law, may administer an opioid antagonist in the event of an emergency.

§ 17-2109 Disclaimer of liability. The city shall not be liable for any use or administration of an opioid antagonist by a participating establishment. The city does not warranty the completeness, accuracy, content or fitness for any particular purpose of any information made available by a participating establishment regarding the program, nor are any such warranties to be implied or inferred with respect to the information furnished therein. The city shall not be liable for any deficiencies in the completeness, accuracy, content or fitness for any particular purpose or use of information provided by any third party and made available by a participating establishment regarding the program.

§ 17-2110 Report. No later than March 1, 2023, and annually thereafter, the department shall submit a report to the mayor and the speaker of the council on the administration of opioid antagonists pursuant to the program. The report shall include, but need not be limited to, the following information for the previous calendar year:

- 1. The total number of doses of an opioid antagonist provided to participating establishments;*
- 2. The total number of doses of an opioid antagonist received by each participating establishment;*
- 3. The total number of times an opioid antagonist was administered by a participating establishment, disaggregated by establishment; and*
- 4. The total number of times an opioid antagonist was improperly administered by a participating establishment, including the reasons for such improper administration, disaggregated by establishment.*

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

Referred to the Committee on Health.

Int. No. 57

By Council Member Powers.

A Local Law to amend the administrative code of the city of New York, in relation to permitting dwelling occupants to postpone indoor allergen hazard inspections until after the COVID-19 state of emergency, and providing for the repeal of such provision upon the expiration thereof

Be it enacted by the Council as follows:

Section 1. Subdivision b of section 27-2017.2 of the administrative code of the city of New York, as added by local law number 55 for the year 2018, is amended to read as follows:

b. Investigations shall be undertaken at least once a year and more often if necessary, such as when, in the exercise of reasonable care, an owner knows or should have known of a condition that is reasonably foreseeable to cause an indoor allergen hazard, or an occupant makes a complaint concerning a condition that is likely to cause an indoor allergen hazard or requests an inspection, or the department issues a notice of violation or orders

the correction of a violation that is likely to cause an indoor allergen hazard. *An occupant may request postponement of such an investigation during the state of emergency declared by the mayor in response to the 2019 novel coronavirus and for up to one year after such state of emergency is lifted; however, an owner is not relieved of the requirement to cause an investigation to be made absent such a request for postponement by an occupant.*

§ 2. This local law takes effect immediately and expires and is deemed repealed one year after the date on which the state of emergency declared by the mayor's emergency executive order number 98, published March 12, 2020, as extended, has expired.

Referred to the Committee on Housing and Buildings.

Int. No. 58

By Council Members Powers, Won and Louis.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the publication of the NYPD auxiliary police guide

Be it enacted by the Council as follows:

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

§ 14-193 *Auxiliary police guide publication required. a. No later than April 1, 2022, the department shall publish on the department's website the auxiliary police guide.*

b. The department shall publish on the department's website any updates made to the auxiliary police guide monthly to reflect any amendments and shall conspicuously note the amended sections and the effective dates of such amended sections. Failure to timely publish amendments to the auxiliary police guide shall not affect the validity of the auxiliary police guide or its amendments.

c. Notwithstanding subdivisions a and b of this section, the department shall not be required to publish:

- 1. Any material that would reveal non-routine investigative techniques or confidential information; or*
- 2. Any material that, if published, could compromise the safety of the public or police officers, or could otherwise compromise law enforcement investigations or operations.*

§ 2. This local law takes effect 30 days after it becomes law.

Referred to the Committee on Public Safety.

Preconsidered Res. No. 26

Resolution amending Rule 7.00 of the Rules of the Council in relation to changes in membership of the standing committees and subcommittees of the Council.

By Council Member Powers:

RESOLVED, pursuant to Rule 7.00(a) of the Rules of the Council, the Council does hereby consent to the following changes in membership of certain standing committees and subcommittees.

STANDING COMMITTEES

CONTRACTS

[Holden]

[Restler]

CULTURAL AFFAIRS, LIBRARIES & INTERNATIONAL INTERGROUP RELATIONSMoya**EDUCATION**

[Marte]

ENVIRONMENTAL PROTECTIONHolden**FINANCE**Moya**FIRE AND EMERGENCY MANAGEMENT**

[Louis]

GOVERNMENTAL OPERATIONS

[Dinowitz]

HOUSING AND BUILDINGSCarr

[Rivera]

IMMIGRATION

[Won]

PARKS AND RECREATIONMoya**PUBLIC SAFETY**

[Moya]

RULES, PRIVILEGES AND ELECTIONSBorelli**STATE AND FEDERAL LEGISLATION**

[Moya]

Marte**TRANSPORTATION AND INFRASTRUCTURE**Rivera

[Velázquez]

VETERANS

[Dinowitz]

SUBCOMMITTEES:**LANDMARKS, PUBLIC SITINGS AND DISPOSITIONS**

[Holden]

SENIOR CENTERS AND FOOD INSECURITY
[Dinowitz]

Adopted by the Council (preconsidered and approved by the Committee on Rules, Privileges and Elections).

Int. No. 59

By the Public Advocate (Mr. Williams) and Council Members Cabán, Won, Louis and Restler.

A Local Law to amend the administrative code of the city of New York, in relation to distressed property consultant disclosures and homeowner foreclosure prevention education

Be it enacted by the Council as follows:

Section 1. Subdivisions b, c and e of section 20-723.3 of the administrative code of the city of New York, as added by local law number 74 for the year 2009, are amended to read as follows:

b. Every distressed property consultant who does business in *the city of* New York [City] and who advertises distressed property consulting services through the media of a newspaper, magazine, circular, pamphlet, store display, *website, e-mail*, letter or handbill [and/or] *or* via a unit or units of advertising space, *or through in-person or telephonic solicitation*, shall disclose in such advertising *or communication*, in accordance with the rules established by the commissioner, *in plain language* in clear and prominent letter type, in a print color that contrasts with the background against which it appears:

1. *that the city of New York can provide referrals through 311 to community-based organizations that may be able to provide education, information or low-cost or free foreclosure prevention assistance;*

2. that, pursuant to section 265-b of the New York state real property law, a distressed property consultant is prohibited from:

[i.] *(a) performing consulting services without a written, fully executed contract with a homeowner;*

[ii.] *(b) charging for or accepting any payment for consulting services before the full completion of all such services, including a payment to be placed in escrow pending the completion of such services;*

[iii.] *(c) taking a power of attorney from a homeowner; [and]*

[iv.] *(d) retaining any original loan document or other original document related to the distressed home loan, the property, or the potential loss of the home for nonpayment of taxes[.];*

(e) inducing the transfer of a deed to any person or entity, including to the distressed property consultant;

(f) accepting or taking ownership of a deed from a homeowner for any period of time whatsoever;

(g) communicating with the homeowner or any member of the homeowner's family or household with such frequency or at such unusual hours or in such a manner as can reasonably be expected to abuse or harass the homeowner;

(h) claiming, attempting or threatening to enforce a right with knowledge or reason to know that the right does not exist;

(i) using a communication which simulates in any manner legal or judicial process or which gives the appearance of being authorized, issued, or approved by a government, governmental agency, or attorney at law when it is not; and

(j) encumbering the property with a lien without any contractual or legal basis.

[2.] 3. that hiring a distressed property consultant does not stop the foreclosure process, nor can a distressed property consultant guarantee any particular result with regards to a distressed property[.];

4. *that hiring a distressed property consultant is not a replacement for hiring independent legal counsel; and*

5. *that there is no obligation to accept assistance from a distressed property consultant.*

c. The commissioner may make and promulgate such rules as may be necessary for the proper implementation and enforcement of this section. *The commissioner shall publish and make available a disclosure template that contains the disclosures that are required to be made by a distressed property consultant pursuant to subdivision b. Such disclosure shall be provided to each homeowner seeking services of a distressed property consultant at the first in-person meeting between such homeowner and such distressed property consultant.*

e. [(1)] 1. Notwithstanding any other provision of law, the department shall be authorized upon due notice and hearing, to impose civil penalties for the violation of any provision of this section. The department shall have the power to render decisions and orders and to impose civil penalties of not less than [two thousand five hundred dollars] \$2,500 nor more than [five thousand dollars] \$5,000 for each violation. All proceedings authorized pursuant to this paragraph shall be conducted in accordance with rules promulgated by the commissioner. The remedies and penalties provided for in this paragraph shall be in addition to any other remedies or penalties provided for the enforcement of such provisions under any other law including, but not limited to, civil or criminal actions or proceedings.

[(2)] 2. All such proceedings shall be commenced by the service of a notice of violation returnable to the office of administrative trials and hearings. The commissioner shall prescribe the form and wording of notices of violation. The notice of violation or copy thereof shall constitute notice of the violation charged, and, if sworn to or affirmed, shall be prima facie evidence of the facts contained therein.

3. *In addition to any proceedings permitted by paragraph 1, any person who violates any of the provisions of this section or any rule or regulation issued thereunder shall be guilty of a class A misdemeanor.*

§ 2. Section 20-726 of the administrative code of the city of New York is amended to read as follows:

Any person, firm, corporation or association or agent or employee thereof, who shall violate any of the provisions of this subchapter upon conviction thereof, shall be punished by a fine of not more than [five hundred dollars (]500[)] or by imprisonment not exceeding [thirty (]30[)] days, or by both. *This section shall not apply to violations of section 20-723.3.*

§ 3. Title 11 of the administrative code of the city of New York is amended by adding a new chapter 32 to read as follows:

CHAPTER 32

HOMEOWNER FORECLOSURE PREVENTION EDUCATION

§ 11-3201 *Homeowner foreclosure prevention education. The commissioner of finance, in conjunction with the commissioner of consumer and worker protection, and the commissioner of housing preservation and development, shall create an educational guide about foreclosure prevention intended for use by homeowners. Such guide shall be published on the websites of the department of finance, the department of consumer and worker protection, and the department of housing preservation and development, made available upon request through 311 and at in-person at locations that are operated by such departments. Such guide shall include, but need not be limited to, the following:*

1. *Information about financial assistance programs for homeowners offered by city agencies;*
2. *Foreclosure prevention resources; and*
3. *Information about deed theft, deed fraud, and foreclosure fraud, and information about how to avoid becoming a victim of deed theft, deed fraud, and foreclosure fraud.*

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

Referred to the Committee on Consumer and Worker Protection.

Int. No. 60

By the Public Advocate (Mr. Williams) and Council Members Hanif, Cabán, Won, Louis and Restler.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of correction to provide hand sanitizer to incarcerated individuals

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 9 of the administrative code of the city of New York is amended by adding a new section 9-163, to read as follows:

§ 9-163 *Hand sanitizer. The department of correction shall ensure that all incarcerated individuals in the department's custody have access to hand sanitizer at no cost to such individuals.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Criminal Justice.

Int. No. 61

By the Public Advocate (Mr. Williams) and Council Members Hanif, Cabán, Won and Louis.

A Local Law to amend the administrative code of the city of New York, in relation to posting information on school meal ingredients and preparation online and reporting on allergic reactions to school meals

Be it enacted by the Council as follows:

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

**CHAPTER 29
SCHOOL MEALS AND ALLERGIC REACTIONS**

§ 21-1000 *Definitions. For the purposes of this chapter, the term "school meal" means a meal or a snack that a school provides to a student, parent or guardian during the calendar year, which is consumed at or outside of a school.*

§ 21-1001 *Posting information on school meal ingredients and preparation online. a. Within 30 days of the effective date of the local law that added this chapter, the department shall post on its website and update, as appropriate, information on school meal ingredients and preparation.*

b. Such information shall include the following for each menu item in a school meal:

- 1. The ingredients in each such menu item;*
- 2. A brief description of how each such menu item was made, including, but not limited to, whether or not it was made in a peanut and tree nut free facility, in a facility that processes milk ingredients or on equipment shared with products containing milk, if applicable; and*
- 3. A brief description of how each such menu item was cooked, including, but not limited to, whether or not it was cooked in a microwave, an oven or a stove, to prepare it for eating, if applicable.*

§ 21-1002 *Outreach on school meal ingredients and preparation. Beginning no later than the effective date of the local law that added this chapter, and for 90 days thereafter, the department shall conduct culturally appropriate outreach in the designated citywide languages, as defined in section 23-1101, to notify parents and guardians of the information required by section 21-1001. Such outreach shall include, but need not be limited to, conducting mailings to parents and guardians, including, but not limited to, electronic and paper mailings.*

§ 21-1003 Reporting on allergic reactions to school meals. *a. By no later than the effective date of the local law that added this chapter, and annually thereafter, the department shall submit a report on students' allergic reactions to school meals to the mayor, the speaker of the council and the public advocate, which the department shall post on its website. The annual report shall include the following information, for the prior calendar year, to the extent such information is known and available to the department:*

- 1. The number of allergic reactions that students had at a school to a school meal;*
 - 2. The percent change, from the prior calendar year, in the number of such allergic reactions;*
 - 3. The number of students who had such allergic reactions;*
 - 4. The percent change, from the prior calendar year, in the number of students who had such allergic reactions;*
 - 5. The number and percent of such allergic reactions, disaggregated by the allergen that caused such allergic reaction, including, but not limited to, milk, wheat, sesame, tree nuts, soy, fish, shellfish and peanuts; and*
 - 6. The department's efforts to prevent such allergic reactions.*
- b. The report required by subdivision a shall not contain any personally identifiable information.*
- c. No information that is otherwise required to be reported pursuant to this section shall be reported in a manner that would violate any applicable provision of federal, state or local law.*
- § 2. This local law takes effect immediately.

Referred to the Committee on Education.

Int. No. 62

By the Public Advocate (Mr. Williams) and Council Members Cabán, Won, Louis and Restler.

A Local Law to amend the administrative code of the city of New York, in relation to the establishment of a home sharing program for homeless individuals and reporting in relation thereto

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 21 of the administrative code of the city of New York is amended by adding a new section 21-148 to read as follows:

§ 21-148 Home sharing program for homeless individuals. *a. Definitions. For the purposes of this section, the following terms have the following meanings:*

City-administered facilities. The term "city-administered facilities" has the meaning ascribed to such term in paragraph 4 of subdivision a of section 3-113.

Guest. The term "guest" means a homeless individual who occupies a spare private bedroom and the common living spaces in the home of a host in exchange for rent, companionship and/or assistance with household duties.

Homeless individual. The term "homeless individual" means a street homeless individual or an individual utilizing city-administered facilities.

Host. The term "host" means a leaseholder or homeowner who shares their home and resides with a guest.

Program. The term "program" means the program established pursuant to this section that houses guests in the homes of hosts to provide homeless individuals with housing and transition them from homelessness.

Relevant agencies. The term "relevant agencies" means the department of housing preservation and development, the department for the aging, the department for youth and community development and any other agency that the commissioner deems to be a relevant agency.

Street homeless individual. The term "street homeless individual" means an individual who:

- 1. Lives on the street or in a place not meant for human habitation; or*
- 2. Receives services from the department because such individual is or was living on the street or in a place not meant for human habitation.*

b. Program established. No more than 180 days after the effective date of the local law that added this

section, the commissioner shall establish a program to house homeless individuals in shared living arrangements with hosts. The commissioner shall determine and implement the following, in consultation with relevant agencies:

- 1. The program's staffing;*
- 2. The eligibility criteria for the hosts and guests, including, but not limited to, any age requirements for the hosts and guests and requiring compliance with the host's lease and all applicable laws;*
- 3. The process to select the hosts and guests, including, but not limited to, applications, screenings and interviews;*
- 4. The process to match the hosts and guests;*
- 5. The move-in process, including, but not limited to, meetings to acquaint the matched host and guest, a home safety check to assess the safety of the host's home and a home share agreement to establish the agreed-upon terms and details of the home sharing arrangement;*
- 6. The measures to protect the confidentiality of the information that the hosts and guests provide to participate in the program, including, but not limited to, anonymization;*
- 7. The services provided to the hosts and guests, including, but not limited to, mediation and conflict resolution to resolve disputes between the hosts and guests, social services assistance and home visits;*
- 8. The host's responsibilities, including, but not limited to, providing a habitable living accommodation; and*
- 9. The guest's responsibilities, including, but not limited to, timely paying rent to the host, providing the host with companionship and/or performing household duties.*

c. Program outreach. Beginning no more than 150 days after the effective date of the local law that added this section, and continuing thereafter, the commissioner, in collaboration with relevant agencies, shall conduct culturally appropriate outreach on the program in the designated citywide languages, as defined in section 23-1101. Such outreach shall include, but need not be limited to, the following:

- 1. The department and relevant agencies posting information on their respective websites, advertising the program in public spaces and promoting the program to government, stakeholders, staff and clients; and*
- 2. City-administered facilities posting information about the program in a conspicuous location accessible to all individuals utilizing such facility.*

d. Reporting. Beginning one year after the effective date of the local law that added this section, and continuing annually thereafter, the commissioner shall submit a report on the program to the mayor, the speaker of the council and the public advocate, which the commissioner shall post on the department website. Such report shall be anonymized and include, but need not be limited to, the following:

- 1. The number of host and guest applications, screenings, interviews and matches;*
- 2. The percentage of matches that result in a shared living arrangement;*
- 3. The guests' average length of stay;*
- 4. A description of the program outreach efforts;*
- 5. A description of the services provided to the hosts and guests;*
- 6. Anonymous feedback from program staff, hosts and guests;*
- 7. A description of the challenges with the program and the efforts made to address such challenges; and*
- 8. Recommendations to expand and improve the program.*

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

§ 2. This local law takes effect immediately.

Referred to the Committee on General Welfare.

Int. No. 63

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

A Local Law in relation to the creation of a commission to rename Rikers Island

Be it enacted by the Council as follows:

Section 1. Legislative intent. As New York City works to reform its draconian and racially discriminatory criminal justice system, such work must include a review of the public markers that need to change to align with present day principles. One such opportunity is Rikers Island. The name has historic ties to slavery, and the correctional facility has a reputation for the abuse and neglect of incarcerated individuals. Accordingly, following the mayoral advisory commission on city art, monuments and markers, the Council proposes a commission to rename Rikers Island. This commission will meet formally and may solicit public input.

§ 2. Commission to rename Rikers Island. a. There is hereby established a commission to recommend a new name for Rikers Island.

b. Such commission shall consist of the following seven members:

1. Three members appointed by the mayor, at least two of whom shall have expertise in the cultural affairs sector and civil rights organizations;

2. Two members appointed by the speaker of the council, who shall have expertise in the cultural affairs sector and civil rights organizations, respectively; and

3. Two members appointed by the public advocate, who shall have expertise in the cultural affairs sector and civil rights organizations, respectively.

c. The members of the commission shall be appointed within 90 days after the effective date of this local law.

d. Each member of the commission shall serve for a term of six months, to commence after the final member is appointed. Any vacancies in the membership of the commission shall be filled in the same manner as the original appointment. A person filling such vacancy shall serve for the unexpired portion of the term of the succeeded member.

e. No member of the commission may be removed except for cause and upon notice and hearing by the official who appointed such member or, in the case of a succeeding member under subdivision d of this section, the official who appointed the succeeding member.

f. The members of the commission shall serve without compensation.

g. The commission shall meet at least three times.

h. The commission may solicit public input, which may consist of, but need not be limited to, public hearings and an online survey.

i. No more than six months after the date that the final member of the commission is appointed under subdivision d of this section, the commission shall submit a report to the mayor, the speaker of the council and the public advocate, which shall include, but need not be limited to, the following:

1. The proposed recommendations considered for renaming Rikers Island;

2. A discussion of each proposed recommendation, which shall include, but need not be limited to, the following:

(a) the process for evaluating such proposals;

(b) the information that the commission considered when evaluating such proposals; and

(c) the rationale of the commission for why it did or did not select such proposal as a final recommendation; and

3. A final recommendation for the renaming of Rikers Island.

j. The commission shall dissolve immediately after the date that the report is submitted.

§ 3. This local law takes effect immediately.

Referred to the Committee on Governmental Operations.

Int. No. 64

By the Public Advocate (Mr. Williams).

A Local Law in relation to the naming of Kalief Browder Island and removing references to Rikers Island

Be it enacted by the Council as follows:

Section 1. Legislative intent. As New York City works to reform its draconian and racially discriminatory criminal justice system, such work must include a review of the public markers that need to change to align with present day principles. One such opportunity is Rikers Island. The Riker name has historic ties to slavery. The correctional facility also has a reputation for the abuse and neglect of incarcerated individuals. One example is Kalief Browder, an African American man from the Bronx, who advocates cite in calling for closing the correctional facilities and reforming the city criminal justice system.

In 2010, at the age of 16, Browder was accused of stealing a backpack and its contents including \$700, a credit card, a camera and an iPod Touch. Unable to afford bail, he was jailed on Rikers Island for three years with nearly two years in solitary confinement. The judge released Browder on May 29, 2013 after finding his case lacked evidence and the main witness left the United States. After his release, Browder passed the G.E.D. exam and enrolled at Bronx Community College where he wrote a paper, “A Closer Look at Solitary Confinement in the United States”, which garnered national recognition. On June 6, 2015, Browder died by suicide, hanging himself outside of his mother’s home. Many attribute his suicide to the mental and physical abuse he sustained during detention. He attempted suicide five times while detained and three times post detention and suffered from depression post release.

Accordingly, in light of the name of Rikers Island having historic ties to slavery and the life and death of Kalief Browder, the Council proposes to rename Rikers Island as Kalief Browder Island and replace Rikers Island with Kalief Browder Island in the city charter, the administrative code and any future publications produced by New York city agencies.

§ 2. The following island, in the Borough of the Bronx, is hereby designated as hereafter indicated.

New Name	Present Name
Kalief Browder Island	Rikers Island

§ 3. The official map of the city of New York shall be amended in accordance with section two of this local law.

§ 4. Subdivision e of section 13-c of the New York city charter, as amended by chapter 322 of the laws of 2021, is amended to read as follows:

e. Four-year plan. Within one year after the completion of the first biennial report required by subdivision d of this section, and in every fourth calendar year thereafter, the coordinator shall prepare and submit to the mayor and the council a four-year plan for providing reentry services to those city residents who need such services. Such plan may include recommendations for approaches to serving city residents in need of reentry services, including the establishment of an initial point of access for individuals immediately upon their release from the custody of the department of correction in a location adjacent to [Rikers Island] *Kalief Browder Island* or to the correctional facility that releases the most incarcerated individuals daily. Such report and plan shall also identify obstacles to making such services available to all those who need them and describe what additional resources would be necessary to do so.

§ 5. Subdivision 2 of section 2-202 of the administrative code of the city of New York is amended to read as follows:

2. The borough of The Bronx shall consist of the territory known as Bronx county which shall contain all that part of the city and state bounded on the east by the middle of the main channel of Long Island sound; bounded on the south by the following described line: Beginning at a point in the middle of the channel of Long Island sound where it intersects the middle of the channel of the East river easterly of Throgg’s neck; thence westerly along the middle of the channel of the East river to a point where such channel crosses a straight line from the Clason point in the borough and county of the Bronx to College point on Long Island; thence southwesterly to the most easterly point of the United States bulkhead line of [Rikers Island] *Kalief Browder Island*; thence generally southerly and westerly along said United States bulkhead line of [Rikers Island] *Kalief Browder Island* to the most southerly point of said United States bulkhead line; thence westerly still along said United States bulkhead line to the most southwesterly point of said United States bulkhead line of [Rikers Island] *Kalief Browder Island*; thence northwesterly in a straight line to the junction of the northerly United States bulkhead line of the Bronx kills and the northerly United States bulkhead line of the East river; thence bounded on the west by the borough of Manhattan and county of New York and by the westerly boundary of the state,

and bounded on the north by the following described line: Beginning at a point in the Hudson river where the westerly boundary of the state crosses the westerly prolongation of a straight line drawn from a point on the easterly bank of the Hudson river at latitude 40 degree 54' 53.21" north and longitude 73 degree 54' 38.64" west of Greenwich to a point in the center of the former bed of the Bronx river at latitude 40 degree 53' 59.23" north and longitude 73 degree 51' 35.67" west of Greenwich; thence easterly along such line to a point formed by the intersection of such line with the center line of East Two hundred fortieth street; thence easterly along the center line of such street, a distance of 62.23 feet; thence easterly on a line parallel to the northerly line of McLean avenue as it existed the twenty-sixth day of May, nineteen hundred seventeen, and distant 60 feet southerly therefrom, a distance of 159.46 feet to the aforementioned straight line drawn from a point on the easterly bank of the Hudson river to a point in the center of the former bed of the Bronx river; thence easterly along such line to a point formed by the intersection of such line with the center line of Webster avenue, distant 618.47 feet from a point in the former bed of the Bronx river whose coordinates are north 43554.440 and west 31924.769 based on the United States Coast and Geodetic system which is used in that part of the borough of The Bronx to the east of and including the Bronx river; thence northeasterly, a distance of 65.6 feet to a point in the westerly prolongation of the northerly line of East Two hundred thirty-eighth street, as such street existed the twenty-sixth day of May, nineteen hundred seventeen, such point being distant 604.16 feet from the center line of the former bed of the Bronx river; thence easterly along the northerly line of East Two hundred thirty-eighth street and its westerly prolongation as such street then existed, a distance of 604.16 feet to the center line of the former bed of such river; thence along the center line of the former bed of such river as follows: North 38 degree 56' 26.8" east to a point whose coordinates are north 43614.718 and west 31876.060; north 32 degree 57' 36.8" east, a distance of 93.010 feet; north 5 degree 46' 44.8" east, a distance of 31.308 feet; north 38 degree 37' 49.2" west, a distance of 30.679 feet; north 55 degree 23' 21.2" west, a distance of 70.043 feet; north 37 degree 16' 46.2" west, a distance of 37.339 feet; north 23 degree 36' 36.2" west, a distance of 44.655 feet; north 14 degree 27' 02.2" west, a distance of 38.418 feet; north 5 degree 05' 18.8" east, a distance of 37.124 feet; north 25 degree 45' 43.8" east, a distance of 26.174 feet; south 79 degree 49' 21.2" east, a distance of 29.157 feet; south 32 degree 58' 44.2" east, a distance of 40.723 feet; south 84 degree 54' 41.2" east, a distance of 37.124 feet; north 76 degree 03' 53.8" east, a distance of 33.207 feet; north 19 degree 22' 52.8" east, a distance of 71.159 feet; north 9 degree 58' 04.2" west, a distance of 47.004 feet; north 82 degree 31' 04.2" west, a distance of 50.004 feet; north 65 degree 13' 04.2" west, a distance of 75.007 feet; north 49 degree 31' 04.2" west, a distance of 47.004 feet; north 22 degree 57' 04.2" west, a distance of 51.005 feet; north 4 degree 53' 04.2" west, a distance of 61.006 feet; north 19 degree 17' 04.2" west, a distance of 21.002 feet; north 3 degree 15' 04.2" west, a distance of 61.006 feet; north 27 degree 46' 55.8" east, a distance of 22.002 feet; north 51 degree 19' 55.8" east, a distance of 91.008 feet; south 66 degree 24' 04.2" east, a distance of 48.004 feet; south 46 degree 12' 04.2" east, a distance of 45.004 feet; south 36 degree 46' 04.2" east, a distance of 123.011 feet; south 62 degree 06' 04.2" east, a distance of 48.004 feet; south 84 degree 19' 04.2" east, a distance of 41.004 feet; north 73 degree 41' 55.8" east, a distance of 80.007 feet; north 57 degree 45' 55.8" east, a distance of 51.005 feet; north 15 degree 47' 04.2" west, a distance of 46.004 feet; north 1 degree 45' 55.8" east, a distance of 50.004 feet; north 26 degree 46' 55.8" east, a distance of 71.006 feet; north 62 degree 25' 55.8" east, a distance of 28.002 feet; south 48 degree 31' 04.2" east, a distance of 44.004 feet; south 67 degree 22' 04.2" east, a distance of 26.002 feet; north 87 degree 16' 55.8" east, a distance of 27.002 feet; north 53 degree 39' 55.8" east, a distance of 47.004 feet; north 26 degree 30' 55.8" east, a distance of 63.006 feet; north 21 degree 54' 55.8" east, a distance of 82.007 feet; north 22 degree 25' 55.8" east, a distance of 99.009 feet; north 9 degree 22' 55.8" east, a distance of 61.006 feet; north 18 degree 38' 04.2" west, a distance of 69.006 feet; north 1 degree 29' 04.2" west, a distance of 60.005 feet; north 13 degree 50' 04.2" west, a distance of 64.006 feet; north 4 degree 13' 55.8" east, a distance of 96.009 feet; north 18 degree 54' 55.8" east, a distance of 100.009 feet; north 13 degree 48' 04.2" west, a distance of 20.002 feet; north 35 degree 22' 04.2" west, a distance of 42.004 feet; south 59 degree 15' 55.8" west, a distance of 32.003 feet; north 69 degree 12' 04.2" west, a distance of 43.004 feet; north 22 degree 47' 04.2" west, a distance of 35.003 feet; north 22 degree 44' 55.8" east, a distance of 168.015 feet; north 79 degree 21' 55.8" east, a distance of 35.003 feet; south 41 degree 00' 04.2" east, a distance of 54.005 feet; south 59 degree 21' 04.2" east, a distance of 91.008 feet; north 87 degree 42' 55.8" east, a distance of 30.003 feet; north 70 degree 54' 55.8" east, a distance of 51.005 feet; north 49 degree 37' 55.8" east, a distance of 64.006 feet; north 59 degree 57' 55.8" east, a distance of 69.006 feet; north 4 degree 57' 55.8" east, a distance of 44.624 feet; north 11 degree 55' 04.2" west, a distance of 34.003 feet; north 68 degree 26' 04.2" west, a distance of 104.009 feet;

south 84 degree 15' 55.8" west, a distance of 60.005 feet; north 58 degree 39' 04.2" west a distance of 23.002 feet; north 18 degree 56' 04.2" west, a distance of 60.005 feet; north 22 degree 55' 04.2" west, a distance of 110.010 feet; north 22 degree 20' 55.8" east, a distance of 36.003 feet; north 64 degree 37' 55.8" east, a distance of 36.003 feet; south 76 degree 29' 04.2" east, a distance of 72.006 feet; north 86 degree 36' 55.8" east, a distance of 164.015 feet; north 65 degree 14' 55.8" east, a distance of 83.007 feet; north 46 degree 15' 55.8" east, a distance of 120.011 feet; north 17 degree 47' 55.8" east, a distance of 121.011 feet; north 50 degree 21' 55.8" east, a distance of 44.004 feet; north 72 degree 52' 55.8" east, a distance of 68.006 feet; north 87 degree 30' 55.8" east, a distance of 101.009 feet; north 74 degree 34' 55.8" east, a distance of 63.006 feet; north 30 degree 15' 55.8" east, a distance of 101.009 feet; north 19 degree 08' 55.8" east, a distance of 206.018 feet; north 0 degree 14' 55.8" east, a distance of 40.004 feet; north 42 degree 54' 04.2" west, a distance of 54.005 feet; north 82 degree 41' 04.2" west, a distance of 120.011 feet; south 72 degree 14' 55.8" west, a distance of 85.008 feet; north 69 degree 14' 04.2" west, a distance of 63.006 feet; north 37 degree 10' 04.2" west, a distance of 31.003 feet; north 22 degree 43' 04.2" west, a distance of 42.004 feet; north 8 degree 14' 55.8" east, a distance of 89.008 feet; north 19 degree 20' 55.8" east, a distance of 101.009 feet; north 32 degree 44' 55.8" east, a distance of 120.011 feet; north 44 degree 04' 55.8" east, a distance of 238.021 feet; north 62 degree 50' 55.8" east, a distance of 104.009 feet; north 27 degree 34' 55.8" east, a distance of 170.015 feet; north 37 degree 30' 55.8" east, a distance of 165.015 feet; north 62 degree 47' 55.8" east, a distance of 47.004 feet; south 55 degree 08' 04.2" east, a distance of 59.005 feet; south 5 degree 40' 55.8" west, a distance of 70.006 feet; south 18 degree 48' 55.8" west, a distance of 42.004 feet; south 36 degree 22' 04.2" east, a distance of 35.003 feet; south 52 degree 55' 04.2" east, a distance of 66.006 feet; south 85 degree 30' 04.2" east, a distance of 41.004 feet; north 62 degree 16' 55.8" east, a distance of 51.005 feet; north 43 degree 18' 55.8" east, a distance of 80.007 feet; north 45 degree 35' 55.8" east, a distance of 59.005 feet; north 59 degree 39' 55.8" east, a distance of 88.008 feet; north 11 degree 30' 59.7" east, a distance of 61.846 feet to a point in the center of the former bed of the Bronx river, whose coordinates are north 47192.352 and west 29738.130; thence along the northerly boundary of the former village of Wakefield, as follows: South 74 degree 13' 34.2" east, a distance of 100.88 feet; thence south 63 degree 35' 49.2" east, a distance of 34.801 feet to a monument whose coordinates are north 47149.453 and west 29609.878; thence south 32 degree 23' 55.8" west, a distance of 1229.627 feet to a monument whose coordinates are north 46111.231 and west 30268.724; thence south 64 degree 45' 34.2" east, a distance of 480.164 feet; thence south 64 degree 11' 09.2" east, a distance of 277.635 feet to a monument whose coordinates are north 45785.584 and west 29584.473; thence north 32 degree 08' 55.8" east, a distance of 425.636 feet to a point whose coordinates are north 46145.956 and west 29357.983; thence south 57 degree 51' 04.2" east, a distance of 478.542 feet; thence south 56 degree 04' 12.0" east, a distance of 80.010 feet; thence south 60 degree 57' 24.2" east, a distance of 78.355 feet; thence south 63 degree 54' 24.2" east, a distance of 50.363 feet; thence south 58 degree 40' 14.2" east, a distance of 51.137 feet; thence south 61 degree 19' 24.2" east, a distance of 50.689 feet; thence south 59 degree 59' 24.2" east, a distance of 50.899 feet; thence south 57 degree 49' 04.2" east, a distance of 51.310 feet; thence south 65 degree 02' 14.2" east, a distance of 50.253 feet; thence south 65 degree 02' 55.2" east, a distance of 51.898 feet; thence south 69 degree 12' 34.2" east, a distance of 505.164 feet; thence south 75 degree 22' 44.5" east, a distance of 169.308 feet to a monument whose coordinates are north 45417.619 and west 27868.337; thence south 4 degree 58' 28.8" west, a distance of 148.989 feet; thence south 5 degree 30' 55.8" west, a distance of 135.573 feet; thence south 4 degree 22' 00.6" west, a distance of 64.055 feet; thence south 10 degree 50' 10" east, a distance of 147.427 feet to a point whose coordinates are north 44923.557 and west 27885.795; thence north 89 degree 03' 59" east, a distance of 104.018 feet; thence south 88 degree 11' 30" east, a distance of 63.065 feet; thence south 89 degree 53' 34" east, a distance of 109.370 feet; thence north 89 degree 49' 03" east, a distance of 109.219 feet; thence south 89 degree 55' 50" east, a distance of 62.480 feet; thence south 89 degree 33' 48" east, a distance of 126.255 feet; thence south 89 degree 30' 06" east, a distance of 92.894 feet; thence south 89 degree 03' 12" east, a distance of 62.767 feet; thence south 89 degree 39' 12" east, a distance of 104.289 feet; thence south 89 degree 54' 42" east, a distance of 114.569 feet to a point whose coordinates are north 44919.715 and west 26936.931; thence south 16 degree 07' 28" east, a distance of 357.033 feet; thence south 6 degree 12' 48" east, a distance of 443.280 feet to a point whose coordinates are north 44136.052 and west 26789.798; thence deflecting to the left on the arc of a circle whose radius is 800.071 feet with a central angle of 23 degree 43' 00", a distance of 331.177 feet to a point whose coordinates are north 43823.455 and west 26687.796; thence south 29 degree 55' 48" east, a distance of 477.929 feet; thence south 31 degree 11' 18" east, a distance of 176.911 feet to a point whose coordinates are

north 43257.923 and west 26357.724; thence deflecting to the right on the arc of a circle whose radius is 360.023 feet with a central angle of 52 degree 22' 50", a distance of 329.146 feet to a point whose coordinates are north 42941.329 and west 26330.036; thence south 21 degree 11' 32" west, a distance of 242.925 feet to a point whose coordinates are north 42714.832 and west 26417.853; thence deflecting to the left on the arc of a circle whose radius is 520.046 feet with a central angle of 46 degree 33' 20", a distance of 422.562 feet to a point whose coordinates are north 42304.071 and west 26402.895; thence south 25 degree 21' 48" east, a distance of 105.328 feet; thence south 16 degree 45' 38.3" east to a point formed by the intersection of the prolongation of the westerly side of Mundy lane and the prolongation of the northerly side of Kingsbridge road as such lane and road were laid out the twenty-second day of March, eighteen hundred ninety-two; thence along a line due south until it is intersected by the easterly prolongation of the straight line drawn from a point in the center of the former bed of the Bronx river to a point on the easterly bank of the Hudson river, which has been heretofore described; thence easterly along such line whose course is south 68 degree 39' 36.4" east, to a point in the center line of the Hutchinson river or creek, whose coordinates are north 39554.098 and west 21685.628; thence along the center line of the bed of such river or creek as follows: North 44 degree 46' 14.6" east, a distance of 46.575 feet; north 6 degree 12' 18.6" east, a distance of 40.51 feet; north 31 degree 14' 34.4" west, a distance of 77.04 feet; north 70 degree 15' 50.4" west, a distance of 49.77 feet; south 83 degree 21' 48.6" west, a distance of 50.03 feet; south 66 degree 33' 25.6" west, a distance of 52.91 feet; south 85 degree 37' 45.6" west, a distance of 30.94 feet; north 48 degree 39' 56.4" west, a distance of 74.50 feet; north 1 degree 57' 56.4" west, a distance of 69.50 feet; north 19 degree 50' 03.6" east, a distance of 53.50 feet; north 7 degree 35' 03.6" east, a distance of 42.0 feet; north 0 degree 41' 56.4" west, a distance of 20.0 feet; north 27 degree 59' 56.4" west, a distance of 104.0 feet; north 14 degree 03' 33.6" east, a distance of 115.39 feet; south 81 degree 15' 58.4" east, a distance of 79.85 feet; south 68 degree 30' 52.4" east, a distance of 51.31 feet; south 89 degree 59' 25.4" east, a distance of 16.24 feet; north 68 degree 35' 54.6" east, a distance of 58.735 feet to a point whose coordinates are north 40105.814 and west 21722.410, which point is on a straight line drawn from a point in the center line of the former bed of the Bronx river at latitude 40 degree 53' 59.23" north and longitude 73 degree 51' 35.67" west of Greenwich to the middle of the channel between Hunters and Glen Islands; thence easterly along such line to the middle of the main channel of Long Island sound; including Hunters Island, Hart Island, City Island, [Rikers Island] Kalief Browder Island, North Brother's Island and all other Islands situate within the aforescribed bounds except South Brother's Island.

§ 6. Paragraph 4 of subdivision g of section 3-126 of the administrative code of the city of New York, as added by local law number 17 for the year 2021, is amended to read as follows:

4. In an appendix included only in the initial plan required to be completed by June 30, 2022, an assessment of the feasibility of constructing renewable energy sources combined with battery storage facilities on [Rikers Island] *Kalief Browder Island*, including an evaluation of economic costs, value, rate of return, sustainability, and any additional considerations relevant to such assessment. The [Rikers Island] *Kalief Browder Island* advisory committee established pursuant to subdivision b of section 4-215 of this code may submit recommendations regarding such assessment to the administering agency.

§ 7. Section 4-215 of the administrative code of the city of New York, as added by local law number 16 for the year 2021, is amended to read as follows:

§ 4-215 Transfer of [Rikers Island] *Kalief Browder Island* to the commissioner of citywide administrative services. a. With respect to the location that is known as [Rikers Island] *Kalief Browder Island*:

1. By no later than July 1, 2021, and every six months thereafter until charge and control over the entirety of [Rikers Island] *Kalief Browder Island* has been transferred pursuant to this section, the mayor shall transfer charge over every portion of [Rikers Island] *Kalief Browder Island* that the mayor determines is not in active use for the housing of incarcerated persons, or in active use for the providing of direct services to such persons, such as medical care, training, storage, employment training and services, re-entry services, educational services, visitation, legal services, or administrative hearings, to the charge of the commissioner of citywide administrative services. For the purposes of this paragraph, the use of each building, facility, and structure, as well as the use of every piece of unimproved land greater than 20,000 square feet, shall be evaluated. By no later than August 31, 2027, all portions of [Rikers Island] *Kalief Browder Island* shall be fully transferred and under the charge and control of the commissioner of citywide administrative services and shall no longer be used by the department of correction for the housing of incarcerated persons;

2. Upon the transfer of any portion of [Rikers Island] *Kalief Browder Island* pursuant to this section, the commissioner of citywide administrative services shall have charge over the portion of land transferred, including all buildings, structures, facilities, and property located thereon, with all of the powers and duties, with respect to such real property, buildings, structures, facilities, and property, as described in chapter 35 of the charter. The commissioner of citywide administrative services shall notify the [Rikers Island] *Kalief Browder Island* advisory committee, established pursuant to subdivision b of this section, of each such transfer within 30 days of such transfer;

3. Until the entirety of [Rikers Island] *Kalief Browder Island* is transferred to, and under the charge and control of, the commissioner of citywide administrative services, maintenance and operation of any portion of [Rikers Island] *Kalief Browder Island* transferred to the charge of the commissioner of citywide administrative services shall be subject to guidelines agreed upon by the departments of correction and citywide administrative services, provided that such guidelines shall not be established or exercised so as to prohibit the commissioner of citywide administrative services' access to, or the productive use of, portions of [Rikers Island] *Kalief Browder Island*, under the charge of the commissioner of citywide administrative services;

4. The commissioner of citywide administrative services shall, in communication with the [Rikers Island] *Kalief Browder Island* advisory committee, have the authority to plan and coordinate the actions of city agencies with respect to prospective uses of [Rikers Island] *Kalief Browder Island* for sustainability and resiliency purposes, including but not limited to renewable energy generation and storage, wastewater treatment, and organic waste processing, provided that such planning shall include consideration of whether the use of existing structures would best contribute to environmental or sustainability goals; and

5. Prior to August 31, 2027 or the date by which [Rikers Island] *Kalief Browder Island* is fully transferred pursuant to paragraph 1 of this subdivision, whichever comes first, any portions of [Rikers Island] *Kalief Browder Island* still in active use by the department of correction, as described in paragraph 1 of this subdivision, shall remain under the jurisdiction of the commissioner of correction pursuant to section 624 of the charter, and the care, custody and control of persons therein shall remain under the care and management of such commissioner pursuant to section 623 of the charter.

b. [Rikers Island] *Kalief Browder Island* advisory committee.

1. There shall be established a [Rikers Island] *Kalief Browder Island* advisory committee, which shall consist of 15 members, as follows: the commissioner of citywide administrative services or such commissioner's designee, the commissioner of environmental protection or such commissioner's designee, the commissioner of parks and recreation or such commissioner's designee, the commissioner of sanitation or such commissioner's designee, the commissioner of buildings or such commissioner's designee, the director of long-term planning and sustainability or such director's designee, two members appointed by the mayor, and seven members appointed by the speaker of the council. No less than four of the [nine] 9 members appointed by the mayor and the speaker of the council shall be persons who have been impacted directly by incarceration on [Rikers Island] *Kalief Browder Island*, provided that not less than two of such four members shall be persons who were in custody at a facility on [Rikers Island] *Kalief Browder Island* and the remainder of whom may be persons whose immediate family members were in custody at a facility on [Rikers Island] *Kalief Browder Island*. No less than three of the nine members appointed by the mayor and the speaker of the council shall be persons with an expertise in environmental justice or sustainability. The [nine] 9 members appointed by the mayor and speaker of the council should represent the geographic diversity of communities impacted by incarceration on [Rikers Island] *Kalief Browder Island* or environmental justice communities. The commissioner of citywide administrative services shall serve as chairperson of the committee. The commissioner of correction, or such commissioner's designee, may participate as a non-voting member in the meetings of the advisory committee, for the purpose of providing operational information, up to and until August 31, 2027, or the date by which [Rikers Island] *Kalief Browder Island* is fully transferred, whichever comes first. Members shall serve without compensation.

2. No later than 180 days after the effective date of this subdivision, the [Rikers Island] *Kalief Browder Island* advisory committee shall hold its initial meeting, and thereafter shall meet at least quarterly, to evaluate and make recommendations regarding prospective uses of [Rikers Island] *Kalief Browder Island*, both with regard to those portions of [Rikers Island] *Kalief Browder Island* transferred to the commissioner of citywide administrative services pursuant to paragraph 1 of subdivision a of this section and with regard to the entirety of [Rikers Island] *Kalief Browder Island*, for sustainability and resiliency purposes, including but not limited to

renewable energy, wastewater treatment, organics removal, organic waste processing, and other purposes conforming to section 24-803 of this code. Such evaluations shall consider the potentially beneficial uses of existing buildings, structures, and facilities.

3. The advisory committee may make recommendations on prospective uses to the mayor and the speaker of the council at any time after the date of its initial meeting. Additionally, no later than three years after the date of its initial meeting, the advisory committee shall submit recommendations to the mayor and the speaker of the council regarding prospective uses of [Rikers Island] *Kalief Browder Island* that shall include no less than three options that the committee recommends be considered for further study or possible implementation.

§ 8. The term “borough jail facility” in subdivision a of section 9-140 of the administrative code of the city of New York, as amended by chapter 322 of the laws of 2021, is amended to read as follows:

Borough jail facility. The term “borough jail facility” means any department facility in which incarcerated individuals are housed by the department and that is located outside [Rikers Island] *Kalief Browder Island*.

§ 9. Paragraphs 1, 2 and 6 of subdivision b of section 9-140 of the administrative code of the city of New York, paragraph 1 as added by local law number 85 for the year 2015 and paragraphs 2 and 6 as amended by chapter 322 of the laws of 2021, are amended to read as follows:

1. The total number of visitors to city jails, the total number of visitors to borough jail facilities, and the total number of visitors to city jails on [Rikers Island] *Kalief Browder Island*.

2. The total number of visitors that visited an incarcerated individual at city jails, the total number of visitors that visited an incarcerated individual at borough jail facilities, and the total number of visitors that visited an incarcerated individual at city jails on [Rikers Island] *Kalief Browder Island*.

6. The [Rikers Island] *Kalief Browder Island* visitation rate, which shall be calculated by dividing the average daily number of visitors who visited incarcerated individuals at city jails on [Rikers Island] *Kalief Browder Island* during the reporting period by the average daily incarcerated individual population of city jails on [Rikers Island] *Kalief Browder Island* during the reporting period.

§ 10. Paragraph 2 of subdivision c of section 9-140 of the administrative code of the city of New York, as amended by local law number 23 for the year 2019, is amended to read as follows:

2. Whether the incident occurred at [Rikers Island] *Kalief Browder Island* or at a borough facility, and at which facility the incident occurred;

§ 11. The title of section 9-307 of the administrative code of the city of New York and the lead-in and paragraph 3 of subdivision a of section 9-307 of the administrative code of the city of New York, as added by local law 192 for the year 2019, are amended to read as follows:

§ 9-307 Report on the closure of jails on [Rikers Island] *Kalief Browder Island*.

a. Beginning on the 30th day of January in the year 2020, the mayor’s office of criminal justice shall submit a biannual report to the council and post to the office’s website and the city’s open data portal, a progress report on closing jails on [Rikers Island] *Kalief Browder Island* and opening jail facilities outside [Rikers Island] *Kalief Browder Island*. Such report shall be submitted within 60 days of January 1 and July 1 of each year and shall include information on the following issues:

3. The timeline for closure of each correctional facility located on [Rikers Island] *Kalief Browder Island*, any significant changes to such timeline, and any significant actions taken by the mayor in response to such changes.

§ 12. The lead-in of section 2 of local law 192 for the year 2019, as added by local law 192 for the year 2019, is amended to read as follows:

§ 2. Board of correction progress report. The board of correction shall publish a report on the impact on incarcerated individuals of closing jails on [Rikers Island] *Kalief Browder Island* and constructing new facilities to replace such jails, commencing on July 1, 2020 and every six months thereafter. Such report shall include but not be limited to information on the following issues:

§ 13. The title of section 9-142 of the administrative code of the city of New York, as added by local law number 120 for the year 2016, is amended to read as follows:

§ 9-142. [Rikers Island] *Kalief Browder Island* nursery procedures and report.

§ 14. The title of section 9-151 of the administrative code of the city of New York, as added by local law number 168 for the year 2017, is amended to read as follows:

§ 9-151. [Rikers Island] *Kalief Browder Island* education report.

§ 15. Print, online or other publications produced after the effective date of this law by any New York city agency shall refer to Rikers Island as Kalief Browder Island.

§ 16. This local law takes effect 30 days after it becomes law.

Referred to the Committee on Governmental Operations.

Int. No. 65

By the Public Advocate (Mr. Williams) and Council Members Cabán, Won, Louis and Restler.

A Local Law to amend the administrative code of the city of New York, in relation to the establishment of a task force to develop equitable responses to infectious disease related emergencies, including COVID-19

Be it enacted by the Council as follows:

Section 1. Title 30 of the administrative code of the city of New York is amended by adding a new chapter 2 to read as follows:

CHAPTER 2
INFECTIOUS DISEASE RELATED EMERGENCIES

§ 30-201 *Task force to develop equitable responses to infectious disease related emergencies. a. Definitions. For purposes of this section, the term “task force” means the ensuring equity task force.*

b. Task force established. There is hereby established a task force to be known as the ensuring equity task force.

c. Duties. The task force shall study racial disparities in exposure to infectious disease and related testing, treatment and outcomes citywide whenever a state disaster emergency or local state of emergency is declared in relation to an infectious disease that affects the city, and shall make recommendations for legislation and policy to mitigate and eliminate such disparities pursuant to subdivision f of this section.

d. Membership. 1. The task force shall be composed of the following members:

(a) The commissioner of health and mental hygiene or such commissioner’s designee;

(b) The commissioner of emergency management or such commissioner’s designee;

(c) The commissioner of small business services or such commissioner’s designee;

(d) The director of the mayor’s office of minority and women-owned business enterprises or such director’s designee;

(e) Five members appointed by the mayor;

(f) Two members appointed by the speaker of the council; and

(g) Two members appointed by the public advocate.

2. The public advocate shall designate a chair among the members of the task force.

3. The mayor may invite officers and representatives of relevant federal, state and local agencies and authorities to participate in the work of the task force.

4. Each member of the task force shall serve at the pleasure of the officer who appointed the member. In the event of a vacancy on the task force, a successor shall be appointed in the same manner as the original appointment. All members of the task force shall serve without compensation.

e. Meetings. 1. The task force shall hold at least one meeting each week for any period of time during which an executive order of the governor declares a state disaster emergency related to an infectious disease that affects the city, or an order of the mayor declares a local state of emergency related to an infectious disease. Notwithstanding the expiration of any such order, the task force shall continue to hold at least one meeting each week until the submission of a report pursuant to subdivision f of this section in connection with the originating infectious disease related emergency.

2. *The task force may invite experts and stakeholders to attend its meetings and to provide testimony and information relevant to its duties.*

3. *Meetings may be held in person or via videoconferencing. Public access shall be granted to all meetings via videoconferencing. The minutes of such meetings shall be published on the office's website no later than one day after each such meeting.*

f. Report. 1. No later than 100 days after the task force's first meeting after the issuance of an executive order of the governor declaring a state disaster emergency or an order of the mayor declaring a local state of emergency related to an infectious disease, the task force shall submit a report to the mayor, the speaker of the council and the public advocate setting forth its recommendations for legislation and policy relating to the mitigation and elimination of racial disparities in exposure to infectious disease and related testing, treatment and outcomes. The report shall set forth a plan to mitigate such disparities, which shall address city-provided financial support and other programs that may improve outcomes for persons affected by the disparities identified in such report. The report shall include a summary of information the task force considered in formulating its recommendations.

2. The commissioner of emergency management shall publish the task force's report on the office's website no later than one day after its submission to the mayor, the speaker of the council and the public advocate.

g. Agency support. Each agency shall provide appropriate staff and resources to support the work of such agency related to the task force.

h. Suspension and reinstatement. 1. The task force's duties pursuant to subdivision c of this section and the task force's meeting requirements pursuant to subdivision e of this section shall be suspended upon submission of a report pursuant to subdivision f of this section unless the chair of the task force determines that continued study is necessary to make further recommendations for legislation and policy to mitigate and eliminate racial disparities in infectious disease exposure and related testing, treatment and outcomes. Upon a determination by the chair that continued study is necessary, the task force shall continue to meet for a duration of time and with such frequency as the chair determines is sufficient to perform the task force's duties, and shall prepare and submit further reports setting forth recommendations for legislation and policy as the chair determines are necessary to accomplish the task force's objectives.

2. The task force's duties and meeting requirements shall be reinstated whenever the governor issues an executive order declaring a state disaster emergency related to an infectious disease that affects the city, or whenever the mayor issues an order declaring a local state of emergency related to an infectious disease.

§ 2. This local law takes effect immediately, and all appointments required by this local law shall be made no later than 60 days after such date.

Referred to the Committee on Health.

Int. No. 66

By The Public Advocate (Mr. Williams) and Council Members Hanif, Cabán, Won, Louis and Restler.

A Local Law to amend the administrative code of the city of New York, in relation to signage regarding transgender rights and services at hospitals

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 17-167.2 to read as follows:

§ 17-167.2 Signage regarding transgender rights and services at hospitals. a. Transgender patient rights. No later than March 1, 2023, the department shall distribute signs on transgender and gender non-conforming patient rights to every hospital in the city. Such signage shall include, but need not be limited to, information on the right to be referred to by an individual's preferred name, title, gender and pronoun. The department shall post information on transgender and gender non-conforming patient rights conspicuously on its website.

b. Transgender-specific services offered. Within six months of the effective date of the local law that added this section, to the extent practicable, the department shall:

1. Coordinate with every hospital in the city to determine the services offered by each hospital related to a transgender individual's medical transition and any other transgender-specific services offered;
2. Establish guidance to encourage hospitals to list and conspicuously post the transgender-specific services offered by each hospital and provide such guidance to every hospital in the city;
3. Coordinate with every hospital in the city to update any such list of transgender-specific services provided by each hospital, as needed; and
4. Post such guidance and such list of transgender-specific services provided by each hospital conspicuously on the department's website.

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

Referred to the Committee on Health.

Int. No. 67

By The Public Advocate (Mr. Williams) and Council Members Hanif, Cabán, Won, Louis and Restler.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of health and mental hygiene to report on training for medical care for transgender and gender non-conforming persons

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 17-167.2 to read as follows:

§ 17-167.2 *Report on training for transgender and gender non-conforming medical care. a. No later than February 1, 2023, and annually thereafter, the commissioner shall submit to the speaker of the council and publish on the department's website a report regarding training on medical care for transgender and gender non-conforming individuals provided to medical staff at hospitals. To the extent such information is available to the department, such report shall include, but need not be limited to, the following information, disaggregated by hospital:*

1. *The number of physicians, nurses and other medical staff who have received training on the provision of medical care to transgender or gender non-conforming individuals, including but not limited to (i) common medical needs of transgender and gender non-conforming patients; (ii) medical and surgical treatment; and (iii) treatment and care related to social and medical transitions; and*

2. *A summary of the information included in any training provided by a hospital to medical staff relating to the provision of medical care to transgender or gender non-conforming individuals, including whether such training includes information on sensitivity and patient interactions or bias or discrimination in relation to medical care.*

b. Information required to be reported pursuant to this section shall be reported in a manner that does not violate any applicable provision of federal, state or local law relating to the privacy of information.

§ 2. This local law takes effect 30 days after it becomes law.

Referred to the Committee on Health.

Int. No. 68

By the Public Advocate (Mr. Williams) and Council Members Hanif, Cabán, Won, Louis and Restler.

A Local Law to amend the administrative code of the city of New York, in relation to the provision of menstrual cups in schools

Be it enacted by the Council as follows:

Section 1. Subdivision a of section 21-968 of the administrative code of the city of New York is amended by adding a new definition of “menstrual cup” in appropriate alphabetical order to read as follows:

Menstrual cup. The term “menstrual cup” means a funnel-shaped device made of a reusable material such as silicone or rubber for use in connection with the menstrual cycle.

§ 2. Section 21-968 of the administrative code of the city of New York is amended by adding a new subdivision c to read as follows:

c. The department of health and mental hygiene shall provide each school building with menstrual cups, and the department shall distribute such menstrual cups to students upon request. Such provision of menstrual cups shall not exceed one per student per school year.

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

Referred to the Committee on Health.

Res. No. 27

Resolution calling on the New York State Legislature to pass, and the New York State Governor to sign, S. 1828 /A. 3103, which would eliminate the subminimum wage for employees based on their disability or age.

By the Public Advocate (Mr. Williams) and Council Members Hanif, Cabán and Louis.

Whereas, The Fair Labor Standards Act (FLSA) is a Federal law that establishes minimum wage, overtime pay, recordkeeping, and youth employment standards affecting employees in the private sector and in Federal, State, and local government; and

Whereas, To prevent employers from not hiring certain individuals based on certain characteristics, such as being a student learner or having a disability, including disabilities related to age and injury, the FLSA provides for the employment of such individuals at wage rates below the statutory minimum, if an employer is issued a subminimum wage certificate by the Wage and Hour Division (WHD) of the United States Department of Labor; and

Whereas, Although the intent of the FLSA is to prevent certain workers from not receiving a job, as employers may not hire these workers if regular minimum wage laws applied, certain workers have nevertheless been unfairly treated and paid fractions of what others are paid; and

Whereas, The FLSA impacts individuals with disabilities in particular, as section 14(c) of the law authorizes employers that have been issued a subminimum wage certificate to pay subminimum wages to workers who have physical or mental disabilities, including disabilities related to age or injury, that may affect earning or productive capacity for the job being performed; and

Whereas, Wages paid by these employers are required to be commensurate with a disabled workers’ individual productivity as compared to the wage and productivity of workers who do not have disabilities performing the same type, quality, and quantity of work, but some argue that these standards are arbitrary and, oftentimes, may be skewed by an employer looking to cut costs; and

Whereas, This means that workers with disabilities, including disabilities related to age or injury, can be paid significantly less than other workers if an employer shows that the worker with disabilities is not as productive or efficient; and

Whereas, Notably, there have been a number of instances of this happening to an extreme, including in 2013, when NBC News reported that GoodWill Industries paid their workers with disabilities as little as 22 cents an hour, and in 2018, when Vox Media reported an Illinois nonprofit paid workers with disabilities in gift cards; and

Whereas, In addition, WHD data, as of October 1, 2021, shows that about 39,386 workers with disabilities in the United States were paid subminimum wages by employers with a subminimum wage certificate during

the employer's most recently completed fiscal quarter, including almost 600 workers with disabilities being paid a subminimum wage by employers in New York State; and

Whereas, Thus, as a result of a legal loophole in the FLSA, individuals with disabilities, including disabilities related to age or injury, are being undervalued and unfairly compensated by employers; and

Whereas, In order to ensure that these workers are protected in New York State, S. 1828 /A. 3103 have been introduced in the New York State Legislature; and

Whereas, S.1828, introduced by State Senator James Skoufis, and A.3103, introduced by State Assemblymember Phil Steck, would eliminate the subminimum wage for employees based on their disability or age; and

Whereas, This legislation would have a large impact on New York State and New York City, as both have a significant population of individuals with disabilities, with the Center for Disease Control estimating that 21.1% of adults in New York State have some type of disability, and the American Community Survey estimating that roughly 11.2% of the City's total population have some type of disability; and

Whereas, Due to the large number of individuals with disabilities, and New York State's General Municipal Law requiring that all public bidding for contracts be awarded to the lowest possible bidder, there is incentive for employers in New York State to reduce costs and thus, contract bids, by applying for a subminimum wage certificate and paying workers with disabilities a subminimum wage; and

Whereas, S. 1828 /A. 3103 would ensure that New York State workers with disabilities, including disabilities related to age or injury, receive the pay they deserve and are treated fairly; now, therefore, be it

Resolved, That the Council of the City of New York calls on the New York State Legislature to pass, and the New York State Governor to sign, S. 1828 /A. 3103, which would eliminate the subminimum wage for employees based on their disability or age.

Referred to the Committee on Civil Service and Labor.

Res. No. 28

Resolution calling on the Department of Corrections and Community Supervision to open its law library during states of emergency and pandemics with safety protocols in place.

By the Public Advocate (Mr. Williams) and Council Members Hanif, Cabán and Restler.

Whereas, The New York State Department of Corrections and Community Supervision (DOCCS), as a result of the U.S. Supreme Court's decision in *Bounds v. Smith*, 430 U.S. 813 (1977), is constitutionally required to provide people in state custody with access to the courts either by providing adequate law libraries or adequate legal assistance; and

Whereas, DOCCS' Department Directive 4483, "Law Libraries, Inmate Legal Assistance and Notary Public Services," establishes guidelines for the operations of law library programs to meet its constitutional mandate; and

Whereas, Department Directive 4484 requires law libraries in state correctional facilities to open at least six or seven per weeks for seven or six hours per day, and provide notary services, photocopying legal materials, word processing or computer services, and legal writing supplies; and

Whereas, At the height the COVID-19 pandemic, DOCCS closed its law library program as part of an effort to prevent the additional spread of infectious viral transmission of COVID-19 in state correctional facilities; and

Whereas, DOCCS issued a re-opening plan fact sheet that calls for a gradual re-opening of some behavioral health programs and services for incarcerated people, with both staff and people in custody required to wear masks; and

Whereas, While DOCCS has gradually reintroduced general library services with safety protocols in place, the Department has not provided information on when law libraries will be fully re-opened, according to a December 23, 2021 update to the DOCCS COVID-19 Report regarding the new Omicron variant; and

Whereas, The closure of the law library program curtails access to the courts as people in custody are unable to adequately access basic resources for legal research and notary services, or to prepare legal papers; and

Whereas, Public defenders have identified notary services as an important and necessary resources, as they allow people in custody to get important legal paperwork notarized; and

Whereas, Although COVID-19 has required closure of public places and social distancing, access to a law library is a constitutional right; and

Whereas, DOCCS has demonstrated that it can operate other congregate environments such as programming in a safe fashion and with adherence to public health guidelines; now, therefore, be it

Resolved, That the Council of the City of New York calls upon on the Department of Corrections and Community Supervision to open its law library during states of emergency and pandemics with safety protocols in place.

Referred to the Committee on Criminal Justice.

Res. No. 29

Resolution calling upon the State Legislature to pass and the Governor to sign legislation barring prison labor contracting statewide.

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

Whereas, New York State vehicle license plates are manufactured at Auburn Correctional Facility by Corcraft Products, the brand name under which New York’s State Department of Corrections and Community Supervision (DOCCS) accepts commercial contracts; and

Whereas, According to Corcraft Products, incarcerated individuals in New York manufacture a variety of products in addition to license plates, including highway signs, classroom furniture, textiles, mattresses, and file cabinets; and

Whereas, In 2019, New York City Comptroller Scott Stringer reported that wages for individuals incarcerated with DOCCS range from \$0.32 to \$0.39 per hour for skilled work, and even less for unskilled work; and

Whereas, According to the DOCCS Division of Industries, Corcraft Products generates upwards of \$50 million annually on prison-labor based contracts; and

Whereas, Nevada, Alaska, Maine and Kansas have effectively banned the exploitative use of prison labor by implementing minimum wage standards for incarcerated workers; and

Whereas, The wage disparity for incarcerated individuals remains in place due to a lack of sufficient labor protections in State law, sanctioning the practice of severely underpaid work; and

Whereas, Just under half of New York State’s prison population derives from New York City, according to the 2019 DOCCS Under Custody Report; and

Whereas, The New York prison system’s failure to offer adequate labor compensation impacts more than 20,000 of New York City’s incarcerated individuals; and

Whereas, According to the Brennan Center for Justice, correctional facilities endorse prison labor as a way to allow incarcerated individuals to pay for basic services during their own incarceration, establishing a “pay-to-stay” system which reflects a prison economy that works to further perpetuate mass incarceration; and

Whereas, Black New Yorkers are overrepresented in the incarcerated population and therefore are disproportionately affected by these policies; the Prison Policy Initiative reported that 53 percent of incarcerated individuals in New York State are Black, while only 16 percent of New York State’s overall population self-identify as Black; and

Whereas, State bill S287/A1643 was introduced in 2021, would establish a minimum wage of only \$3.00 an hour for incarcerated individuals working for a nonprofit organization; and

Whereas, The American Civil Liberties Union’s National Prison Project has urged states to move away from their dependency on prison labor, and Director David Fathi has specifically cautioned against allowing a desire for cheap labor to drive prison policy; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the State Legislature to pass and the Governor to sign legislation barring prison labor contracting statewide.

Referred to the Committee on Criminal Justice.

Res. No. 30

Resolution calling upon the New York City Department of Correction to increase the wage rates of incarcerated individuals to the New York State minimum wage rate of \$15 per hour.

By the Public Advocate (Mr. Williams) and Council Members Hanif and Cabán.

Whereas, According to the Bureau of Justice Statistics, nearly 2.2 million adults in the United States are incarcerated in federal and state prisons and local jails; and

Whereas, According to Pew Research Center, the United States has the largest prison population and the highest incarceration rate in the world; and

Whereas, The Thirteenth Amendment to the United States Constitution bans slavery and involuntary servitude, except as a punishment for a crime of which a person has been convicted; and

Whereas, Pursuant to the Thirteenth Amendment, incarcerated individuals can be required to work during their imprisonment as punishment for their crimes; and

Whereas, Incarcerated individuals’ work assignments include labor in areas such as maintenance, food service, clothing production, plumbing and landscaping; and

Whereas, According to the Prison Policy Initiative, incarcerated individuals assigned to work in federal and state prisons are paid between 14 cents to 63 cents per hour on average; and

Whereas, Deductions for restitution, room and board, child support and other costs reduce the net wages earned by incarcerated individuals, often leaving them with less than 50 percent of their gross pay; and

Whereas, Courts have generally held that prisoners are not covered by federal and state minimum wage laws because the relationship between a prison and an incarcerated individual is not an employer employee relationship; and

Whereas, The New York City Department of Correction (“DOC”) is charged with overseeing and providing for the care, custody and control of individuals 16 years of age and older who are accused of crimes or convicted and sentenced to one year or less of incarceration in New York City; and

Whereas, DOC reported over 49,000 admissions to New York City correctional facilities during Fiscal Year 2018, with an average daily population of 8,900 incarcerated individuals; and

Whereas, Section 625 of the New York City Charter requires that every incarcerated individual of an institution under the authority of the DOC Commissioner must be employed in some form of industry and the products of such employment must be utilized in such institutions or by another agency; and

Whereas, Pursuant to section 187 of the Correction Law, the DOC Commissioner grades the compensation received by incarcerated individuals in New York City correctional facilities based on the work performed during their incarceration; and

Whereas, According to DOC’s wage scale, wage rates for incarcerated individuals in New York City correctional facilities range from 17 cents to \$1 per hour; and

Whereas, According to The New York Times, from August 21 to September 9, 2018, prisoners across the United States staged a nationwide prison strike to protest the low wages that incarcerated individuals receive for their labor—what strike organizers refer to as “prison slavery”; and

Whereas, Increasing the wages of incarcerated individuals would help to ensure their economic stability and ease the path to their successful reentry into society after release; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York City Department of Correction to increase the wage rates of incarcerated individuals to the New York State minimum wage rate of \$15 per hour.

Referred to the Committee on Criminal Justice.

Res. No. 31

Resolution calling upon the Commissioner of Major League Baseball to strip the Houston Astros and the Boston Red Sox of their respective 2017 and 2018 World Series titles.

By the Public Advocate (Mr. Williams) and Council Members Hanif and Cabán.

Whereas, During the 2017 American League Championship Series, the New York Yankees lost to the Houston Astros; and

Whereas, This loss denied the Yankees advancement to the World Series and possibly winning their 28th title; and

Whereas, According to the Washington Post, who interviewed multiple baseball players and executives, people in the industry had held suspicions for years that the Astros were cheating during the 2017 and other seasons; and

Whereas, However, it was not until late 2019, when former Astros, and current Oakland A's pitcher, Mike Fiers confessed to journalists at The Athletic that his old team had engaged in cheating tactics throughout their 2017 season, that these rumors were realized; and

Whereas, Although decoding an opposing team's pitcher's signals to his catcher (known as 'sign stealing') is permitted in baseball, using modern technology to engage in this practice is a breach of baseball rules; and

Whereas, In August 2017, the Boston Red Sox were caught in the act of using information captured on their replay review camera to decode the sign and send this information to their team members in the dugout who were wearing smart watches; and

Whereas, In response, the Major League Baseball Commissioner put out a press release reiterating the rules regarding sign stealing; and

Whereas, In addition to fining the Red Sox, the press release clearly stated that the use of electronic equipment during games is prohibited and that this equipment shall not be "used for the purpose of stealing signs or conveying information designed to give a Club an advantage"; and

Whereas, In the Commissioner's memorandum on the rules, issued the same day as the press release, he stated that all organizations were being put on notice that this issue was being taken very seriously and teams engaged in this kind of rule breaking would be held accountable; and

Whereas, Despite this warning, cheating by the Astros, and potentially the Red Sox, continued; and

Whereas, After The Athletic article featuring Mike Fiers was published, Major League Baseball (MLB) began an investigation into the Astros' sign stealing methods, beginning in 2016; and

Whereas, The investigation ultimately uncovered a sophisticated and coordinated plan by the Astros to decode their opposition's signs using video feed, which was then communicated to the batters through a series of coded bangs on nearby trashcans; and

Whereas, The investigation concluded that, even after the warning, triggered by the Red Sox' behavior, was issued to each organization, "the Astros continued to both utilize the replay review room and the monitor located next to the dugout to decode signs for the remainder of the [2017] regular season and through the Postseason;" and

Whereas, As punishment for their rule-breaking, the Astros were fined \$5 million and were forced to forfeit their first and second round selections in the 2020 and 2021 First-Year Player Drafts; and

Whereas, Three team executives, Jeff Luhnow, A.J. Hinch, and Brandon Taubman, were also all suspended by the MLB; and

Whereas, The report into the investigation concluded that "virtually all of the Astros' players had some involvement or knowledge of the scheme," considered it an unfair competitive edge and example of rule breaking, and thus tried to hide it from other teams; and

Whereas, However, the MLB ultimately decided not to discipline any players individually; and

Whereas, The only non-player who was determined to have knowingly participated in the cheating scheme was former Astros Bench Coach, Alex Cora; and

Whereas, The investigation found that Alex Cora helped to decode video from the replay room and assisted in developing the trashcan banging scheme; and

Whereas, The MLB Commissioner ultimately decided to withhold disciplinary action against Alex Cora because, at the time of releasing his report into the Astros cheating scheme, MLB was in the process of examining whether the Red Sox had also engaged in cheating during their 2018 World Series-winning season, while Alex Cora was their manager; and

Whereas, Baseball fans across the country were devastated to hear that their beloved game had been tarnished by cheating; and

Whereas, For Yankees' fans and players, the findings were even more distressing because it made them ponder whether they had been cheated out of a World Series title; and

Whereas, It also seemed that the punishment handed out by MLB was lenient, especially given that the investigation concluded that all Astros players were involved in the scheme to some extent; and

Whereas, Some players and fans have called for MLB to vacate the World Series wins for both the Astros in 2017 and the Red Sox in 2018, based on the evidence of cheating; and

Whereas, By cheating to win, the World Series titles won by these two teams seem illegitimate; and

Whereas, As articulated by Yankee player Aaron Judge, "it doesn't hold any value...you cheated. It wasn't earned"; now, therefore, be it

Resolved, That the Council of the City of New York calls on the Commissioner of Major League Baseball to strip the Houston Astros and the Boston Red Sox of their respective 2017 and 2018 World Series titles.

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

Res. No. 32

Resolution calling upon the New York State Legislature to pass, and the Governor to sign, legislation requiring all New York City Community District Education Councils to adopt a set of bylaws and a code of conduct that includes disciplinary consequences for discriminatory actions and use of discriminatory language.

By the Public Advocate (Mr. Williams) and Council Members Cabán and Restler.

Whereas, In 2002, the New York State (NYS) legislature passed the School Governance Reform Act, which transitioned a decentralized school system of elected community school boards and an appointed central Board of Education, to one that operated solely under the mayor (Mayoral Control); and

Whereas, The law also replaced community school boards with "community district education councils," typically referred to as community education councils (CECs), which allow for parent and community engagement; and

Whereas, The City also has several citywide councils to address the needs of specific student populations, including the Citywide Council on High Schools, the Citywide Council on Special Education, the Citywide Council on English Language Learners, and the Citywide Council for District 75; and

Whereas, Each of the 32 community school districts (CSDs) in New York City has a CEC, which should be comprised of 12 members: 11 voting members (nine of whom must be parents of children attending a school or a pre-kindergarten program in the CSD, and two appointed by the borough president who must be residents or business owners in the CSD) and one non-voting member who is a high school senior residing in the CSD, appointed by the superintendent from among the elected student leadership; and

Whereas, CECs have no executive or administrative powers, but are charged with promoting student achievement and advising and commenting on educational policies, with certain responsibilities including:

holding monthly public meetings with the superintendent to provide parents and the community a forum to air their concerns; reviewing the CSD's educational programs and assessing their effect on student achievement; approving zoning lines as submitted by the superintendent; holding hearings on the CSD's annual capacity plans and prioritizing requests for capital improvements in schools of the CSD; participating in joint public hearings with the Department of Education (DOE) on school closings and co-locations; preparing an annual school district report card; submitting an annual evaluation of the superintendent to the chancellor of the DOE; and providing input on district concerns to the chancellor; and

Whereas, New York State education law section 2590-e provides for the removal from office of CEC members for various infractions including: willful or repeated failure to file required financial reports or other required disclosures and failure to comply with training and continuing education requirements; and

Whereas, Additionally, section 2590-d of New York State education law requires CECs to have by-laws and regulations to govern the conduct of the body's proceedings; and

Whereas, State law further specifies some minimum requirements that must be included in the bylaws, such as required level of communication with parent-teacher associations within the community district, and development of a process for community input in the annual superintendent evaluation; and

Whereas, State law does not currently require bylaws to include a code of conduct that includes disciplinary consequences for CEC members for discriminatory actions and use of discriminatory language; and

Whereas, In September 2019, a member of CEC 22 was accused of using an anti-Asian slur in an online forum; and

Whereas, Subsequently, some advocates called for removal of that CEC member; and Whereas, To do their work effectively, CECs must maintain strong relationships and trust with the communities they represent; and

Whereas, Having a written code of conduct or other protocol for removing or disciplining members in such a situation would allow CECs to maintain respectful dialogue and help restore trust between the CEC and the community; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to pass, and the Governor to sign, legislation requiring all New York City Community District Education Councils to adopt a set of bylaws and a code of conduct that includes disciplinary consequences for discriminatory actions and use of discriminatory language.

Referred to the Committee on Education.

Res. No. 33

Resolution calling on the New York State Legislature to pass, and the Governor to sign, legislation certifying that school employees of the Department of Education, including but not limited to principals, teachers and administrators, will not be discharged or penalized in retaliation for disclosing information regarding an activity, policy, or practices that pose a substantial and specific threat to public health or safety within their working environment.

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

Whereas, In February 2020, the first cases of COVID-19, the disease caused by the SARS-CoV-2 virus (coronavirus), were reported in the U.S., with the first confirmed case in New York State on March 1, 2020, as reported by the New York Times; and

Whereas, Nearly 300 million people worldwide have since been infected by the coronavirus, as reported by data published from various media outlets; and

Whereas, The New York Times reported that there have been over 800,000 deaths from COVID-19 in the United States as of January 2022; and

Whereas, The impact of the coronavirus pandemic, in terms of lives lost, strain on healthcare systems, closing of schools and businesses, loss of jobs and other forms of economic devastation is unprecedented in modern U.S. history; and

Whereas, The pandemic has also served to expose serious shortcomings in the enforcement of Federal employee whistleblower protection regulations, according to the National Employment Law Project; and

Whereas, Many states, including New York, have whistleblower laws that protect employees from retaliation for reporting employer actions that cause danger to public health and safety; and

Whereas, New York State Labor Law Section 740 protects employees who report a violation of the law that either poses a significant and specific danger to public health or safety, or is a form of health care fraud; and

Whereas, In order to be protected under section 740 of the Labor Law, the whistleblower employee must demonstrate that there was an “actual violation” of a safety statute or regulation creating a substantial and specific danger to public health or safety, and that the harm that results from the violation affects the public-at-large, as opposed to an individual or group; and

Whereas, According to Bloomberg Law, two states, Colorado and Virginia, recently passed new whistleblower laws to protect employees who raise concerns about coronavirus-related health and safety risks at work; and

Whereas, A number of states have whistleblower laws that specifically protect workers who raise safety concerns even if such concerns are not legal violations, as reported by Bloomberg Law; and

Whereas, Such laws recognize the need for protecting workers for reporting any activities that they believe pose a threat to health or safety, especially during a pandemic or other crisis; and

Whereas, Particularly in the case of school employees, who are responsible for the care and supervision of children, it is crucial that teachers, principals and other school staff are able to speak out about any perceived health or safety risks to themselves or the children they serve without fear of reprisal; and

Whereas, State law does not currently provide protection unless an employee cites violation of a safety statute or regulation creating a substantial danger to the public health or safety; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to pass, and the Governor to sign, legislation certifying that school employees of the Department of Education, including but not limited to principals, teachers and administrators, will not be discharged or penalized in retaliation for disclosing information regarding an activity, policy, or practices that pose a substantial and specific threat to public health or safety within their working environment.

Referred to the Committee on Education.

Res. No. 34

Resolution calling upon the New York State Legislature to pass, and the Governor to sign, S.4015, which would amend the education law and the administrative code of the city of New York, in relation to authorizing the chancellor of the city district to control and operate certain specialized high schools in the city of New York and to establish a commission on middle school achievement, and providing for the repeal of certain provisions upon the expiration thereof

By the Public Advocate (Mr. Williams).

Whereas, Pursuant to a 1971 New York State (NYS) law known as the Hecht-Calandra Act, student admission to eight of the nine New York City (NYC) specialized high schools is decided solely and exclusively on their Specialized High School Admissions Test (SHSAT) scores; and

Whereas, These eight test-based high schools are NYC’s most prestigious and sought after public high schools, and according to the NYC Department of Education (DOE), while 23,528 students took the SHSAT during school year 2019-20, only 4,262 of these students received an offer based on their test performance; and

Whereas, According to DOE’s 2019 specialized high schools admission data, Black and Latino students are significantly underrepresented in NYC’s specialized high schools admissions, and while they represent almost 70 percent of DOE’s student population, and over 12,000, or 44 percent, of all students who took the SHSAT, they accounted for only 506, or 10.6 percent of all specialized high school admission offers that year; and

Whereas, The Century Foundation reports that Gifted and Talented (G&T) programs, which are accelerated programs for academically “exceptional” students in elementary schools, serve as pipelines to specialized high schools; and

Whereas, While G&T programs are only for elementary school students, these schools often have their own middle school programs or send their alumni off to high-performing screened middle schools that send a large number of students to specialized high schools, as reported by Chalkbeat; and

Whereas, Chalkbeat also reports that G&T programs diminished in predominately Black and Latino school districts when former Mayor Michael Bloomberg centralized G&T admissions by changing requirements from a multiple indicator criteria to a uniform standard that requires G&T students to score in at least the 90th percentile on an exam made up of items from two national standardized tests known as the Naglieri Nonverbal Ability Test and the Otis-Lennon School Ability Test; and

Whereas, As reported by The Century Foundation, after Mayor Bloomberg changed the admissions criteria, the percentage of Black and Latino students entering G&T programs in kindergarten decreased from 46 percent to 22 percent; and

Whereas, Many advocates urge the DOE to make efforts to increase diversity in G&T programs to help put a more diverse population of students on a pathway to attending a specialized high school; and

Whereas, SHSAT preparation programs also serve as pipelines to specialized high schools, but these programs are too expensive for many New York families and are underutilized by Black and Latino students; and

Whereas, DOE’s Determination, Resiliency, Enthusiasm, Ambition, and Motivation (DREAM) program, which provides free test preparation to low-income students who meet certain academic and geographical requirements, has created more opportunities for Black and Latino students, and as reported by POLITICO in March 2019, while only 10 percent of Black and Latino students who took the SHSAT were part of the DREAM program, they accounted for 29 percent of Black and Latino students who received offers; and

Whereas, NYS Senator Leroy Comrie introduced S.4015, which addresses the lack of diversity in NYC’s specialized high schools by creating ten new specialized high schools, providing free SHSAT preparation for NYC sixth and seventh graders and establishing at least one G&T program in every district; and

Whereas, The proposed legislation would also create an independent commission of stakeholders to study and make recommendations on how to improve middle school achievement, especially in high need schools, as well as review the overall structure of the middle and high school system in NYC; and

Whereas, NYC’s student population is diverse, and lawmakers must take appropriate action to ensure that the City is providing opportunities for all students to gain access to its most elite high schools; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to pass, and the Governor to sign, S.4015, which would amend the education law and the administrative code of the city of New York, in relation to authorizing the chancellor of the city district to control and operate certain specialized high schools in the city of New York and to establish a commission on middle school achievement, and providing for the repeal of certain provisions upon the expiration thereof.

Referred to the Committee on Education.

Res. No. 35

Resolution calling on the New York State Office of Children and Family Services to prohibit juvenile justice agencies from using room confinement as a form of restraint in secure detention facilities and from using transitional hold as a form of restraint in detention and placement facilities.

By the Public Advocate (Mr. Williams) and Council Members Hanif, Cabán and Restler.

Whereas, The New York City Administration for Children’s Services (ACS) Room Confinement Policy for Secure Detention, dated March 7, 2016, defines room confinement as the involuntary confinement of a youth in a room, including the youth’s own room, when locked or when the youth is authoritatively told not to leave; and

Whereas, According to an article in the Detroit Free Press dated July 16, 2020, a prone hold is a form of restraint that consists of pinning a person face-down on the ground; and

Whereas, On November 18, 2020, the New York State Office of Children and Family Services (OCFS) proposed amendments to Sections 441.4(a), 441.17, 441.22(a), 441.22(b), and 442.2 of the New York State Department of Social Services Regulations to eliminate the authority of child care agencies to use room isolation and prone holding as a form of restraint of children in foster care and to preclude a child care institution from maintaining or operating an isolation room; and

Whereas, The November 18, 2020 OCFS amendments are in recognition of the risk of trauma to children when placed in foster care and the ongoing need to address that risk while preparing the child for discharge, particularly as children often experience trauma before entering foster care; and

Whereas, On December 1, 2020, the Legal Aid Society announced that it secured a guarantee from OCFS that OCFS will no longer employ prone restraints on children in residential treatment centers or OCFS facilities; and

Whereas, New York State Executive Department Regulations Section 180-1.9(c)(11) continues to authorize the use of room confinement on youth in secure detention facilities; and

Whereas, The ACS Safe Intervention Policy for Secure and Non-Secure Detention, dated November 7, 2014, allows the use of prone hold for the amount of time it takes to defuse a situation, but no longer than three minutes; and

Whereas, In Fiscal Year 2020, the ACS Annual Detention Incident Report reported 149 room confinements at the Crossroads Secure Detention Facility, including 96 of five hours or more in duration, and 58 room confinements at the Horizon Secure Detention Facility, including 23 of 10 hours or more in duration; and

Whereas, According to the ACS Annual Detention Incident Report for Fiscal Year 2020, staff used 1,948 physical restraints, defined as physical hold techniques and other non-offensive physical safety interventions, on youth at the Crossroads Secure Detention Facility and the Horizon Secure Detention Facility, including 69 physical restraints that resulted in injury; and

Whereas, According to the ACS Quarterly Close to Home Incident Report for Fiscal Year 2021, Second Quarter, staff used 51 physical restraints on youth in limited secure and non-secure placement facilities, including one physical restraint that resulted in physical injury or impairment; and

Whereas, According to the November 1, 2018 study, “Adverse Childhood Experiences and Justice-Involved Youth: The Effect of Trauma and Programming on Different Recidivistic Outcomes,” adverse childhood experiences are prevalent in justice-involved youth and related to recidivism; and

Whereas, According to the Alliance Against Seclusion and Restraint, the use of restraint and seclusion is traumatic, and traumatic stress can be associated with lasting changes in the amygdala, hippocampus, and prefrontal cortex areas of the brain; and

Whereas, OCFS is reforming its use of prone holding and room isolation, and eliminating the use of room confinement in secure detention facilities and transitional holds in detention and placement facilities to diminish the trauma to already traumatized youth in placement and detention facilities; now, therefore, be it

Resolved, That the Council of the City of New York calls on the New York State Office of Children and Family Services to prohibit juvenile justice agencies from using room confinement as a form of restraint in secure detention facilities and from using transitional hold as a form of restraint in detention and placement facilities.

Referred to the Committee on General Welfare.

Res. No. 36

Resolution calling upon the New York State Legislature to pass, and the Governor to sign, A. 5115B/S. 5819C, in relation to enacting the New York Collegiate Athletic Participation Compensation Act to allow student-athletes to receive compensation, including for the use of a student’s name, image or likeness.

By the Public Advocate (Mr. Williams) and Council Members Hanif and Cabán.

Whereas, The National Collegiate Athletic Association (NCAA) is a non-profit organization that regulates over one thousand athletic programs at colleges and universities nationally and supports nearly half a million college athletes; and

Whereas, The NCAA has three divisions, which are intended to group schools by areas of “philosophy, competition and opportunity,” and provides multiyear cost-of-attendance athletics scholarships to Division I athletes and partial athletic scholarships to Division II athletes; and

Whereas, While many college athletes are offered scholarships to attend schools, the NCAA currently forbids athletes in most circumstance from profiting from their name, image or likeness or receiving compensation from outside sources; and

Whereas, According to Forbes, Syracuse University men’s basketball team, the most valuable college sports program in New York State, averaged annual revenues of \$29 million and profits of \$15 million based on three-year average revenues from the 2014-15 season through the 2016-17 season; and

Whereas, According to Equity in Athletics Data Analysis, from 2017-18, Syracuse University reported over \$90 million in total revenue across all sports teams; and

Whereas, In the same time period, New York City Division I schools St. John’s University and Fordham University, each reported over \$33 million in total revenue across all sports teams; and

Whereas, Consistent with the NCAA’s findings for nearly three decades, Black college athletes make up more than half of Division I men’s basketball players; and

Whereas, In 2018, Black college athletes made up nearly half of Division I men’s football players and nearly half of Division I women’s basketball players; and

Whereas, A 2017 study published in Political Research Quarterly found that harboring negative racial views about Black people was the single strongest predictor of white people’s opposition to compensating college athletes; and

Whereas, Further, negative racial views about Black people was more significant than every other predictor such as age, education level, political affiliation, sports fandom or if respondents had played college sports themselves; and

Whereas, In September 2019, California Governor Gavin Newsom signed the Fair Pay to Play Act, which enables all college athletes to earn money from sponsorships, endorsements and other activities that use their name, image and likeness in addition to other protections; and

Whereas, On February 11, 2021, New York State Assembly Member Michael Solages introduced A. 5115, and on March 22, 2021, New York State Senator Kevin Parker introduced S. 5819, known as the New York Collegiate Athletic Participation Compensation Act, which would allow college athletes to receive compensation, including for the use of a student’s name, image or likeness, allow college athletes to seek professional representation and establish the community college athlete name, image and likeness working group; and

Whereas, College athletes are core members of their school’s marketing team and provide their time, talents and labor to produce revenue for colleges and universities that otherwise would not exist; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to pass, and the Governor to sign A. 5115B/S. 5819C, in relation to enacting the New York Collegiate Athletic Participation Compensation Act to allow student-athletes to receive compensation, including for the use of a student’s name, image or likeness.

Referred to the Committee on Higher Education.

Res. No. 37

Resolution calling upon the New York State Legislature to amend and pass A. 441, and the Governor to sign the amended legislation, in relation to non-preferential opportunity for use of amenities in certain buildings and apartments.

By the Public Advocate (Mr. Williams) and Council Members Hanif and Cabán.

Whereas, Some residential property owners in New York City have been offering access to new amenities only to market rate tenants; and

Whereas, Many of these same property owners have prohibited rent-stabilized tenants from using these same amenities regardless of whether there is an option to charge an extra fee; and

Whereas, These amenities include common areas such as fitness rooms, rooftop decks, pools and playrooms in the tenant's building of residence; and

Whereas, A policy to prohibit certain tenants from using amenities that other tenants in the same building or complex can use, or to charge only certain tenants for such use, sends the wrong message, namely that lower income and rent regulated tenants should not have access to the same opportunities that are being offered to market rate tenants; and

Whereas, A. 441, an act to amend the real property law, in relation to non-preferential opportunity for use of amenities in certain buildings and apartments, sponsored by New York State Assembly Member Linda Rosenthal, would require property owners to provide equal access to amenities and common areas to all tenants; and

Whereas, A. 441 should be amended to also require newly constructed housing developments or buildings with significant renovations to provide the same exact amenities in a unit for all tenants regardless of their source of income and regardless of whether the unit is affordable due to rent stabilization or a rent subsidized program; and

Whereas, A. 441 should be amended to specify that amenities in a unit should include, but not be limited to, cabinet finishes, refrigerators, microwaves and ovens; and

Whereas, A. 441 should also be amended to prohibit additional fees if a tenant decides to use the amenities offered; now, therefore, be it

Resolved, That the New York City Council calls upon New York State Legislature to amend and pass A. 441, and the Governor to sign the amended legislation, in relation to non-preferential opportunity for use of amenities in certain buildings and apartments.

Referred to the Committee on Housing and Buildings.

Res. No. 38

Resolution calling on the New York State Legislature to pass and the Governor to sign, legislation mandating that any owner intending to sell a multi-unit residential dwelling, must first make a fairly appraised offer of sale to the tenants within the residence before making any sale offers to third parties.

By the Public Advocate (Mr. Williams) and Council Members Cabán, Restler and Krishnan.

Whereas, Affordable housing is a fundamental aspect of a thriving New York City and vital to providing shelter, stability, safety and health; and

Whereas, The Department of City Planning estimates the City's population will increase by 783,000 residents, or 9.5 percent between 2010 and 2040; and

Whereas, According to a recent Zillow study conducted in 2018, 68 percent of the City's residents rent their homes and landlords rent apartments in their buildings making New York City one of the largest share of renters in the United States; and

Whereas, Median rental prices in Manhattan were approximately \$3,415 in May 2020 and Brooklyn rents were 3.3 percent higher than the previous year, up from \$2,829 to \$2,921; and

Whereas, Currently in New York City, a landlord does not have a legal obligation to offer an apartment or the building to a tenant to purchase before putting their property on the market which can result in tenants being displaced and forced to look for new apartments with higher rents; and

Whereas, In 1980, the Tenant Opportunity to Purchase Act (TOPA) was enacted in Washington, D.C. to give tenants the first opportunity to purchase the home they were renting if their landlord decided to discontinue the use of a property for rental purposes, convert a property to condominium or sell the property, so that residents would not be displaced; and

Whereas, TOPA resulted in the conversion of over 10,000 units to direct tenant ownership or by chosen developers; and

Whereas, New reports have indicated that community-based organizations, such as the Community Service Society, the Urban Homesteading Assistance Board, the New Economy Project and other advocacy groups would support New York legislation similar to TOPA, which would give tenants the first option to buy their landlord's property if it is put up for sale; now, therefore, be it

Resolved, That the Council of the City of New York calls on the New York State Legislature to pass and the Governor to sign, legislation mandating that any owner intending to sell a multi-unit residential dwelling, must first make a fairly appraised offer of sale to the tenants within the residence before making any sale offers to third parties.

Referred to the Committee on Housing and Buildings.

Res. No. 39

Resolution calling upon the New York City Department of Education and the New York State Education Department to meet their obligations under state and federal law to provide impartial due process hearings in a timely manner as they relate to resolving complaints filed by families of students with disabilities.

By the Public Advocate (Mr. Williams) and Council Members Hanif, Cabán, Brewer, Yeger, Louis and Restler.

Whereas, Under the federal Individuals with Disabilities Education Act (IDEA), New York State (NYS) must provide a free and appropriate public education (FAPE) to all students residing in the State, including students with disabilities, between the ages of 3 and 21; and

Whereas, In NYS, for any disputes that arise between the student's family and the school district regarding matters relating to the identification, evaluation or educational placement of a student with a disability or the provision of FAPE to the student, both parties must have an opportunity for an impartial due process hearing; and

Whereas, The hearing must be conducted by the New York State Education Department (NYSED) and an impartial hearing officer must be appointed to hear and decide the dispute between the family and the school district; and

Whereas, While the IDEA requires a final decision in non-disciplinary cases to be reached and mailed to each of the parties within 75 days, the average complaint against the New York City Department of Education (DOE) was open for 225 days during the 2018-19 school year; and

Whereas, According to the NYSED Office of Special Education DOE Compliance Assurance Plan, as of 2019, the DOE has been out of compliance with IDEA on its delivery of services for special education students for at least thirteen consecutive school years; and

Whereas, Noncompliance includes failure to provide related services to students with disabilities as recommended on students' Individualized Education Programs (IEP) and failure to provide families access to adequate due process after a complaint has been filed; and

Whereas, On January 6, 2020, NYSED records indicated approximately 10,000 open special education due process complaints in New York City, as compared to 209 in the rest of NYS; and

Whereas, According to the NYSED External Review of The New York City Impartial Hearing Office Report, due process complaints increased 42% from the 2014-15 to the 2018-19 school years; and

Whereas, On June 29, 2021, special education advocates from nine legal services organizations sent a letter to NYSED and DOE officials reiterating NYSED's and DOE's legal obligations to provide due process hearings in a timely matter and recommending solutions to the hearing delays; and

Whereas, The letter also highlighted that low-income children whose families cannot afford the cost of required services on their own while waiting for their claims to be processed are disproportionately impacted; and

Whereas, Further, these delays cause students to miss out on critical services, such as not receiving physical therapy or other services listed on a student's IEP, which are necessary to their development and learning process; and

Whereas, NYSED and DOE should enhance resources such as additional hearing spaces and impartial hearing officers and make efforts to increase their capacity to conduct timely due process hearings; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York City Department of Education and New York State Education Department to meet their obligations under state and federal law to provide impartial due process hearings in a timely manner as they relate to resolving complaints filed by families of students with disabilities.

Referred to the Committee on Mental Health, Disabilities and Addiction.

Res. No. 40

Resolution calling on the New York State Legislature to pass, and the Governor to sign, A. 1928/S. 820, which would amend the New York State Constitution to realign budgetary power by granting the Legislature a more equal role with the Governor in shaping the state budget.

By the Public Advocate (Mr. Williams) and Council Members Hanif and Cabán.

Whereas, Since 1927, the State of New York has had an executive budget system, under which the legislature has a limited ability to substantively shape the state budget; and

Whereas, Prior to 1927, the state budget was passed through a variety of appropriations legislation that afforded no opportunity to balance revenues and expenditures; and

Whereas, Under the current budget process, the Governor constructs a budget by submitting appropriations legislation to the Legislature each year, after which the Legislature may remove or reduce line-items, while any additions proposed by the Legislature are subject to gubernatorial veto; and

Whereas, Court rulings, most recently including *Silver v. Pataki* and *Pataki v. Assembly*, have maintained that the Legislature is unable to substitute appropriations by deleting line-items and simultaneously proposing substantially similar line-items; and

Whereas, As a result, the state budget process is largely controlled by the Governor, who has recently included unprecedented numbers of non-budgetary legislation within the text of appropriations legislation as a means of setting state policy; and

Whereas, In the 2019-2020 budget cycle, there were 80 non-budgetary provisions in the initially proposed executive budget, though only several dozen remained in the adopted budget after negotiations, including criminal justice reforms, a ban on plastic bags, and a codification of the Affordable Care Act, to name a few; and

Whereas, Using the budget to set state policy within an executive-dominant system strips the Legislature of their constitutional role of setting state policy through state law and hampers state legislators' ability, including New York City representatives, to fully inform the implementation of shared policy goals; and

Whereas, For example, during the Fiscal Year 2021 budget negotiations, then-Governor Cuomo included an amendment to the implementation of the Driver's License for All legislation which had previously been enacted in 2019, provoking advocate ire; and

Whereas, Rather than risk an unfunded mandate, legislators conceded and ultimately voted to pass the appropriations bill with the Governor's implementation update; and

Whereas, On January 13, 2021, Assembly Member Richard Gottfried introduced A. 1928, companion to S. 820 sponsored by Senator Alessandra Biaggi, which would reform the state budget process by increasing transparency and granting the Legislature new authority to shape budget and non-budgetary components by line-item; and

Whereas, A. 1928/S. 820 would add to the Legislature's budgetary powers by allowing the modification or substitution of items of appropriation as long as these are separately stated and subject to gubernatorial veto; and

Whereas, The bill would additionally repeal the existing requirement of a Governor's message of necessity for the Legislature to issue appropriations prior to the passage of the executive budget, which could allow the Legislature to avoid a state shutdown in the midst of budget negotiations; and

Whereas, The New York State Legislature is elected by New Yorkers to set state policy through law, which the Governor executes; and

Whereas, The current state budget process harms New York City by stifling the legislative authority of its representatives; and

Whereas, Passage of A. 1928/S. 820 would help ensure that needs of New York City are not left out of the state budget; and

Whereas, A. 1928/S. 820 would additionally clarify the budget process for the public, making all amendments, substitutions and deletions separate statements; now, therefore, be it

Resolved, That the Council of the City of New York calls on the New York State Legislature to pass, and the Governor to sign, A. 1928/S. 820, which would amend the New York State Constitution to realign budgetary power by granting the Legislature a more equal role with the Governor in shaping the state budget.

Referred to the Committee on State and Federal Legislation.

Res. No. 41

Resolution calling on Congress to pass, and the President to sign, legislation that allows service members, veterans and eligible surviving spouses to use the United States Department of Veteran Affairs home loans to purchase cooperative apartments.

By the Public Advocate (Mr. Williams) and Council Members Hanif, Yeger and Louis.

Whereas, The United States Department of Veteran Affairs (VA) helps service members, veterans and eligible surviving spouses to become homeowners by offering a home loan; and

Whereas, Home loans offered by the VA, known as VA loans, are provided by private lenders such as banks and mortgage companies; and

Whereas, The VA guarantees a portion of the home loan, which enables the lender to provide favorable terms; and

Whereas, The New York Times published an article titled, “A Loan Program for Veterans Comes Wrapped in Red Tape”, on June 10, 2013, which identified obstacles to using the VA loan to purchase a condominium or cooperative apartment in New York; and

Whereas, The New York Times article highlights three challenges: 1) New York real estate firms have no experience with VA loans, 2) VA loans can only be used to purchase a condominium if the entire building applies to the VA for approval and 3) cooperative buildings are excluded from the VA loan program; and

Whereas, According to the National Association of Housing Cooperatives, more than 1.2 million families in the United States live in homes owned and operated through a cooperative association and most of these units are located in major urban areas such as Chicago, San Francisco and New York City; and

Whereas, Cooperative units are often a less expensive housing option when compared to condominium units or single-family houses; and

Whereas, Veterans seeking to find a home in New York City or other major urban areas should have similar home buying support as veterans who purchase homes in suburban or rural areas; now, therefore, be it

Resolved, That the Council of the City of New York calls on Congress to pass, and the President to sign, legislation that allows service members, veterans and eligible surviving spouses to use the United States Department of Veteran Affairs home loans to purchase cooperative apartments.

Referred to the Committee on Veterans.

Int. No. 69

By Council Members Rivera, Schulman, Won, Louis and Restler.

A Local Law to amend the New York city charter, in relation to creating an office of the patient advocate within the New York city department of health and mental hygiene

Be it enacted by the Council as follows:

Section 1. Chapter 22 of the New York city charter is amended by adding a new section 570 to read as follows:

§ 570 Office of the Patient Advocate. a. Definitions. As used in this section, the following terms have the following meanings:

Health care facility. The term “health care facility” means any building, structure or place, or any portion thereof, located in the city, at which health care providers provide medical services, including any hospital, clinic, psychiatric facility, residential health care facility, physical therapy facility or convalescent home.

Health care provider. The term “health care provider” means any person operating within the city who is licensed or certified under federal or New York state law to provide medical services, including but not limited to doctors, nurses and emergency personnel.

Office. The term “office” means the office of the patient advocate.

b. There shall be in the department an office of the patient advocate. Such office shall have the power and duty to:

1. Establish a system to receive comments, questions and complaints regarding medical services and coverage, including health care providers, health care facilities and health insurance;

2. Determine and carry out the appropriate response to each such question, comment and complaint, including:

(a) Referral to an appropriate federal, state or local agency or nongovernment organization for resolution, including the state of New York’s designated independent consumer assistance programs or ombuds programs;

(b) Coordination with other agencies or nongovernmental organizations, including the state of New York’s designated independent consumer assistance programs or ombuds programs, for resolution; and

(c) Inquire into and work to resolve such question, comment or complaint with relevant parties;

3. Collect, track and analyze data on such comments, questions and complaints for the purpose of identifying and providing information about problems faced and information needed by the public in obtaining medical care;

4. Analyze whether the behavior described in complaints appears to violate the New York city human rights law, the New York state human rights law or the New York state hospital patients' bill of rights;

5. Make recommendations to address obstacles to, and problems with, accessing medical care and issues with the quality of medical care provided; and

6. Monitor the certificate of need applications filed with the New York state department of health that relate to health care facilities or services in the city, review the publicly available summaries of such applications, provide notification to the community board of any applications that relate to their community district, compile and analyze comments received from the community on such applications and submit to the New York state department of health such compiled comments.

c. Within 18 months of the effective date of the local law that added this section, and annually thereafter, the office shall prepare and post on its website and submit to the mayor and the council a report containing, at a minimum:

1. The number of complaints received by the office and a description of such complains, disaggregated by health care facility and health care provider;

2. The average time taken by the office to respond to complains, disaggregated by health care facility and health care provider;

3. A description of actions taken by the office in response to comments, questions and complaints received in the prior year, disaggregated by health care facility and health care provider;

4. The analysis required by paragraphs 3, 4 and 5 of subdivision b of this section, including recommendations and potential solutions to issues identified; and

5. An analysis of larger medical trends, access to health care facilities, and their impact on patients and surrounding communities.

d. The office may prepare any additional reports it deems appropriate.

§ 2. This local law takes effect 120 days after it becomes law, except that the commissioner of health and mental hygiene shall take such measures as are necessary for the implementation of this local law, including the promulgation of rules, prior to such date.

Referred to the Committee on Health.

Int. No. 70

By Council Members Sanchez, Powers, Hudson, Cabán, Won, Louis, Krishnan, Dinowitz, Farías, Brewer, Stevens, Rivera, Restler, Joseph, Narcisse, Hanif, Nurse, Abreu, Ossé, Menin, Gennaro and Avilés (by request of the Mayor).

A Local Law to amend the administrative code of the city of New York, in relation to continuation of the New York city rent stabilization law of nineteen hundred sixty-nine

Be it enacted by the Council as follows:

Section 1. Section 26-520 of the administrative code of the city of New York, as amended by local law number 113 for the year 2020, is amended to read as follows:

§ 26-520 Expiration date. This chapter shall expire on [April] July 1, 2022 unless rent control shall sooner terminate as provided in subdivision three of section one of the local emergency housing rent control law.

§ 2. This local law takes effect immediately.

Referred to the Committee on Housing and Buildings.

L.U. No. 18

By Council Member Salamanca:

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

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

L.U. No. 19

By Council Member Salamanca:

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

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

L.U. No. 20

By Council Member Salamanca:

Application No. C 210386 ZMK (1034 – 1042 ATLANTIC AVENUE REZONING) submitted by EMP Capital Group pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 16c, changing from an M1-1 District to an R7A District; changing from an M1-1 District to a C6-3A District; and establishing within the proposed R7A District a C2-4 District, for property located in the Borough of Brooklyn, Community District 8, Council District 35.

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

L.U. No. 21

By Council Member Salamanca:

Application No. N 210387 ZRK (1034 – 1042 ATLANTIC AVENUE REZONING) submitted by EMP Capital Group pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Article III Chapter 5 for the purpose of amending street wall location regulations and modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area, for property located in the Borough of Brooklyn, Community District 8, Council District 35.

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

L.U. No. 22

By Council Member Salamanca:

Application No. C 210379 ZSK (1034 – 1042 ATLANTIC AVENUE REZONING) submitted by EMP Capital Group pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-533 of the Zoning Resolution to reduce the required number of accessory off-street parking spaces to 20 for dwelling units in a development within a Transit Zone, that includes at least 20 percent of all dwelling units as income-restricted housing units, in connection with a proposed mixed-use development on property located in R7A/C2-4 and C6-3A Districts at 1034 -1042 Atlantic Avenue (Block 1125, Lots 29 and 33), Borough of Brooklyn, Community District 8, Council District 35.

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

L.U. No. 23

By Council Member Salamanca:

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

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

L.U. No. 24

By Council Member Salamanca:

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

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

L.U. No. 25

By Council Member Salamanca:

Application No. C 210260 ZSK (870 - 888 ATLANTIC AVENUE REZONING) submitted by Y & T Development LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-533 of the Zoning Resolution to reduce the number of required accessory off-street parking spaces for dwelling units in a development within a Transit Zone, that includes at least 20 percent of all dwelling units as income-restricted housing units, in connection with a proposed mixed-use development, on property in a C6-3A located at Block 1122, Lots 21 & 26, Borough of Brooklyn, Community District 8, Council District 35.

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

L.U. No. 26

By Council Member Salamanca:

Application No. C 210161 ZMQ (98-81 QUEENS BOULEVARD REZONING) submitted by Trylon LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 14a, eliminating from within an existing R7-1 District a C1-2 District, changing from an R7-1 District to an R8X District, and establishing within the proposed R8X District a C2-4 District, for property located in the Borough of Queens, Community District 6, Council District 29.

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

L.U. No. 27

By Council Member Salamanca:

Application No. C 210162 ZRQ (98-81 QUEENS BOULEVARD REZONING) submitted by Trylon LLC pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area on property located in Borough of Queens, Community District 6, Council District 29.

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

NEW YORK CITY COUNCIL

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

Friday, February 25, 2022

Committee on Higher Education

Eric Dinowitz, Chairperson

Oversight - CUNY Start and Developmental Education.

Res 20 - By Council Members Brannan, Dinowitz, Mealy, Restler, Farías, Marte, Avilés, Joseph, Louis, Williams, Brewer, Narcisse, Feliz, Menin, Nurse, Ossé, Powers, Riley, Ung, Cabán, Hanif, Hudson, Sanchez, Abreu, Rivera, Gutiérrez, Krishnan and Barron - Resolution calling upon the New York State Legislature to pass, and the Governor to sign, The New Deal for CUNY (S.4461-A/A.5843-A), which is intended to reestablish the City University of New York as an engine for social and economic mobility by waiving all tuition and creating certain staff-to-student ratios in order to increase student success.

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

Committee on Mental Health, Disabilities & Addiction

Linda Lee, Chairperson

Oversight - The State of NYC’s Mental Health and Plans to Address the Mental Health Crisis.

Remote Hearing (Virtual Room 4).....10:00 a.m.

Committee on Housing and Buildings

Pierina Ana Sanchez, Chairperson

Oversight - The Impact of Covid-19 on NYC Housing Vacancies and Assessing the Ongoing Need for Emergency Rental Assistance Program.

Int 70 - By Council Member Sanchez (by request of the Mayor) - **A Local Law** to amend the administrative code of the city of New York, in relation to continuation of the New York city rent stabilization law of nineteen hundred sixty-nine.

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

Committee on Hospitals

Mercedes Narcisse, Chairperson

Oversight - Access to Primary Care via NYC Hospitals.

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

Monday, February 28, 2022

Committee on General Welfare

Diana I. Ayala, Chairperson

Oversight - Impact of the Expiration of the Eviction Moratoriums

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

Committee on Immigration

Shahana K. Hanif, Chairperson

Oversight - COVID-19 in Immigration Detention Centers.

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

Committee on Governmental Operations

Sandra Ung, Chairperson

Oversight - New York City’s Pro-Voter Law (Agency-Based Voter Registration).

Remote Hearing (Virtual Room 2).....10:30 a.m.

Committee on Education

Rita Joseph, Chairperson

Oversight - COVID Impact on English Language Learners (ELLs).

Remote Hearing (Virtual Room 4).....1:00 p.m.

New York City Council Budget and Oversight Hearings on
The Preliminary Budget for Fiscal Year 2023
The Preliminary Capital Plan for Fiscal Years 2023-2026 and
The Fiscal 2022 Preliminary Mayor’s Management Report

Wednesday, March 2, 2022

9:00 a.m. Finance Committee – Remote Hearing (Virtual Room 1)
9:00 a.m. Office of Management and Budget
11:00 a.m. Comptroller
12:00 p.m. Independent Budget Office
12:30 p.m. Department of Finance
1:30 p.m. Department of Design and Construction
3:30 p.m. Public

Thursday, March 3, 2022

[Subcommittee on Landmarks, Public Sitings and Dispositions](#) Farah N. Louis, Chairperson
See Land Use Calendar
Remote Hearing (Virtual Room 2).....10:00 a.m.

[Subcommittee on Zoning & Franchises](#) Kevin C. Riley, Chairperson
See Land Use Calendar
Remote Hearing (Virtual Room 2).....11:00 a.m.

12:00 p.m. Contracts Committee – Remote Hearing (Virtual Room 1)
12:00 p.m. Mayor’s Office of Contracts
1:00 p.m. Public

Friday, March 4, 2022

[Committee on Public Safety](#) Kamillah Hanks, Chairperson
Oversight - Mayor’s Blueprint to End Gun Violence
Remote Hearing (Virtual Room 1).....10:00 a.m.

[Committee on Sanitation and Solid Waste Management](#) Sandy Nurse, Chairperson
Oversight - Clean streets and expanding vital sanitation service.
Remote Hearing (Virtual Room 2).....10:30 a.m.

[Committee on Youth Services](#) Althea V. Stevens, Chairperson
Oversight - Summer 2022 Programming Readiness.
Remote Hearing (Virtual Room 2).....1:00 p.m.

Monday, March 7, 2022

Committee on Small Business

Julie Menin, Chairperson

Oversight - SBS's Response to COVID-19.

Remote Hearing (Virtual Room 4).....10:00 a.m.

- 10:00 a.m. Veterans Committee - Remote Hearing (Virtual Room 3)**
- 10:00 a.m. Department of Veterans’ Services
- 11:00 a.m. Public

Committee on Transportation and Infrastructure

Selvena N. Brooks-Powers, Chairperson

Oversight – Transportation Equity

Remote Hearing (Virtual Room 2).....11:00 a.m.

Tuesday, March 8, 2022

- 9:00 a.m. Public Housing Committee – Remote Hearing (Virtual Room 1)**
- 9:00 a.m. New York City Housing Authority
- 11:00 a.m. Public

- 12:30 p.m. Cultural Affairs, Libraries & International Intergroup Relations Committee - Remote Hearing (Virtual Room 1)**
- 12:30 p.m. Libraries
- 2:00 p.m. Department of Cultural Affairs
- 3:30 p.m. Public

Wednesday, March 9, 2022

- 10:00 a.m. General Welfare Committee – Remote Hearing (Virtual Room 1)**
- 10:00 a.m. Administration for Children’s Services
- 11:00 a.m. Human Resources Administration / Department of Social Services
- Department of Homeless Services
- 1:30 p.m. Public

- 12:00 p.m. Health Committee joint with Mental Health, Disabilities & Addiction Committee Remote Hearing (Virtual Room 2)**
- 12:00 p.m. Department of Health and Mental Hygiene
- 2:00 p.m. Medical Examiner
- 2:30 p.m. Public

- 2:00 p.m. Fire and Emergency Management Committee – Remote Hearing (Virtual Room 3)**
- 2:00 p.m. Fire/Emergency Medical Service
- 3:00 p.m. Office of Emergency Management
- 3:30 p.m. Public

Thursday, March 10, 2022

Stated Council Meeting

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

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

The Speaker (Council Member Adams) acknowledged the news that Russia had invaded Ukraine, a nation of 44 million people, on February 24, 2022. She spoke of the death and destruction that was being unleashed by this invasion. She offered her support to the Ukrainian people and to all of the Ukrainian communities throughout the city from Manhattan's Little Ukraine to Brooklyn's Brighton Beach. She noted that New York City was home to more than 150,000 Ukrainians which represented one of the largest Ukrainian communities in the entire nation. The Speaker (Council Member Adams) emphasized that the city stood in solidarity with its Ukrainian neighbors.

The Speaker (Council Member Adams) acknowledged that the annual and important Hindu festival of *Maha Shivaratri*, also known as "The Great Night of *Shiva*", would be observed by those who celebrate on February 28, 2022. She noted that Hindus throughout the city would be gathering to remember *Shiva* with prayers, fasting, and meditation. The Speaker (Council Member Adams) also acknowledged that Christians would be observing Ash Wednesday on March 2, 2022. She noted that Ash Wednesday marked the beginning of Lent which is a time for fasting and penance.

The Speaker (Council Member Adams) acknowledged that a number of recent Mayoral staff appointments had unsettled some Council members as well as some fellow New Yorkers. She spoke of how the Mayor's Office was informed of her concerns and the concerns of her Council team in regard to these appointees. The Speaker (Council Member Adams) reiterated that she was a supporter and ally of the LGBTQ community and an advocate for the right and access to safe reproductive healthcare. With this in mind, she also pointed out that the role of the Council was to conduct oversight on how city agencies and government were serving all New Yorkers regardless of whether the Council approved or disapproved any of the individual Mayoral appointees.

The Speaker (Council Member Adams) acknowledged that Terzah Nasser, First Deputy Director for the Infrastructure Division, was retiring from the Council after nearly three decades of service. Ms. Nasser started as counsel to the Parks and Housing and Buildings committees before being promoted to a supervisory role. She had overseen the drafting and development of countless local laws passed by the Council. Ms. Nasser was also instrumental in the development of the current Construction Code revision process which helps keep the city and its buildings safe. The Speaker (Council Member Adams) spoke of how Ms. Nasser had served as a mentor and guide to generations of central staff members, attorneys and analysts -- she noted that her wisdom and spirit would continue to influence the body through those individuals whom she influenced. She wished Ms. Nasser well and thanked her for her stellar service to the Council. At the request of the Speaker (Council Member Adams), those assembled for the meeting delivered an appreciative round of applause for Ms. Nasser.

The Speaker (Council Member Adams) acknowledged that Genan Zilkha, co-counsel to the Housing and Buildings committee, was departing after over three years of service. Ms. Zilkha was leaving the Council to assume a position in the New York City Law Department. The Speaker (Council Member Adams) noted that during her time as counsel, Ms. Zilkha had played an important role in legislation concerning the electrification of city buildings, the installation of bird-friendly glass, and the prevention of tenant displacement in the nearly 3,000 page building code revision bill that was passed last year. At the request of the Speaker (Council Member Adams), those assembled for the meeting delivered an appreciative round of applause for Ms. Zilkha.

The Speaker (Council Member Adams) acknowledged that Finance Deputy Director Regina Poreda-Ryan was leaving the Council after more than twenty-five years of service. Ms. Poreda-Ryan started at the Council with the Public Safety committee where her work was instrumental in launching the Council-funded Alternative to Incarceration Initiative in 1996. In the Finance Division, she worked on various committees including Contracts, Cultural Affairs, and Education. The Speaker (Council Member Adams) noted that Ms. Poreda-Ryan had spent countless hours advising and developing budget and policy proposals with Council Members and numerous advocates. Ms. Poreda-Ryan contributed to the development of several signature proposals and initiatives, including: the Family Leave Policy for the Council; the New York City Council Taskforce to Combat

Gun Violence; the Young Women's Initiative; the Youth Employment Taskforce Report; and the Close Rikers Taskforce. From serving as principal legislative financial analyst to serving as Deputy Director, she spoke of how Ms. Poreda-Ryan had been instrumental in the Finance Division's growth. The Speaker (Council Member Adams) praised her as a visionary leader and public servant who brought much positive change which encouraged and empowered the most vulnerable. On behalf of the Council, the Speaker (Council Member Adams) thanked Ms. Poreda-Ryan as those assembled for the meeting applauded in appreciation.

The Speaker (Council Member Adams) acknowledged that this Stated Meeting would be the last for Jason Goldman in his role as Chief of Staff to the Speaker. She saluted Mr. Goldman for over four years of dedicated service and commitment as well as for his genuine love for the Council. She noted that the Council would continue its good work based on the foundation which Mr. Goldman had helped provide. At the request of the Speaker (Council Member Adams), those assembled for the meeting delivered an appreciative round of applause for Mr. Goldman.

The Speaker (Council Member Adams) acknowledged that the month of March marked the beginning of Council hearings on the Mayor's Preliminary Budget. She noted that as the city looked forward to a post-pandemic recovery, the Council would work tirelessly to ensure that the adopted budget would be one which focused on promoting equity and safety for all New Yorkers. The Speaker (Council Member Adams) further acknowledged that COVID-19 still continued to impact the city nearly two years since the first coronavirus case was confirmed in New York City. She noted that it was essential to focus on initiatives that strengthen the health and well-being of New Yorkers. She further noted that during the budget process, the Council would prioritize investments in children and families, workforce development, mental health, community safety, healthcare equity, education, and much more.

Whereupon on motion of the Speaker (Council Member Adams), the Majority Leader and Acting President Pro Tempore (Council Member Powers) adjourned these hybrid proceedings to meet again for the Stated Meeting on Thursday, March 10, 2022.

MICHAEL M. McSWEENEY, City Clerk
Clerk of the Council