

THE COUNCIL

Minutes of the Proceedings for the

STATED MEETING

of

Wednesday, December 21, 2022, 2:20 p.m.

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

Council Members

Adrienne E. Adams, *The Speaker*

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

Absent: Council Members Barron and Richardson Jordan.

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

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

There were 49 Council Members marked present at this Stated Meeting held in the Council Chambers at City Hall, New York, N.Y. (with Council Members Feliz, Hanks, Moya, Salamanca, Sanchez, and Williams participating remotely).

INVOCATION

The Invocation was delivered by: Rabbi Iris Richman, Founder, Jewish Voices Together located at 244 Union Avenue, Brooklyn, N.Y. 11211.

Let us together seek blessings from the Holy One,
 the creator of light, and source of all blessings,
 אור יצרן, “the one who forms light”.
 Let us be able to truly see the light.
 From the earliest times in human history,
 in a variety of festivals
 that transcend time and space,
 people have felt the need
 to come together and celebrate light
 during this season of darkening shortened days.
 In fact, today is the shortest day of the year.
 As we feel light recede, we experience
 a calling during this time to seek out sparks,
 whether by celebrating the miracle of Hanukkah,
 and the flames that continue
 to illuminate the Holy Temple,
 or by celebrating the birth of a child
 who brought enlightenment to so many,
 or by celebrating light of the
 seven principles of faith and purpose.
 Yet, as many of us are experiencing and anticipating
 a festival of light and joy,
 let us remember that for so many,
 especially the vulnerable,
 and some of our newest New Yorkers,
 finding that light may be a struggle,
 and the opportunity to bask
 in its illumination and warmth may be a miracle.
 Let us take on both the joy and the quest
 for the bounty of blessings for all.
 In this season of rededication of the light,
 you, the honorable members of this Council
 have the opportunity and responsibility
 to define the values of this great city,
 to once again, from the budget legislation
 to determine how material resources should be distributed,
 especially for those who struggle to find the light,
 even the smallest sparks.
 In this season of rededication
 Let us remember the third principle of Kwanzaa:
 To build and maintain our community together
 and make our brothers and sisters problems,
 our problems and to solve them together.

One of our challenges as humans
 is that we cannot always see the light,
 we can understand that the ability
 to develop that vision is a real miracle.
 May your creation of legislation
 be your discernment, enabling you to truly see,
 opening your mind and your heart.
 In Hebrew, there are many names and descriptors of God,
 which correspond to the way
 that each of us wants God
 to be present for us in the world.
 At the beginning, I called the power upon God as
 אור יצרן, "the one who enabled light to exist",
 but what is light if we cannot see it?
 So in addition to seeing God as אור יצרן,
 "the one who forms light", in Hebrew,
 we also call upon God as
 עיוורת עיניים פותח "opener a blind eyes".
 Let us ask for the ability to see
 what must be seen and to not turn away.
 Let us always remember
 that even in a season of darkness
 when we join together and stand for right,
 we can always find that light,
 and let us all say,
 Amen.

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

During the Communication from the Speaker segment of this Stated Meeting, the Speaker (Council Member Adams) asked for a moment of silence in memory of the following individuals who had lost their lives during the course of their employment: Firefighter William P. Moon, II, and construction worker Linden Samuel. Firefighter Moon, 47, was critically injured on December 12, 2022 after a training exercise at his firehouse in Brooklyn. He died of his injuries on December 16, 2022. She noted that Firefighter Moon was a 21-year member of the FDNY who had served our city with dedication and bravery. On behalf of the Council, the Speaker (Council Member Adams) offered her heartfelt condolences to his family, his friends, and his community. Mr. Samuel, a 57-year old construction worker, died on December 15, 2022 while working at a building site in the Bronx. She noted that Mr. Samuel was a native of the U.S. Virgin Islands and was remembered as a hard-working and loving husband and father. On behalf of the Council, the Speaker (Council Member Adams) offered her heartfelt condolences to his wife and children during this very difficult time.

The Speaker (Council Member Adams) acknowledged that December 14, 2022 marked ten years since the mass shooting tragedy at Sandy Hook Elementary School in Newtown, Connecticut. She noted that the loss of 26 people, including 20 children, remains an incomprehensible thought. She emphasized that we must never forget the lives of the people who were taken much too soon from us on that day.

The Speaker (Council Member Adams) asked for a moment of silence in memory of the aforementioned individuals.

At this point, a moment of silence was observed in the Council Chambers.

* * *

ADOPTION OF MINUTES

Council Member Ung moved that the Minutes of the Stated Meeting of November 22, 2022 be adopted as printed.

COMMUNICATION FROM CITY, COUNTY & BOROUGH OFFICES

M-104

Communication from the Comptroller – Submitting estimates of the City’s debt-incurring power for Fiscal Years 2023-2026, pursuant to Section 232 of the New York City Charter.

December 1, 2022

The Honorable Adrienne Adams
Speaker
New York City Council
The City of New York
City Hall
New York, New York 10007

Dear Speaker Adams:

In accordance with Section 232 of the New York City Charter, enclosed please find the projection of the City's debt-incurring power for Fiscal Years 2023-2026.

Sincerely,

Brad Lander
New York City Comptroller

Attachment

In accordance with Section 232 of the City Charter, the following table represents estimates of New York City's Debt-Incurring Power as of July 1, 2022 and each of the three ensuing fiscal years

(\$ in millions)

	July 1, 2022	July 1, 2023	July 1, 2024	July 1, 2025
Gross Statutory Debt-Incurring Power ^a	\$127,448	\$131,687	\$136,682	\$145,593
General Obligation (GO) Bonds Outstanding as of July 1, 2022 plus projected bond issuance (net) ^b	38,760	41,210	43,648	46,841
Less: Appropriations for GO Principal	(2,450)	(2,513)	(2,435)	(2,368)
Plus: Incremental TFA Bonds Outstanding Above \$13.5 billion	29,829	32,110	35,343	39,320
Subtotal: Net Funded Debt Against the Limit	\$66,139	\$70,807	\$76,556	\$83,793
Plus: Contract and Other Liability	19,801	23,589	30,623	35,364
Total Projected Indebtedness Against the Limit ^c	\$85,940	\$94,396	\$107,179	\$119,157
Remaining Debt-Incurring Power within General Limit	\$41,508	\$37,291	\$29,503	\$26,436
Remaining Debt-Incurring Power (%)	32.6%	28.3%	21.6%	18.2%

SOURCE: NYC Comptroller's Office and the NYC Office of Management and Budget.

NOTE: The Debt Affordability Statement released by OMB in April 2022 presents data for the last day of each fiscal year, June 30th, instead of the first day of each fiscal year, July 1, as reflected in this table. The City's Debt Affordability Statement forecasts that indebtedness would be below the general debt limit by \$27.33 billion at the end of FY 2023.

^a FYs 2024 through 2026 debt limits are based on the NYC Comptroller's Office's forecasts of the full market value of real property.

^b Net adjusted for Original Issue Discount, GO bonds issued for the water and sewer system and Business Improvement District debt.

^c Reflects City-funds capital commitments as of the FY 2023 Adopted Capital Commitment Plan (released in September of 2022) and includes cost of issuance and certain Inter-Fund Agreements. In addition, the total indebtedness figure includes assumptions for future borrowing, estimated principal redemptions, and incremental changes to contract liability. In July 2009, the State Legislature authorized the issuance of TFA Future Tax Secured bonds above the initial authorization of \$13.5 billion, with the condition that this debt would be counted against the general debt limit. Thus, City capital commitments are funded with TFA FTS debt as well as City GO bonds.

Received, Ordered, Printed and Filed.

M-105

Communication from the Office of Management & Budget - Transfer of city funds between various agencies in Fiscal Year 2023 to implement changed in the City's expense budget, pursuant to Section 107(b) of the New York City Charter (MN-1).

(For text of the MN-1, Appendix A as well as Appendix B numbers, please see the New York City Council website at <https://council.nyc.gov/> for the respective attachments section of [the M-105 of 2022 file](#))

Referred to the Committee on Finance.

REPORTS OF THE STANDING COMMITTEES

Report of the Committee on Contracts

Report for Int. No. 136-B

Report of the Committee on Contracts in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to the capabilities of community-based organizations to provide language services to support city services.

The Committee on Contracts, to which the annexed proposed amended local law was referred on March 24, 2022 (Minutes, page 485), respectfully

REPORTS:

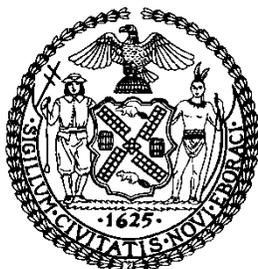
I. INTRODUCTION

On December 21, 2022, the Committee on Contracts, chaired by Council Member Julie Won, held a vote on Introduction Number 136-B (Int. No. 136-B), in relation to the capabilities of community-based organizations to provide language services to support city services. The Committee passed Int. No. 136-B with five in the affirmative, zero in the negative, and zero abstentions. Thus, the Committee recommends adoption.

II. INT. NO. 136-B

Int. No. 136-B would require an agency designated by the mayor to conduct a survey of relevant community-based organizations (“CBOs”) to assess their capacity to provide translation, interpretation and other related language services. Within one year of the bill’s effective date, the agency would need to produce a report detailing the survey’s findings and recommend steps to remove barriers facing CBOs in providing such services to the city. The report would be submitted to the Speaker and posted publicly on the agency’s website. Additionally, the agency would need to provide contracting agencies with the names of CBOs participating in the survey, the types of translation, interpretation and other language services they offer, conduct outreach to CBOs regarding the city’s prequalification process, including information regarding relevant procurements, and work with contracting agencies to improve the business environment of CBOs seeking to provide such services to the city.

(The following is the text of the Fiscal Impact Statement for Int. No. 136-B:)



**THE COUNCIL OF THE CITY OF NEW YORK
FINANCE DIVISION**

**TANISHA S. EDWARDS, ESQ., CHIEF FINANCIAL
OFFICER & DEPUTY CHIEF OF STAFF TO THE SPEAKER**

FISCAL IMPACT STATEMENT

PROPOSED INTRO. NO: 136-B

COMMITTEE: Contracts

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to the capabilities of community-based organizations to provide language services to support city services.

SPONSOR(S): Council Members Won, Hudson, Brewer, Ung, Lee, Joseph, Ossé, Velázquez, Gennaro, Nurse, Schulman, Menin, Krishnan, Avilés, Narcisse, Dinowitz, Louis, Farías, De La Rosa, Restler, Brannan, Ayala, Bottcher, Riley, Rivera, Hanif, Williams, Marte, Gutiérrez, Salamanca, Stevens, Cabán, Abreu, Powers, Sanchez, Vernikov and Ariola.

SUMMARY OF LEGISLATION: Proposed Int. No. 136-B would require an agency designated by the mayor to conduct a survey of relevant community-based organizations (“CBOs”) to assess their capacity to provide translation, interpretation and other related language services. Within one year of the bill’s effective date, the agency would need to produce a report detailing the survey’s findings and recommend steps to remove barriers facing CBOs in providing such services to the city. The report would be submitted to the Speaker and posted publicly on the agency’s website. Additionally, the agency would need to provide contracting agencies with the names of CBOs participating in the survey, the types of translation, interpretation and other language services they offer, conduct outreach to CBOs regarding the city’s prequalification process, including information regarding relevant procurements, and work with contracting agencies to improve the business environment of CBOs seeking to provide such services to the city.

EFFECTIVE DATE: This local law would take effect 120 days after it becomes law.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2024

FISCAL IMPACT STATEMENT:

	Effective FY23	FY Succeeding Effective FY24	Full Fiscal Impact FY24
Revenues	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0
Net	\$0	\$0	\$0

IMPACT ON REVENUES: It is estimated that this bill would have no impact on revenues.

IMPACT ON EXPENDITURES: It is anticipated that there would be no impact on expenditures resulting from the enactment of this legislation as the agency responsible for carrying out its requirements would be able to use existing resources to fulfill the requirements of this legislation.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: New York City Council Finance Division

ESTIMATE PREPARED BY: Florentine Kabore, Principal Financial Analyst

ESTIMATE REVIEWED BY: Crilhien Francisco, Assistant Director
 Kathleen Ahn, Finance Division Counsel
 Jonathan Rosenberg, Managing Deputy Director

LEGISLATIVE HISTORY: This legislation was introduced by the Council on March 24, 2022 as Int. No. 136 and was referred to the Committee on Contracts (Committee). At a hearing held by the Committee, jointly with the Committee on Economic Development and the Committee on Oversight and Investigation on June 27, 2022, the bill was heard and laid over. The bill was subsequently amended, and the amended version, Proposed Int. No.

136-B, will be heard by the Committee on December 21, 2022. Upon a successful vote by the Committee, the bill will be submitted to the full Council for a vote on December 21, 2022.

DATE PREPARED: December 19, 2022.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 136-B:)

Int. No. 136-B

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

A Local Law to amend the administrative code of the city of New York, in relation to the capabilities of community-based organizations to provide language services to support city services

Be it enacted by the Council as follows:

Section 1. Paragraph 5 of subdivision c of section 15 of the New York city charter, as added by local law number 30 for the year 2017, is amended to read as follows:

5. Beginning no later than [June 30, 2018] *December 15, 2023*, and no later than every [June 30] *December 15* thereafter, submit to the city council and post on the city website a report providing information regarding each agency subject to the requirements of section 23-1102 *of the administrative code*, including:

(i) the name of the individual designated as the agency's language access coordinator, including all titles held by such individual;

(ii) the agency's language access implementation plan, to be updated every three years unless such implementation plan has been updated by such agency since it was last reported;

(iii) information regarding how members of the public may submit language access complaints, questions and requests to the agency;

(iv) data on complaints and requests received pursuant to section 23-301 of the *administrative code* and a description of how such complaints and requests were addressed;

(v) a copy of the list of designated citywide languages, created pursuant to section 23-1101 of the *administrative code*, as well as the data relied upon for its creation;

(vi) information regarding the outreach conducted pursuant to paragraph 3 of this subdivision;

(vii) *the contracts entered into by the agency that were registered pursuant to section 328 during the preceding fiscal year and for which the principal purpose of such contracts was translation, interpretation, or other related language services, and for each such contract, such report shall include the total dollar value of the contract and the period of performance, whether the corresponding contractor was procured pursuant to either paragraph 1 of subdivision i of section 311 or section 314, whether the corresponding contractor is a community-based organization, and, to the extent practicable, the languages for which translation, interpretation, or other related language services were provided; and*

(viii) *a list of each contract the principal purpose of which is translation, interpretation, or other related language services and through which the agency issued a payment during the previous fiscal year, and the cumulative value of such payments during the previous fiscal year for each such contract.*

§ 2. 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 *Provision of language services by community-based organizations. a. For the purposes of this section, the term "administering agency" means an agency designated by the mayor pursuant to section 11-a of the charter.*

b. The administering agency shall conduct a survey of community-based organizations to assess their capacity to provide translation, interpretation, and other related language services in any of the 100 languages, including common and esoteric languages, identified by the language services coordinator pursuant to section 23-1102 of the code and based on language industry standards and best practices. No later than one year after the effective date of the local law that added this section, the administering agency shall transmit a report based on such survey to the speaker of the council and shall post a copy of such report on a website maintained or controlled by the administering agency. Such report shall include:

1. A summary of the survey's findings, which shall include the challenges faced by community-based organizations providing or seeking to provide translation, interpretation, or other related language services on behalf of the city; and

2. Recommended steps that the city can take to remove barriers faced by community-based organizations to provide translation, interpretation, or other related language services on behalf of the city.

c. Based on the results of the survey, the administering agency shall, as appropriate:

1. Provide agencies with the names of community-based organizations participating in the survey, the types of translation, interpretation services, and related language services that each organization performs, and other relevant information collected in the course of conducting the survey;

2. Conduct outreach to community-based organizations regarding the process of prequalification pursuant to section 3-10 of title 9 of the rules of the city of New York, and providing information regarding the city's procurement process and notices regarding any relevant city procurements; and

3. Coordinate an evaluation of contract specifications included in procurement solicitations and other relevant city procurement processes to determine how agencies can improve the business environment of community-based organizations seeking to provide translation, interpretation, or other related language services when appropriate.

§ 3. This local law takes effect immediately.

JULIE WON, *Chairperson*; JAMES F. GENNARO, LINDA LEE, SANDY NURSE, JOANN ARIOLA; 5-0-0; Committee on Contracts, December 21, 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 of the Committee on Finance

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

Report for Res. No. 440

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

The Committee on Finance, to which the annexed preconsidered resolution was referred on December 21, 2022, respectfully

REPORTS:

Introduction. The Council of the City of New York (the "Council") annually adopts the City's budget covering expenditures other than for capital projects (the "expense budget") pursuant to Section 254 of the Charter. On June 30, 2020, the Council adopted the expense budget for fiscal year 2021 with various programs and initiatives

(the “Fiscal 2021 Expense Budget”). On June 30, 2021, the Council adopted the expense budget for fiscal year 2022 with various programs and initiatives (the “Fiscal 2022 Expense Budget”). On June 13, 2022, the Council adopted the expense budget for fiscal year 2023 with various programs and initiatives (the “Fiscal 2023 Expense Budget”).

Analysis. In an effort to continue to make the budget process more transparent, the Council is providing a list setting forth new designations and/or changes in the designation of certain organizations receiving funding in accordance with the Fiscal 2023, Fiscal 2022, and Fiscal 2021 Expense Budgets (“Chart”).

This Resolution, dated December 21, 2022, approves the new designation and the changes in the designation of certain organizations receiving local, youth, anti-poverty, and Speaker’s initiative to address citywide needs and community safety and victims’ services discretionary funding and funding for certain initiatives in accordance with the Fiscal 2023 Expense Budget; approves the changes in designation of certain organizations receiving funding for local, youth, and anti-poverty discretionary funding, and certain initiatives in accordance with the Fiscal 2022 Expense Budget, approves the changes in designation of certain organizations receiving local and youth discretionary funding in accordance with the Fiscal 2021 Expense Budget; and amends the description for the Description/Scope of Services of certain organizations receiving youth, local, and anti-poverty discretionary funding and certain initiatives in accordance with the Fiscal 2023 Expense Budget, and amends the description for the Description/Scope of Services of certain organizations receiving local discretionary funding in accordance with the Fiscal 2022 Expense Budget. All new designations and changes in designations are as described in the attached Charts and the Resolution text.

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

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

It should also be noted that changes to funding for organizations in the attached Charts with a triple asterisk (***) are corrections to designations listed in Schedule C and/or a subsequent Transparency Resolution.

Description of Above-captioned Resolution. In the above-captioned Resolution, the Council would approve the new designation and changes in the designation of certain organizations to receive funding in the Fiscal 2023, Fiscal 2022, and Fiscal 2021 Expense Budgets. Such Resolution would take effect as of the date of adoption.

Accordingly, this Committee recommends its adoption.

(The following is the text of Res. No. 440:)

Preconsidered Res. No. 440

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

By Council Members Brannan and Mealy.

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

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

Whereas, On June 30, 2020 the City Council adopted the expense budget for Fiscal Year 2021 with various programs and initiatives (the “Fiscal 2021 Expense Budget”); and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2023, Fiscal 2022, and Fiscal 2021 Expense Budgets by approving the new designation and changes in the designation of certain organizations receiving local, youth, aging, and anti-poverty discretionary funding, and by approving the new designation and changes in the designation of certain organizations to receive funding pursuant to certain initiatives in accordance therewith; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2022 and Fiscal 2023 Expense Budgets by approving new Description/Scope of Services for certain organizations receiving local, youth and anti-poverty discretionary funding and certain organization receiving funding pursuant to certain initiatives; now, therefore, be it

Resolved, That the City Council approves the changes in the designation of certain organizations receiving local discretionary funding pursuant to the Fiscal 2023 Expense Budget, as set forth in Chart 1; and be it further

Resolved, That the City Council approves the changes in the designation of certain organizations receiving youth discretionary funding in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 2; and be it further

Resolved, That the City Council approves the changes in the designation of certain organizations receiving funding pursuant to the Anti-Poverty Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 3; and be it further

Resolved, That the City Council approves the new designation and the change in the designation of certain organizations receiving funding pursuant to the Speaker's Initiative to Address Citywide Needs in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 4; and be it further

Resolved, That the City Council approves the new designations and changes in the designation of certain organizations receiving funding pursuant to the Community Safety and Victim Services Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 5; and be it further

Resolved, That the City Council approves the new designations and the changes in the designation of certain organizations receiving funding pursuant to the A Greener NYC Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 6; and be it further

Resolved, That the City Council approves the changes in the designation of certain organizations receiving funding pursuant to the Cultural After-School Adventure (CASA) Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 7; and be it further

Resolved, That the City Council approves the change in the designation of a certain organization receiving funding pursuant to the Cultural Immigrant Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 8; and be it further

Resolved, That the City Council approves the new designations and changes in the designation of certain organizations receiving funding pursuant to the Neighborhood Development Grant Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 9; and be it further

Resolved, That the City Council approves the new designations and the changes in the designation of certain organizations receiving funding pursuant to the NYC Cleanup Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 10; and be it further

Resolved, That the City Council approves the new designations and the changes in the designation of certain organizations receiving funding pursuant to the Parks Equity Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 11; and be it further

Resolved, That the City Council approves the new designations and the changes in the designation of certain organizations receiving funding pursuant to the Support Our Seniors Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 12; and be it further

Resolved, That the City Council approves the new designations and the changes in the designation of certain organizations receiving funding pursuant to the Domestic Violence and Empowerment (DoVE) Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 13; and be it further

Resolved, That the City Council approves the new designations of certain organizations receiving funding pursuant to the SU-CASA Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 14; and be it further

Resolved, That the City Council approves the change in the designation of certain organizations receiving funding pursuant to the Alternatives to Incarceration (ATI) Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 15; and be it further

Resolved, That the City Council approves the new designation of a certain organization receiving funding pursuant to the AAPI Community Support Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 16; and be it further

Resolved, That the City Council approves the change in the designation of certain organizations receiving funding pursuant to the Access Health Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 17; and be it further

Resolved, That the City Council approves the changes in the designation of certain organizations receiving funding pursuant to the Art a Catalyst for Change Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 18; and be it further

Resolved, That the City Council approves the changes in the designation of certain organizations receiving funding pursuant to the Community Development Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 19; and be it further

Resolved, That the City Council approves the change in the designation of a certain organization receiving funding pursuant to the Support for Arts Instruction Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 20; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the Trauma Recovery Centers Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 21; and be it further

Resolved, That the City Council approves the new designation of a certain organization receiving funding pursuant to the Homeless Prevention Services for Veterans Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 22; and be it further

Resolved, That the City Council approves the new designation of a certain organization receiving funding pursuant to the Job Placement for Veterans Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 23; and be it further

Resolved, That the City Council approves the new designation of a certain organization receiving funding pursuant to the Legal Services for Veterans Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 24; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the Veterans Community Development Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 25; and be it further

Resolved, That the City Council approves the changes in the designation of certain organizations receiving funding pursuant to the Legal Services for the Working Poor Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 26; and be it further

Resolved, That the City Council approves the changes in the designation of certain organizations receiving funding pursuant to the Hate Crime Prevention Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 27; and be it further

Resolved, That the City Council approves the changes in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 28; and be it further

Resolved, That the City Council approves the changes in the designation of certain organizations receiving youth discretionary funding in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 29; and be it further

Resolved, That the City Council approves the change in the designation of certain organizations receiving funding pursuant to the Anti-Poverty Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 30; and be it further

Resolved, That the City Council approves the change in the designation of certain organizations receiving funding pursuant to the A Greener NYC Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 31; and be it further

Resolved, That the City Council approves the change in the designation of certain organizations receiving funding pursuant to the Domestic Violence and Empowerment (DoVE) Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 32; and be it further

Resolved, That the City Council approves the change in the designation of certain organizations receiving funding pursuant to the SU-CASA Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 33; and be it further

Resolved, That the City Council approves the changes in the designation of certain organizations receiving funding pursuant to the Cultural After-School Adventure (CASA) Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 34; and be it further

Resolved, That the City Council approves the change in the designation of certain organizations receiving funding pursuant to the Access Health Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 35; and be it further

Resolved, That the City Council approves the changes in the designation of certain organizations receiving funding pursuant to the Hate Crime Prevention Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 36; and be it further

Resolved, That the City Council approves the change in the designation of certain organizations receiving funding pursuant to the Art a Catalyst for Change Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 37; and be it further

Resolved, That the City Council approves the changes in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2021 Expense Budget, as set forth in Chart 38; and be it further

Resolved, That the City Council approves the changes in the designation of certain organizations receiving youth discretionary funding in accordance with the Fiscal 2021 Expense Budget, as set forth in Chart 39; and be it further

Resolved, That the City Council amends the Purpose of Funds for certain organizations receiving funding in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 40; and be it further

Resolved, That the City Council amends the Purpose of Funds for certain organizations receiving funding in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 41

(For text of the Exhibit Charts, please refer to the attachments section of [the Res. No. 440 of 2022 file](#) in the legislation section of the New York City Council website at <https://council.nyc.gov>)

JUSTIN L. BRANNAN, *Chairperson*: DIANA I. AYALA, FRANCISCO P. MOYA, KEITH POWERS, FARAH N. LOUIS, SELVENA N. BROOKS-POWERS, GALE A. BREWER, AMANDA FARIÁS, KAMILLAH HANKS, CRYSTAL HUDSON, CHI. A. OSSÉ, PIERINA ANA SANCHEZ, MARJORIE VELÁZQUEZ, JULIE WON, DAVID M. CARR, ARI KAGAN; 16-0-0; *Absent*: Charles Barron; Committee on Finance, December 21, 2022. *Other Council Members Attending*: Council Member Hanif.

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

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

Report for L.U. No. 154

Report of the Committee on Finance in favor of a Resolution approving 505 West 43rd Street, Block 1072, Lot 1201, Manhattan, Community District No. 4, Council District No. 3.

The Committee on Finance, to which the annexed preconsidered Land Use item was referred on December 21, 2022 and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

The following is the text of a Memo to the Finance Committee from the Finance Division of the New York City Council:

THE COUNCIL OF THE CITY OF NEW YORK

December 21, 2022

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

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

RE: Finance Committee Agenda of December 21, 2022 – Resolution approving a tax exemption amendment for one Land Use item (Council District 3)

Item 1: 505 West 43rd Street

This item is an amendment to a previously approved Article XI resolution (Resolution 768-2019) granted for 505 West 43rd Street. The previous resolution listed a tentative tax lot number as the subject of the exemption, which changed when the tax lot map was finalized. This amendment updates the resolution to reflect the change.

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

Res. No. 451

Resolution approving an amendment to a previously approved real property tax exemption pursuant to Section 577 of the Private Housing Finance Law for property located at (Block 1072, p/o Lot 24 (Tentative Lot 1002)) Manhattan (Preconsidered L.U. No. 154).

By Council Member Brannan.

WHEREAS, the New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated December 19, 2022 that the Council amend a previously approved tax exemption for real property located at (Block 1072, p/o Lot 24 (Tentative Lot 1002)) Manhattan (“Exemption Area”) pursuant to Section 577 of the Private Housing Finance Law;

WHEREAS, the HPD's request for amendments is related to a previously approved Council Resolution adopted on February 28, 2019 (Resolution No. 768) (the "Prior Resolution"), granting the Exemption Area a real property tax exemption pursuant to Section 577 of the Private Housing Finance Law;

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

RESOLVED:

The Council approves the amendments to the Prior Resolution requested by HPD for the Exemption Area pursuant to Section 577 of the Private Housing Finance Law as follows:

Paragraph 1.d of the Prior Resolution is deleted and replaced with the following:

1.d. "Exemption Area" shall mean the real property located in the Borough of Manhattan, City and State of New York, identified as Block 1072, Lot 1201 on the Tax Map of the City of New York.

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

JUSTIN L. BRANNAN, *Chairperson*: DIANA I. AYALA, FRANCISCO P. MOYA, KEITH POWERS, FARAH N. LOUIS, SELVENA N. BROOKS-POWERS, GALE A. BREWER, AMANDA FARÍAS, KAMILLAH HANKS, CRYSTAL HUDSON, CHI. A. OSSÉ, PIERINA ANA SANCHEZ, MARJORIE VELÁZQUEZ, JULIE WON, DAVID M. CARR, ARI KAGAN; 16-0-0; *Absent*: Charles Barron; Committee on Finance, December 21, 2022. *Other Council Members Attending*: Council Member Hanif.

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

Report of the Committee on Governmental Operations

Report for Int. No. 382-A

Report of the Committee on Governmental Operations in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to requiring certain agencies to publish guidance on responding to settlement offers, translate such guidance into the designated citywide languages, and notify settlement offer recipients about such guidance.

The Committee on Governmental Operations, to which the annexed proposed amended local law was referred on May 19, 2022 (Minutes, page 1063), respectfully

REPORTS:

I. INTRODUCTION

On December 21, 2022 the Committee on Governmental Operations, chaired by Council Member Ung, held a second hearing and vote on the following legislation: Proposed Int. No. 382-A, sponsored by Council Member Brewer, in relation to requiring certain agencies to publish guidance on responding to settlement offers, translate such guidance into the designated citywide languages, and notify settlement offer recipients about such guidance;

Proposed Int. No. 697-A, sponsored by Council Member Ung, in relation to providing supplemental language access services in connection with temporary language needs; and Proposed Int. No. 700-A, sponsored by Council Member Won, in relation to translation services for compliance materials. All three bills were approved by a unanimous vote of the Committee.

II. BACKGROUND

a. MOIA

The Mayor's Office of Immigrant Affairs ("MOIA") was established within the Mayor's executive office by a Charter referendum approved by the voters on November 6, 2001.¹ The office's mission is to "promote the utilization of city services by all its residents including... speakers of foreign languages."² It is empowered to "advise and assist the mayor and the council in developing and implementing policies designed to assist immigrants and other foreign-language speakers in the city," as well as to establish programs to inform and educate foreign language speakers.³ It also manages a citywide list of translators and interpreters to facilitate communication between city agencies and foreign language speakers.⁴

MOIA works collaboratively with other city agencies to improve language access. They assist city agencies in building their own language access infrastructure and expanding the availability of language access services.⁵ The primary work of the office is to bolster agencies' capacity to provide language access. To do this, MOIA has built an infrastructure that allows agencies to share materials, procedures, and tools. MOIA also convenes twice yearly meetings of language access coordinators where they can share resources and best practices. MOIA worked with the Office of Emergency Management and the Vaccine Command Center to improve language access for the administration of COVID vaccines.⁶

b. Office of the Language Services Coordinator

The Office of the Language Services Coordinator ("OLSC") was established within the Mayor's Office by referendum in 1989.⁷ The OLSC was initially established in the Mayor's Office of Operations and is currently led by MOIA.⁸ This office is charged with establishing standards and criteria to be used by city agencies that provide services to the public to help them estimate and report on the need to provide services in languages other than English. The office is also charged with providing technical assistance to agencies in delivering such language services, developing testing materials for training, monitoring, and reporting on the performance of city agencies in delivering such services, and maintaining a centralized public library of written materials published by city agencies in languages other than English.⁹

c. Local Law 30

In 2017, the Council enacted Local Law 30 ("Local Law 30" or "Language Access Law")¹⁰ which requires covered agencies to provide language access services for all designated citywide languages.¹¹ Language access

¹ See NYC Charter §18(a); see also NEW YORK CITY CHARTER REVISION COMMISSION, Making Our City's Progress Permanent (September 2001).

² NYC Charter §18(a).

³ NYC Charter §18(b).

⁴ NYC Charter §18(b).

⁵ Testimony of Bitta Mostofi, then-Commissioner of Mayors Office of Immigrant Affairs at City Council Hearing on Language Access on November 23, 2020.

⁶ Local Law 30 Report for Calendar Year 2021.

⁷ See NYC Charter §15(c).

⁸ NYC Charter §15(c).

⁹ *Id.*

¹⁰ See Local Law 30 of 2017, available at <https://legistar.council.nyc.gov/LegislationDetail.aspx>

¹¹ *Id.*

services must, at a minimum, include (i) providing translations of the documents most commonly distributed to the public, (ii) providing interpretation services, and (iii) posting signage about the availability of free interpretation services in all the citywide languages.¹⁶ Covered agencies are defined as those that provide services directly to a program beneficiary, participant or applicant, or those who provide emergency services.¹² Under the law, there are ten designated citywide languages, which are determined by the Mayor’s Office of the Language Service Coordinator.¹³ Six of these languages are the top six Limited English Proficiency (“LEP”) languages spoken in New York City, based on United States Census data, and the next four are the top four LEP languages spoken by the population served or likely to be served by city agencies, based on New York City Department of Education (“DOE”) data (and excluding the languages designated based on census data).¹⁴ The current citywide designated languages are:¹⁵

1. Spanish
2. Chinese¹⁶
3. Russian
4. Bengali
5. Haitian Creole¹⁷
6. Korean
7. Arabic
8. Urdu
9. French
10. Polish

Local Law 30 requires agencies to develop individual language access implementation plans, and requires the inclusion of certain elements in each plan, such as an evaluation of the languages access needs of the agency’s service populations, considerations of other relevant language data that may be available, incorporating plain language principles for documents, identifying important documents to be translated, considering language access in emergency preparedness plans, the training of frontline workers on language access policies, evaluation of the language access capacity (both internally and through contract) of the agencies, and other requirements.¹⁸ The law also requires agencies to consider providing services in languages beyond the designated citywide languages when there is a significant need among their service population.¹⁹ Agencies must update their language access plans, based on changes in their service populations or services, at least once every three years and publish those plans on their websites.²⁰ Links to those plans are available on MOIA’s website.²¹

The OLSC is responsible for coordinating and guiding the development of the language access plans. They are required to submit an annual report regarding the implementation of such plans. In addition, they are required to perform outreach in neighborhoods containing a significant number of persons who do not speak any of the languages already covered by most agencies’ implementation plans, but that might otherwise contain a likely service population, to inquire what direct public services might be used by such persons if such services were available in a language they speak.²² They are also required to make recommendations to agencies on specific programs for which the providing of service in a language not already required might be beneficial.²³ Finally,

¹² See Local Law 30 of 2017, available at <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=2735477&GUID=D0A0ECA1-4D71-47EB-B44D-5919777ED818&Options=ID|Text|&Search=2017%2f030>

¹³ Id.

¹⁴ Id.

¹⁵ NYC MAYOR’S OFFICE OF IMMIGRANT AFFAIRS, *Language and Disability Access*, <https://www1.nyc.gov/site/immigrants/about/language-and-disability-access.page> (last visited December 14, 2022).

¹⁶ The Census Bureau includes all dialects of Chinese (Mandarin, Cantonese, Taiwanese, Fujianese, Hakka, etc.) under the umbrella term of Chinese. NYC MAYOR’S OFFICE OF IMMIGRANT AFFAIRS AND MAYOR’S OFFICE OF OPERATIONS, *Local Law 30 Report* (June 2022) <https://www1.nyc.gov/assets/immigrants/downloads/pdf/CY2021-local-law-30-report.pdf>

¹⁷ The Census Bureau specifies French Creole but in the NYC context this has been judged to mean Haitian Creole. *Id.*

¹⁸ Local Law 30 of 2017, *supra* note 24.

¹⁹ *Id.*

²⁰ *Id.*

²¹ See Language Access Coordinators and Language Access Implementation Plans updated February 2, 2022 at <https://www1.nyc.gov/assets/immigrants/downloads/pdf/LAC-List-for-MOIA-Website.pdf>

²² *Id.*

²³ *Id.*

the law requires the OLSC to submit an annual report on language access, which includes both data on language access and a copy of each agency's implementation plan.²⁴ The first annual report was issued on June 30, 2018. The administration issued its most recent annual report on June 30, 2022.

d. Other Local Laws on Language Access

Many local laws have included provisions for language access in specific instances. For example, just this year, the Council has passed laws requiring that agencies report data on language access with regards to abortion,²⁵ 311 wait times,²⁶ and interpretation services.²⁷ In the previous legislative session the Council passed laws enhancing language access for certain retirement savings accounts,²⁸ 311 customer satisfaction surveys,²⁹ supportive housing tenant rights,³⁰ emergency assistance grants,³¹ and election information.³² One local law of particular note is Local Law 73 of 2003, in relation to the provision of language assistance services for persons receiving assistance from certain agencies in relation to health and human services.³³

II. LOCAL LAW 30 COMPLIANCE

Since the enactment of Local Law 30, the Governmental Operations and Immigration Committees have conducted two joint oversight hearings to review agency compliance with the law. The first of these hearings took place in October 2018, roughly one year after Local Law 30 took effect.³⁴ In advance of this hearing, committee staff reviewed the websites and language access implementation plans of covered city agencies and identified a number of compliance issues. For instance, although the law requires agencies to translate common documents into the ten designated citywide languages, there were very few documents translated into all ten languages available on agency websites.³⁵ Moreover, when providing services in Chinese, different agencies appeared to provide information in different dialects (Mandarin, Cantonese, Hakka, Fujianese, or Taiwanese) and writing systems (simplified or traditional) without clearly explaining these choices.³⁶ In addition, a number of language access plans failed to address how the agency would incorporate language access services into its emergency preparedness and response planning, as required by Local Law 30.³⁷ At the hearing, then-MOIA Commissioner Bitta Mistofi testified that since Local Law 30 had taken effect, MOIA had focused most of its

²⁴ *Id.*

²⁵ Intro 458-A-2022 available at <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=5668979&GUID=B6CA7CCD-C397-48E9-B1DB-847D88E6C82E&Options=Advanced&Search=>

²⁶ Intro. 0296-2022 available at <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=5570541&GUID=219BD56E-A8F1-47B3-AA7C-D760A678AA9B&Options=Advanced&Search=>

²⁷ Intro. 0206-2022 available at <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=5555561&GUID=9C7C8735-7E0D-4057-957E-08D07BCD145B&Options=Advanced&Search=>

²⁸ Local Law 41 of 2021 available at <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=3498476&GUID=6E78D2BB-A4BA-4FD8-8C03-ABA62C914AEB&Options=Advanced&Search=>

²⁹ Local Law 26 of 2021 available at <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=3923896&GUID=86783671-B200-46DF-9F5F-72811EE3737E&Options=Advanced&Search=>

³⁰ Local Law 15 of 2022, available at <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=4726810&GUID=1B6852C4-B341-4229-8355-C3CDB4228C3C&Options=Advanced&Search=>

³¹ Local Law 30 of 2022 available at <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=4642613&GUID=6D92640E-D2CF-45C0-BE27-474CA32BB97E&Options=Advanced&Search=>

³² Local Law 48 of 2002 available at <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=5190185&GUID=FD8B72F0-7C38-4741-B183-260911724175&Options=Advanced&Search=>

³³ Local Law 73 of 2003 available at <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=437168&GUID=482D9A0F-EB57-4D84-BFEA-B49CF178E778&Options=Advanced&Search=>

³⁴ THE COUNCIL OF THE CITY OF NEW YORK, COMMITTEE ON GOVERNMENTAL OPERATIONS AND COMMITTEE ON IMMIGRATION, *Briefing Paper for Oversight: Local Law 30 of 2017: Language Access Implementation Plans* (October 2018), <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=3698346&GUID=4AF91740-D6F9-4DCD-889F-8304E1776C68&Options=&Search=>

³⁵ *Id.*

³⁶ *Id.*

³⁷ *Id.*

energy on advising covered agencies on the details of the law, and that the office had only recently begun to focus on monitoring agency compliance.³⁸

Two years later, in November 2020, the Governmental Operations and Immigration Committees held another hearing to review how Local Law 30 compliance had progressed.³⁹ A review of agency websites prior to the hearing revealed that while compliance had improved in certain respects, many of the issues identified in 2018 remained outstanding.⁴⁰ In her testimony before the Committees, then-Commissioner Mistofi noted that that the Covid-19 pandemic, in particular, “showed that the City still faces tremendous challenges in quickly disseminating multilingual information to New Yorkers who do not speak English and in ensuring that information is accurate and accessible.”⁴¹

Since this hearing, MOIA has released three annual reports detailing agency compliance with Local Law 30. The most recent report—published on June 30, 2022—indicates that city agencies have engaged in a number of important initiatives to expand language access.⁴² Nevertheless, questions remain as to how well Local Law 30 is being implemented. For instance, agencies do not consistently report the number of documents or forms that have been made available in the designated citywide languages.⁴³ Furthermore, while many agencies rely on a combination of multilingual staff and third-party telephonic interpreters to provide real-time interpretation services, agencies generally do not report the number of multilingual staff in their employ or the languages spoken by those staff.⁴⁴ Although Local Law 30 does not expressly require such information to be reported, it is difficult to determine how the law is being implemented without these kinds of metrics.

In addition, the City does not appear to have updated the list of designated citywide languages since Local Law 30 first took effect in 2017.⁴⁵ As noted above, the designated citywide languages are supposed to represent the top ten languages spoken by New Yorkers with LEP, based on data from the United States Census Bureau and the NYC Department of Education. Such data is published annually,⁴⁶ suggesting that the list of designated citywide languages could be updated as frequently as every year to reflect demographic shifts. Recognizing this possibility, Local Law 30 requires each annual report submitted by MOIA to include “the list of designated citywide languages” along with “the data relied upon for its creation.”⁴⁷ Rather than submitting an updated list and fresh data each year, however, MOIA has simply re-submitted, year after year, its “preliminary assessment” of the designated citywide languages from May 15, 2017.⁴⁸ This assessment is based on 2011-15 American Community Survey data from the Census Bureau and DOE data pertaining to school years 2011-2012 through 2015-2016.⁴⁹ The Local Law 30 annual reports do not indicate when or whether the Administration plans on revisiting this assessment based on new data.⁵⁰

At the November 2020 oversight hearing discussed above, then-Immigration Committee Chair Carlos Menchaca asked Commissioner Mistofi when the Administration planned on updating the list of designated

³⁸ Testimony of Commissioner Bitta Mostofi, NYC Mayor’s Office of Immigrant Affairs (October 25, 2018), *available at* <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=3698345&GUID=D53B67F7-5F3F-47C5-B753-EC74797E5072&Options=&Search>.

³⁹ THE COUNCIL OF THE CITY OF NEW YORK, COMMITTEE ON GOVERNMENTAL OPERATIONS AND COMMITTEE ON IMMIGRATION, *Briefing Paper for Oversight: Language Access and Emergency Preparedness* (October 2018), <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=4678243&GUID=9917B57B-58CD-4362-8A52-66BB1E681838&Options=&Search>.

⁴⁰ *Id.*

⁴¹ Testimony of Commissioner Bitta Mostofi, NYC Mayor’s Office of Immigrant Affairs (November 23, 2020), *available at*, <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=4678243&GUID=9917B57B-58CD-4362-8A52-66BB1E681838&Options=&Search>.

⁴² Local Law 30 Report for Calendar Year 2021.

⁴³ *See id.*

⁴⁴ *See id.*

⁴⁵ *See id.*

⁴⁶ The Census Bureau data used for this purposes comes from the American Community Survey, which is published on an annual basis. *See id.* (noting that 2017 determination of designated citywide languages used American Community Survey data); US Census Bureau, American Community Survey, <https://www.census.gov/programs-surveys/acs> (last visited December 14, 2022) (noting that the American Community Survey releases new data every year).

⁴⁷ Charter § 15(c)(5)

⁴⁸ *See, e.g.*, Local Law 30 Report for Calendar Year 2021.

⁴⁹ *Id.*

⁵⁰ *See, e.g., id.*

citywide languages.⁵¹ Commissioner Mistofi testified that no final decision on this question had been made at the time.⁵²

III. IMMIGRANT OWNED BUSINESSES AND LANGUAGE ACCESS CHALLENGES

A. Background: Immigrant-Owned Businesses

While immigrants make up only 13 percent of the United States (“U.S.”) population, immigrants make up 30 percent of new entrepreneurs.⁵³ At a national level, immigrants are much more likely to start businesses than their U.S.-born counterparts, with refugees having the highest rate of entrepreneurship.⁵⁴ In 2017, about 3.2 million immigrants ran their own businesses, accounting for one in every five entrepreneurs in the country.⁵⁵ Immigrant entrepreneurs create about a quarter of new business in the U.S.⁵⁶ In 2017 alone, households led by immigrants earned \$1.5 trillion in total income and contributed \$405 billion in tax revenues to federal, state, and local governments, leaving them with \$1.1 trillion in spending power.⁵⁷ Immigrant-owned businesses cross many sectors, with nearly half of all immigrant-owned startups in hospitality and food service, retail trade, and professional and technical services.⁵⁸ Immigrant business owners generate millions of jobs and bring in billions of dollars in revenue, reviving neighborhoods and revitalizing regional economies.⁵⁹

Similarly, immigrant New Yorkers contribute significantly to the City’s economic health, contributing \$232 billion to the City’s gross domestic product (GDP), or about 25 percent of the City’s total GDP.⁶⁰ Far exceeding national averages, immigrants in New York City up 31 percent of the workforce,⁶¹ and immigrant New Yorkers own one-half of New York City’s businesses.⁶² In some neighborhoods, immigrant-owned businesses employ up to 42 percent of the neighborhood population.⁶³ According to the Fiscal Policy Institute, in 2017, New York City’s immigrant business owners brought in \$5.2 billion of the \$13.2 billion in total individual earnings from incorporated businesses.⁶⁴ These businesses are anchors in their communities, providing culturally relevant goods and services and a space for neighbors to convene.

⁵¹ Hearing of the Committee on Governmental Operations and the Committee on Immigration, *supra* note 47.

⁵² *Id.*

⁵³ Dan Kosten, *Immigrants as Economic Contributions: Immigrant Entrepreneurs*, NATIONAL IMMIGRATION FORUM, Jul. 11, 2018, <https://immigrationforum.org/article/immigrants-as-economic-contributors-immigrant-entrepreneurs/>.

⁵⁴ *Id.* The percentage of adults, both U.S.-born and immigrant, who became entrepreneurs in any given month during 2016, was .31 percent, or 310 out of every 100,000. The entrepreneurship rate for immigrants during the same time period was higher at .52 percent, about twice the rate of the U.S.-born (.26 percent); *see also* Peter Dizikes, *Study: Immigrants in the U.S. are more likely to start firms, create jobs*, MIT NEWS, May 9, 2022, <https://news.mit.edu/2022/study-immigrants-more-likely-start-firms-create-jobs-0509>.

⁵⁵ NEW AMERICAN ECONOMY, *New Data Shows Immigrant-Owned Businesses Employed 8 Million Americans; Immigrants Wield \$1.1 Trillion in Spending Power*, Mar. 12, 2019, <https://www.newamericaneconomy.org/press-release/new-data-shows-immigrant-owned-businesses-employed-8-million-americans-immigrants-wield-1-1-trillion-in-spending-power/>; *see also* Peter Dizikes *supra* note 60 (finding that, on average, immigrant firms have 1 percent more employees than those founded by U.S. natives).

⁵⁶ Dinah Wisenberg Brin, *Immigrants Form 25% of New U.S. Businesses, Driving Entrepreneurship In 'Gateway' States*, FORBES, Jul. 31, 2018, <https://www.forbes.com/sites/dinahwisenberg/2018/07/31/immigrant-entrepreneurs-form-25-of-new-u-s-business-researchers/#17cd3f93713b>.

⁵⁷ NEW AMERICAN ECONOMY, *supra* note 61.

⁵⁸ Rashaan Ayesh, *Immigrant-owned businesses contribute billions to U.S. economy*, AXIOS, Aug. 17, 2019, <https://www.axios.com/immigrant-owned-businesses-billions-economy-741f1790-db25-4da0-8950-9be174ee6689.html>.

⁵⁹ Dan Kosten, *supra* note 59. In 2017, immigrant-owned businesses employed about 8 million American workers and generated \$1.3 trillion in total sales. NEW AMERICAN ECONOMY, *supra* note 61.

⁶⁰ MAYOR’S OFFICE OF IMMIGRANT AFFAIRS, *State of Our Immigrant City: MOIA Annual Report for Calendar Year 2019*, (Mar. 2020), at 29, <https://www1.nyc.gov/assets/immigrants/downloads/pdf/MOIA-Annual-Report-for-2019.pdf>. (Demographic information for 2021 was not available due to disruptions in data collection caused by the COVID-19 pandemic).

⁶¹ MAYOR’S OFFICE OF IMMIGRANT AFFAIRS, *State of Our Immigrant City: Annual Report*, (Mar. 2020), at 27, <https://www1.nyc.gov/assets/immigrants/downloads/pdf/MOIA-Annual-Report-for-2019.pdf>.

⁶² MAYOR’S OFFICE OF IMMIGRANT AFFAIRS, *supra* note 66, at 21.

⁶³ Lena Afridi, *The Displacement Crisis of Immigrant-Owned Small Businesses*, SHELTER FORCE, Feb. 15, 2018, <https://shelterforce.org/2018/02/15/displacement-crisis-immigrant-owned-small-businesses/>.

⁶⁴ Gregg Bishop, *Opinion: NYC immigrants mean business*, QUEENS DAILY EAGLE, Jun. 18, 2019, <https://queenseagle.com/all/opinion-nyc-immigrants-mean-business>.

B. Barriers to Doing Business: Language Access

Immigrants are undeniably integral to the City's economy and comprise a significant percentage of key industry sectors; however, many immigrant workers are trapped in lower-wage occupations within these sectors and lack opportunity or access to tools for advancement.⁶⁵ For example, while immigrant New Yorkers collectively speak over 200 languages,⁶⁶ half of them are considered Limited English Proficient (LEP).⁶⁷ Therefore, although investments are made in reaching immigrant communities, the City's diverse immigrant communities require comprehensive and robust assistance programs that reach all potential entrepreneurs in the various languages spoken in the City. Such programs should also be tailored to the specific needs of diverse immigrant business communities and the industries they are in, and outreach to them should be conducted widely, in-language, and through trusted entities like business associations and community-based organizations.

A report by the Association for Neighborhood and Housing Development, entitled "The Forgotten Tenants: New York City's Immigrant Small Business Owners," found through interviews, surveys, and focus groups with immigrant business owners that one of the major issues across three neighborhoods examined⁶⁸ was fines and access to city resources⁶⁹ with 49 percent ranking "tickets, fines, permits, and inspections" in their top three concerns and 36 percent stating that access to translation services also presented a challenge as the City did not provide enough resources in their language.⁷⁰

Note that since this report was published, the Council passed Int. No. 116-2022, creating a one-stop shop small business portal through which with all applications, permits, licenses, and related information needed to open and operate a small business in the City would be available in a single, easily accessible, and easy-to-navigate location.⁷¹

C. Existing Supports and Services for Immigrant-Owned Businesses in New York City

The U.S. Small Business Administration (SBA),⁷² New York State Government,⁷³ and the City Department of Small Business Services (SBS)⁷⁴ offer a plethora of programs to assist small business owners. SBS runs NYC Business Solutions Centers across the five boroughs that provide free courses to help city residents start and operate a business. These courses, which are offered through a partnership between SBS and Coursera, educate small business owners on business planning, financing, and business management.⁷⁵ SBS's free business courses are offered in Spanish, Chinese, Russian, Korean, Haitian Creole, French, Bengali, and Arabic, eight of the ten languages designated by the Language Access Law.⁷⁶ The Department of Consumer and Worker Protection (DCWP) also runs NYC Financial Empowerment Centers that offer New York City residents free, business-related financial counseling.⁷⁷ There are 14 centers in NYC, and counseling is offered in English, Spanish, Mandarin, Cantonese, Russian, Uzbek and American Sign Language.⁷⁸ New York State offers educational programing for small businesses as well through the eleven Entrepreneurship Assistance Centers (EAC) located

⁶⁵ CENTER FOR AN URBAN FUTURE & THE CENTER FOR POPULAR DEMOCRACY, *A City of Immigrant Workers: Building a Workforce Strategy to Support All New Yorkers* (Apr. 2016), <https://nycfuture.org/pdf/A-City-of-Immigrants.pdf>.

⁶⁶ MAYOR'S OFFICE OF IMMIGRANT AFFAIRS, *Mayor's Office of Immigrant Affairs 2021 Report*, (Mar. 2021), at 8, <https://www1.nyc.gov/assets/immigrants/downloads/pdf/MOIA-2021-Report.pdf>.

⁶⁷ MAYOR'S OFFICE OF IMMIGRANT AFFAIRS, *supra* note 67 at 19.

⁶⁸ The neighborhoods engaged were the Lower East Side and Chinatown, Kingsbridge, and Jackson Heights.

⁶⁹ ASSOCIATION FOR NEIGHBORHOOD & HOUSING DEVELOPMENT, *The Forgotten Tenants: New York City's Immigrant Small Business Owners* (Mar. 2019), <https://anhd.org/report/forgotten-tenants-new-york-citys-immigrant-small-business-owners>.

⁷⁰ *Id.*

⁷¹ See Committee on Small Business. Int. 116-2022. THE NEW YORK CITY COUNCIL.

<https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=5534259&GUID=C1D63171-F341-4D11-AD65-3A57F3DE92DB>.

⁷² *Small Business Resource Guide: New York City Edition 2019*, U.S. Small Business Administration, https://www.sba.gov/sites/default/files/files/resourceguide_3135.pdf

⁷³ *Resources for Entrepreneurs*, Department of Labor, <https://www.labor.ny.gov/seap/entrepreneur-resources.shtm>

⁷⁴ *Business Services*, NYC BUSINESS, <https://www1.nyc.gov/nycbusiness/topicpage/support-for-businesses>

⁷⁵ *Business Courses*, NYC BUSINESS, <https://www1.nyc.gov/nycbusiness/article/business-courses>.

⁷⁶ *Id.*

⁷⁷ *Get Free Financial Counseling*, NYC CONSUMER AND WORKER PROTECTION, <https://www1.nyc.gov/site/dca/consumers/get-free-financial-counseling.page>.

⁷⁸ *Id.*

in New York City. EACs offer small business owners courses in a number of topics, including how to start a business and how to access capital and credit.⁷⁹ The federal SBA also offers educational programming on subjects including how to comply with federal, state, and local regulations, commercial leasing, and financing options.⁸⁰

SBS offers some services that are specifically intended to assist immigrant small business owners. SBS has released two reports on immigrant-owned businesses, which are tailored to respond to the needs and barriers immigrant New Yorkers face in starting a business.⁸¹ The information in SBS's report "Building Your Business in New York City: A Guide for Immigrant Entrepreneurs" came from a collaboration between SBS and local immigrant community-based organizations under the City's Immigrant Business Initiative.⁸² Certain immigrant businesses may also qualify for NYC Certification programs.⁸³ To comply with the Language Access Law, SBS's language access implementation plan outlines how the agency is offering its services in more languages to allow a greater amount of non-native English speakers the ability to engage with city services. SBS offers its services in the top ten languages most requested within their consumer base: Spanish, Russian, Mandarin-Chinese, Cantonese-Chinese, Korean, Haitian (French) Creole, Fujianese-Chinese (Fuzhou), French, Polish, and Bengali.⁸⁴ According to SBS, "no supplemental languages to the designated citywide languages are necessary to provide services."⁸⁵ However, the top ten languages SBS outlines in its language access implementation plan are not consistent with the languages required in Local Law 30 of 2017.

D. Gaps in Supports and Services

While it is true that immigrant entrepreneurship is vital to the City's economy, few comprehensive studies have been conducted to understand the needs of immigrant business owners in New York City. The Center for an Urban Future has conducted research on New York City's immigrant workforce,⁸⁶ the American Asian Federation has conducted research on the Asian-American business sector,⁸⁷ and the Association for Neighborhood & Housing Development conducted a survey of 100 immigrant small-business owners throughout three City neighborhoods, to better understand current challenges.⁸⁸

The analysis of existing challenges for immigrant business owners and ensuing recommendations made by these organizations point to a series of gaps in support and services for this population of small business services, primarily in the realm of language access. The need for all existing small business services, information, and notices to be available in multiple languages cannot be overstated. As one example, in order for a new restaurant to open in the City, the owner will likely have to interact with up to eight city agencies in order to file all appropriate paperwork, pay fees, obtain licenses, and so on.⁸⁹ Uniform language access across government agencies is paramount to this process. While many city agencies rely on the linguistic capabilities of their staff and contracts with LanguageLine Solutions to fill language needs, advocates have consistently raised concerns that these are not sufficient given the more than 200 spoken languages of immigrant New Yorkers.⁹⁰ Inadequate

⁷⁹ *Entrepreneurship Assistance Centers*, EMPIRE STATE DEVELOPMENT, <https://esd.ny.gov/entrepreneurship-assistance-centers>.

⁸⁰ *Learning Center*, U.S. Small Business Administration, <https://www.sba.gov/learning-center>.

⁸¹ *Immigrant Business Services*, NYC BUSINESS, <https://www1.nyc.gov/nycbusiness/article/immigrant-business-initiative>.

⁸² NYC SMALL BUSINESS SERVICES, *Building Your Business in New York City*, https://www1.nyc.gov/assets/sbs/downloads/pdf/about/reports/ibi_toolkit.pdf.

⁸³ Such as Minority and Women-owned Business Enterprise (M/WBE), Emerging Business Enterprise (EBE), and Locally-based Business Enterprise (LBE).

⁸⁴ NYC SMALL BUSINESS SERVICES, *Language Access Implementation Plan (Local Law 30)* (June 2021), https://www1.nyc.gov/assets/sbs/downloads/pdf/about/sbs_lap.pdf.

⁸⁵ *Id.*

⁸⁶ CENTER FOR AN URBAN FUTURE & THE CENTER FOR POPULAR DEMOCRACY, *supra* note 7165.

⁸⁷ ASIAN AMERICAN FEDERATION, *NYC's Economic Engine: Contributions & Challenges of Asian Small Businesses* (Dec. 2016), http://www.aafny.org/doc/AAF_small_biz.pdf.

⁸⁸ ASSOCIATION FOR NEIGHBORHOOD & HOUSING DEVELOPMENT, *supra* note 75.

⁸⁹ *Id.*

⁹⁰ Advocates have contended that oftentimes, the existing methods of language access, such as LanguageLine or Google Translate, are ineffective for business owners who may receive incorrect translations and, accordingly, incorrect instructions for complying with City requirements. Testimony before the Committees on Governmental Operations and Immigration on Oct. 25, 2018,

<https://legistar.council.nyc.gov/MeetingDetail.aspx?ID=639704&GUID=18F795AF-0518-459B-9921-44FDE2D093CD&Options=info&Search=> and Committee on Immigration on June 12, 2019,

<https://legistar.council.nyc.gov/MeetingDetail.aspx?ID=696617&GUID=25302E16-DDC6-4DD1-AB44-182AA8F1726A&Options=info&Search=>.

or uneven language access places the burden of interpretation on the business owner when seeking out existing city services and undercuts the value of these services. Additionally, the enforcement of city and state regulations can be perceived as overzealous harassment by immigrant business owners who may not be apprised of recent changes to local and/or state laws. This is another area where lack of language access poses additional harm to immigrant business owners, as many of the notices of city and state regulations and violations are not translated beyond required languages, and inspectors are not required to bring interpreters with them. ANHD recommends that increased coordination between city and state agencies could reduce fines and bureaucratic hurdles, and increase translation and interpretation to provide for the needs of immigrant business owners.⁹¹ Such translation and interpretation services can be especially valuable for speakers of languages of limited diffusion.

IV. LEGISLATIVE ANALYSIS

Int. No. 382-A

DCWP and DOHMH administer various licensing and permitting regimes in the City. In this role, these agencies are responsible for reviewing license applications, issuing licenses, and conducting inspections of licensed entities to ensure compliance with relevant laws. In general, if an inspection reveals a violation, the agency will mail the licensee a settlement offer. For some violations, the Administrative Code permits first-time violators to avoid monetary penalties by promptly curing the violation. In such cases, the settlement offer must notify the violator of their option to cure.

Int. No. 382-A would require each settlement offer sent by DCWP and DOHMH to be accompanied by a notice that: (1) informs the recipient that they are receiving a settlement offer because they are being charged with a violation of the law; and (2) directs the recipient (via a QR code or similar mechanism) to a portion of the agency's website with plain language information about the recipient's options for responding to the settlement offer. Both the notice and the online information would need to be translated into each of the designated citywide languages.

The bill would require the online settlement offer information to include plain language summaries of: (1) the legal obligations and consequences of accepting a settlement offer, and the appropriate procedure for doing so; (2) a respondent's right not to accept a settlement offer and the availability of a hearing to challenge the violation; (3) the relevant agency's hearing process; and (4) the option to cure violations when permitted by law, including general information as to which violations are curable, the process for curing a violation, and the possible consequences of doing so.

This bill would become effective 180 days after becoming law.

Int. No. 697-A

Int. No. 697-A would expand upon Local Law 30 by requiring agencies to provide services in additional languages, as necessary, to respond to an emergency in which a large number of people who do not speak one of the designated citywide languages are arriving in the City and seeking city services. Specifically, section 1 of the bill would require OLSC to include in its annual report a list of any additional languages for which language access services were required pursuant to section 3 of the bill. Section 2 of the bill would require each covered agency's language access implementation plan to incorporate planning to address a sudden increase in the need for language access services in a language other than a designated citywide language.

Section 3 of the bill would require OLSC, upon being informed of an event that is likely to cause a significant number of similarly situated individuals whose primary language is not English to arrive in the City and seek city services including shelter, food, or other urgent assistance, to identify the primary languages spoken by those individuals and list such languages online. City agencies serving such individuals would then need to translate relevant documents and make interpretation services available in the languages identified by OLSC. In

⁹¹ ASSOCIATION FOR NEIGHBORHOOD & HOUSING DEVELOPMENT, *supra* note 69.

addition, agency websites would need to include translations of relevant documents in the identified languages, to the extent practicable. Furthermore, any temporary location maintained by an agency for the purpose of providing services to impacted individuals would need to include signage in the identified languages.

This bill would become effective 120 days after becoming law.

Int. No. 700-A

Int. No. 700-A would expand upon Local Law 30 by requiring covered agencies to translate additional kinds of documents. Specifically, the bill would require each covered agency to translate those documents most commonly distributed to the public that contain or elicit important and necessary information regarding any laws or rules enforced by the agency. In addition, the bill would require each covered agency's language access implementation plan to include plain language principles for documents most commonly distributed to the public that contain or elicit important and necessary information regarding enforcement actions and incorporate the training of inspectors and other enforcement staff.

This bill become effective 120 days after becoming law.

(The following is the text of the Fiscal Impact Statement for Int. No. 382-A:)



**THE COUNCIL OF THE CITY OF NEW YORK
FINANCE DIVISION**

**TANISHA EDWARDS, CHIEF FINANCIAL OFFICER AND
DEPUTY CHIEF OF STAFF TO THE SPEAKER
RICHARD LEE, FINANCE DIRECTOR**

FISCAL IMPACT STATEMENT

PROPOSED INTRO NO. 382-A

COMMITTEE: Committee on Governmental Operations

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to requiring certain agencies to publish guidance on responding to settlement offers, translate such guidance into the designated citywide languages, and notify settlement offer recipients about such guidance.

SPONSORS: Council Members Brewer, Yeger, Hanif, Louis, Ung, Nurse, Krishnan, Abreu, Restler, Sanchez, Menin, Velázquez, Hudson, Narcisse, Brannan, Lee, Avilés, Cabán, Won and Ossé.

SUMMARY OF LEGISLATION: This bill would require each settlement offer sent by the Department of Consumer and Worker Protection and the Department of Health and Mental Hygiene to be accompanied by a multilingual notice that: (1) informs the recipient that they are receiving a settlement offer because they are being charged with a violation of the law; and (2) directs the recipient (via a QR code or similar mechanism) to a portion of the agency's website with plain language information about the recipient's options for responding to the settlement offer. Both the notice and the online information would need to be translated into each of the designated citywide languages, which are the top ten languages spoken by New Yorkers with limited English proficiency.

EFFECTIVE DATE: This bill would take effect 180 days after becoming law.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2024

FISCAL IMPACT STATEMENT:

	Effective FY23	FY Succeeding Effective FY24	Full Fiscal Impact FY24
Revenues (-)	\$0	\$0	\$0
Expenditures (+)	\$0	\$0	\$0
Net	\$0	\$0	\$0

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

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: It is anticipated that there would be no impact on expenditures resulting from the enactment of this legislation because the relevant City agency would utilize existing resources to fulfill its requirements.

SOURCES OF INFORMATION: Mayor’s Office of Legislative Affairs

ESTIMATE PREPARED BY: Masis Sarkissian, Unit Head

ESTIMATE REVIEWED BY: Masis Sarkissian, Unit Head
Jonathan Rosenberg, Managing Deputy Director

LEGISLATIVE HISTORY: This legislation was introduced to the Council on May 19, 2022, as Int. No. 382 and referred to the Committee on Governmental Operations. The legislation was considered by the Committee on Governmental Operations at a hearing held on November 2, 2022, and was Laid Over by Committee. It was subsequently amended, and the amended version, Proposed Intro. No. 382-A, will be considered by the Committee on Governmental Operations on December 21, 2022. Upon a successful vote by the Committee, Proposed Int. No. 382-A will be submitted to the full Council for a vote on December 21, 2022.

DATE PREPARED: December 20, 2022.

(For text of Int. Nos. 697-A and 700-A and their Fiscal Impact Statements, please see the Report of the Committee on Governmental Operations for Int. Nos. 697-A and 700-A, respectively, printed in these Minutes; for text of Int. No. 382-A, please see below)

Accordingly, this Committee recommends the adoption of Int. Nos. 382-A, 697-A, and 700-A.

(The following is the text of Int. No. 382-A:)

Int. No. 382-A

By Council Members Brewer, Yeger, Hanif, Louis, Ung, Nurse, Krishnan, Abreu, Restler, Sanchez, Menin, Velázquez, Hudson, Narcisse, Brannan, Lee, Avilés, Cabán, Won, Ossé, Rivera, Mealy and Gennaro.

A Local Law to amend the administrative code of the city of New York, in relation to requiring certain agencies to publish guidance on responding to settlement offers, translate such guidance into the designated citywide languages, and notify settlement offer recipients about such guidance

Be it enacted by the Council as follows:

Section 1. Chapter 11 of title 23 of the administrative code of the city of New York is amended by adding a new section 23-1103 to read as follows:

§ 23-1103 *Multilingual settlement offer information. a. Definitions. For purposes of this section, the following terms have the following meanings:*

Enforcement agency. The term “enforcement agency” means the department of health and mental hygiene, the department of consumer and worker protection, and any other agency issuing settlement offers that the office of the mayor so designates in consideration of the purposes of this chapter.

Settlement offer. The term “settlement offer” means a proposed offer made by an enforcement agency, in lieu of a hearing, to a person regarding a violation, alleged violation or notice of violation of any provision of this code or any rule promulgated thereunder.

b. Publication of multilingual settlement offer information. Each enforcement agency shall make available on its website in a format intended to be viewed with a mobile device, and update as appropriate, general information regarding the options for responding to a settlement offer made by such agency. Such information shall be published in English and each of the designated citywide languages and shall include, but need not be limited to, plain language summaries of:

1. The legal obligations and consequences of accepting a settlement offer, as well as the appropriate procedure for accepting such an offer;

2. A respondent’s right not to accept a settlement offer and the availability of a hearing by the relevant enforcement agency if a respondent chooses not to accept such offer;

3. The relevant enforcement agency’s hearing process, including a respondent’s right to present evidence at such hearing and be accompanied by an attorney or representative; and

4. The option to cure violations when permitted by law, including general information as to which violations are curable pursuant to this code and the rules promulgated thereunder, the process for curing a violation and possible consequences thereof.

c. Multilingual settlement offer information notice. 1. Each settlement offer shall include or be accompanied by a written statement in English and each of the designated citywide languages that:

(a) The recipient is receiving a settlement offer from the relevant enforcement agency because such recipient has been charged with a violation of law; and

(b) The recipient can find information regarding the options for responding to a settlement offer on the enforcement agency’s website.

2. The written statement required by paragraph 1 of this subdivision shall include the universal resource locator (URL) for the multilingual settlement offer information published on the enforcement agency’s website pursuant to subdivision b of this section, as well as a direct means of accessing such information using a properly equipped mobile device, such as a quick response code or a near field communication tag.

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

SANDRA UNG, *Chairperson*; GALE A. BREWER, SHAHANA K. HANIF, LINCOLN RESTLER, LYNN C. SCHULMAN; 5-0-0; Committee on Governmental Operations, December 21, 2022. *Other Council Members Attending: Council Member Ayala.*

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

Report for Int. No. 697-A

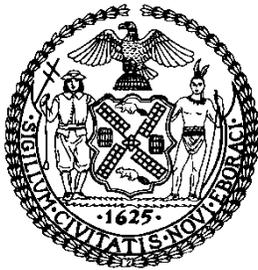
Report of the Committee on Governmental Operations in favor of approving and adopting, as amended, a Local Law to amend the New York city charter and the administrative code of the city of New York, in relation to providing supplemental language access services in connection with temporary language needs.

The Committee on Governmental Operations, to which the annexed proposed amended local law was referred on September 14, 2022 (Minutes, page 2189), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Governmental Operations for Int. No. 382-A printed above in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 697-A:



**THE COUNCIL OF THE CITY OF NEW YORK
FINANCE DIVISION**

**TANISHA EDWARDS, CHIEF FINANCIAL OFFICER
AND DEPUTY CHIEF OF STAFF TO THE SPEAKER
RICHARD LEE, FINANCE DIRECTOR**

FISCAL IMPACT STATEMENT

PROPOSED INTRO NO. 697-A

COMMITTEE: Committee on Governmental
Operations

TITLE: A Local Law to amend the New York city charter and the administrative code of the city of New York, in relation to providing supplemental language access services in connection with temporary language needs.

SPONSORS: Council Members Ung, Hanif, Hudson, Sanchez, Louis, Won, Gutiérrez, Velázquez, Narcisse, Menin, Brannan, Lee, Avilés, Cabán and Ossé.

SUMMARY OF LEGISLATION: This bill would expand upon the City’s Language Access Law by requiring agencies to provide services in additional languages, as necessary, to respond to an emergency in which a large number of people who do not speak one of the designated citywide languages are arriving in the City and seeking city services.

EFFECTIVE DATE: This bill would take effect 120 days after becoming law.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2024

FISCAL IMPACT STATEMENT:

	Effective FY23	FY Succeeding Effective FY24	Full Fiscal Impact FY24
Revenues (-)	\$0	\$0	\$0
Expenditures (+)	\$0	\$0	\$0
Net	\$0	\$0	\$0

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

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: It is anticipated that there would be no impact on expenditures resulting from the enactment of this legislation because the relevant City agency would utilize existing resources to fulfill its requirements.

SOURCES OF INFORMATION: Mayor’s Office of Legislative Affairs

ESTIMATE PREPARED BY: Masis Sarkissian, Unit Head

ESTIMATE REVIEWED BY: Masis Sarkissian, Unit Head
Jonathan Rosenberg, Managing Deputy Director

LEGISLATIVE HISTORY: This legislation was introduced to the Council on September 14, 2022, as Int. No. 697 and referred to the Committee on Governmental Operations. The legislation was considered by the Committee on Governmental Operations at a hearing held on November 2, 2022, and was Laid Over by Committee. It was subsequently amended, and the amended version, Proposed Intro. No. 697-A, will be considered by the Committee on Governmental Operations on December 21, 2022. Upon a successful vote by the Committee, Proposed Int. No. 697-A will be submitted to the full Council for a vote on December 21, 2022.

DATE PREPARED: December 20, 2022.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 697-A:)

Int. No. 697-A

By Council Members Ung, Hanif, Hudson, Sanchez, Louis, Won, Gutiérrez, Velázquez, Narcisse, Menin, Brannan, Lee, Avilés, Cabán, Ossé, Rivera and Gennaro.

A Local Law to amend the New York city charter and the administrative code of the city of New York, in relation to providing supplemental language access services in connection with temporary language needs

Be it enacted by the Council as follows:

Section 1. Paragraph 5 of subdivision c of section 15 of the New York city charter is amended by adding a new subparagraph (vii) to read as follows:

(vii) any languages identified pursuant to section 23-1105 of the code, as well as the circumstances and duration of the global event, occurrence, trend or pattern that required the identification of such languages.

§ 2. Paragraph 5 of subdivision b of section 23-1102 of the administrative code of the city of New York, as added by local law number 30 for the year 2017, is amended to read as follows:

5. incorporate planning to address language access needs in the agency’s emergency preparedness and response, *including (i) planning to address a sudden increase in the need for language access services in a*

language other than a designated citywide language, such as an increase due to an emergency within the city of New York that disproportionately impacts speakers of a particular language; and (ii) listing the types of materials that such agency may disseminate in an emergency;

§ 3. Chapter 11 of title 23 of the administrative code of the city of New York is amended by adding a new section 23-1105 to read as follows:

§ 23-1105 Temporary languages. a. The office of the language services coordinator, upon being informed by any relevant agency of a global event, occurrence, trend or pattern that leads to, is likely to lead to, or has led to a significant number of similarly situated individuals whose primary language is not English arriving in the city and seeking city services including shelter, food, or other urgent assistance, shall seek to identify the primary languages spoken by such similarly situated individuals. The office of the language services coordinator shall maintain a publicly available website listing such identified languages.

b. An agency that provides such services to such individuals shall translate relevant documents and other materials into such identified languages and make interpretation services available for such identified languages.

c. Any city website providing information regarding services available to such individuals shall include translations of relevant documents in such identified languages, to the extent practicable.

d. Any temporary location maintained by an agency for the purpose of providing a service to such individuals shall post signage in such identified languages about the availability of interpretation services.

§ 4. This local law takes effect 120 days after it becomes law, provided that nothing in this local law shall require a covered agency to update its language access implementation plan sooner than would be required by subdivision d of section 23-1102 of the administrative code of the city of New York.

SANDRA UNG, *Chairperson*; GALE A. BREWER, SHAHANA K. HANIF, LINCOLN RESTLER, LYNN C. SCHULMAN; 5-0-0; Committee on Governmental Operations, December 21, 2022. *Other Council Members Attending: Council Member Ayala.*

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

Report for Int. No. 700-A

Report of the Committee on Governmental Operations in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to translation services for compliance materials.

The Committee on Governmental Operations, to which the annexed proposed amended local law was referred on September 14, 2022 (Minutes, page 2193), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Governmental Operations for Int. No. 382-A printed above in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 700-A:



**THE COUNCIL OF THE CITY OF NEW YORK
FINANCE DIVISION**

**TANISHA EDWARDS, CHIEF FINANCIAL OFFICER
AND DEPUTY CHIEF OF STAFF TO THE SPEAKER
RICHARD LEE, FINANCE DIRECTOR**

FISCAL IMPACT STATEMENT

PROPOSED INTRO NO. 700-A

COMMITTEE: Committee on Governmental
Operations

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to translation services for compliance materials.

SPONSORS: Council Members Won, Restler, Hanif, Hudson, Sanchez, Louis, Gutiérrez, Velázquez, Narcisse, Menin, Brannan, Avilés and Cabán.

SUMMARY OF LEGISLATION: This bill would amend the Language Access Law to require agencies that provide direct public services to produce translations of written materials that the agency distributes when enforcing New York City laws and carrying out compliance actions.

EFFECTIVE DATE: This bill would take effect 120 days after becoming law.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2024

FISCAL IMPACT STATEMENT:

	Effective FY23	FY Succeeding Effective FY24	Full Fiscal Impact FY24
Revenues (-)	\$0	\$0	\$0
Expenditures (+)	\$0	\$0	\$0
Net	\$0	\$0	\$0

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

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: It is anticipated that there would be no impact on expenditures resulting from the enactment of this legislation because the relevant City agency would utilize existing resources to fulfill its requirements.

SOURCES OF INFORMATION: Mayor’s Office of Legislative Affairs

ESTIMATE PREPARED BY: Masis Sarkissian, Unit Head

ESTIMATE REVIEWED BY: Masis Sarkissian, Unit Head
Jonathan Rosenberg, Managing Deputy Director

LEGISLATIVE HISTORY: This legislation was introduced to the Council on September 14, 2022, as Int. No. 700 and referred to the Committee on Governmental Operations. The legislation was considered by the Committee on Governmental Operations at a hearing held on November 2, 2022, and was Laid Over by Committee. It was subsequently amended, and the amended version, Proposed Intro. No. 700-A, will be considered by the

Committee on Governmental Operations on December 21, 2022. Upon a successful vote by the Committee, Proposed Int. No. 700-A will be submitted to the full Council for a vote on December 21, 2022.

DATE PREPARED: December 20, 2022.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 700-A:)

Int. No. 700-A

By Council Members Won, Restler, Hanif, Hudson, Sanchez, Louis, Gutiérrez, Velázquez, Narcisse, Menin, Brannan, Avilés, Cabán, Ossé, Rivera, Mealy and Gennaro.

A Local Law to amend the administrative code of the city of New York, in relation to translation services for compliance materials

Be it enacted by the Council as follows:

Section 1. Paragraph 1 of subdivision a of section 23-1102 of the administrative code of the city of New York, as added by local law number 30 for the year 2017, is amended read as follows:

1. identifying and translating: *(a) those documents most commonly distributed to the public that contain or elicit important and necessary information regarding the provision of basic city services; and (b) those documents most commonly distributed to the public that contain or elicit important and necessary information regarding enforcement of the laws and rules enforced by such agency;*

§ 2. Paragraphs 7 and 8 of subdivision b of section 23-1102 of the administrative code of the city of New York, as added by local law number 30 for the year 2017, are amended to read as follows:

7. incorporate plain language principles for documents most commonly distributed to the public that contain or elicit important and necessary information regarding the provision of basic city services *and the enforcement of laws and rules*, and for other public communications, by using plain language, where possible, in place of technical, legal, or specialized terms, and by using layout and design strategies to make such documents and communications easier to read, understand, and act upon;

8. incorporate the training of frontline workers and managers, *including inspectors and other enforcement staff*, on language access policies and procedures;

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

SANDRA UNG, *Chairperson*; GALE A. BREWER, SHAHANA K. HANIF, LINCOLN RESTLER, LYNN C. SCHULMAN; 5-0-0; Committee on Governmental Operations, December 21, 2022. *Other Council Members Attending: Council Member Ayala.*

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

Report of the Committee on Mental Health, Disabilities and Addiction

Report for Int. No. 681-A

Report of the Committee on Mental Health, Disabilities and Addiction in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to workforce development for persons with disabilities.

The Committee on Mental Health, Disabilities and Addiction, to which the annexed proposed amended local law was referred on September 14, 2022 (Minutes, page 2170), respectfully

REPORTS:

I. Introduction

On December 21, 2022, the Committee on Mental Health, Disabilities and Addiction, chaired by Council Member Linda Lee, will hold a vote on Proposed Introduction Number 681-A (Proposed Int. 681-A), sponsored by Council Member Lee, a Local Law to amend the administrative code of the city of New York, in relation to workforce development for persons with disabilities, as well as on Proposed Introduction Number 682-A (Proposed Int. 682-A), sponsored by Council member Lee, a Local Law to amend the administrative code of the city of New York, in relation to requiring agencies to develop a five-year accessibility plan.

The proposed legislation were previously heard at a hearing of the Committee on September 28, 2022, at which the Committee received testimony from the Mayor's Office for People with Disabilities (MOPD), community-based providers, advocates, and other interested parties.

II. Background

About 15 percent of the global population experiences some form of disability,¹ and by 2050, the United Nations projects that approximately 68 percent of the world will reside in urban areas.² Cities such as New York thus must continue to work on increasing access for people with disabilities to ensure their “full and effective participation”³ in city life.⁴ Federal, state, and local laws provide protections for individuals with disabilities to remove barriers to their participation in society. New York City (NYC), which is home to almost 1 million residents with self-identified disabilities,⁵ faces challenges with accessibility in several areas, including accessibility barriers in NYC subway's system;⁶ enforcing compliance from businesses and housing providers

¹ Sarah Kim, *New York: What is the megacity like for people with disabilities?*, Aljazeera (Mar. 30, 2022),

<https://www.aljazeera.com/features/2022/3/30/new-york-what-is-the-megacity-like-for-people-with-disabilities>.

² *Id.*; 68% of the world population projected to live in urban areas by 2050, says UN, United Nations: Dep't of Economic and Social Affairs, <https://www.un.org/development/desa/en/news/population/2018-revision-of-world-urbanization-prospects.html>.

³ *Supra* note 1.

⁴ *Id.*

⁵ Melissa Lent & Eli Dvorkin, *Opinion: Make New York City a National Leader in Employment for People with Disabilities*, CITYLIMITS (Apr. 5, 2022), <https://citylimits.org/2022/04/05/opinion-make-new-york-city-a-national-leader-in-employment-for-people-with-disabilities>. According to data from the U.S. Census Bureau, there were 930,100 people with disabilities living in New York City in 2017, representing 11 percent of the total population. Thomas P. DiNapoli, State Comptroller, *Employment Trends for People with Disabilities in New York City* (July 2020), <https://www.osc.state.ny.us/files/reports/osdc/pdf/report-7-2020.pdf>.

⁶ See Michael Gold, *M.T.A. Vows to Make Subways 95% Accessible. It Will Take 33 Years.*, NY TIMES (June 22, 2022), <https://www.nytimes.com/2022/06/22/nyregion/nyc-subway-accessibility-disabilities-elevators.html>; Stephanie Lai, *Transportation Dept. Opens Program to Make Public Transit Accessible*, NY TIMES (July 26, 2022), <https://www.nytimes.com/2022/07/26/us/politics/dot-public-transit-program.html>.

with federal, state, and local disability discrimination laws;⁷ building inclusive architecture and construction,⁸ and more.⁹ Investments must continue to be made successful disability-specific City programs and services such as Empowered NYC,¹⁰ NYC Parks' accessible recreation centers, or "adaptive hubs,"¹¹ and job placement programs such as NYC: ATWORK.¹²

Investing in access for individuals with disabilities, especially in job training and placement, has a real-world impact: at the state level, the New York State Industries for the Disabled, Inc. (NYSID) and the NY Alliance for Inclusion & Innovation commissioned the Rockefeller Institute of Government to study the economic impact of creating workforce training and integrated employment opportunities for people with disabilities.¹³ NYSID employed 5,293 workers with a disability by facilitating a \$250 million contract portfolio, and through these contracts over \$400 million was generated in economic output in New York State, with \$108 generated for every hour worked by a person with a disability.¹⁴ Notably, the report states that the economic impacts were realized across the state, and that New York City, the largest region in the state, is home to 30 percent of the state's disability service providers. This is notable, as the report states that such organizations generate the largest impact of all regions, accounting for a \$5.6 billion in economic impact.¹⁵ Thus, addressing the accessibility barriers – and particularly in the employment context – has the potential to not only benefit individuals with disabilities directly, but the city as a whole.

Federal, State, and Local Anti-Discrimination Disability Laws

Historically, society has isolated and segregated those with disabilities, and this continues to be a serious and pervasive social problem today.¹⁶ Individuals with disabilities encounter various forms of discrimination, such as communication barriers, failure of entities to modify existing facilities and practices, and being relegated to lesser services, programs, jobs, or other opportunities.¹⁷ By passing the Americans with Disabilities Act (ADA) in 1990, Congress recognized that many individuals with physical or mental disabilities were precluded from fully participating in society.¹⁸

The purpose of the ADA is to deliver a clear, comprehensive - albeit unfunded - national mandate on the elimination of such discrimination and to provide consistent and enforceable standards to address it.¹⁹ At the state and local level, both the New York State (NYS) and NYC Human Rights Laws also prohibit discrimination because of disability. The NYS Human Rights Law prohibits discrimination based on disability in employment

⁷ See Project Equal Access and Disability Rights, <https://www1.nyc.gov/site/cchr/community/equal-access.page>; Small Business Guidance on the ADA and NYC Disability Laws, <https://www1.nyc.gov/assets/mopd/downloads/pdf/mopd-ada-small-business-guide-2019.pdf>; Chapter 11: Accessibility, NYC Building Code; and NYC Buildings: Accessibility in Residential Buildings (2020), https://www1.nyc.gov/assets/buildings/pdf/Accessibility_in_Residential_Buildings.pdf.

⁸ Inclusive Design Guidelines: Second Edition, NYC MAYOR'S OFFICE FOR PEOPLE WITH DISABILITIES, <https://www1.nyc.gov/site/mopd/initiatives/inclusive-design-guidelines.page>.

⁹ See generally, AccessibleNYC: 2021 Edition, NYC MAYOR'S OFFICE FOR PEOPLE WITH DISABILITIES, <https://www1.nyc.gov/assets/mopd/downloads/pdf/AccessibleNYC2021.pdf>.

¹⁰ See EmpoweredNYC, NYC MAYOR'S OFFICE FOR PEOPLE WITH DISABILITIES, <https://www1.nyc.gov/site/mopd/initiatives/empowerednyc.page>.

¹¹ See Accessibility in NYC Parks, NYC PARKS, <https://www.nycgovparks.org/accessibility>.

¹² See NYC: ATWORK, MAYOR'S OFFICE FOR PEOPLE WITH DISABILITIES, <https://www1.nyc.gov/site/mopd/employment/nyc-at-work.page>.

¹³ Laura Schultz, *The Role of Disability Service Providers in the New York State Economy*, ROCKEFELLER INSTITUTE OF GOVERNMENT (Dec. 13, 2021), <https://rockinst.org/issue-area/the-role-of-disability-service-providers-in-the-new-york-state-economy>.

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ See 42 U.S.C. § 12101(a)(2); *Olmstead v. L.C.*, 527 U.S. 581, 581 (1999) ("In the Americans with Disabilities Act of 1990 . . . Congress described the isolation and segregation of individuals with disabilities as a serious and pervasive form of discrimination").

¹⁷ See 42 U.S.C. § 12101(a)(5). See, e.g., *Brooklyn Center for Independence of Disabled v. Bloomberg*, 980 F. Supp. 2d 588 (S.D.N.Y. 2013) (alleging that the City's emergency preparedness program did not sufficiently accommodate the needs of disabled individuals).

¹⁸ The Act defines "disability" as a recorded physical or mental impairment that substantially limits a major life activity and meets the requirements of "being regarded as having such an impairment." See 42 U.S.C. § 12101(a)(1). See *What is the Americans with Disabilities Act (ADA)?*, ADA NAT'L NETWORK, <https://adata.org/learn-about-ada> (last updated Nov. 2018); see also 42 U.S.C. § 12102(1)(A)-(C).

¹⁹ See 42 U.S.C. § 12101(b)(1)-(2). See also *Doe v. Pfommer*, 148 F.3d 73, 82 (2d Cir. 1998) (stating that the purpose of the ADA is to "eliminate discrimination on the basis of disability and to ensure evenhanded treatment between the disabled and the able-bodied").

and access to public accommodations.²⁰ The NYC Human Rights Law (NYCHRL) prohibits discrimination in NYC, specifically in employment, housing, and public accommodation.²¹ The NYCHRL is referred to as “the most powerful anti-discrimination laws in the country” and is “far stronger” than both the federal and state law.²²

Legal Protections for Individuals with Disabilities in Employment

Title I of the ADA prohibits discrimination against a qualified individual with a disability by public and private employers, State and local governments, employment agencies, and labor unions.²³ Employers are prohibited from discriminating in job application procedures, hiring, firing, advancement, compensation, training, and other conditions and privileges of employment.²⁴ When referring to “discrimination,” employers may not limit, segregate, or classify persons based on a disability “that adversely affects their opportunities or status.”²⁵

Job applicants and employees are both protected.²⁶ Thus, applicants and employees have a right to request a “reasonable accommodation” for both the hiring process and on the job.²⁷ “Reasonable accommodations” are broadly defined as “any change in usual workplace procedures, be it a physical or policy change, that allows a disabled individual to enjoy equal employment opportunities.”²⁸ They can range from providing a flexible work schedule to raising a desk and installing a ramp.²⁹ Other accommodations include acquiring or modifying equipment or devices; adjusting or modifying examinations, training materials, or company policies; providing readers and interpreters; and simply making the workplace readily accessible to and usable by people with disabilities as a whole.³⁰ Importantly, reasonable accommodations must also be made to the application process.³¹ Under the ADA, an employer is not required to provide a reasonable accommodation that would cause them “undue hardship,”³² which is based on several factors, including the nature and cost of the accommodation needed.³³ Once an employee demonstrates that a requested accommodation is “reasonable,” the employer challenging the accommodation must provide specific evidence proving it would cause “undue hardship.”³⁴

As previously stated, the NYCHRL offers greater protections than the ADA and the NYS Human Rights Law. For example, the NYCHRL imposes a higher burden on employers regarding the provision of workplace accommodations for individuals with disabilities.³⁵ This means that when challenging an employee or job applicant’s request for a reasonable accommodation, the accommodation is deemed “reasonable” at the outset,

²⁰ *State Laws*, NYC MAYOR’S OFFICE FOR PEOPLE WITH DISABILITIES, <https://www1.nyc.gov/site/mopd/laws/state-laws.page> (last visited Sept. 26, 2022).

²¹ NYC HUMAN RIGHTS, <https://www1.nyc.gov/site/cchr/law/the-law.page> (last visited Sept. 26, 2022).

²² <http://www.antibiaslaw.com/nyc-human-rights-law>. The NYCHRL emphasizes “maximizing accountability” and “creating a real deterrent to discriminatory conduct.” *Id.*

²³ Employment (Title I), ADA.GOV, https://www.ada.gov/ada_title_I.htm (last visited Sept. 26, 2022).

²⁴ *Id.*; see Iris Hentze & Rebecca Tyus, *Discrimination and Harassment in the Workplace*, NCSL (Aug. 12, 2021),

<https://www.ncsl.org/research/labor-and-employment/employment-discrimination.aspx>.

²⁵ *Id.*

²⁶ This includes contracts with labor unions and organizations that provide employee fringe benefits, apprenticeships, or training. Joan Farrell, *Nondiscrimination Provisions of Title I and Section 504*, ADA Compliance Guide (March 2016 Supplement).

²⁷ Social Security Administration, *A Guide for People with Disabilities Seeking Employment*, ADA.GOV (October 2000), <https://www.ada.gov/workta.htm>.

²⁸ *Reasonable Accommodations in the workplace*, ADA Nat’l Network (2018), <https://adata.org/factsheet/reasonable-accommodations-workplace>.

²⁹ Joan Farrell, *Nondiscrimination Provisions of Title I and Section 504*, ADA Compliance Guide (March 2016 Supplement).

³⁰ *Supra* note 28.

³¹ *Id.*

³² *Enforcement Guidance on Reasonable Accommodation and Undue Hardship under the ADA*, U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION (Oct. 17, 2002), <https://www.eeoc.gov/laws/guidance/enforcement-guidance-reasonable-accommodation-and-undue-hardship-under-ada#undue>.

³³ *Id.*

³⁴ *Id.*

³⁵ Scott Horton, *Cooperative Dialogue For New York City Employee Accommodations*, JD SUPRA (July 28, 2020), <https://www.jdsupra.com/legalnews/cooperative-dialogue-for-new-york-city-86481>.

and the onus is on the employer to demonstrate that the accommodation would cause undue hardship.³⁶ But each interaction between employers and employees regarding reasonable accommodations must be considered on a case-by-case basis given the needs of the individual and unique circumstances of the covered entity, in what is sometimes referred to as “cooperative dialogue.”³⁷

In April 2019, the NYC Commission on Human Rights published the “Legal Enforcement Guidance on Discrimination on the Basis of Disability.”³⁸ The guide goes into intricate detail of what is required of employers to comply with the NYCHRL. For example, it is unlawful for an employer to “declare, print, or circulate” any statement, advertisement, or publication which “expresses, directly or indirectly, any limitation . . . or discrimination” against individuals with disabilities.³⁹ Further, advertisements or job postings that relate physical requirements or specifications that are unrelated to essential requirements of the job may violate the NYCHRL.⁴⁰ Application forms that have questions about an applicant’s disability may violate the NYCHRL as well, although there are certain circumstances in which an employer may inquire about disability status.⁴¹ The guide discusses all aspects of employment, from interviewing, to the selection process, to procedures related to current employees.⁴²

Efforts to Support Individuals with Disabilities in NYC

The stated goal of the MOPD is to make “NYC the most accessible city in the world.”⁴³ Since 1973, the MOPD has been operating as a liaison between New York City government and the disability community by partnering with City offices and agencies, advocating in areas of “transportation, employment, healthcare, housing, education, access to City services, and financial empowerment and more.”⁴⁴ For example, as part of the NYC Financial Empowerment Centers, the City provides a program called EmpoweredNYC, which offers financial counseling for individuals with disabilities in conjunction with MOPD and the Department of Consumer and Worker Protection Office of Financial Empowerment.⁴⁵

The City’s efforts to increase disability access across all facets of city life is detailed in the comprehensive MOPD report, “AccessibleNYC: 2021 Edition.”⁴⁶ The reports detail the progress made and work that still needs to be done in areas such as transportation, employment and financial empowerment, housing, health, digital accessibility, arts, tourism, dining, and entertainment, and more.⁴⁷ For instance, the report states that here are “many more” accessible subway stations, pedestrian signals, and ramps compared to “when the first edition of this report was published in 2016,”⁴⁸ while recognizing the extensive work that is still needed to be done.⁴⁹

³⁶ Pursuant to N.Y.C. Admin. Code. § 8-102(18), “[t]he term ‘reasonable accommodation’ means such accommodation that can be made that shall not cause undue hardship in the conduct of the covered entity’s business. **The covered entity shall have the burden of proving undue hardship.**” (emphasis added).

³⁷ *Supra* note 35.

³⁸ NYC COMMISSION ON HUMAN RIGHTS, *NYC Commission on Human Rights Legal Enforcement Guidance on Discrimination on the Basis of Disability* (April 2019), available at: https://www1.nyc.gov/assets/cchr/downloads/pdf/NYCCHR_LegalGuide-DisabilityFinal.2.pdf.

³⁹ N.Y.C. Admin. Code § 8-107(1)(d).

⁴⁰ *Supra* note 38.

⁴¹ *Id.*

⁴² *Id.*

⁴³ *Initiatives*, NYC MAYOR’S OFFICE FOR PEOPLE WITH DISABILITIES, <https://www1.nyc.gov/site/mopd/initiatives/initiatives.page>.

⁴⁴ *What We Do*, NYC MAYOR’S OFFICE FOR PEOPLE WITH DISABILITIES <https://www1.nyc.gov/site/mopd/about/about.page>.

⁴⁵ *EmpoweredNYC*, NYC MAYOR’S OFFICE FOR PEOPLE WITH DISABILITIES <https://www1.nyc.gov/site/mopd/initiatives/empowerednyc.page>. NYC Financial Empowerment Centers provide free, individualized professional financial counseling and coaching to support New Yorkers in reaching their goals. *See* <https://www1.nyc.gov/site/dca/consumers/get-free-financial-counseling.page>.

⁴⁶ *AccessibleNYC: 2021 Edition*, NYC MAYOR’S OFFICE FOR PEOPLE WITH DISABILITIES, <https://www1.nyc.gov/assets/mopd/downloads/pdf/AccessibleNYC2021.pdf>.

⁴⁷ *Id.*

⁴⁸ *Id.*

⁴⁹ *Id.*

Employment Opportunities for Individuals with Disabilities

Individuals with disabilities have long faced entrenched inaccessibility within the employment landscape, despite the federal, state, and local laws that protect them from discrimination.⁵⁰ Empowering individuals with disabilities in this context can have far reaching benefits for the city. According to the Center for an Urban Future (CUF), if the City can lower the rate of unemployment for working-age New Yorkers with disabilities, it may lead to increase of \$3.4 billion in annual wages.⁵¹

The MOPD’s employment program, NYC: ATWORK, has connected more than 500 job applicants with disabilities to jobs and internships.⁵² Since 2018, the NYC: ATWORK employment program has worked to recruit, pre-screen, and connect New Yorkers with disabilities to jobs and internships with “established business partners in both the public and private sectors.”⁵³ According to a March 2022 report from the CUF, ATWORK has connected 500 workers to jobs earning, on average, an annual salary of about \$51,000, and “these outcomes are all the more impressive because investment has been minimal.”⁵⁴ According to the report, “a new investment of approximately \$2.5 million could supercharge NYC: ATWORK by expanding business development capacity, sparking new career training programs like the IT Academy, and tripling the number of New Yorkers served annually.”⁵⁵ But the MOPD’s annual budget - \$820,000 – is significantly less than the per capita funding for similar agencies in Washington D.C., Chicago, Los Angeles, Boston, and Houston.⁵⁶

The COVID-19 pandemic also reshaped how all individuals approach their work, and has had an impact on disability access to employment. Remote and hybrid work became normalized during the pandemic, and has resulted in a greater than ever window of opportunity for the inclusion of individuals with disabilities to serve within the workplace.⁵⁷ Despite this, there is still much more work to be done. According to a March 2022 comprehensive report from CUF on employment access for individuals with disabilities, there are still pervasive challenges to boosting inclusion of individuals with disabilities into the city’s workforce.⁵⁸

For one, the CUF asserts that current government initiatives are too limited in scope and underfunded to be widely successful, as evidenced by an 82 percent decline since 2002 in NYC’s budget allocations to provide services to persons with intellectual and developmental disabilities.⁵⁹ Further, government contracts for workforce development for individuals with disabilities are “not designed to promote accessibility” and thus few direct service providers can actually access the public funding for job training and career services.⁶⁰ Significantly, the CUF found that employment service providers for New Yorkers with disabilities consistently report difficulties in securing city contracts for their workforce programs.⁶¹ This is often due to the fact that the contracts do not consider specific timelines, outcomes metrics, and wraparound supports that are necessary for these disability programs to be successful.⁶²

Other suggestions for improving accessibility include establishing a 7 percent hiring target in city jobs and through city contracts for people with disabilities; directing the Department of Small Business Services to work with MOPD to create “mobile small business accessibility teams” with the goal of aiding 2,500 small and medium-sized workplaces become fully accessible; and launching a “Accessibility Training Challenge” – a \$10 million competitive grant program that is designed to enable workforces and disability service providers to

⁵⁰ See **Legal Protections for Individuals with Disabilities** section above.

⁵¹ Melissa Lent, *Access Opportunity: Expanding Economic Opportunity for New Yorkers with Disabilities*, CENTER FOR AN URBAN FUTURE (March 2022), <https://nycfuture.org/research/access-opportunity>.

⁵² *Id.*

⁵³ NYC: ATWORK, NYC MAYOR’S OFFICE FOR PEOPLE WITH DISABILITIES, <https://www1.nyc.gov/site/mopd/employment/nyc-at-work.page> (last visited Sept. 26, 2022).

⁵⁴ *Supra* note 51.

⁵⁵ *Id.*

⁵⁶ Melissa Lent & Eli Dvorkin, *Opinion: Make New York City a National Leader in Employment for People with Disabilities*, CITY LIMITS (April 5, 2022), <https://citylimits.org/2022/04/05/opinion-make-new-york-city-a-national-leader-in-employment-for-people-with-disabilities>.

⁵⁷ *Id.*

⁵⁸ *Supra* note 51.

⁵⁹ *Id.*

⁶⁰ *Id.*

⁶¹ *Id.*

⁶² *Id.*

partner on integrating accessibility through existing programs.⁶³ Suggested by CUF’s Melissa Lent and Eli Dvorkin, the challenge would require the mayor to direct every city agency that is responsible for issuing workforce development contracts to integrate “accessibility goals” into proposal requests and to fund more disability-serving organizations.⁶⁴

In sum, the City’s workforce development community needs more support to integrate disability access into their programs and services, but lacks funding and the capacity to learn how to do so. Not only are many employers unaware of how to connect with the vast array of qualified people with disabilities who are ready to work, they may also not have the specific knowledge or financial ability to create a work environment that would integrate accessibility best practices into their workplaces.⁶⁵ For individuals actively seeking employment, the opportunity to participate in economic recovery by way of inclusion into the workplace affords “a path to meaningful work and financial independence,”⁶⁶ and as discussed previously, has great potential to benefit the city and its residents as a whole.

III. Bill Analysis

Proposed Int. No. 681-A

This legislation would codify NYC:ATWORK, a MOPD program that provides resources and direct support to job seekers and employers for the purpose of promoting employment of persons with disabilities in all employment sectors. Additionally, this bill would require the Department of Small Business Services to collaborate with the MOPD to deploy a public awareness campaign for the purpose of increasing employer awareness of the resources and support available to facilitate employment of persons with disabilities. This bill would take effect immediately.

Since it was heard, the proposed bill was amended to include the Mayor’s Office of Workforce Development (MOWD), as well as to clarify that MOWD, SBS, and MOPD must maintain an online resource to connect employers and job seekers, which would include, at a minimum, a current list of all vacant positions from participating employers.

Proposed Int. No. 682-A

This legislation would require the agencies to develop and implement five-year accessibility plans in consultation with MOPD. The plans would include, at a minimum, the steps the agency is taking and will be taking over the next 5 years to ensure accessibility to an agency’s workplace, services, and programs, as well as information on ongoing projects and projects planned over the next 5 years related to improving physical, digital, and programmatic access for people with disabilities. This bill would take effect immediately.

Since it was heard, the proposed bill was amended to clarify that the agencies, in consultation with MOPD, will be responsible for developing, implementing, and posting their five-year accessibility plans on their respective agency websites. The proposed bill was also amended to clarify what should be encompassed in such plans, as well as the timeline and interim reporting requirements for the agencies and MOPD. Further, the proposed bill was amended to require MOPD to invite the Metropolitan Transportation Authority (MTA) to submit a five-year accessibility plan, as well as require MOPD to conduct outreach to any agency or entity (including the MTA) to share best practices regarding accessibility.

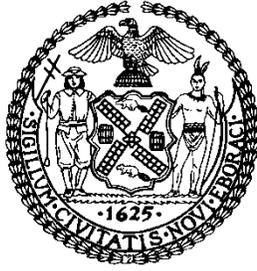
(The following is the text of the Fiscal Impact Statement for Int. No. 681-A:)

⁶³ *Supra* note 56.

⁶⁴ *Id.*

⁶⁵ *Id.*

⁶⁶ *Id.*



**THE COUNCIL OF THE CITY OF NEW YORK
FINANCE DIVISION**

**TANISHA S. EDWARDS, ESQ., CHIEF FINANCIAL
OFFICER, AND DEPUTY CHIEF OF STAFF TO THE
SPEAKER**

FISCAL IMPACT STATEMENT

PROPOSED INTRO. NO: 681-A

**COMMITTEE: Mental Health, Disabilities and
Addiction**

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to workforce development for persons with disabilities.

SPONSOR(S): By Council Members Lee, Powers, Gennaro, Louis, Riley, Hudson, Brewer, Ung, Sanchez, Hanif, Williams, Cabán, Won, Dinowitz, Hanks, Ayala, Gutiérrez, Krishnan, Bottcher, Schulman and Narcisse.

SUMMARY OF LEGISLATION: This bill would codify NYC:ATWORK, a program of the Mayor’s Office for Persons with Disabilities that provides resources and direct support to job seekers and employers for the purpose of promoting employment of persons with disabilities in all employment sectors. Additionally, this bill would require the Department of Small Business Services and the Mayor’s Office of Talent and Workforce Development to collaborate with the Mayor’s Office for Persons with Disabilities to deploy a public awareness campaign for the purpose of increasing employer awareness of the resources and support available to facilitate employment of persons with disabilities.

EFFECTIVE DATE: This local law would take effect immediately.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2024

FISCAL IMPACT STATEMENT:

	Effective FY23	FY Succeeding Effective FY24	Full Fiscal Impact FY24
Revenues	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0
Net	\$0	\$0	\$0

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

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

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: Not Applicable

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

ESTIMATE PREPARED BY: Danielle Glants, Financial Analyst, NYC Council Finance Division

ESTIMATE REVIEWED BY: Masis Sarkissian, Unit Head, NYC Council Finance Division
 Crilhien R. Francisco, Assistant Director, NYC Council Finance Division
 Jonathan Rosenberg, Managing Deputy Director, NYC Council Finance
 Division

LEGISLATIVE HISTORY: The legislation was introduced to the full Council on September 14, 2022 as Intro. 681 and referred to the Committee on Mental Health, Disabilities and Addictions (Committee). The legislation was considered by the Committee on September 28, 2022 and was subsequently amended to Proposed Intro. 681-A. The amended version, Proposed Intro. No. 681-A will be considered by the Committee on December 21, 2022. Upon successful vote by the Committee, Proposed Intro. No. 681-A will be submitted to the full Council for a vote on December 21, 2022.

DATE PREPARED: November 30, 2022.

(For text of Int. No. 682-A and its Fiscal Impact Statement, please see the Report of the Committee on Mental Health, Disabilities and Addiction for Int. No. 682-A printed in these Minutes; for text of Int. No. 681-A, please see below)

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 681-A:)

Int. No. 681-A

By Council Members Lee, Powers, Gennaro, Louis, Riley, Hudson, Brewer, Ung, Sanchez, Hanif, Williams, Cabán, Won, Dinowitz, Hanks, Ayala, Gutiérrez, Krishnan, Bottcher, Schulman, Narcisse, Menin, Farias, Brannan, Avilés, Ossé, Velázquez, Rivera, Mealy and Carr.

A Local Law to amend the administrative code of the city of New York, in relation to workforce development for persons with disabilities

Be it enacted by the Council as follows:

Section 1. Title 22 of the administrative code of the city of New York is amended by adding a new chapter 13 to read as follows:

CHAPTER 13
WORKFORCE DEVELOPMENT FOR PERSONS WITH DISABILITIES

§ 22-1301 Definitions. For purposes of this chapter, the following terms have the following meanings:

Commissioner. The term “commissioner” means the commissioner of small business services.

Department. The term “department” means the department of small business services.

Mayor’s office for people with disabilities. The term “mayor’s office for people with disabilities” means the office established under executive order number 73 for the year 2021 or any successor office or agency that carries out the same or substantially similar functions.

Mayor’s office of talent and workforce development. The term “mayor’s office of talent and workforce development” means the office established under executive order number 22 for the year 2022 or any successor office or agency that carries out the same or substantially similar functions.

§ 22-1302 Workforce development program. a. The department, the mayor’s office for people with disabilities, and the mayor’s office of talent and workforce development shall collaborate to administer a workforce development program for persons with disabilities.

b. Such program shall be designed to facilitate employment for persons with disabilities in all sectors of employment.

c. In administering such program, the department, the mayor's office for people with disabilities, and the mayor's office of talent and workforce development shall:

- 1. Maintain an online resource accessible to employers and to persons with disabilities who seek employment for the purpose of connecting such persons with employment opportunities, including a current list of all vacant positions from employers participating in the program required by this chapter;*
- 2. Create and make publicly available a list of employers participating in the program described by this chapter;*
- 3. Create and make publicly available resources for persons with disabilities to support such persons throughout the job search process and after they have obtained employment, including guidance on writing resumes and cover letters, interview skills, making disclosures and communicating with prospective employers about the terms and conditions of employment;*
- 4. Work with persons with disabilities to offer tailored guidance and support before and after such persons obtain employment;*
- 5. Coordinate with other programs and services that offer support to persons with disabilities who seek employment and educate such persons about such other programs and services;*
- 6. Create and make publicly available resources for employers to facilitate employment of persons with disabilities, including guidance on making accommodations and material support;*
- 7. Conduct informational sessions for employers on accommodating persons with disabilities in the workplace, at least twice annually;*
- 8. Provide support to employers who seek information and resources on making accommodations for persons with disabilities in the workplace; and*
- 9. Perform any other function or offer any other service within the power of the department, the mayor's office for people with disabilities, or the mayor's office of talent and workforce development that in the determination of the commissioner will advance the purpose of this chapter, where practicable.*

§ 22-1303 Public awareness campaign. a. The department, the mayor's office for people with disabilities, and the mayor's office of talent and workforce development shall collaborate to carry out a public awareness campaign designed to target potential employers of persons with disabilities, make such employers aware of the opportunity to employ persons with disabilities, and educate such employers on the resources available to facilitate employment of persons with disabilities, including the program required in section 22-1302.

b. Such campaign shall begin no later than ten months after the effective date of the local law that added this chapter, and shall continue for no less than one year or for such longer duration as the commissioner determines will further the goals of the campaign and promote employment of persons with disabilities in all sectors of employment.

§ 2. This local law takes effect immediately.

LINDA LEE, *Chairperson*, DIANA I. AYALA, TIFFANY CABÁN, SHAUN ABREU, ERIK D. BOTTCHEER, SHAHANA K. HANIF, NANTASHA M. WILLIAMS; 7-0-0; *Absent*: Council Members Darlene Mealy and Vickie Paladino; Committee on Mental Health, Disabilities and Addiction, December 21, 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 Int. No. 682-A

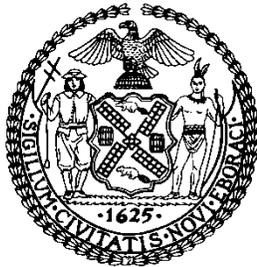
Report of the Committee on Mental Health, Disabilities and Addiction in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to requiring agencies to develop a five-year accessibility plan.

The Committee on Mental Health, Disabilities, to which the annexed proposed amended local law was referred on September 14, 2022 (Minutes, page 2171), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Mental Health, Disabilities and Addiction for Int. No. 681-A printed above in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 682-A:



THE COUNCIL OF THE CITY OF NEW YORK

FINANCE DIVISION

TANISHA S. EDWARDS, ESQ., CHIEF FINANCIAL OFFICER, AND DEPUTY CHIEF OF STAFF TO THE SPEAKER

FISCAL IMPACT STATEMENT

PROPOSED INTRO. NO: 682-A

COMMITTEE: Mental Health, Disabilities and Addiction

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to requiring agencies to develop a five-year accessibility plan.

SPONSOR(S): By Council Members Lee, Louis, Riley, Hanif, Hudson, Sanchez, Williams, Cabán, Won, Dinowitz, Brewer, Ayala, Gutiérrez, Krishnan, Gennaro, Bottcher, Schulman and Narcisse.

SUMMARY OF LEGISLATION: The proposed bill would require the Mayor’s Office for People with Disabilities (MOPD) to consult with each agency to develop and implement a five-year accessibility plan, to include, at minimum: (1) the steps the agency is taking and will be taking over the next five years to ensure accessibility to the agency’s workplace, services, and programs, and (2) information on ongoing projects and projects planned over the next 5 years related to improving physical, digital and programmatic access, and effective communications for persons with disabilities. In addition, the proposed bill would require each agency to post a proposed version of their five-year accessibility plan on their website no later than March 15, 2024.

EFFECTIVE DATE: This local law would take effect immediately.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2024

FISCAL IMPACT STATEMENT:

	Effective FY23	FY Succeeding Effective FY24	Full Fiscal Impact FY24
Revenues	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0
Net	\$0	\$0	\$0

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

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

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: Not Applicable

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

ESTIMATE PREPARED BY: Danielle Glants, Financial Analyst, NYC Council Finance Division

ESTIMATE REVIEWED BY: Masis Sarkissian, Unit Head, NYC Council Finance Division
Crielhien R. Francisco, Assistant Director, NYC Council Finance Division
Jonathan Rosenberg, Managing Deputy Director, NYC Council Finance Division

LEGISLATIVE HISTORY: The legislation was introduced to the full Council on September 14, 2022 as Intro. 682 and referred to the Committee on Mental Health, Disabilities and Addictions (Committee). The legislation was considered by the Committee at a hearing held on September 28, 2022 and was subsequently amended to Proposed Intro. 682-A. The amended version, Proposed Into. No. 682-A will be considered by the Committee on December 21, 2022. Upon successful vote by the Committee, Proposed Intro. No. 682-A will be submitted to the full Council for a vote on December 21, 2022.

DATE PREPARED: November 30, 2022.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 682-A:)

Int. No. 682-A

By Council Members Lee, Louis, Riley, Hanif, Hudson, Sanchez, Williams, Cabán, Won, Dinowitz, Brewer, Ayala, Gutiérrez, Krishnan, Gennaro, Bottcher, Schulman, Narcisse, Menin, Farías, Brannan, Avilés, Ossé, Velázquez, Rivera and Mealy.

A Local Law to amend the administrative code of the city of New York, in relation to requiring agencies to develop a five-year accessibility plan

Be it enacted by the Council as follows:

Section 1. Chapter 10 of title 23 of the administrative code of the city of New York is amended by adding a new section 23-1004 to read as follows:

§ 23-1004 *Five-year accessibility plan. a. Definitions. For purposes of this section, the following terms have the following meanings:*

Five-year accessibility plan. The term “five-year accessibility plan” means an accessibility plan required by subdivision b of this section, utilizing a template to be created by the office.

Office. The term “office” means the mayor’s office for people with disabilities, or another agency or office designated by the mayor.

b. Requirements of five-year accessibility plan. Each agency, in consultation with the office, shall develop and implement a five-year accessibility plan. Such plan shall include, at a minimum:

1. The steps the agency is currently taking and will be taking over the next 5 years to ensure that the agency’s workplace, services, programs, and activities are accessible to and accommodating and inclusive of persons with disabilities; and

2. Information regarding ongoing projects and projects planned over the next 5 years that are related to improving physical, digital, and programmatic access, and effective communications for persons with disabilities, including, but not limited to: any alterations or structural changes to facilities or premises that are owned and operated by the agency or contracted for use by the agency or otherwise under the agency’s jurisdiction; any planned upgrades or investments in technology or tools that will improve accessibility within the agency or access to such agency’s services and programs; and any other steps the agency is taking or plans to take to make its programs and services more accessible to and inclusive of persons with disabilities. Budgetary information and timelines relating to such projects shall be included where practicable.

c. Timeline for developing five-year accessibility plans; stakeholder input. 1. No later than December 31, 2023, each agency shall post a proposed five-year accessibility plan on its website and circulate such proposed plan for public comment. In circulating the proposed plan for public comment, each agency, in consultation with the office, shall ensure that stakeholders, community-based organizations, providers, and all other appropriate individuals or entities have an adequate opportunity to provide input on the content of the plan.

2. No later than March 15, 2024, each agency shall post its five-year accessibility plan on its website and provide a copy of such plan to the office.

3. No later than March 30, 2024, the office shall post online and submit all received five-year accessibility plans to the mayor and the speaker of the council.

d. Interim reporting. 1. No later than March 15, 2023, each agency shall post on its website a statement regarding web accessibility and a mechanism for receiving complaints about web accessibility;

2. No later than May 1, 2023, each agency shall submit to the office the name of the office within each agency that shall be responsible for ensuring that the agency’s five-year accessibility plan is completed by the deadline, and such office name shall also appear on each agency’s respective website.

e. Outreach to the metropolitan transportation authority. The office shall invite the metropolitan transportation authority to develop and submit a five-year accessibility plan.

f. Agency non-completion of five-year accessibility plans. 1. If any agency or entity, including, but not limited to the metropolitan transportation authority does not develop a five-year accessibility plan, the office shall conduct outreach with such agency or entity to share best practices and recommendations regarding accessibility with such agency or entity.

2. No later than 90 days after the outreach required by paragraph 1 of this subdivision, if an agency or entity does not develop a five-year accessibility plan, the office shall post on its website a statement that such agency or entity did not develop such plan and a summary of the best practices and recommendations that the office shared with such agency or entity pursuant to paragraph 1 of this subdivision.

g. Annual reporting. Beginning May 1, 2025, and annually thereafter, each agency shall post on its website a report of the progress such agency has made in the previous fiscal year towards achieving the goals of the agency’s five-year accessibility plan. Such reports shall also be submitted to the office, which shall submit such reports to the mayor and the speaker of the council on or before June 30, 2025 and annually thereafter.

h. Triennial reporting. Beginning May 1, 2027, and triennially thereafter, each agency shall post on its website an updated five-year accessibility plan. Such updated plans shall also be submitted to the office, which shall submit such updates to the mayor and the speaker of the council on or before May 15, 2027 and triennially thereafter.

§ 2. This local law takes effect immediately.

LINDA LEE, *Chairperson*, DIANA I. AYALA, TIFFANY CABÁN, SHAUN ABREU, ERIK D. BOTTCHEER, SHAHANA K. HANIF, NANTASHA M. WILLIAMS; 7-0-0; *Absent*: Council Members Darlene Mealy and Vickie Paladino; Committee on Mental Health, Disabilities and Addiction, December 21, 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 of the Committee on Parks and Recreation

Report for Int. No. 174-A

Report of the Committee on Parks and Recreation in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to reporting on park capital expenditures

The Committee on Parks and Recreation, to which the annexed proposed amended local law was referred on April 14, 2022 (Minutes, page 586), respectfully

REPORTS:

Introduction

On December 21, 2022, the Committee on Parks and Recreation, chaired by Council Member Shekar Krishnan, held a hearing to vote on Int. No. 174-A, A Local Law to amend the administrative code of the city of New York, in relation to reporting on park capital expenditures, Int. No. 680-A, A Local Law in relation to a survey to determine the feasibility of creating small parks and green spaces on public streets with dead ends and vacant city-owned land near streets with dead ends and Int. No. 842-A, A Local Law in relation to requiring the department of parks and recreation to develop a strategy to reduce the duration of its capital projects. At this hearing, the Committee voted 10 in favor, 0 opposed and 0 abstentions on the bill. These bills were originally heard at a hearing held on December 6, 2022, during which the Committee received testimony from the Department of Parks and Recreation (DPR), parks advocates and other interested parties. More information about these bills, along with the materials for that hearing, can be accessed [here](#).

LEGISLATION

Below is a brief summary of the legislation being considered today by the Committee. These summaries are intended for informational purposes only and does not substitute for legal counsel. For more detailed information, you should review the full text of the bills, which are attached below.

Int. No. 174-A, A Local Law to amend the administrative code of the city of New York, in relation to reporting on park capital expenditures

Int. No. 174-A would require DPR to expand its web based capital projects tracker to include more detailed information regarding its capital projects, including the total number of projects in its portfolio, the reasons for

any delays, the dates projects were fully funded, projected and actual cost overruns, individual sources of funding and the length of time it took to complete each project.

This local law would take effect on the same date that section 4 of local law number 37 for the year 2020 takes effect.

Int. No. 680-A, A Local Law in relation to a survey to determine the feasibility of creating small parks and green spaces on public streets with dead ends and vacant city-owned land near streets with dead ends

Int. No. 680-A would require an agency or office designated by the mayor, in consultation with the Department of Environmental Protection, DPR, the Department of Transportation, the Department of Citywide Administrative Services and any other appropriate agency, to review sites, owned by the city of New York in residential zones in each borough, on streets with dead ends and vacant land in close proximity to such streets, and land that abuts highway entrances, underpasses and exits, that are suitable for the planting of trees or other vegetation, or for establishing bioswales, small parks or other green spaces.. The survey would prioritize sites located in environmental justice communities. The survey would have to be submitted to the Mayor and the Speaker of the Council by April, 1 2024, and would include an analysis of the condition of each surveyed site, as well as the feasibility of planting trees or other vegetation or the installation of bioswales, small parks or other green spaces, a description of the necessary steps associated with installing these features, as well as an estimate of the length of time and the overall cost to do so for each site.

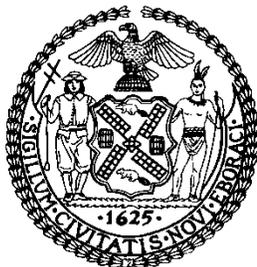
This local law would take effect immediately.

Int. No. 842-A, A Local Law in relation to requiring the department of parks and recreation to develop a strategy to reduce the duration of its capital projects

Int. No. 842-A would require DPR to prepare a strategy, in coordination with other city agencies as appropriate, to reduce the duration of capital projects by at least 25 percent. The strategy would review, at a minimum, early completion incentives; standardization of processes, timelines, and forms; coordination with utility companies; and possible changes to regulatory barriers. The strategy would have to be submitted to the Mayor and the Speaker of the Council by no later than December 1, 2023.

This local law would take effect immediately.

(The following is the text of the Fiscal Impact Statement for Int. No. 174-A:)



**THE COUNCIL OF THE CITY OF NEW YORK
FINANCE DIVISION**

**TANISHA S. EDWARDS, ESQ., CHIEF FINANCIAL
OFFICER, AND DEPUTY CHIEF OF STAFF TO THE
SPEAKER**

FISCAL IMPACT STATEMENT

PROPOSED INTRO. NO: 174-A

COMMITTEE: Parks and Recreation

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to reporting on park capital expenditures.

SPONSOR(S): By Council Members Krishnan, Cabán, Stevens, Hanif, Brewer, Won, Restler, Marte, Nurse, Williams, Holden, Yeger, Bottcher, Riley, Powers, Brooks-Powers, Gennaro, Menin, Narcisse, Hudson, Brannan, Schulman, Velázquez, Louis, Avilés, Farías and Ayala (by request of the Manhattan Borough President).

SUMMARY OF LEGISLATION: This bill would require the Department of Parks and Recreation (DPR) to expand its web based capital projects tracker to include more detailed information regarding its capital projects, including the total number of projects in its portfolio, the reasons for any delays, the dates projects were fully funded, projected and actual cost overruns, individual sources of funding and the length of time it took to complete each project.

EFFECTIVE DATE: On the same date that section 4 of local law number 37 for the year 2020 takes effect.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: N/A

FISCAL IMPACT STATEMENT:

	Effective FY23	FY Succeeding Effective FY24	Full Fiscal Impact FY24
Revenues (+)	\$0	\$0	\$0
Expenditures (-)	\$0	\$0	\$0
Net	\$0	\$0	\$0

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

IMPACT ON EXPENDITURES: It is anticipated that there would be no impact on expenditures resulting from the enactment of this legislation as the agency responsible for carrying out its requirements would be able to use existing resources to fulfill the requirements of this legislation.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

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

ESTIMATE PREPARED BY: Michael Sherman, Senior Financial Analyst

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

LEGISLATIVE HISTORY: The legislation was introduced to the full Council on April 14, 2022, as Intro. 174 and referred to the Committee on Parks and Recreation (the Committee). A hearing was held by the Committee on December 6, 2022 and the bill was laid over. The legislation has been amended and the amended version, Proposed Intro. No. 174-A, will be considered by the Committee on December 21, 2022. Upon a successful vote by the Committee, Proposed Intro. No. 174-A will be submitted to the full Council for a vote on December 21, 2022.

DATE PREPARED: 12/16/2022.

(For text of Int. Nos. 680-A and 842-A and their Fiscal Impact Statements, please see the Report of the Committee on Parks and Recreation for Int. Nos. 680-A and 842-A, respectively, printed in these Minutes; for text of Int. No. 174-A, please see below)

(The following is the text of Int. No. 174-A:)

Int. No. 174-A

By Council Members Krishnan, Cabán, Stevens, Hanif, Brewer, Won, Restler, Marte, Nurse, Williams, Holden, Yeger, Bottcher, Riley, Powers, Brooks-Powers, Gennaro, Menin, Narcisse, Hudson, Brannan, Schulman, Velázquez, Louis, Avilés, Farías, Ayala, Dinowitz, Ung, Ossé, Rivera, Mealy and Carr (by request of the Manhattan Borough President).

A Local Law to amend the administrative code of the city of New York, in relation to reporting on park capital expenditures

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 18-145 to read as follows:

§ 18-145 Reporting on capital project expenditures in parks. a. For each capital project, under the jurisdiction of the department for which certain data is posted on the public online capital projects database pursuant to section 5-108, the department shall post on the website of the department, the status of each such capital project. Such information shall be updated on a triannual basis and include:

- 1. The actual or estimated starting date and actual or estimated completion date of the current phase of such project;*
- 2. The total amount of funds allocated to such project or, when applicable, a range of the funds available;*
- 3. The identification of each separate source of funding allocated to such project;*
- 4. A description of such project;*
- 5. The location of such project, specified by borough and community district;*
- 6. The date such project was first assigned to an employee of the department;*
- 7. A description of any phase of such capital project that is delayed and the reason for such delay; and*
- 8. A description of any projected or actual cost overrun for each phase of such project.*

b. The department shall also post on its website the total number of capital projects that were completed during the most recent fiscal year, the average amount of time taken to complete such projects, measured from the date when the design phase of each project was initiated to the date construction was completed, the total number of capital projects currently under the jurisdiction of the department, a description of potential reasons for any addition or subtraction made to the funding allocations for capital projects, and a description of potential reasons for delay for capital projects.

§ 2. This local law takes effect on the same date that section 4 of local law number 37 for the year 2020 takes effect, as set forth in section 5 of such local law.

SHEKAR KRISHNAN, *Chairperson*; FRANCISCO P. MOYA, ROBERT F. HOLDEN, LINDA LEE, JULIE MENIN, MERCEDES NARCISSE, LINCOLN RESTLER, SANDRA UNG, MARJORIE VELÁZQUEZ, DAVID M. CARR; 10-0-0; *Absent*: Eric Dinowitz and Christopher Marte; Committee on Parks and Recreation, December 21, 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 Int. No. 680-A

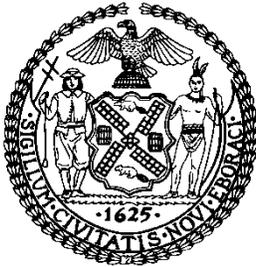
Report of the Committee on Parks and Recreation in favor of approving and adopting, as amended, a Local Law in relation to a survey to determine the feasibility of creating small parks and green spaces on public streets with dead ends and vacant city-owned land near streets with dead ends.

The Committee on Parks and Recreation, to which the annexed proposed amended local law was referred on September 14, 2022 (Minutes, page 2169), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Parks and Recreation for Int. No. 174-A printed in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 680-A:



**THE COUNCIL OF THE CITY OF NEW YORK
FINANCE DIVISION**

**TANISHA S. EDWARDS, ESQ., CHIEF FINANCIAL
OFFICER, AND DEPUTY CHIEF OF STAFF TO THE
SPEAKER**

FISCAL IMPACT STATEMENT

PROPOSED INTRO. NO: 680-A

COMMITTEE: Parks and Recreation

TITLE: A Local Law in relation to a survey to determine the feasibility of creating small parks and green spaces on public streets with dead ends and vacant city-owned land near streets with dead ends.

SPONSOR(S): By Council Members Krishnan, Louis, Yeger, Riley, Restler, Hanif, Hudson, Ung, Won, Gutiérrez, Holden, Gennaro, Menin, Narcisse, Brannan, Joseph, Cabán, Bottcher, Abreu, Brooks-Powers, Farías, Velázquez, De La Rosa, Avilés, Nurse, Ayala, Joseph, Brewer, Schulman, Powers, Rivera and Marte.

SUMMARY OF LEGISLATION: This local law would require an agency or office designated by the mayor, in consultation with the Department of Environmental Protection, the Department of Parks and Recreation, the Department of Transportation, the Department of Citywide Administrative Services and any other appropriate agency, to review sites, owned by the city of New York in residential zones in each borough, on streets with dead ends and vacant land in close proximity to such streets, and land that abuts highway entrances, underpasses and exits, that are suitable for the planting of trees or other vegetation, or for establishing bioswales, small parks or other green spaces.. The survey would prioritize sites located in environmental justice communities. The survey would have to be submitted to the Mayor and the Speaker of the Council by April, 1 2024, and would include an analysis of the condition of each surveyed site, as well as the feasibility of planting trees or other vegetation or the installation of bioswales, small parks or other green spaces, a description of the necessary steps associated with installing these features, as well as an estimate of the length of time and the overall cost to do so for each site.

EFFECTIVE DATE: Immediately

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: 2023

FISCAL IMPACT STATEMENT:

	Effective FY23	FY Succeeding Effective FY24	Full Fiscal Impact FY24
Revenues (+)	\$0	\$0	\$0
Expenditures (-)	\$0	\$0	\$0
Net	\$0	\$0	\$0

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

IMPACT ON EXPENDITURES: It is anticipated that there would be no impact on expenditures resulting from the enactment of this legislation as the agency responsible for carrying out its requirements would be able to use existing resources to fulfill the requirements of this legislation.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

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

ESTIMATE PREPARED BY: Michael Sherman, Senior Financial Analyst

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

LEGISLATIVE HISTORY: The legislation was introduced to the full Council on September 14, 2022, as Intro. 680 and referred to the Committee on Parks and Recreation (the Committee). A hearing was held by the Committee on December 6, 2022 and the bill was laid over. The legislation has been amended and the amended version, Proposed Intro. No. 680-A, will be considered by the Committee on December 21, 2022. Upon a successful vote by the Committee, Proposed Intro. No. 680-A will be submitted to the full Council for a vote on December 21, 2022.

DATE PREPARED: 12/16/22.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 680-A:)

Int. No. 680-A

By Council Members Krishnan, Louis, Yeger, Riley, Restler, Hanif, Hudson, Ung, Won, Gutiérrez, Holden, Gennaro, Menin, Narcisse, Brannan, Cabán, Bottcher, Abreu, Brooks-Powers, Farías, Velázquez, De La Rosa, Avilés, Nurse, Ayala, Joseph, Brewer, Schulman, Powers, Rivera, Marte, Dinowitz, Ossé, Williams, Mealy, Moya, Hanks and Carr.

A Local Law in relation to a survey to determine the feasibility of creating small parks and green spaces on public streets with dead ends and vacant city-owned land near streets with dead ends

Be it enacted by the Council as follows:

Section 1. An agency or office designated by the mayor, in consultation with the department of environmental protection, the department of parks and recreation, the department of transportation, the department of citywide administrative services and any other appropriate agency, shall review sites, owned by the city of New York in residential zones in each borough, on streets with dead ends and vacant land in close proximity to such streets, and land that abuts highway entrances, underpasses and exits, that are suitable for the planting of trees or other vegetation, or for establishing bioswales, small parks or other green spaces. Such designated agency or office shall develop a methodology to identify which such sites to review, provided that in identifying such sites, such agency considers requests from council members, community boards and members of the public to review a site, and prioritizes the review of identified sites that are in environmental justice areas, as defined in section 3-1001 of the administrative code of the city of New York.

§ 2. No later than April 1, 2024, the designated agency shall submit to the mayor and speaker of the council a report of all sites reviewed pursuant to section one of this local law. Such report shall also include: an analysis of the condition of each such site; the feasibility of planting trees or other vegetation or the installation of bioswales, small parks or other green spaces; a description of the necessary steps associated with installing any such feature; an estimated length of time that would be needed to install such features; and an estimate of the overall cost to do so.

§ 3. This local law takes effect immediately.

SHEKAR KRISHNAN, *Chairperson*; FRANCISCO P. MOYA, ROBERT F. HOLDEN, LINDA LEE, JULIE MENIN, MERCEDES NARCISSE, LINCOLN RESTLER, SANDRA UNG, MARJORIE VELÁZQUEZ, DAVID M. CARR; 10-0-0; *Absent*: Eric Dinowitz and Christopher Marte; Committee on Parks and Recreation, December 21, 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 Int. No. 842-A

Report of the Committee on Parks and Recreation in favor of approving and adopting, as amended, a Local Law in relation to requiring the department of parks and recreation to develop a strategy to reduce the duration of its capital projects.

The Committee on Parks and Recreation, to which the annexed proposed amended local law was referred on December 7, 2022 (Minutes, page 2947), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Parks and Recreation for Int. No. 174-A printed in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 842-A:



**THE COUNCIL OF THE CITY OF NEW YORK
FINANCE DIVISION**

TANISHA S. EDWARDS, ESQ., CHIEF FINANCIAL OFFICER, AND DEPUTY CHIEF OF STAFF TO THE SPEAKER

FISCAL IMPACT STATEMENT

PROPOSED INTRO. NO: 842-A

COMMITTEE: Parks and Recreation

TITLE: A Local Law in relation to requiring the Department of Parks and Recreation to develop a strategy to reduce the duration of its capital projects.

SPONSOR(S): By Council Members Krishnan, Brooks-Powers, Narcisse, Hudson, Brannan, Riley, Hanif, Menin, Velázquez, Louis, Yeger, Joseph, Stevens, Richardson Jordan, Farías, Restler, Lee, Avilés, Williams, De La Rosa, Ayala, Ung and Caban.

SUMMARY OF LEGISLATION: This bill would require the Department of Parks and Recreation to prepare a strategy, in coordination with other city agencies as appropriate, to reduce the duration of capital projects by at least 25 percent. The strategy would review, at a minimum, early completion incentives; standardization of processes, timelines, and forms; coordination with utility companies; and possible changes to regulatory barriers. The strategy would have to be submitted to the Mayor and the Speaker of the Council by no later than December 1, 2023.

EFFECTIVE DATE: Immediately

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: N/A

FISCAL IMPACT STATEMENT:

	Effective FY23	FY Succeeding Effective FY24	Full Fiscal Impact FY24
Revenues (+)	\$0	\$0	\$0
Expenditures (-)	\$0	\$0	\$0
Net	\$0	\$0	\$0

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

IMPACT ON EXPENDITURES: It is anticipated that there would be no impact on expenditures resulting from the enactment of this legislation as the agency responsible for carrying out its requirements would be able to use existing resources to fulfill the requirements of this legislation.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

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

ESTIMATE PREPARED BY: Michael Sherman, Senior Financial Analyst

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

LEGISLATIVE HISTORY: This legislation was first considered by the Committee on Parks and Recreation (the Committee) as a preconsidered introduction on December 6, 2022. It was introduced to the full Council on December 7, 2022 as Int. No. 842. The legislation was subsequently amended, and the amended version, Proposed Int. No. 842-A, will be considered by the Committee on December 21, 2021. Upon a successful vote by the Committee, Proposed Intro. No. 842-A will be submitted to the full Council for a vote on December 21, 2021.

DATE PREPARED: 12/16/22.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 842-A:)

Int. No. 842-A

By Council Members Krishnan, Brooks-Powers, Narcisse, Hudson, Brannan, Riley, Hanif, Menin, Velázquez, Louis, Yeger, Joseph, Stevens, Richardson Jordan, Farías, Restler, Lee, Avilés, Williams, De La Rosa, Ayala, Ung, Cabán, Dinowitz, Ossé, Mealy, Gennaro, Carr and Kagan.

A Local Law in relation to requiring the department of parks and recreation to develop a strategy to reduce the duration of its capital projects

Be it enacted by the Council as follows:

Section 1. No later than December 1, 2023, the department of parks and recreation shall, in coordination with other agencies as appropriate, prepare and submit to the mayor and the speaker of the council, and post on its website, a strategy aiming to reduce the average duration of its capital projects by at least 25 percent. Such strategy shall consider, at a minimum, the use of early completion incentives, opportunities to standardize capital project processes, timelines, and forms, potential improvements in coordination with utility companies, and other reductions to regulatory barriers that may be considered.

§ 2. This local law takes effect immediately.

SHEKAR KRISHNAN, *Chairperson*; FRANCISCO P. MOYA, ROBERT F. HOLDEN, LINDA LEE, JULIE MENIN, MERCEDES NARCISSE, LINCOLN RESTLER, SANDRA UNG, MARJORIE VELÁZQUEZ, DAVID M. CARR; 10-0-0; *Absent*: Eric Dinowitz and Christopher Marte; Committee on Parks and Recreation, December 21, 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 of the Committee on Rules, Privileges and Elections

Report for M-101

Report of the Committee on Rules, Privileges and Elections in favor of approving the appointment of Isabel Castilla as a member of the New York City Public Design Commission

The Committee on Rules, Privileges and Elections, to which the **annexed Mayor’s Message** was referred on November 22, 2022 (Minutes, page 2684) and which same Mayor’s Message was coupled with the resolution shown below, respectfully

REPORTS:

INTRODUCTION

On Wednesday, December 21st, the Committee on Rules, Privileges and Elections will meet to consider the Mayor’s nominations of former Council Member James Van Bramer and Isabel Castilla to the New York City Public Design Commission. The Committee held a public hearing on these nominations on December 7th, 2022.

The Committee will also conduct any other business that may be necessary.

TOPIC I: **NEW YORK PUBLIC DESIGN COMMISSION – (CANDIDATES FOR APPOINTMENT BY THE MAYOR UPON THE ADVICE AND CONSENT OF THE COUNCIL)**

- **Isabel Castilla [M-101]**
- **James Van Bramer [M-102]**

The New York City Public Design Commission, also known as the New York City Art Commission¹ (“Commission”) reviews permanent works of art, architecture and landscape architecture proposed on or over City-owned property. Projects include construction, renovation or restoration of buildings, such as museums and libraries; creation or rehabilitation of parks and playgrounds; installation of lighting and other streetscape elements; and design, installation and conservation of artwork.²

The Commission itself does not contract for any artwork, nor does it select contractors, negotiate fees, or otherwise involve itself in the selection or approval of contracts. The Commission brings its expertise to the process by reviewing submitted plans or work in accordance with standards enumerated in the *Charter*. Commission members have no say in what projects are initiated, or how City funds are allocated. The *Charter* states that the Commission has general advisory oversight over all works of art belonging to the City, and advises agencies having jurisdiction over them as to methods and procedures for their proper maintenance. [*Charter* § 857 (a).]

The Commission is composed of the Mayor or his representative, the President of the Metropolitan Museum of Art, the President of the New York Public Library, the President of the Brooklyn Museum, one painter, one sculptor, one architect, one landscape architect, all of whom shall be residents of the City, and three other

¹ On July 21, 2008, Mayor Michael R. Bloomberg issued Executive Order No. 119, which changed the name of the Art Commission of the City of New York to the Public Design Commission of the City of New York, except in court documents, contracts and any other situation where the name “Art Commission” is legally required.

² <http://www.nyc.gov/html/artcom/html/about/about.shtml>

residents of the City who cannot be painters, sculptors, architects, landscape architects, or active members of any other profession in the fine arts. Charter § 851 (a). The Mayor and the museum and library presidents serve in an ex-officio capacity. Section 31 of the *Charter* states that the Council performs an advice and consent review of mayoral appointees for membership on the Commission. The Council does not review ex-officio members. [*Charter* § 851 (a).]

The appointive members whose service is not ex-officio are chosen from a list submitted by the Fine Arts Federation of not less than three times the number to be appointed. If the Federation fails to present a list of nominees within three months from the time when a vacancy occurs, the Mayor may appoint an individual without such input. In case the Mayor fails to appoint within one year from the time when a vacancy occurs, the Commission is authorized to fill such vacancy for any balance of the un-expired term without the Council's advice and consent review. [*Charter* § 851 (b).]

All members serve on the Commission without compensation. Members serve for three-year terms, or until a successor has been appointed and qualified. [*Charter* § 851 (b).]

Upon appointment by the Mayor with the advice and consent of the Council, Ms. Castilla, will fill a vacancy and serve as the "Landscape Architect" Member for the remainder of a three-year term that expires on December 31, 2024. The report and resolution for her nomination are annexed to this briefing paper.

Upon appointment by the Mayor with the advice and consent of the Council, Mr. Van Bramer, a resident of Queens, will fill a vacancy and serve as a "Lay Member" for the remainder of a three-year term that expires on December 31, 2024. The report and resolution for his nomination are annexed 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 JAMES VAN BRAMER [M-102], please see, respectively, the Reports of the Committee on Rules, Privileges and Elections for M-102 printed in these Minutes; for nominee ISABEL CASTILLA [M-101], please see immediately below:)

The Committee on Rules, Privileges and Elections respectfully reports:

Pursuant to Sections 31 and 851 of the City Charter, the Committee on Rules, Privileges and Elections, hereby approves the appointment by the Mayor of **Isabel Castilla** as a member of the New York City Public Design Commission to serve the remainder of a three-year term that expires on December 31, 2024 (M. 101-2022).

This matter was heard December 7, 2022

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

Res. No. 452

RESOLUTION APPROVING THE APPOINTMENT BY THE MAYOR OF ISABEL CASTILLA AS A MEMBER OF THE NEW YORK CITY PUBLIC DESIGN COMMISSION (M. 101-2022).

By Council Member Powers.

RESOLVED, pursuant Sections 31 and 851 of the City Charter, the Council hereby approves the appointment by the Mayor of **Isabel Castilla** as a member of the New York City Public Design Commission to serve the remainder of a three-year term that expires on December 31, 2024 (M. 101-2022).

KEITH POWERS, *Chairperson*; RAFAEL SALAMANCA, Jr.; SELVENA N. BROOKS-POWERS, JUSTIN L. BRANNAN, GALE A. BREWER, CRYSTAL HUDSON, PIERINA ANA SANCHEZ, THE SPEAKER (COUNCIL MEMBER ADRIENNE E. ADAMS); 8-0-0; *Absent*: Joseph C. Borelli; Committee on Rules, Privileges and Elections, December 21, 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-102

Report of the Committee on Rules, Privileges and Elections in favor of approving the appointment of James Van Bramer as a member of the New York City Public Design Commission.

The Committee on Rules, Privileges and Elections, to which the annexed Mayor's Message was referred on November 22, 2022 (Minutes, page 2685) 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-101, printed in these Minutes)

The Committee on Rules, Privileges and Elections respectfully reports:

Pursuant to Sections 31 and 851 of the City Charter, the Committee on Rules, Privileges and Elections, hereby approves the appointment by the Mayor of **James Van Bramer** as a member of the New York City Public Design Commission to serve the remainder of a three-year term that expires on December 31, 2024. (M. 102-2022).

This matter was heard December 7, 2022.

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

Res. No. 453

RESOLUTION APPROVING THE APPOINTMENT BY THE MAYOR OF JAMES VAN BRAMER AS A MEMBER OF THE NEW YORK CITY PUBLIC DESIGN COMMISSION (M. 102-2022).

By Council Member Powers.

RESOLVED, pursuant Sections 31 and 851 of the City Charter, the Council hereby approves the appointment by the Mayor of **James Van Bramer** as a member of the New York City Public Design Commission to serve the remainder of a three-year term that expires on December 31, 2024 (M. 102-2022).

KEITH POWERS, *Chairperson*; RAFAEL SALAMANCA, Jr.; SELVENA N. BROOKS-POWERS, JUSTIN L. BRANNAN, GALE A. BREWER, CRYSTAL HUDSON, PIERINA ANA SANCHEZ, THE SPEAKER (COUNCIL MEMBER ADRIENNE E. ADAMS); 8-0-0; *Absent*: Joseph C. Borelli; Committee on Rules, Privileges and Elections, December 21, 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 of the Committee on Sanitation and Solid Waste Management

Report for Int. No. 630-A

Report of the Committee on Sanitation and Solid Waste Management in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to the tracking of street cleaning operations online.

The Committee on Sanitation and Solid Waste Management, to which the annexed proposed amended local law was referred on August 11, 2022 (Minutes, page 2012), respectfully

REPORTS:

I. INTRODUCTION

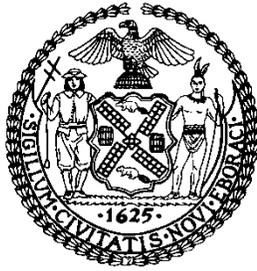
On December 21, 2022, the Committee on Sanitation and Solid Waste Management (the “Committee”), chaired by Council Member Sandy Nurse, held a hearing on Int. No. 630-A, in relation to the tracking of street cleaning operations online. At this hearing, the Committee voted nine in the affirmative none in the negative, with one absence. The Committee previously heard this bill at a hearing on October 20, 2022, where it received testimony from representatives of the New York City Department of Sanitation (“DSNY”), environmental advocates and interested members of the public. More information about this legislation can be accessed online at <https://on.nyc.gov/3G0WTDg>.

II. LEGISLATION

Int. No. 630-A

Int. No. 630-A would require DSNY to equip street sweepers with global positioning system technology (“GPS”) and ensure that such technology is functioning during street cleaning operations. The bill would also require DSNY to publish and maintain a page on its website that allows the public to track and confirm the completion of street cleanings, using data from the GPS devices installed on street sweepers. This bill would also require DSNY to submit biannual reports for two years on street cleanings to the Mayor and the Speaker of the Council and post the reports on its website. This local law would take effect immediately.

(The following is the text of the Fiscal Impact Statement for Int. No. 630-A:)



**THE COUNCIL OF THE CITY OF NEW YORK
FINANCE DIVISION**

**TANISHA S. EDWARDS, ESQ., CHIEF FINANCIAL
OFFICER, AND DEPUTY CHIEF OF STAFF TO THE
SPEAKER**

FISCAL IMPACT STATEMENT

PROPOSED INTRO. NO: 630-A

**COMMITTEE: Sanitation and Solid Waste
Management**

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to the tracking of street cleaning operations online.

SPONSOR(S): By Council Members Nurse, Bottcher, Gutiérrez, Brewer, Brooks-Powers, Restler, Hanif, Ung, Krishnan, Farías, Yeger, Joseph, Hudson, Sanchez, Louis, Holden, Riley, Cabán, Menin, Narcisse, Marte, Stevens, Williams, Velázquez, Moya, Richardson Jordan, Brannan, Ayala, Avilés, Ossé and Kagan.

SUMMARY OF LEGISLATION: This bill would require the Department of Sanitation (DSNY) to equip street sweepers with global positioning system (GPS) technology and ensure that such technology is functioning during street cleaning operations. The bill would also require DSNY to publish and maintain a page on its website that allows the public to track and confirm the completion of street cleanings by December 31, 2023 and require DSNY to submit a biannual report by June 30, 2024, and every six months thereafter for two years, on street cleaning utilizing GPS data. The report would go to the Mayor and the Speaker of the Council and be posted on the DSNY website.

EFFECTIVE DATE: This local law takes effect immediately.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal Year 2023

FISCAL IMPACT STATEMENT:

	Effective FY23	FY Succeeding Effective FY24	Full Fiscal Impact FY24
Revenues	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0
Net	\$0	\$0	\$0

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

IMPACT ON EXPENDITURES: It is estimated that there will be no impact on the City’s expense budget from the enactment of this bill. However, there are capital costs related to the purchase of software and GPS devices. According to the Department of Sanitation, an estimated \$2 million in capital funds will be used to build the system.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: Capital

SOURCE OF INFORMATION: NYC City Council Finance Division, Office of the Mayor of New York City, City Legislative Affairs

ESTIMATE PREPARED BY: Andrew Lane-Lawless, Financial Analyst, NYC Council Finance Division

ESTIMATE REVIEWED BY: Masis Sarkissian, Unit Head, NYC Council Finance Division
Jonathan Rosenberg, Managing Deputy Director, NYC Council Finance Division

LEGISLATIVE HISTORY: The legislation was introduced to the full Council on August 11, 2022, as Intro. 630 and referred to the Committee on Sanitation and Solid Waste Management. The legislation was considered by the Committee on Sanitation and Solid Waste Management at a hearing held on October 20, 2022, and was Laid Over by Committee. It was subsequently amended, and the amended version, Proposed Intro. No. 630-A, will be considered by the Committee on Sanitation and Solid Waste Management on December 21, 2022. Upon successful vote by the Committee on Sanitation and Solid Waste Management, Proposed Intro No. 630-A will be submitted to the full Council for a vote on December 21, 2022.

DATE PREPARED: 12/20/2022.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 630-A:)

Int. No. 630-A

By Council Members Nurse, Bottcher, Gutiérrez, Brewer, Brooks-Powers, Restler, Hanif, Ung, Krishnan, Farías, Yeger, Joseph, Hudson, Sanchez, Louis, Holden, Riley, Cabán, Menin, Narcisse, Marte, Stevens, Williams, Velázquez, Moya, Richardson Jordan, Brannan, Ayala, Avilés, Ossé, Gennaro, Rivera, Mealy and Kagan.

A Local Law to amend the administrative code of the city of New York, in relation to the tracking of street cleaning operations online

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 16 of the administrative code of the city of New York is amended by adding a new section 16-111.2 to read as follows:

§ 16-111.2 Posting information online about street cleanings. a. Definitions. For purposes of this section, the following terms have the following meanings:

Street cleaning regulations. The term “street cleaning regulations” means parking regulations created for the purposes of facilitating street cleaning that are either: (i) on posted signs consisting of the letter “P” with a broom through it, or (ii) on posted signs containing “No Parking” rules restricting parking on one day per week or on alternate days, except that signs restricting parking for a period of six or more consecutive hours on one day per week or on alternate days are not street cleaning regulations.

Global positioning system. The term “global positioning system” or “GPS” means the global positioning system, or a comparable location tracking technology, that uses navigational satellites to determine a location in real time and is capable of collecting, storing and transmitting geographical data.

Street sweeper. The term “street sweeper” means a vehicle under the jurisdiction of the department that is equipped with a mechanical broom to clean streets.

b. GPS equipment. The commissioner shall require that all street sweepers be equipped with GPS technology and that such technology is in operation during street cleaning.

c. Publication of information regarding progress of street sweepers. Not later than December 31, 2023, the commissioner, in consultation with the department of information technology and telecommunications and the department of transportation, shall publish and maintain a page on the department's website that allows the public to track the progress of street sweepers in servicing blocks with scheduled street cleaning regulations, using data from GPS devices installed on such sweepers. Such GPS data shall be preserved and publicly available on a city website. Such reported information shall not be construed to allow a driver to park on a block where parking is prohibited by street cleaning regulations during the time such street cleaning regulations are in effect.

d. Report. Not later than June 30, 2024, and every six months thereafter for two years, the commissioner shall submit a report on street cleaning, using data from GPS devices installed on street sweepers, to the mayor and the speaker of the council and post such report on the department's website. Such report shall include, but not be limited to:

1. The number of routes a street sweeper was scheduled to service in such sanitation district in accordance with posted street cleaning regulations;

2. The percentage of routes completed by a street sweeper in such district; and

3. Any explanation as to why routes in such district were not completed as scheduled, if applicable.

§ 2. This local law takes effect immediately.

SANDY NURSE, *Chairperson*; RAFAEL SALAMANCA, Jr., JAMES F. GENNARO, ERIK D. BOTTCHER, AMANDA FARIAS, JULIE MENIN, CHI A. OSSÉ, MARJORIE VELÁZQUEZ, NANTASHA M. WILLIAMS; 9-0-0; *Absent*: Kristin Richardson Jordan; Committee on Sanitation and Solid Waste Management, December 21, 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 of the Committee on Small Business

Report for Int. No. 699-A

Report of the Committee on Small Business in favor of approving and adopting, as amended, a Local Law to amend the New York city charter and administrative code of the city of New York, in relation to enhancing language access for small business owners, and to repeal a related definition in section 17-1501 of such code.

The Committee on Small Business, to which the annexed proposed amended local law was referred on September 14, 2022 (Minutes, page 2190), respectfully

REPORTS:

I. INTRODUCTION

On December 21, 2022 the Committee on Small Business, chaired by Council Member Menin, held a vote on the following bill: Proposed Int. No. 699-A, sponsored by Council Member Ung, in relation to enhancing language access for small business owners. This bill was previously heard on November 2, 2022. The bill was approved by the Committee by a vote of seven in the affirmative and zero in the negative.

II. BACKGROUND

a. MOIA

The Mayor’s Office of Immigrant Affairs (“MOIA”) was established within the Mayor’s executive office by a Charter referendum approved by the voters on November 6, 2001.¹ The office’s mission is to “promote the utilization of city services by all its residents including... speakers of foreign languages.”² It is empowered to “advise and assist the mayor and the council in developing and implementing policies designed to assist immigrants and other foreign-language speakers in the city,” as well as to establish programs to inform and educate foreign language speakers.³ It also manages a citywide list of translators and interpreters to facilitate communication between city agencies and foreign language speakers.⁴

MOIA works collaboratively with other city agencies to improve language access. They assist city agencies in building their own language access infrastructure and expanding the availability of language access services.⁵ The primary work of the office is to bolster agencies’ capacity to provide language access. To do this, MOIA has built an infrastructure that allows agencies to share materials, procedures, and tools. MOIA also convenes twice yearly meetings of language access coordinators where they can share resources and best practices. MOIA worked with the Office of Emergency Management and the Vaccine Command Center to improve language access for the administration of COVID vaccines.⁶

b. Office of the Language Services Coordinator

The Office of the Language Services Coordinator (“OLSC”) was established within the Mayor’s Office by referendum in 1989.⁷ The OLSC was initially established in the Mayor’s Office of Operations and is currently led by MOIA.⁸ This office is charged with establishing standards and criteria to be used by city agencies that provide services to the public to help them estimate and report on the need to provide services in languages other than English. The office is also charged with providing technical assistance to agencies in delivering such language services, developing testing materials for training, monitoring, and reporting on the performance of city agencies in delivering such services, and maintaining a centralized public library of written materials published by city agencies in languages other than English.⁹

c. Local Law 30

In 2017, the Council enacted Local Law 30 (“Local Law 30” or “Language Access Law”)¹⁰ which requires covered agencies to provide language access services for all designated citywide languages.¹¹ Language access services must, at a minimum, include (i) providing translations of the documents most commonly distributed to the public, (ii) providing interpretation services, and (iii) posting signage about the availability of free interpretation services in all the citywide languages.¹⁶ Covered agencies are defined as those that provide services directly to a program beneficiary, participant or applicant, or those who provide emergency services.¹² Under the law, there are ten designated citywide languages, which are determined by the Mayor’s Office of the

¹ See NYC Charter §18(a); see also NEW YORK CITY CHARTER REVISION COMMISSION, Making Our City’s Progress Permanent (September 2001).

² NYC Charter §18(a).

³ NYC Charter §18(b).

⁴ NYC Charter §18(b).

⁵ Testimony of Bitta Mostofi, then-Commissioner of Mayors Office of Immigrant Affairs at City Council Hearing on Language Access on November 23, 2020.

⁶ Local Law 30 Report for Calendar Year 2021.

⁷ See NYC Charter §15(c)

⁸ NYC Charter §15(c)

⁹ Id.

¹⁰ See Local Law 30 of 2017, available at <https://legistar.council.nyc.gov/LegislationDetail.aspx>

¹¹ Id.

¹² See Local Law 30 of 2017, available at <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=2735477&GUID=D0A0ECA1-4D71-47EB-B44D-591977ED818&Options=ID|Text|&Search=2017%2F030>

Language Service Coordinator.¹³ Six of these languages are the top six Limited English Proficiency (“LEP”) languages spoken in New York City, based on United States Census data, and the next four are the top four LEP languages spoken by the population served or likely to be served by city agencies, based on New York City Department of Education (“DOE”) data (and excluding the languages designated based on census data).¹⁴ The current citywide designated languages are:¹⁵

1. Spanish
2. Chinese¹⁶
3. Russian
4. Bengali
5. Haitian Creole¹⁷
6. Korean
7. Arabic
8. Urdu
9. French
10. Polish

Local Law 30 requires agencies to develop individual language access implementation plans, and requires the inclusion of certain elements in each plan, such as an evaluation of the languages access needs of the agency’s service populations, considerations of other relevant language data that may be available, incorporating plain language principles for documents, identifying important documents to be translated, considering language access in emergency preparedness plans, the training of frontline workers on language access policies, evaluation of the language access capacity (both internally and through contract) of the agencies, and other requirements.¹⁸ The law also requires agencies to consider providing services in languages beyond the designated citywide languages when there is a significant need among their service population.¹⁹ Agencies must update their language access plans, based on changes in their service populations or services, at least once every three years and publish those plans on their websites.²⁰ Links to those plans are available on MOIA’s website.²¹

The OLSC is responsible for coordinating and guiding the development of the language access plans. They are required to submit an annual report regarding the implementation of such plans. In addition, they are required to perform outreach in neighborhoods containing a significant number of persons who do not speak any of the languages already covered by most agencies’ implementation plans, but that might otherwise contain a likely service population, to inquire what direct public services might be used by such persons if such services were available in a language they speak.²² They are also required to make recommendations to agencies on specific programs for which the providing of service in a language not already required might be beneficial.²³ Finally, the law requires the OLSC to submit an annual report on language access, which includes both data on language access and a copy of each agency’s implementation plan.²⁴ The first annual report was issued on June 30, 2018. The administration issued its most recent annual report on June 30, 2022.

¹³ *Id.*

¹⁴ *Id.*

¹⁵ NYC MAYOR’S OFFICE OF IMMIGRANT AFFAIRS, *Language and Disability Access*, <https://www1.nyc.gov/site/immigrants/about/language-and-disability-access.page> (last visited December 14, 2022).

¹⁶ The Census Bureau includes all dialects of Chinese (Mandarin, Cantonese, Taiwanese, Fujianese, Hakka, etc.) under the umbrella term of Chinese. NYC MAYOR’S OFFICE OF IMMIGRANT AFFAIRS AND MAYOR’S OFFICE OF OPERATIONS, *Local Law 30 Report* (June 2022) <https://www1.nyc.gov/assets/immigrants/downloads/pdf/CY2021-local-law-30-report.pdf>

¹⁷ The Census Bureau specifies French Creole but in the NYC context this has been judged to mean Haitian Creole. *Id.*

¹⁸ Local Law 30 of 2017, *supra* note 24.

¹⁹ *Id.*

²⁰ *Id.*

²¹ See Language Access Coordinators and Language Access Implementation Plans updated February 2, 2002 at <https://www1.nyc.gov/assets/immigrants/downloads/pdf/LAC-List-for-MOIA-Website.pdf>

²² *Id.*

²³ *Id.*

²⁴ *Id.*

d. Other Local Laws on Language Access

Many local laws have included provisions for language access in specific instances. For example, just this year, the Council has passed laws requiring that agencies report data on language access with regards to abortion,²⁵ 311 wait times,²⁶ and interpretation services.²⁷ In the previous legislative session the Council passed laws enhancing language access for certain retirement savings accounts,²⁸ 311 customer satisfaction surveys,²⁹ supportive housing tenant rights,³⁰ emergency assistance grants,³¹ and election information.³² One local law of particular note is Local Law 73 of 2003, in relation to the provision of language assistance services for persons receiving assistance from certain agencies in relation to health and human services.³³

III. LOCAL LAW 30 COMPLIANCE

Since the enactment of Local Law 30, the Governmental Operations and Immigration Committees have conducted two joint oversight hearings to review agency compliance with the law. The first of these hearings took place in October 2018, roughly one year after Local Law 30 took effect.³⁴ In advance of this hearing, committee staff reviewed the websites and language access implementation plans of covered city agencies and identified a number of compliance issues. For instance, although the law requires agencies to translate common documents into the ten designated citywide languages, there were very few documents translated into all ten languages available on agency websites.³⁵ Moreover, when providing services in Chinese, different agencies appeared to provide information in different dialects (Mandarin, Cantonese, Hakka, Fujianese, or Taiwanese) and writing systems (simplified or traditional) without clearly explaining these choices.³⁶ In addition, a number of language access plans failed to address how the agency would incorporate language access services into its emergency preparedness and response planning, as required by Local Law 30.³⁷ At the hearing, then-MOIA Commissioner Bitta Mistofi testified that since Local Law 30 had taken effect, MOIA had focused most of its energy on advising covered agencies on the details of the law, and that the office had only recently begun to focus on monitoring agency compliance.³⁸

²⁵ Intro 458-A-2022 available at <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=5668979&GUID=B6CA7CCD-C397-48E9-B1DB-847D88E6C82E&Options=Advanced&Search=>

²⁶ Intro. 0296-2022 available at <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=5570541&GUID=219BD56E-A8F1-47B3-AA7C-D760A678AA9B&Options=Advanced&Search=>

²⁷ Intro. 0206-2022 available at <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=5555561&GUID=9C7C8735-7E0D-4057-957E-08D07BCD145B&Options=Advanced&Search=>

²⁸ Local Law 41 of 2021 available at <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=3498476&GUID=6E78D2BB-A4BA-4FD8-8C03-ABA62C914AEB&Options=Advanced&Search=>

²⁹ Local Law 26 of 2021 available at <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=3923896&GUID=86783671-B200-46DF-9F5F-72811EE3737E&Options=Advanced&Search=>

³⁰ Local Law 15 of 2022, available at <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=4726810&GUID=1B6852C4-B341-4229-8355-C3CDB4228C3C&Options=Advanced&Search=>

³¹ Local Law 30 of 2022 available at <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=4642613&GUID=6D92640E-D2CF-45C0-BE27-474CA32BB97E&Options=Advanced&Search=>

³² Local Law 48 of 2002 available at <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=5190185&GUID=FD8B72F0-7C38-4741-B183-260911724175&Options=Advanced&Search=>

³³ Local Law 73 of 2003 available at <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=437168&GUID=482D9A0F-EB57-4D84-BFEA-B49CF178E778&Options=Advanced&Search=>

³⁴ THE COUNCIL OF THE CITY OF NEW YORK, COMMITTEE ON GOVERNMENTAL OPERATIONS AND COMMITTEE ON IMMIGRATION, *Briefing Paper for Oversight: Local Law 30 of 2017: Language Access Implementation Plans* (October 2018), <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=3698346&GUID=4AF91740-D6F9-4DCD-889F-8304E1776C68&Options=&Search=>

³⁵ *Id.*

³⁶ *Id.*

³⁷ *Id.*

³⁸ Testimony of Commissioner Bitta Mostofi, NYC Mayor's Office of Immigrant Affairs (October 25, 2018), available at <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=3698345&GUID=D53B67F7-5F3F-47C5-B753-EC74797E5072&Options=&Search=>

Two years later, in November 2020, the Governmental Operations and Immigration Committees held another hearing to review how Local Law 30 compliance had progressed.³⁹ A review of agency websites prior to the hearing revealed that while compliance had improved in certain respects, many of the issues identified in 2018 remained outstanding.⁴⁰ In her testimony before the Committees, then-Commissioner Mistofi noted that that the Covid-19 pandemic, in particular, “showed that the City still faces tremendous challenges in quickly disseminating multilingual information to New Yorkers who do not speak English and in ensuring that information is accurate and accessible.”⁴¹

Since this hearing, MOIA has released three annual reports detailing agency compliance with Local Law 30. The most recent report—published on June 30, 2022—indicates that city agencies have engaged in a number of important initiatives to expand language access.⁴² Nevertheless, questions remain as to how well Local Law 30 is being implemented. For instance, agencies do not consistently report the number of documents or forms that have been made available in the designated citywide languages.⁴³ Furthermore, while many agencies rely on a combination of multilingual staff and third-party telephonic interpreters to provide real-time interpretation services, agencies generally do not report the number of multilingual staff in their employ or the languages spoken by those staff.⁴⁴ Although Local Law 30 does not expressly require such information to be reported, it is difficult to determine how the law is being implemented without these kinds of metrics.

In addition, the City does not appear to have updated the list of designated citywide languages since Local Law 30 first took effect in 2017.⁴⁵ As noted above, the designated citywide languages are supposed to represent the top ten languages spoken by New Yorkers with LEP, based on data from the United States Census Bureau and the NYC Department of Education. Such data is published annually,⁴⁶ suggesting that the list of designated citywide languages could be updated as frequently as every year to reflect demographic shifts. Recognizing this possibility, Local Law 30 requires each annual report submitted by MOIA to include “the list of designated citywide languages” along with “the data relied upon for its creation.”⁴⁷ Rather than submitting an updated list and fresh data each year, however, MOIA has simply re-submitted, year after year, its “preliminary assessment” of the designated citywide languages from May 15, 2017.⁴⁸ This assessment is based on 2011-15 American Community Survey data from the Census Bureau and DOE data pertaining to school years 2011-2012 through 2015-2016.⁴⁹ The Local Law 30 annual reports do not indicate when or whether the Administration plans on revisiting this assessment based on new data.⁵⁰

At the November 2020 oversight hearing discussed above, then-Immigration Committee Chair Carlos Menchaca asked Commissioner Mistofi when the Administration planned on updating the list of designated citywide languages.⁵¹ Commissioner Mistofi testified that no final decision on this question had been made at the time.⁵²

³⁹ THE COUNCIL OF THE CITY OF NEW YORK, COMMITTEE ON GOVERNMENTAL OPERATIONS AND COMMITTEE ON IMMIGRATION, *Briefing Paper for Oversight: Language Access and Emergency Preparedness* (October 2018), <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=4678243&GUID=9917B57B-58CD-4362-8A52-66BB1E681838&Options=&Search>.

⁴⁰ *Id.*

⁴¹ Testimony of Commissioner Bitta Mostofi, NYC Mayor’s Office of Immigrant Affairs (November 23, 2020), *available at*, <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=4678243&GUID=9917B57B-58CD-4362-8A52-66BB1E681838&Options=&Search>.

⁴² Local Law 30 Report for Calendar Year 2021.

⁴³ *See id.*

⁴⁴ *See id.*

⁴⁵ *See id.*

⁴⁶ The Census Bureau data used for this purposes comes from the American Community Survey, which is published on an annual basis. *See id.* (noting that 2017 determination of designated citywide languages used American Community Survey data); US Census Bureau, American Community Survey, <https://www.census.gov/programs-surveys/acs> (last visited December 14, 2022) (noting that the American Community Survey releases new data every year).

⁴⁷ Charter § 15(c)(5)

⁴⁸ *See, e.g.*, Local Law 30 Report for Calendar Year 2021.

⁴⁹ *Id.*

⁵⁰ *See, e.g., id.*

⁵¹ Hearing of the Committee on Governmental Operations and the Committee on Immigration, *supra* note 47.

⁵² *Id.*

IV. IMMIGRANT OWNED BUSINESSES AND LANGUAGE ACCESS CHALLENGES

E. *Background: Immigrant-Owned Businesses*

While immigrants make up only 13 percent of the United States (“U.S.”) population, immigrants make up 30 percent of new entrepreneurs.⁵³ At a national level, immigrants are much more likely to start businesses than their U.S.-born counterparts, with refugees having the highest rate of entrepreneurship.⁵⁴ In 2017, about 3.2 million immigrants ran their own businesses, accounting for one in every five entrepreneurs in the country.⁵⁵ Immigrant entrepreneurs create about a quarter of new business in the U.S.⁵⁶ In 2017 alone, households led by immigrants earned \$1.5 trillion in total income and contributed \$405 billion in tax revenues to federal, state, and local governments, leaving them with \$1.1 trillion in spending power.⁵⁷ Immigrant-owned businesses cross many sectors, with nearly half of all immigrant-owned startups in hospitality and food service, retail trade, and professional and technical services.⁵⁸ Immigrant business owners generate millions of jobs and bring in billions of dollars in revenue, reviving neighborhoods and revitalizing regional economies.⁵⁹

Similarly, immigrant New Yorkers contribute significantly to the City’s economic health, contributing \$232 billion to the City’s gross domestic product (GDP), or about 25 percent of the City’s total GDP.⁶⁰ Far exceeding national averages, immigrants in New York City up 31 percent of the workforce,⁶¹ and immigrant New Yorkers own one-half of New York City’s businesses.⁶² In some neighborhoods, immigrant-owned businesses employ up to 42 percent of the neighborhood population.⁶³ According to the Fiscal Policy Institute, in 2017, New York City’s immigrant business owners brought in \$5.2 billion of the \$13.2 billion in total individual earnings from incorporated businesses.⁶⁴ These businesses are anchors in their communities, providing culturally relevant goods and services and a space for neighbors to convene.

F. *Barriers to Doing Business: Language Access*

Immigrants are undeniably integral to the City’s economy and comprise a significant percentage of key industry sectors; however, many immigrant workers are trapped in lower-wage occupations within these sectors and lack opportunity or access to tools for advancement.⁶⁵ For example, while immigrant New Yorkers

⁵³ Dan Kosten, *Immigrants as Economic Contributors: Immigrant Entrepreneurs*, NATIONAL IMMIGRATION FORUM, Jul. 11, 2018, <https://immigrationforum.org/article/immigrants-as-economic-contributors-immigrant-entrepreneurs/>.

⁵⁴ *Id.* The percentage of adults, both U.S.-born and immigrant, who became entrepreneurs in any given month during 2016, was .31 percent, or 310 out of every 100,000. The entrepreneurship rate for immigrants during the same time period was higher at .52 percent, about twice the rate of the U.S.-born (.26 percent); see also Peter Dizikes, *Study: Immigrants in the U.S. are more likely to start firms, create jobs*, MIT NEWS, May 9, 2022, <https://news.mit.edu/2022/study-immigrants-more-likely-start-firms-create-jobs-0509>.

⁵⁵ NEW AMERICAN ECONOMY, *New Data Shows Immigrant-Owned Businesses Employed 8 Million Americans; Immigrants Wield \$1.1 Trillion in Spending Power*, Mar. 12, 2019, <https://www.newamericaneconomy.org/press-release/new-data-shows-immigrant-owned-businesses-employed-8-million-americans-immigrants-wield-1-1-trillion-in-spending-power/>; see also Peter Dizikes *supra* note 60 (finding that, on average, immigrant firms have 1 percent more employees than those founded by U.S. natives).

⁵⁶ Dinah Wisenberg Brin, *Immigrants Form 25% of New U.S. Businesses, Driving Entrepreneurship In 'Gateway' States*, FORBES, Jul. 31, 2018, <https://www.forbes.com/sites/dinahwisenberg/2018/07/31/immigrant-entrepreneurs-form-25-of-new-u-s-business-researchers/#17cd3f93713b>.

⁵⁷ NEW AMERICAN ECONOMY, *supra* note 61.

⁵⁸ Rashaan Ayesha, *Immigrant-owned businesses contribute billions to U.S. economy*, AXIOS, Aug. 17, 2019, <https://www.axios.com/immigrant-owned-businesses-billions-economy-741f1790-db25-4da0-8950-9be174ee6689.html>.

⁵⁹ Dan Kosten, *supra* note 59. In 2017, immigrant-owned businesses employed about 8 million American workers and generated \$1.3 trillion in total sales. NEW AMERICAN ECONOMY, *supra* note 61.

⁶⁰ MAYOR’S OFFICE OF IMMIGRANT AFFAIRS, *State of Our Immigrant City: MOIA Annual Report for Calendar Year 2019*, (Mar. 2020), at 29, <https://www1.nyc.gov/assets/immigrants/downloads/pdf/MOIA-Annual-Report-for-2019.pdf>. (Demographic information for 2021 was not available due to disruptions in data collection caused by the COVID-19 pandemic).

⁶¹ MAYOR’S OFFICE OF IMMIGRANT AFFAIRS, *State of Our Immigrant City: Annual Report*, (Mar. 2020), at 27, <https://www1.nyc.gov/assets/immigrants/downloads/pdf/MOIA-Annual-Report-for-2019.pdf>.

⁶² MAYOR’S OFFICE OF IMMIGRANT AFFAIRS, *supra* note 66, at 21.

⁶³ Lena Afridi, *The Displacement Crisis of Immigrant-Owned Small Businesses*, SHELTER FORCE, Feb. 15, 2018, <https://shelterforce.org/2018/02/15/displacement-crisis-immigrant-owned-small-businesses/>.

⁶⁴ Gregg Bishop, *Opinion: NYC immigrants mean business*, QUEENS DAILY EAGLE, Jun. 18, 2019, <https://queenseagle.com/all/opinion-nyc-immigrants-mean-business>.

⁶⁵ CENTER FOR AN URBAN FUTURE & THE CENTER FOR POPULAR DEMOCRACY, *A City of Immigrant Workers: Building a Workforce Strategy to Support All New Yorkers* (Apr. 2016), <https://nycfuture.org/pdf/A-City-of-Immigrants.pdf>.

collectively speak over 200 languages,⁶⁶ half of them are considered Limited English Proficient (LEP).⁶⁷ Therefore, although investments are made in reaching immigrant communities, the City's diverse immigrant communities require comprehensive and robust assistance programs that reach all potential entrepreneurs in the various languages spoken in the City. Such programs should also be tailored to the specific needs of diverse immigrant business communities and the industries they are in, and outreach to them should be conducted widely, in-language, and through trusted entities like business associations and community-based organizations.

A report by the Association for Neighborhood and Housing Development, entitled "The Forgotten Tenants: New York City's Immigrant Small Business Owners," found through interviews, surveys, and focus groups with immigrant business owners that one of the major issues across three neighborhoods examined⁶⁸ was fines and access to city resources⁶⁹ with 49 percent ranking "tickets, fines, permits, and inspections" in their top three concerns and 36 percent stating that access to translation services also presented a challenge as the City did not provide enough resources in their language.⁷⁰

Note that since this report was published, the Council passed Int. No. 116-2022, creating a one-stop shop small business portal through which with all applications, permits, licenses, and related information needed to open and operate a small business in the City would be available in a single, easily accessible, and easy-to-navigate location.⁷¹

G. Existing Supports and Services for Immigrant-Owned Businesses in New York City

The U.S. Small Business Administration (SBA),⁷² New York State Government,⁷³ and the City Department of Small Business Services (SBS)⁷⁴ offer a plethora of programs to assist small business owners. SBS runs NYC Business Solutions Centers across the five boroughs that provide free courses to help city residents start and operate a business. These courses, which are offered through a partnership between SBS and Coursera, educate small business owners on business planning, financing, and business management.⁷⁵ SBS's free business courses are offered in Spanish, Chinese, Russian, Korean, Haitian Creole, French, Bengali, and Arabic, eight of the ten languages designated by the Language Access Law.⁷⁶ The Department of Consumer and Worker Protection (DCWP) also runs NYC Financial Empowerment Centers that offer New York City residents free, business-related financial counseling.⁷⁷ There are 14 centers in NYC, and counseling is offered in English, Spanish, Mandarin, Cantonese, Russian, Uzbek and American Sign Language.⁷⁸ New York State offers educational programming for small businesses as well through the eleven Entrepreneurship Assistance Centers (EAC) located in New York City. EACs offer small business owners courses in a number of topics, including how to start a business and how to access capital and credit.⁷⁹ The federal SBA also offers educational programming on subjects including how to comply with federal, state, and local regulations, commercial leasing, and financing options.⁸⁰

SBS offers some services that are specifically intended to assist immigrant small business owners. SBS has released two reports on immigrant-owned businesses, which are tailored to respond to the needs and barriers

⁶⁶ MAYOR'S OFFICE OF IMMIGRANT AFFAIRS, *Mayor's Office of Immigrant Affairs 2021 Report*, (Mar. 2021), at 8, <https://www1.nyc.gov/assets/immigrants/downloads/pdf/MOIA-2021-Report.pdf>.

⁶⁷ MAYOR'S OFFICE OF IMMIGRANT AFFAIRS, *supra* note 67 at 19.

⁶⁸ The neighborhoods engaged were the Lower East Side and Chinatown, Kingsbridge, and Jackson Heights.

⁶⁹ ASSOCIATION FOR NEIGHBORHOOD & HOUSING DEVELOPMENT, *The Forgotten Tenants: New York City's Immigrant Small Business Owners* (Mar. 2019), <https://anhd.org/report/forgotten-tenants-new-york-citys-immigrant-small-business-owners>.

⁷⁰ *Id.*

⁷¹ See Committee on Small Business. Int. 116-2022. THE NEW YORK CITY COUNCIL.

⁷² *Small Business Resource Guide: New York City Edition 2019*, U.S. Small Business Administration, https://www.sba.gov/sites/default/files/files/resourceguide_3135.pdf

⁷³ *Resources for Entrepreneurs*, Department of Labor, <https://www.labor.ny.gov/seap/entrepreneur-resources.shtml>

⁷⁴ *Business Services*, NYC BUSINESS, <https://www1.nyc.gov/nycbusiness/topicpage/support-for-businesses>

⁷⁵ *Business Courses*, NYC BUSINESS, <https://www1.nyc.gov/nycbusiness/article/business-courses>.

⁷⁶ *Id.*

⁷⁷ *Get Free Financial Counseling*, NYC CONSUMER AND WORKER PROTECTION, <https://www1.nyc.gov/site/dca/consumers/get-free-financial-counseling.page>.

⁷⁸ *Id.*

⁷⁹ *Entrepreneurship Assistance Centers*, EMPIRE STATE DEVELOPMENT, <https://esd.ny.gov/entrepreneurship-assistance-centers>.

⁸⁰ *Learning Center*, U.S. Small Business Administration, <https://www.sba.gov/learning-center>.

immigrant New Yorkers face in starting a business.⁸¹ The information in SBS’s report “Building Your Business in New York City: A Guide for Immigrant Entrepreneurs” came from a collaboration between SBS and local immigrant community-based organizations under the City’s Immigrant Business Initiative.⁸² Certain immigrant businesses may also qualify for NYC Certification programs.⁸³ To comply with the Language Access Law, SBS’s language access implementation plan outlines how the agency is offering its services in more languages to allow a greater amount of non-native English speakers the ability to engage with city services. SBS offers its services in the top ten languages most requested within their consumer base: Spanish, Russian, Mandarin-Chinese, Cantonese-Chinese, Korean, Haitian (French) Creole, Fujianese-Chinese (Fuzhou), French, Polish, and Bengali.⁸⁴ According to SBS, “no supplemental languages to the designated citywide languages are necessary to provide services.”⁸⁵ However, the top ten languages SBS outlines in its language access implementation plan are not consistent with the languages required in Local Law 30 of 2017.

H. Gaps in Supports and Services

While it is true that immigrant entrepreneurship is vital to the City’s economy, few comprehensive studies have been conducted to understand the needs of immigrant business owners in New York City. The Center for an Urban Future has conducted research on New York City’s immigrant workforce,⁸⁶ the American Asian Federation has conducted research on the Asian-American business sector,⁸⁷ and the Association for Neighborhood & Housing Development conducted a survey of 100 immigrant small-business owners throughout three City neighborhoods, to better understand current challenges.⁸⁸

The analysis of existing challenges for immigrant business owners and ensuing recommendations made by these organizations point to a series of gaps in support and services for this population of small business services, primarily in the realm of language access. The need for all existing small business services, information, and notices to be available in multiple languages cannot be overstated. As one example, in order for a new restaurant to open in the City, the owner will likely have to interact with up to eight city agencies in order to file all appropriate paperwork, pay fees, obtain licenses, and so on.⁸⁹ Uniform language access across government agencies is paramount to this process. While many city agencies rely on the linguistic capabilities of their staff and contracts with LanguageLine Solutions to fill language needs, advocates have consistently raised concerns that these are not sufficient given the more than 200 spoken languages of immigrant New Yorkers.⁹⁰ Inadequate or uneven language access places the burden of interpretation on the business owner when seeking out existing city services and undercuts the value of these services. Additionally, the enforcement of city and state regulations can be perceived as overzealous harassment by immigrant business owners who may not be apprised of recent changes to local and/or state laws. This is another area where lack of language access poses additional harm to immigrant business owners, as many of the notices of city and state regulations and violations are not translated beyond required languages, and inspectors are not required to bring interpreters with them. ANHD recommends that increased coordination between city and state agencies could reduce fines and bureaucratic hurdles, and

⁸¹ *Immigrant Business Services*, NYC BUSINESS, <https://www1.nyc.gov/nycbusiness/article/immigrant-business-initiative>.

⁸² NYC SMALL BUSINESS SERVICES, *Building Your Business in New York City*, https://www1.nyc.gov/assets/sbs/downloads/pdf/about/reports/ibi_toolkit.pdf.

⁸³ Such as Minority and Women-owned Business Enterprise (M/WBE), Emerging Business Enterprise (EBE), and Locally-based Business Enterprise (LBE).

⁸⁴ NYC SMALL BUSINESS SERVICES, *Language Access Implementation Plan (Local Law 30)* (June 2021), https://www1.nyc.gov/assets/sbs/downloads/pdf/about/sbs_lap.pdf.

⁸⁵ *Id.*

⁸⁶ CENTER FOR AN URBAN FUTURE & THE CENTER FOR POPULAR DEMOCRACY, *supra* note 7165.

⁸⁷ ASIAN AMERICAN FEDERATION, *NYC’s Economic Engine: Contributions & Challenges of Asian Small Businesses* (Dec. 2016), http://www.aafny.org/doc/AAF_small_biz.pdf.

⁸⁸ ASSOCIATION FOR NEIGHBORHOOD & HOUSING DEVELOPMENT, *supra* note 75.

⁸⁹ *Id.*

⁹⁰ Advocates have contended that oftentimes, the existing methods of language access, such as LanguageLine or Google Translate, are ineffective for business owners who may receive incorrect translations and, accordingly, incorrect instructions for complying with City requirements. Testimony before the Committees on Governmental Operations and Immigration on Oct. 25, 2018,

<https://legistar.council.nyc.gov/MeetingDetail.aspx?ID=639704&GUID=18F795AF-0518-459B-9921-44FDE2D093CD&Options=info&Search=> and Committee on Immigration on June 12, 2019,

<https://legistar.council.nyc.gov/MeetingDetail.aspx?ID=696617&GUID=25302E16-DDC6-4DD1-AB44-182AA8F1726A&Options=info&Search=>.

increase translation and interpretation to provide for the needs of immigrant business owners.⁹¹ Such translation and interpretation services can be especially valuable for speakers of languages of limited diffusion.

V. LEGISLATIVE ANALYSIS

Int. No. 699-A

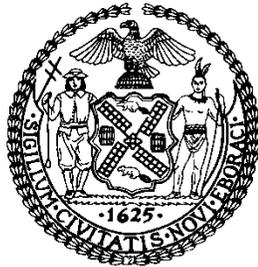
Int. 699-A would strengthen existing protections for small business owners who speak a language other than English. Section 1 of the bill would require the Mayor’s Office of Operations to translate the Business Owner’s Bill of Rights into each of the designated citywide languages, and would allow city agencies that conduct inspections to provide the Business Owner’s Bill of Rights electronically under certain specified conditions.

Sections 2 and 3 of the bill would require the Department of Health and Mental Hygiene to make the Food Service Establishment Code of Conduct available in each of the designated citywide languages and would make related technical changes. Section 4 of the bill would require the Food Service Establishment Code of Conduct to include additional information informing food service establishment owners and operators of their rights regarding language access. Section 5 of the bill would require the Food Service Establishment Ombuds Office to report additional information regarding language access services provided by inspection agencies and would make related technical changes.

Section 6 of the bill would require certain city agencies that regularly conduct inspections to report annually on the number of inspectors they employ that are fluent in a language other than English. In addition, section 6 would require the Hearings Division of the Office of Administrative Trials and Hearings (OATH) to translate written decisions upon a respondent’s request. When sending a respondent a written decision in English, the Hearings Division would be required to include a multilingual notice informing the respondent of the availability of a translation and providing other related information. Such notice would need to be written in each of the designated citywide languages. Any website, portal, or online form created by OATH that allows a respondent to request a translation of a written decision would need to include a link to a separate website, portal, or online form allowing the respondent to request an extension of time to file an appeal.

This bill would take effect 180 days after becoming law.

(The following is the text of the Fiscal Impact Statement for Int. No. 699-A:)



**THE COUNCIL OF THE CITY OF NEW YORK
FINANCE DIVISION**

**TANISHA EDWARDS, Chief Financial Officer and
Deputy Chief of Staff to the Speaker**

FISCAL IMPACT STATEMENT

PROPOSED INTRO NO. 699-A

COMMITTEE: Committee on Small Business

TITLE: A Local Law to amend the New York city charter and administrative code of the city of New York, in relation to enhancing language access for small business owners, and to repeal a related definition in section 17-1501 of such code.

SPONSORS: Council Members Ung, Menin, Brooks-Powers, Krishnan, Hanif, Hudson, Joseph, Brewer, Sanchez, Louis, Won, Gutierrez, Velazquez, Narcisse, Brannan, Lee, Aviles, and Caban.

⁹¹ ASSOCIATION FOR NEIGHBORHOOD & HOUSING DEVELOPMENT, *supra* note 69.

SUMMARY OF LEGISLATION: This bill would strengthen existing protections for small business owners who speak a language other than English. The bill would clarify and strengthen protections outlined in the Business Owner’s Bill of Rights and the Food Service Establishment Code of Conduct, including by requiring the Bill of Rights and Code of Conduct to be translated into additional languages. In addition, the bill would require certain city agencies that regularly conduct inspections to report annually on the number of bilingual inspectors they employ and the languages spoken by those inspectors. Furthermore, the bill would require the Hearings Division of the Office of Administrative Trials and Hearings to translate its written decisions upon request.

EFFECTIVE DATE: This bill would take effect 180 days after becoming law.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2024.

FISCAL IMPACT STATEMENT:

	Effective FY23	FY Succeeding Effective FY24	Full Fiscal Impact FY24
Revenues (-)	\$0	\$0	\$0
Expenditures (+)	\$0	\$0	\$0
Net	\$0	\$0	\$0

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

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: It is anticipated that there would be no impact on expenditures resulting from the enactment of this legislation because the relevant City agency would utilize existing resources to fulfill its requirements.

SOURCES OF INFORMATION: New York City Council Finance Division
Mayor’s Office of Legislative Affairs

ESTIMATE PREPARED BY: Glenn P. Martelloni, Financial Analyst

ESTIMATE REVIEWED BY: Masis Sarkissian, Unit Head
Jonathan Rosenberg, Managing Deputy Director
Kathleen Ahn, Counsel

LEGISLATIVE HISTORY: This legislation was introduced to the Council on September 14, 2022, as Int. No. 699 and referred to the Committee on Small Business. The legislation was considered by the Committee on Small Business at a hearing held on November 2, 2022, and was Laid Over by Committee. It was subsequently amended, and the amended version, Proposed Intro. No. 699-A, will be considered by the Committee on Small Business on December 21, 2022. Upon a successful vote by the Committee, Proposed Int. No. 699-A will be submitted to the full Council for a vote on December 21, 2022.

DATE PREPARED: December 20, 2022.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 699-A:)

Int. No. 699-A

By Council Members Ung, Menin, Brooks-Powers, Krishnan, Hanif, Hudson, Joseph, Brewer, Sanchez, Louis, Won, Gutiérrez, Velázquez, Narcisse, Brannan, Lee, Avilés, Cabán, Ossé, Mealy and Gennaro.

A Local Law to amend the New York city charter and administrative code of the city of New York, in relation to enhancing language access for small business owners, and to repeal a related definition in section 17-1501 of such code

Be it enacted by the Council as follows:

Section 1. Paragraphs 1 and 2 of subdivision f of section 15 of the New York city charter, paragraph 1 as separately amended by local law numbers 65 and 67 for the year 2015 and paragraph 2 as amended by local law number 132 for the year 2013, are amended to read as follows:

1. The office of operations shall develop a business owner's bill of rights. The bill of rights shall be in the form of a written document, drafted in plain language, that advises business owners of their rights as they relate to agency inspections. Such written document shall include translations of the bill of rights into at least the [six] *designated citywide* languages [most commonly spoken by limited English proficient individuals, as those languages are determined by the department of city planning], *as defined in section 23-1101 of the administrative code, or include: (i) a statement in each designated citywide language, as defined in section 23-1101 of the administrative code, that the document advises business owners of their rights as they relate to agency inspections and that translations of the document are available online; (ii) a universal resource locator (url) for a web page, website, document or other resource where such translations are available online; and (iii) a direct means of accessing such translations using a properly equipped mobile device, such as a quick response code or a near field communication tag.* The bill of rights shall include, but not be limited to, notice of every business owner's right to: i) consistent enforcement of agency rules; ii) compliment or complain about an inspector or inspectors online, anonymously, if desired, through a customer service survey, and information sufficient to allow a business owner to do so, including but not limited to the url of such survey; iii) contest a notice of violation before the relevant local tribunal, if any; iv) an inspector who behaves in a professional and courteous manner; v) an inspector who can answer reasonable questions relating to the inspection, or promptly makes an appropriate referral; vi) an inspector with a sound knowledge of the applicable laws, rules and regulations; vii) access information in languages other than English; and viii) request language interpretation services for agency inspections *and any subsequent administrative hearings and trials, including pre-trial conferences and settlement negotiations.*

2. [To the extent practicable, the] *The* office of operations shall [develop and implement a plan to distribute] *work with each agency that conducts inspections to facilitate the distribution of* the bill of rights to all relevant business owners, including via electronic publication on the internet, and to notify such business owners if the bill of rights is subsequently updated or revised. The office of operations shall also [develop and implement a plan] *work* in cooperation with all relevant agencies to [facilitate] *enable* the distribution of a physical copy of the bill of rights to business owners [or], managers, *or relevant employees* at the [time] *beginning* of [an] *every* inspection, except that if the inspection is an undercover inspection [or if the business owner or manager is not present at the time of the inspection], *if exigent circumstances require an urgent safety inspection, if the inspector has a reasonable fear for their own safety, or if the inspection is not conducted by an individual whose primary duty is to conduct an inspection,* then a copy of the bill of rights shall be provided as soon as practicable *and may be provided electronically. If the business owner or manager is not present at the time of inspection, the relevant agency shall leave such physical copy at the establishment at the time of inspection and may also provide an electronic copy of the bill of rights. Nothing in this subdivision nor any failure to comply with its provisions shall be construed so as to create a cause of action or constitute a defense in any judicial, administrative, or other proceeding.*

§ 2. The definition of “covered languages” in section 17-1501 of the administrative code of the city of New York is REPEALED.

§ 3. The heading and subdivision b of section 17-1502 of the administrative code of the city of New York, as added by local law number 90 for the year 2013, are amended to read as follows:

§ 17-1502 Food [Service Establishment Inspection Code of Conduct] *service establishment inspection code of conduct*.

b. The inspection code of conduct shall be in the form of a written document, drafted in plain language. The department shall distribute the inspection code of conduct to all food service establishment inspectors and food service establishments. Food service establishment inspectors shall also distribute the inspection code of conduct to food service establishment owners or operators prior to the beginning of [an initial] *each* inspection. The department shall make the inspection code of conduct available on the department's website in the [covered languages] *designated citywide languages, as defined in section 23-1101*.

§ 4. Paragraphs (10) and (11) of subdivision c of section 17-1502 of the administrative code of the city of New York, as added by local law number 90 for the year 2013, are amended to read as follows:

(10) the food service establishment inspector must provide information informing the food service establishment owner or operator how such owner or operator may contest a notice of violation before the relevant local tribunal, *including information about the availability of language interpretation services at the relevant tribunal*; and

(11) the food service establishment inspector shall provide information on how the food service establishment owner or operator may file a comment, compliment, or complaint about an inspector, *including information about filing such comment, compliment, or complaint in a language other than English*.

§ 5. Section 17-1505 of the administrative code of the city of New York, as added by local law number 89 for the year 2013, is amended to read as follows:

§ 17-1505[. a.] Food service establishment inspections ombuds office[; office]. *a. Office* established. There is hereby established within the food safety program of the department a food service establishment inspections ombuds office.

b. [Food service establishment inspections ombuds office; duties] *Duties* and responsibilities. The food service establishment inspections ombuds office shall have, but not be limited by, the following duties and responsibilities:

1. establishing a system to receive questions, comments, complaints, and compliments with respect to any food service establishment inspection, including but not limited to, the establishment, operation, and dissemination of a central telephone hotline and website to receive such questions, comments, complaints, and compliments;

2. investigating complaints received pursuant to paragraph one of this subdivision and taking any action it deems appropriate regarding such complaints, including but not limited to, withdrawing violations that concern the physical layout and/or major fixtures within a food service establishment where the department finds that such physical layout or fixture existed at the time of a prior inspection but was not the subject of a violation and the condition has not been altered since the time of such prior inspection, and identifying egregious inspection errors that ought to be rectified by the department in lieu of submission to the administrative tribunal, including the lack of adequate language access;

3. issuing guidance letters providing informal advisory opinions on matters pertaining to food service establishment inspections, including but not limited to appropriate inspection methods and food handling techniques and best practices when engaging individuals with limited English proficiency during inspections, either upon request or the department's own initiative. Any such guidance letter issued by the ombuds office shall be posted on the department's website upon issuance and, to the greatest extent practicable, distributed to all food service establishment operators;

4. monitoring inspection results for trends and inconsistencies, including but not limited to, [via] the compilation and analysis on a quarterly basis of the type and number of violations issued by each inspector, *the number of inspections conducted, and the number of inspections and other enforcement-related activities during which telephonic interpretation services were provided*; and

5. making recommendations to the commissioner regarding improvements to the food service establishment inspection process.

c. [Food service establishment inspections ombuds office; annual] *Annual* report. No later than July 1, 2014, and every July 1 thereafter, the ombuds office shall submit to the commissioner an annual report regarding its activities during the previous twelve months. The ombuds office shall forward a copy of such report to the mayor and the speaker of the council. Such report shall include, but not be limited to:

1. the number, nature, and resolution of questions, comments, complaints, and compliments received by the ombuds office;
2. the number and nature of guidance letter requested;
3. a copy of each guidance letter issued;
4. an analysis of trends and inconsistencies across inspection results; [and]
5. *an analysis of the existing language access tools and policies, including whether the ombuds office believes such tools and policies serve the needs of food service establishment operators; and*
6. recommendations for improvements to the food service establishment inspection process in accordance with paragraph [five] 5 of subdivision b of this section.

§ 6. Chapter 11 of title 23 of the administrative code of the city of New York is amended by adding a new section 23-1104 to read as follows:

§ 23-1104 Language access enhancement in inspections and adjudications.

a. Definition. For purposes of this section, the term “inspection agency” means the department of buildings, the department of consumer and worker protection, the department of health and mental hygiene, the department of environmental protection, the department of sanitation, and the fire department.

b. Each inspection agency shall annually submit to the mayor’s office of operations the number of inspectors who report fluency in a language other than English. No later than January 1, 2024, and every January 1 thereafter, the mayor’s office of operations shall submit a report to the mayor and the speaker of the city council compiling such information, disaggregated by language spoken and inspection agency.

c. 1. Upon the issuance of a decision in a matter heard in the hearings division of the office of administrative trials and hearings, a respondent may request that the written decision rendered after a hearing be provided in a language other than English. Each written decision sent to a respondent after such a hearing shall include, in each of the designated citywide languages, a statement informing such respondent of:

(a) the availability of such a translation and how to request the same;

(b) that such a request shall not toll or suspend any time period to appeal such decision provided by any federal, state, or local law or rule; and

(c) if an appeal of such decision may be filed with such office, the amount of time for filing such an appeal and how to request an extension of such amount of time.

2. Upon a respondent making a request for a translation of a decision, such office shall provide a written translation of such decision in the requested language in accordance with this paragraph. The written translation shall:

(a) be provided to a respondent as soon as practicable after such a request is made;

(b) include a disclaimer stating that: (i) the written translation shall be used for informational purposes only; (ii) nothing in such written translation shall serve as the basis for a cause of action against the city or constitute a defense in any judicial, administrative, or other proceeding; and (iii) the decision written in English shall be legally binding, notwithstanding any discrepancy, error, or omission in such written translation; and

(c) if applicable, inform the respondent of the amount of time for filing an appeal of the issued decision with such office and how to request an extension of such amount of time.

3. Any website, online portal, or online form that allows a respondent to request a translation of a decision pursuant to this subdivision shall also inform a respondent that they may, pursuant to such office’s rules of practice, request an extension of time to file an appeal and include a link that allows a respondent to request such an extension.

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

JULIE MENIN, *Chairperson*; SELVENA N. BROOKS-POWERS, TIFFANY CABÁN, SHEKAR KRISHNAN, DARLENE MEALY, SANDRA UNG, MARJORIE VELÁZQUEZ; 7-0-0; Committee on Small Business, December 21, 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 ORDERS CALENDAR**Resolution approving various persons Commissioners of Deeds.**

By the Presiding Officer –

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

<i>Approved New Applicants</i>		
<i>Name</i>	<i>Address</i>	<i>District #</i>
JOHANNA PENA	1434 Ogden Avenue, Apt. 2S The Bronx, New York 10452	16
ARLYN RIVERA	750 Croes Avenue, Apt. 2J The Bronx, New York 10473	18
LUIS ACOSTA	18-11 125 Street, Apt. 2 Queens, New York 11356	19
DAVID KERSEY	30-08 85th Street Queens, N.Y. 11370	22
MILANA AGAEV	150-15 79 th Avenue, Apt. 4L Queens, New York 11367	24
YESSSENIA GUERRA	94-25 57 TH Avenue, Apt. 6M Queens, New York 11373	25
TOMELA PERSUAD	103-39 116 TH Street, Apt. 1B Queens, New York 11419	28
ISRAEL MATOS	93-11 74 TH Place Queens, New York 11421	30
SIOMARA SINGH	102-29 89 TH Avenue Queens, New York 11418	32
WILL JACOBSON	1099 Willoughby Avenue, Apt. 3 Brooklyn, New York 11237	34
KWAME SHANNEL PILAY	546 Flushing Avenue, Apt. 5B Brooklyn, New York 11206	36
NAILAH VENABLE	525 Herkimer Street Brooklyn, New York 11213	36

DIHYA KAHINA ZEMOUCHE	64-02 20 TH Avenue Brooklyn, New York 11204	47
LAWRENCE BENIN	3111 Ocean Parkway, Apt. 14B Brooklyn, New York 11235	48
JOANNE ACCARINO	115 Russek Drive Staten Island, New York 10312	51
LUCIANA CICALESE	76 Seguire Place Staten Island, N.Y. 10312	51
MARIA RUSCIO	735 Craig Avenue Staten Island, New York 10307	51
VANESSA WALLACE	4 Marisa Court Staten Island, New York 10314	51

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-101 & Res 452 - | Isabel Castilla to the Council for its advice and consent regarding her appointment to the New York City Public Design Commission. |
| (2) | M-102 & Res 453 - | James Van Bramer to the Council for its advice and consent regarding his appointment to the New York City Public Design Commission. |
| (3) | Int 136-B - | Capabilities of community-based organizations to provide language services to support city services. |
| (4) | Int 174-A - | Park capital expenditures. |
| (5) | Int 382-A - | Agencies to publish guidance on responding to settlement offers, translate such guidance into the designated citywide languages, and notify settlement offer recipients about such guidance. |
| (6) | Int 630-A - | Tracking of street cleaning operations online. |
| (7) | Int 680-A - | Survey to determine the feasibility of creating small parks and green spaces on public streets with dead ends and vacant city-owned land near streets with dead ends. |
| (8) | Int 681-A - | Workforce development for persons with disabilities. |
| (9) | Int 682-A - | Agencies to develop a five-year accessibility plan. |
| (10) | Int 697-A - | Supplemental language access services in connection with temporary language needs. |
| (11) | Int 699-A - | Enhancing language access for small business owners, and to repeal a related definition. |
| (12) | Int 700-A - | Translation services for compliance materials. |

- (13) **Int 842-A -** Department of Parks and Recreation to develop a strategy to reduce the duration of its capital projects.
- (14) **Preconsidered Res 440 -** New designation and changes in the designation of certain organizations to receive funding in the Expense Budget (Transparency Resolution).
- (15) **Preconsidered L.U. 154 & Res 451 -** 505 West 43rd Street, Manhattan, Community District No. 4, Council District No. 3.
- (16) **Resolution approving various persons Commissioners of Deeds.**

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

Affirmative – Abreu, Ariola, Avilés, Ayala, Bottcher, Brannan, Brewer, Brooks-Powers, Cabán, Carr, De La Rosa, Dinowitz, Farías, Feliz, Gennaro, Gutiérrez, Hanif, Hanks, Holden, Hudson, Joseph, Kagan, Krishnan, Lee, Louis, Marte, Mealy, Menin, Moya, Narcisse, Nurse, Ossé, Paladino, Restler, Riley, Rivera, Salamanca, Sanchez, Schulman, 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**.

The General Order vote recorded for this Stated Meeting was 49-0-0 as shown above.

*The following Introductions were sent to the Mayor for his consideration and approval:
Int. Nos. 136-B, 174-A, 382-A, 630-A, 680-A, 681-A, 682-A, 697-A, 699-A, 700-A, and 842-A.*

INTRODUCTION AND READING OF BILLS

Int. No. 853

By Council Member Ariola.

A Local Law in relation to installing intermediate reference location signs on designated sections of Cross Bay Boulevard, Beach Channel Drive, Rockaway Point Boulevard, and Rockaway Beach Boulevard.

Be it enacted by the Council as follows:

Section 1. Definitions. For purposes of this local law, the following term has the following meaning:

Intermediate reference location sign. The term “intermediate reference location sign” means a sign showing a decimal integer distance point at one tenth of a mile interval along a highway or other road as described in the Manual on Uniform Traffic Control Devices for Streets and Highways published by the Federal Highway Administration

§ 2. Intermediate reference location sign placement. Within one year of the enactment of this local law, the department of transportation shall install intermediate reference location signs along the following designated routes:

- a. Cross Bay Boulevard from the southern terminus of the Cross Bay North Channel Bridge to East 1st Road;
- b. Beach Channel Drive and Beach Channel Drive Circle from the southern terminus of the Marine Parkway Bridge through Beach 144th Street;
- c. Rockaway Point Boulevard from the southern terminus of the Marine Parkway Bridge through Beach 201st Street; and
- d. Rockaway Beach Boulevard along the sections located within Jacob Riis Park.

§ 3. This local law takes effect immediately.

Referred to the Committee on Transportation and Infrastructure.

Res. No. 439

Resolution standing in solidarity with the women of Iran and supporting the removal of Iran from the United Nations Commission on the Status of Women.

By Council Members Avilés, Hanif, Louis, Joseph, Farías, Hudson and Marte.

Whereas, Under the Islamic Penal Code of the Islamic Republic of Iran (“Iran”), the rights of Iranian women are curtailed in many arenas, including marriage, divorce, child custody, inheritance, and attire; and

Whereas, Young Iranian women, from puberty, are subject to mandatory dress codes; and

Whereas, The September 2022 death in police custody of 22-year-old Kurdish-Iranian Mahsa Jina Amini, who had traveled from Kurdistan to Tehran and been detained there for not covering her hair properly, sparked nationwide protests in Iran and drew outrage and sympathy from around the world; and

Whereas, According to data from the Human Rights Activists News Agency, more than 450 protesters, including youth under 18 years of age, have been killed, and at least 18,000 have been detained as a result of the protests; and

Whereas, Iranian artists and athletes have spoken out in support of protesters, including 31-year-old dissident rapper Toomaj Salehi, who has been tortured and held in solitary confinement since October 30, 2022, as a result of his lyrics, videos, and interviews that have been critical of the Iranian government; and

Whereas, Protesters have called for workers across Iran from all sectors, including in the important steel and oil industries, to strike in order to put pressure on the government; and

Whereas, Hundreds of striking workers standing in solidarity with the protesters have been arrested and threatened with being fired; and

Whereas, Support for the protests has been voiced—and, in some cases, sanctions against the Iranian government have been called for or imposed—by government leaders and politicians in many countries, including the United States (U.S.), Canada, Germany, Chile, France, England, Sweden, Albania, Denmark, Italy, Spain, and the Czech Republic; and

Whereas, On December 8, 2022, 23-year-old protester Mohsen Shekari, accused of blocking a street and attacking a security officer with a weapon, was hanged by the Iranian government—an execution that was condemned by Germany and the UK; and

Whereas, On December 12, 2022, 23-year-old Majidreza Rahnavaard was hanged for stabbing two members of the Basij Resistance Force (a volunteer force used by the government to suppress dissent) after Rahnavaard was denied due process and after a trial being characterized by activists as a show trial; and

Whereas, Amnesty International has stated that the Iranian government is seeking the death penalty for at least 21 protesters and has called for an end to all charges for arrested peaceful protesters; and

Whereas, Human rights groups are now warning of “a serious risk of mass execution of protesters,” as stated by Mahmood Amiry-Moghaddam, director of Norway-based Iran Human Rights; and

Whereas, In August 2022, experts in the Special Procedures of the Human Rights Council of the United Nations (UN) called on Iranian authorities to end their persecution of religious minorities, including members of the Baha’i community, stating that the “international community cannot remain silent while Iranian authorities use overbroad and vague national security and espionage charges to silence religious minorities or people with dissenting opinions, remove them from their homes and effectively force them into internal displacement”; and

Whereas, In October 2022, the Special Rapporteur on the human rights situation in Iran in the Special Procedures of the Human Rights Council of the UN expressed concern that ethnic minorities—including Arab Ahwazis, Azerbaijani Turks, Kurds, and Balochis—were disproportionately represented among political prisoners in Iran and among those executed for crimes related to national security; and

Whereas, U.S. President Joseph R. Biden, Jr. remarked that the U.S. is “holding accountable Iranian officials and entities, such as the Morality Police, that are responsible for employing violence to suppress civic society”; and

Whereas, Protesters, who were carrying signs and lying on the ground in clothing stained by fake blood, staged a “die-in” at New York City’s Metropolitan Museum of Art’s Assyrian Sculpture Court in support of Iranian women fighting against their government’s policies and Morality Police; and

Whereas, The multimedia art installation “Eyes on Iran”—located across the water from the UN at Franklin D. Roosevelt Four Freedoms Park on Roosevelt Island from November 28, 2022, through January 1, 2023—features Iranian artists and symbolizes the world’s eyes watching Iran’s handling of the rights of its people; and

Whereas, “Woman, Life, Freedom” is a current women’s rights campaign, which is demanding the removal of Iran as a member of the UN Commission on the Status of Women (CSW) and which has received the support of women leaders in more than 14 countries, including U.S. Vice President Kamala Harris, New Zealand Prime Minister Jacinda Ardern, and Canadian Deputy Prime Minister Chrystia Freeland; and

Whereas, Vice President Harris issued a statement saying that “Iran has demonstrated through its denial of women’s rights and brutal crackdown on its own people that it is unfit to serve” on the UN CSW and that its “very presence discredits the integrity of its membership and the work to advance its mandate”; now, therefore, be it

Resolved, That the Council of the City of New York stands in solidarity with the women of Iran and supports the removal of Iran from the United Nations Commission on the Status of Women.

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

Preconsidered Res. No. 440

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

By Council Members Brannan and Mealy

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

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

Whereas, On June 30, 2020 the City Council adopted the expense budget for Fiscal Year 2021 with various programs and initiatives (the “Fiscal 2021 Expense Budget”); and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2023, Fiscal 2022, and Fiscal 2021 Expense Budgets by approving the new designation and changes in the designation of certain organizations receiving local, youth, aging, and anti-poverty discretionary funding, and by approving the new designation and changes in the designation of certain organizations to receive funding pursuant to certain initiatives in accordance therewith; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2022 and Fiscal 2023 Expense Budgets by approving new Description/Scope of Services for certain organizations receiving local, youth and anti-poverty discretionary funding and certain organization receiving funding pursuant to certain initiatives; now, therefore, be it

Resolved, That the City Council approves the changes in the designation of certain organizations receiving local discretionary funding pursuant to the Fiscal 2023 Expense Budget, as set forth in Chart 1; and be it further

Resolved, That the City Council approves the changes in the designation of certain organizations receiving youth discretionary funding in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 2; and be it further

Resolved, That the City Council approves the changes in the designation of certain organizations receiving funding pursuant to the Anti-Poverty Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 3; and be it further

Resolved, That the City Council approves the new designation and the change in the designation of certain organizations receiving funding pursuant to the Speaker's Initiative to Address Citywide Needs in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 4; and be it further

Resolved, That the City Council approves the new designations and changes in the designation of certain organizations receiving funding pursuant to the Community Safety and Victim Services Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 5; and be it further

Resolved, That the City Council approves the new designations and the changes in the designation of certain organizations receiving funding pursuant to the A Greener NYC Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 6; and be it further

Resolved, That the City Council approves the changes in the designation of certain organizations receiving funding pursuant to the Cultural After-School Adventure (CASA) Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 7; and be it further

Resolved, That the City Council approves the change in the designation of a certain organization receiving funding pursuant to the Cultural Immigrant Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 8; and be it further

Resolved, That the City Council approves the new designations and changes in the designation of certain organizations receiving funding pursuant to the Neighborhood Development Grant Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 9; and be it further

Resolved, That the City Council approves the new designations and the changes in the designation of certain organizations receiving funding pursuant to the NYC Cleanup Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 10; and be it further

Resolved, That the City Council approves the new designations and the changes in the designation of certain organizations receiving funding pursuant to the Parks Equity Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 11; and be it further

Resolved, That the City Council approves the new designations and the changes in the designation of certain organizations receiving funding pursuant to the Support Our Seniors Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 12; and be it further

Resolved, That the City Council approves the new designations and the changes in the designation of certain organizations receiving funding pursuant to the Domestic Violence and Empowerment (DoVE) Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 13; and be it further

Resolved, That the City Council approves the new designations of certain organizations receiving funding pursuant to the SU-CASA Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 14; and be it further

Resolved, That the City Council approves the change in the designation of certain organizations receiving funding pursuant to the Alternatives to Incarceration (ATI) Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 15; and be it further

Resolved, That the City Council approves the new designation of a certain organization receiving funding pursuant to the AAPI Community Support Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 16; and be it further

Resolved, That the City Council approves the change in the designation of certain organizations receiving funding pursuant to the Access Health Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 17; and be it further

Resolved, That the City Council approves the changes in the designation of certain organizations receiving funding pursuant to the Art a Catalyst for Change Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 18; and be it further

Resolved, That the City Council approves the changes in the designation of certain organizations receiving funding pursuant to the Community Development Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 19; and be it further

Resolved, That the City Council approves the change in the designation of a certain organization receiving funding pursuant to the Support for Arts Instruction Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 20; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the Trauma Recovery Centers Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 21; and be it further

Resolved, That the City Council approves the new designation of a certain organization receiving funding pursuant to the Homeless Prevention Services for Veterans Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 22; and be it further

Resolved, That the City Council approves the new designation of a certain organization receiving funding pursuant to the Job Placement for Veterans Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 23; and be it further

Resolved, That the City Council approves the new designation of a certain organization receiving funding pursuant to the Legal Services for Veterans Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 24; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the Veterans Community Development Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 25; and be it further

Resolved, That the City Council approves the changes in the designation of certain organizations receiving funding pursuant to the Legal Services for the Working Poor Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 26; and be it further

Resolved, That the City Council approves the changes in the designation of certain organizations receiving funding pursuant to the Hate Crime Prevention Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 27; and be it further

Resolved, That the City Council approves the changes in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 28; and be it further

Resolved, That the City Council approves the changes in the designation of certain organizations receiving youth discretionary funding in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 29; and be it further

Resolved, That the City Council approves the change in the designation of certain organizations receiving funding pursuant to the Anti-Poverty Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 30; and be it further

Resolved, That the City Council approves the change in the designation of certain organizations receiving funding pursuant to the A Greener NYC Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 31; and be it further

Resolved, That the City Council approves the change in the designation of certain organizations receiving funding pursuant to the Domestic Violence and Empowerment (DoVE) Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 32; and be it further

Resolved, That the City Council approves the change in the designation of certain organizations receiving funding pursuant to the SU-CASA Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 33; and be it further

Resolved, That the City Council approves the changes in the designation of certain organizations receiving funding pursuant to the Cultural After-School Adventure (CASA) Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 34; and be it further

Resolved, That the City Council approves the change in the designation of certain organizations receiving funding pursuant to the Access Health Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 35; and be it further

Resolved, That the City Council approves the changes in the designation of certain organizations receiving funding pursuant to the Hate Crime Prevention Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 36; and be it further

Resolved, That the City Council approves the change in the designation of certain organizations receiving funding pursuant to the Art a Catalyst for Change Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 37; and be it further

Resolved, That the City Council approves the changes in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2021 Expense Budget, as set forth in Chart 38; and be it further

Resolved, That the City Council approves the changes in the designation of certain organizations receiving youth discretionary funding in accordance with the Fiscal 2021 Expense Budget, as set forth in Chart 39; and be it further

Resolved, That the City Council amends the Purpose of Funds for certain organizations receiving funding in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 40; and be it further

Resolved, That the City Council amends the Purpose of Funds for certain organizations receiving funding in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 41.

Adopted by the Council (preconsidered and approved by the Committee on Finance; for text of the Exhibit Charts, please refer to the attachments section of [the Res. No. 440 of 2022 file](#) in the legislation section of the New York City Council website at <https://council.nyc.gov>).

Int. No. 854

By Council Members Brooks-Powers, Louis, Joseph, Hanif and Restler.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of transportation to annually implement new daylighting measures

Be it enacted by the Council as follows:

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

§ 19-175.8 Daylighting program. a. Definitions. For the purposes of this section, the following terms have the following meanings:

Daylighting. The term “daylighting” means the prohibition of parking within a minimum of 15 feet of an intersection of city streets.

Daylighting feature. The term “daylighting feature” means a physical object or installation that prevent vehicles from occupying the space within 15 feet of an intersection of a city street, but does not obstruct visibility, including but not limited to planters or bicycle corrals.

High priority intersection. The term “high priority intersection” means an intersection determined by the department to have a significantly higher rate of serious vehicular crashes, or significantly higher number of serious vehicular crashes, than the average intersection.

Serious vehicular crash. The term “serious vehicular crash” means any collision between a motor vehicle and a pedestrian, cyclist, motorist or any other person that results in significant injury to or the death of any person.

Significant injury. The term “significant injury” means any injury categorized as an “A” injury by the New York state department of motor vehicles, or any injury which requires hospitalization, or any other injury as determined by the department.

b. Each year, the department shall implement daylighting at a minimum of 100 intersections that do not already have daylighting or daylighting features. If the department eliminates daylighting from any intersection, or removes daylighting features from any intersection, the department shall implement daylighting at an intersection as a replacement for each such intersection from which daylighting or daylighting features were removed.

c. The department shall implement daylighting at high priority intersections prior to implementing daylighting at other intersections unless the commissioner determines it is not feasible to do so.

d. Whenever the commissioner determines it is feasible, in addition to daylighting an intersection, the department shall install daylighting features within 15 feet of such intersection in order to prevent vehicles from occupying the space.

e. The department shall identify all high priority intersections in the city, and shall establish and maintain on its website information regarding such high priority intersections. This information shall include the criteria or threshold used to identify high priority intersections, the location of all high priority intersections, whether the department intends to implement daylighting or install daylighting features at each such intersection, and if not, any changes or features the department intends to implement to reduce the incidence of serious vehicular crashes at such intersection.

f. No later than December 1, 2023, and annually thereafter, the commissioner shall submit to the mayor and the speaker of the council a report on its implementation of daylighting and installation of daylighting features, including but not limited to:

1. Every intersection, disaggregated by borough, at which the department implemented daylighting or installed daylighting features during the prior year.

2. For every intersection at which the department implemented daylighting but did not install daylighting features due to lack of feasibility, an explanation describing why it was not feasible to install such daylighting features.

3. Every intersection, disaggregated by borough, at which the department discontinued daylighting or removed daylighting features, and an explanation describing the reason for such discontinuance of daylighting or removal of daylighting features.

4. *A description of the criteria or threshold used by the department to identify high priority intersections.*

5. *Every high priority intersection, disaggregated by borough, at which the commissioner determined it was not feasible to implement daylighting or install daylighting features and an explanation describing why it was not feasible to do so. For each such intersection, the department shall identify feasible alternative measures that may be implemented in order to reduce the incidence of serious vehicular crashes.*

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

Referred to the Committee on Transportation and Infrastructure.

Preconsidered Int. No. 855

By Council Member Brooks-Powers, Farías, Cabán, Hanif, Ayala, Louis, Joseph, Restler, Hudson, Avilés and Ung.

A Local Law to amend the New York city charter, in relation to requiring disclosure of the identity of contributors to entities making independent expenditures in support of or in opposition to any municipal ballot proposal or referendum

Be it enacted by the Council as follows:

Section 1. Subparagraphs (b) and (c) of paragraph 15 of subdivision a of section 1052 of the New York city charter, as amended by local law number 41 for the year 2014, are amended to read as follows:

(b) Every individual and entity that makes independent expenditures aggregating one thousand dollars or more [in support of or in opposition] *with respect* to any candidate [in any covered election,] or [in support of or in opposition to] any municipal ballot proposal or referendum, shall be required to disclose such expenditure to the board. In addition, every entity that, in the twelve months preceding a covered election, makes independent expenditures aggregating five thousand dollars or more [in support of or in opposition] *with respect* to any candidate [in any covered election] *or any municipal ballot proposal or referendum* shall disclose the following: (i) the identity of any entity that, on or after the first day of the calendar year preceding the covered election, contributed to the entity reporting the expenditure, and the owners, partners, board members, and officers, or their equivalents, of such contributing entity, or, if no individuals exist in any such roles, the name of at least one individual who exercises control over the activities of such contributing entity; (ii) the identity of any entity or individual who, in the twelve months preceding the covered election, contributed twenty-five thousand dollars or more to any entity that, in the twelve months preceding the covered election, contributed fifty thousand dollars or more to the entity reporting the expenditure; and (iii) the identity of any individual who, in the twelve months preceding the covered election, contributed one thousand dollars or more to the entity reporting the expenditure.

(c) Any literature, advertisement or other communication in support of or in opposition to any candidate in any covered election, *or in support of or in opposition to any municipal ballot proposal or referendum*, that is paid for by an individual or entity making independent expenditures aggregating one thousand dollars or more shall, in addition to any applicable disclosure requirements in state law, disclose information as follows:

§ 2. This local law takes effect January 1, 2024; provided that the Campaign Finance Board shall take all action necessary for the timely implementation of this law, including the promulgation of rules, prior to such date.

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

Int. No. 856

By Council Members Cabán, Ossé, Louis, Hanif, Hudson and Avilés.

A Local Law to amend the administrative code of the city of New York, in relation to outreach to unsheltered individuals

Be it enacted by the Council as follows:

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

§ 21-328 *Outreach to unsheltered individuals. a. Definitions. For the purposes of this section, the following terms have the following meanings:*

Outreach. The term “outreach” means engaging in contact with or offering services to unsheltered individuals experiencing homelessness.

Tangible support. The term “tangible support” means food, coffee, water, socks, underwear, blankets, hygiene supplies, storage vouchers for personal items and harm reduction health tools.

Trauma-informed care. The term “trauma-informed care” means trauma-informed care as described by the substance abuse and mental health services administration of the United States department of health and human services, or any successor agency, department, or governmental entity.

Unsheltered individual. The term “unsheltered individual” means an individual with a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings.

b. Outreach to unsheltered individuals by any government agency shall not include any involvement by the police department or department of sanitation and shall be limited to department staff or staff contracted by the department who are trained in trauma informed care and working with vulnerable populations, to contact and offer services to unsheltered individuals experiencing homelessness.

c. The department shall ensure that outreach teams provide tangible support to unsheltered individuals experiencing homelessness. Department personnel shall not expend time while on duty or department resources of any kind disclosing information that belongs to the department and is available to them only in their official capacity, in communicating with the police department or department of sanitation regarding any unsheltered individual experiencing homelessness.

d. Notwithstanding any provision of section 16-122(b) of the administrative code of the city of New York, no notice of violation, appearance ticket or summons may be issued against any unsheltered individual experiencing homelessness for the use of nonpermanent materials or parts to fit together bedding or temporary shelter.

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

Referred to the Committee on General Welfare.

Res. No. 441

Resolution calling on the New York State Legislature to pass, and the New York State Governor to sign, A.10647/S.9569, which would authorize New York City to set a five mile per hour speed limit on streets participating in the Open Streets program.

By Council Members Farias, Hanif and Restler.

Whereas, New York City’s (NYC) Open Streets program began during the Spring of 2020 in the face of the COVID-19 pandemic, and is an effort to transform streets into public space open to all; and

Whereas, NYC’s Open Streets program allows for a range of activities that promote economic development, support schools, and encourage cultural programming and community-building; and

Whereas, The Open Streets program is overseen by the NYC Department of Transportation (DOT), and works with community-based organizations, public, private and charter schools, and groups of businesses citywide; and

Whereas, In 2021, the NYC Council voted to make the Open Streets program permanent; and

Whereas, In April of 2022, DOT announced that a total of 156 locations covering 300 blocks were slated to participate in the Open Streets program in 2022; and

Whereas, The Open Streets program has provided noticeable positive economic, social and cultural benefits to the City; and

Whereas, For example, according to a recently-released report by DOT entitled: “Streets for Recovery: The Economic Benefits of the NYC Open Streets Program,” when comparing restaurants and bars in Open Streets corridors and those in the same borough but not in an Open Street corridor, restaurants and bars in an Open Street corridor saw: an increase in sales growth; a higher percentage of staying in business during the pandemic; and faster growth in the number of new restaurants and bars that opened during the pandemic; and

Whereas, As the popularity in the use of Open Streets has increased, it is important to ensure that these streets are safe for pedestrians, cyclists, drivers and businesses; and

Whereas, In recent years, NYC has experienced higher traffic fatalities, with 273 people dying due to traffic violence in 2021, which is up from 243 during 2020 and 220 in 2019; and

Whereas, For the first nine months of 2022, there have already been 188 traffic fatalities, according to data released by Transportation Alternatives and Families for Safe Streets; and

Whereas, In an effort to ensure Open Streets are safe for New Yorkers and to reduce speed limits in these areas, A.10647 and S.9569 were introduced in the New York State (NYS) Legislature; and

Whereas, A.10647, introduced by NYS Assemblymember Harvey Epstein, and S.9569, introduced by NYS Senator Julia Salazar, relate to authorizing a five mile per hour speed limit for Open Streets in NYC, and would work towards ensuring that Open Streets are safer, particularly for pedestrians and cyclists; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to pass, and the New York State Governor to sign, A.10647/S.9569, which would authorize New York City to set a five mile per hour speed limit on streets participating in the Open Streets program.

Referred to the Committee on Transportation and Infrastructure.

Res. No. 442

Resolution calling upon the United States Congress to pass and the President to sign H.R. 3339, the National Infrastructure Bank Act of 2021.

By Council Members Hudson, Brooks-Powers, Sanchez, Louis and Joseph.

Whereas, According to the American Society of Civil Engineers (ASCE), an estimated \$6.1 trillion in investments will be needed between 2020 and 2029 to meet the country’s infrastructure needs, an amount that will increase to \$13 trillion by 2039; and

Whereas, The analysis by ACSE indicates that funding will only be available to cover 57 percent, or approximately \$3.5 trillion, of those infrastructure needs, resulting in an investment gap of approximately \$2.6 trillion by 2029, with the gap increasing to \$5.6 trillion by 2039; and

Whereas, In 2021, ASCE gave America’s infrastructure a “C-” grade in their 2021 *Report Card for America’s Infrastructure*, the first time in twenty years that it has been out of the “D” range, and indicating that while incremental immediate gains in some of the infrastructure categories have been made, the long-term investment gap continues to grow; and

Whereas, New York State earned a cumulative grade of “C” in ASCE’s 2022 *Report Card for New York’s Infrastructure* which was released on July 19, 2022, meaning that the State’s infrastructure is in mediocre condition, but with roads, transit and wastewater categories receiving a “D+” grade, a ranking that means they were in poor to fair conditions and at-risk; and

Whereas, Throughout the history of the United States (U.S.), Congress has established national banks to fund important national priorities such as financing the development of most of our national infrastructure and to help pay down national war debt; and

Whereas, In 1932, Congress established the Reconstruction Finance Corporation (RFC) to provide emergency financing facilities for financial institutions, to aid in financing agriculture, commerce and industry, with a subsequent amendment that authorized the RFC to loan funds to state and municipal governments to finance infrastructure projects; and

Whereas, The RFC was abolished by Congress in 1953; and

Whereas, In 1993, the bipartisan Commission to Promote Investment in America's Infrastructure released a report endorsing the creation of a national infrastructure corporation; and

Whereas, H.R. 3339, the "National Infrastructure Bank Act of 2021," introduced by U.S. Representative Danny K. Davis, would create a National Infrastructure Bank to facilitate efficient, long-term financing of infrastructure projects, business and economic growth, and new job creation; and

Whereas, If enacted, the establishment of a U.S. public deposit money bank would provide direct loans and other financing of up to \$5 trillion for qualifying infrastructure projects without requiring additional Federal taxes or deficits; and

Whereas, The National Infrastructure Bank that would be created under H.R. 3339 would be capitalized through the exchange of existing U.S. Treasury securities for preferred stock in the bank, and

Whereas, Under the provisions found in H.R. 3339, the National Infrastructure Bank would be treated as a government corporation exempt from tax, and any contributions that are made to the bank would be treated as charitable contributions; and

Whereas, H.R. 3339 also includes a temporary rule to allow a tax deduction for cash contributions made to the National Infrastructure Bank by certain taxpayers who elect not to itemize their deductions; and

Whereas, A provision in H.R. 3339 would exclude any dividend amounts received on the preferred stock from a taxpayers gross income; and

Whereas, H.R. 3339 includes provisions to ensure that any infrastructure projects funded by the National Infrastructure Bank comply with the prevailing wage requirements determined by the U.S. Department of Labor as directed by the Federal government's Davis-Bacon Act, and also comply with any applicable State Project Labor Agreements; and

Whereas, The creation of a new National Infrastructure Bank, similar to the national banks that were successfully implemented four previous times in our nation's history, would help finance our country's currently unfunded infrastructure needs; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the United States Congress to pass and the President to sign H.R. 3339, the National Infrastructure Bank Act of 2021.

Referred to the Committee on Finance.

Res. No. 443

Resolution calling on Congress to pass, and the President to sign, the LGBTQIA+ package of legislation currently before Congress.

By Council Members Hudson, Ossé, Cabán, Schulman, Bottcher, Joseph, Farías, Avilés and Marte.

Whereas, The LGBTQIA+ community has long been marginalized, and the movement for equal rights for LGBTQIA+ individuals in the United States has spanned many decades; and

Whereas, The first documented gay rights organization in the U.S., the Society for Human Rights, was established in 1924, creating the first known publication in support of gay rights, Friendship and Freedom; and

Whereas, On June 28, 1969, a series of protests for gay rights spanning 6 days took place outside of the Stonewall Inn in New York City; and

Whereas, This uprising, commonly referred to as the Stonewall Riots or Stonewall Uprising, was a major turning point in the fight for the rights of groups marginalized due to their sexual orientation, which subsequently led to further progress in securing rights for LGBTQIA+ individuals of all types; and

Whereas, For example, the Supreme Court in 2015 and 2020 issued decisions that led to the legalization of same-sex marriage and the prohibition of discrimination based on sexual orientation and gender identity within employment, respectively; and

Whereas, Despite this significant progress, members of the LGBTQIA+ community still continue to face discrimination and hate; and

Whereas, According to the Federal Bureau of Investigation (“FBI”), as of 2020, the number of hate crimes reported across the country reached its highest level in more than two decades; and

Whereas, In their annual release of hate crime statistics in 2021, with regard to the total number of hate crimes that occurred nationwide in 2020, the FBI reported that 20 percent were anti-gay incidents, the highest category second only to race and ancestry; and

Whereas, On December 13, 2022 President Joseph Biden signed into law H.R. 8404/S. 4556, also known as the Respect For Marriage Act, which repeals the Defense of Marriage Act and provides statutory authority for same-sex and interracial marriage; and

Whereas, A number of other bills have been introduced in the 117th Congress (2021-2022) to strengthen and protect the rights of LGBTQIA+ individuals; and

Whereas, H.R. 5/S. 393, also known as the Equality Act, would prohibit discrimination on the basis of sex, gender identity, and sexual orientation; and

Whereas, H.R. 7993, also known as the Ruthie and Connie LGBTQ Elder Americans Act of 2022, would update the Older Americans Act of 1965 to better serve LGBT elders by establishing a National Resource Center on LGBT Aging, and determining the needs of LGBT elders through data collection and research; and

Whereas, H.R. 4176/S. 2287, also known as the LGBTQI+ Data Inclusion Act, would require federal agencies that collect information through surveys for statistical purposes that include demographics to review existing data sets to determine which data sets do not include information about sexual orientation, gender identity, and variations in sex characteristics; and

Whereas, The aforementioned legislation could greatly impact the lives of LGBTQIA+ individuals living in the United States and should be passed by Congress and signed into law by the President; now therefore, be it

Resolved, That the Council of the City of New York calls on Congress to pass, and the President to sign, the LGBTQIA+ package of legislation currently before Congress.

Referred to the Committee on Women and Gender Equity.

Int. No. 857

By Council Members Joseph and Hudson.

A Local Law to amend the administrative code of the city of New York, in relation to expanding disaggregated data in department of education reporting including metrics on students in foster care

Be it enacted by the Council as follows:

Section 1. Subdivision a of section 21-955 of the administrative code of the city of New York, as amended by local law number 21 for the year 2020, is amended by adding a new definition of “student in foster care” in alphabetical order to read as follows:

Student in foster care. The term “student in foster care” means a student placed in 24-hour substitute care away from their birth or adoptive parents and for whom the child welfare agency has placement and care responsibility, as set forth in chancellor’s regulation A-101, at any point and for any length of time during the school year.

§ 2. Subdivision b of section 21-955 of the administrative code of the city of New York, as added by local law number 27 for the year 2015, opening paragraph as amended by local law number 21 for the year 2020, paragraph 8 as amended by local law number 89 for the year 2018, paragraph 12 as amended by local law number 16 for the year 2020, paragraph 13 as amended by local law number 17 for the year 2020, paragraph 14 as added by local law 16 for the year 2020, paragraph 15 as renumbered by local law number 16 for the year 2020, is amended to read as follows:

b. The department shall submit to the speaker of the council and post on the department's website an annual report regarding the evaluation of students, not including preschool students, for special education services and the provision of such services during the preceding academic period, which shall include, but shall not be limited to the following information:

1. the number of referrals for initial evaluations and reevaluations pursuant to section 200.4 of title 8 of the official compilation of the codes, rules and regulations of the state of New York, disaggregated by the district, eligibility for the free and reduced price lunch program, race/ethnicity, gender, English Language Learner status, *status as a student in temporary housing, status as a student in foster care*, recommended language of instruction, and grade level;

2. the number of initial evaluations conducted, including the number of such evaluations that resulted in a determination that the student was a student with a disability;

3. the number of IEP meetings that were convened less than or equal to [sixty] 60 calendar days from the date of consent, disaggregated by district, eligibility for the free and reduced price lunch program, race/ethnicity, gender, English Language Learner status, *status as a student in temporary housing, status as a student in foster care*, recommended language of instruction, and grade level;

4. the number of IEP meetings that were convened more than [sixty] 60 calendar days from the date of consent, disaggregated by district, eligibility for the free and reduced price lunch program, race/ethnicity, gender, English Language Learner status, *status as a student in temporary housing, status as a student in foster care*, recommended language of instruction, and grade level;

5. the number of reevaluations conducted, including the number of reevaluations that resulted in a determination that the student was no longer a student with a disability;

6. the number of IEP meetings that were convened less than or equal to [sixty] 60 calendar days from the date of referral for reevaluation, disaggregated by district, eligibility for the free and reduced price lunch program, race/ethnicity, gender, English Language Learner status, *status as a student in temporary housing, status as a student in foster care*, recommended language of instruction, and grade level;

7. the number of IEP meetings that were convened more than [sixty] 60 calendar days from the date of referral for reevaluation, disaggregated by district, eligibility for the free and reduced price lunch program, race/ethnicity, gender, English Language Learner status, *status as a student in temporary housing, status as a student in foster care*, recommended language of instruction, and grade level;

8. [(i)] the total number of students who have an IEP as of June 30 of the reported academic period, disaggregated by district, eligibility for the free and reduced price lunch program, race/ethnicity, gender, English Language Learner status, *status as a student in temporary housing, status as a student in foster care*, recommended language of instruction, grade level, disability classification and school; [and]

[(ii)] 9. the total number of students within each disability classification referenced in [subparagraph (i)] *paragraph 8 of this subdivision* as of June 30 of the reported academic period, disaggregated by district, eligibility for the free and reduced price lunch program, race/ethnicity, gender, English Language Learner status, *status as a student in temporary housing, status as a student in foster care*, recommended language of instruction, and grade level;

10. *the number and percentage of students, disaggregated by district, eligibility for the free and reduced price lunch program, race/ethnicity, gender, English Language Learner status, status as a student in temporary housing, status as a student in foster care, recommended language of instruction, grade level, and disability classification who, by the end of the academic period, have an IEP that recommends the following enumerated services:*

- (a) *related services only;*
- (b) *special education teacher support services;*
- (c) *integrated co-teaching services;*
- (d) *special class in a community school;*

(e) *special class in a district 75 school; and*

(f) *non-public school placement;*

[9.] 11. the average number of school days between the date the department receives consent from the parent or person in parental relation for the initial provision of special education services as set forth in section 200.5(b)(1)(ii) of title 8 of the official compilation of the codes, rules and regulations of the state of New York and the date the department issues notice of the school that will implement the IEP, provided that this information shall only be reported when the parent or person in parental relation has not consented to defer implementation of the IEP until the following semester or the following school year, disaggregated by district, eligibility for the free and reduced price lunch program, race/ethnicity, gender, English Language Learner status, *status as a student in temporary housing*, *status as a student in foster care*, recommended language of instruction, and grade level;

[10.] 12. the following information, disaggregated by district, eligibility for the free and reduced price lunch program, race/ethnicity, gender, English Language Learner status, *status as a student in temporary housing*, *status as a student in foster care*, recommended language of instruction, and grade level:

[(i)] (a) the number of reevaluations that resulted in an IEP recommendation of more periods per week in a special class than the student's previous IEP recommendation;

[(ii)] (b) the number of reevaluations that resulted in an IEP recommendation of fewer periods per week in a special class than the student's previous IEP recommendation;

[(iii)] (c) the number of reevaluations that resulted in an IEP recommendation of removal from a school that serves students who are not students with disabilities and placement in a separate school for a student not previously recommended for such placement; and

[(iv)] (d) the number of reevaluations that resulted in an IEP recommendation of placement in a school that serves students who are not students with disabilities for a student previously recommended for placement in a separate school;

[11.] 13. the number of [three-year] *3-year* reevaluations conducted, including the number of such evaluations that were timely conducted, disaggregated by district, eligibility for the free and reduced price lunch program, race/ethnicity, gender, English Language Learner status, *status as a student in temporary housing*, *status as a student in foster care*, recommended language of instruction, and grade level;

[12.] 14. the number and percentage of students, disaggregated by *eligibility for the free and reduced price lunch program*, *race/ethnicity*, *gender*, *English Language Learner status*, *status as a student in temporary housing*, *status as a student in foster care*, *recommended language of instruction*, *grade level*, *service recommendation*, *school and community school district*, who were receiving special education services:

[(i)] (a) in full compliance with their IEPs by the end of the academic period, and

[(ii)] (b) in partial compliance with their IEPs by the end of the academic period;

[13.] 15. the number and percentage of students, disaggregated by *eligibility for the free and reduced price lunch program*, *race/ethnicity*, *gender*, *English Language Learner status*, *status as a student in temporary housing*, *status as a student in foster care*, *recommended language of instruction*, *grade level*, *service recommendation*, *school and community school district*, who, by the end of the academic period, were receiving in full the services enumerated in subparagraphs (a) through [(h)] (j) of this paragraph as recommended on their IEPs, the number and percentage of students who as of the end of the academic period were receiving in part such services, and the number and percentage of students who were awaiting the provision of such services:

(a) Monolingual speech therapy;

(b) Bilingual speech therapy;

(c) Monolingual counseling;

(d) Bilingual counseling;

(e) Occupational therapy;

(f) Physical therapy;

(g) Hearing education services;

(h) Vision education services;

(i) Assistive technology services; and

(j) Special transportation services;

[14.] The] 16. the number and percentage of students, disaggregated by *eligibility for the free and reduced price lunch program*, *race/ethnicity*, *gender*, *English Language Learner status*, *status as a student in temporary*

housing, status as a student in foster care, recommended language of instruction, grade level, service recommendation, school and community school district, who have a behavioral intervention plan; and

[15.] 17. the number and percentage of students with IEPs who are recommended for participation in the general education curriculum for:

[(i)] (a) 80% or more of the day;

[(ii)] (b) 40-79% of the day; and

[(iii)] (c) less than 40% of the day.

§ 3. Subdivision e of section 21-955 of the administrative code of the city of New York, as added by local law number 21 for the year 2020, is amended to read as follows:

[e.] f. The department shall submit to the speaker of the council and post on the department's website an annual report regarding the evaluation of preschool students for special education services and the provision of such services during the preceding academic period. To the extent such information is available, such report shall include, but shall not be limited to the following information, each disaggregated by community school district, eligibility for the free and reduced price lunch program, race/ethnicity, gender, recommended language of instruction or services, home language, [and] status as a student in temporary housing, *and status as a student in foster care*:

1. The number of referrals for initial evaluations pursuant to section 200.4 of title 8 of the New York codes, rules and regulations;

2. The number of initial evaluations conducted, including the number of such evaluations that resulted in a determination that the child was a preschool student with a disability;

3. The number of requests for referral for an initial evaluation pursuant to section 200.4 of title 8 of the New York codes, rules and regulations, for which the department has not received consent from the parent or person in parental relation;

4. The number of IEP meetings that were convened less than or equal to 60 calendar days from the date of consent for initial evaluations;

5. The number of IEP meetings that were convened more than or equal to 60 calendar days from the date of consent for initial evaluations;

6. The total number of preschool students with a disability who have an IEP as of June 30 of the reported academic period;

7. The number and percentage of preschool students with a disability for whom appropriate special education programs and services were arranged to be provided within 6- school days from the date of consent for initial evaluations pursuant to section 200.4 of title 8 of the New York codes, rules and regulations;

8. The number and percentage of preschool students with a disability who, by the end of the academic period, have an IEP that recommends the following enumerated services:

(a) Related services only;

(b) Monolingual special education itinerant services;

(c) Bilingual special education itinerant services;

(d) Monolingual full-day integrated special class program;

(e) Monolingual half-day integrated special class program;

(f) Bilingual full-day integrated special class program;

(g) Bilingual half-day integrated special class program;

(h) Monolingual full-day special class, disaggregated by the following student-to-teacher-to-aid ratios:

(1) 6:1:2;

(2) 8:1:2;

(3) 12:1:2; or

(4) Other ratio;

(i) Monolingual half-day special class, disaggregated by the following student-to-teacher-to-aid ratios:

(1) 6:1:2;

(2) 8:1:2;

(3) 12:1:2; or

(4) Other ratio;

(j) Bilingual full-day special class, disaggregated by the following student-to-teacher-to-aid ratios:

(1) 6:1:2;

- (2) 8:1:2;
- (3) 12:1:2; or
- (4) Other ratio; and
- (k) Bilingual half-day special class, disaggregated by the following student-to-teacher-to-aid ratios:
 - (1) 6:1:2;
 - (2) 8:1:2;
 - (3) 12:1:2; or
 - (4) Other ratio[.];

[8.] 9. The number and percentage of preschool students with a disability who were receiving special education services in full compliance with their IEPs by the end of the academic period in partial compliance with their IEPs by the end of the academic period;

[9.] 10. The number and percentage of preschool students with a disability who, by the end of the academic period, were receiving in full the services enumerated in subparagraphs (a) through (s) of this paragraph as recommended in their IEPs; the number and percentage of preschool students with a disability who, as of the end of the academic period, were receiving in part such services; and the number and percentage of preschool students with a disability who, as of the end of the academic period, were awaiting the provision of such services;

[10.] 11. The number and percentage of preschool students with a disability enrolled in 3-k or Pre-K for All programs at the end of the academic period, disaggregated by grade level where available;

[11.] 12. The number and percentage of preschool students with a disability enrolled in 3-K or Pre-K for All programs who receive full services at the 3-K or Pre-K for All program where they are enrolled;

[12.] 13. The number of preschool integrated special class programs in 3-K and Pre-K for All;

[13.] 14. The number of non-public preschool special education programs approved by the state education department;

[14.] 15. The number of preschool special classes administered by the department in 3-K and Pre-K for All, including programs in district 75 schools, in total and disaggregated by the following student-to-teacher-to-aid ratios;

- (1) 6:1:2;
- (2) 8:1:2;
- (3) 12:1:2; or
- (4) Other ratio; and

[15.] 16. The number of non-public preschool special education programs approved by the state education department in total and disaggregated by the following student-to-teacher-to-aid ratio:

- (1) 6:1:2;
- (2) 8:1:2;
- (3) 12:1:2; or
- (4) Other ratio.

§ 4. Subdivision f of section 21-955, as added by local law number 17 for the year 2020, is redesignated subdivision g.

§ 5. Subdivision f of section 21-955, as added by local law number 21 for the year 2020, is redesignated subdivision h.

§ 6. The definition of “school” in section 21-956 of the administrative code of the city of New York, as amended by local law number 223 for the year 2019, is amended and a new definition of “student in foster care” is added in alphabetical order to read as follows:

School. The term “school” means a school of the city school district of the city of New York, including *district 75 programs, district 79 programs, and charter schools under the jurisdiction of the department.*

Student in foster care. The term “student in foster care” means a student placed in 24-hour substitute care away from their birth or adoptive parents and for whom the child welfare agency has placement and care responsibility, as set forth in chancellor’s regulation A-101, at any point and for any length of time during the school year.

§ 7. Subdivisions a and b of section 21-957 of the administrative code of the city of New York, as amended by local law number 223 for the year 2019, are amended to read as follows:

a. For each community school district, school within such district, special program within such school, and grade within such school, the total number of public school students enrolled in the preceding school year in grades kindergarten through eight and the number and percentage of such students who:

1. Receive special education services;
2. Are English language learners;
3. Are eligible for the federal free or reduced price meals program;
4. Reside in temporary housing;
5. *Are in foster care;*
- [5] 6. Are attending school out of the attendance zone in which the student resides; and
- [6] 7. Are attending school out of the community school district in which the student resides.

b. The data provided pursuant to subdivision a shall be disaggregated by:

1. Grade level;
2. Race or ethnicity;
3. Gender;
4. *Special education status;*
- [4] 5. English language learner status; and
- [5] 6. Primary home language.

§ 8. Subdivisions a and b of section 21-957.1 of the administrative code of the city of New York, as amended by local law number 223 for the year 2019, are amended to read as follows:

a. For each public high school, the total number of students enrolled in grades nine through twelve in the preceding school year and the number and percentage of such students who:

1. Receive special education services;
2. Are English language learners;
3. Are eligible for the federal free or reduced price meals program;
4. Reside in temporary housing; [and]
5. *Are in foster care; and*
- [5] 6. Are enrolled over the counter.

b. The data provided pursuant to subdivision a shall be disaggregated by:

1. Grade level;
2. Race or ethnicity;
3. Gender;
4. *Special education status;*
- [4] 5. English language learner status; and
- [5] 6. Primary home language.

§ 9. Section 21-982 of the administrative code of the city of New York, as amended by local law number 63 for the year 2018, is amended by adding a new definition of “foster care status” in alphabetical order to read as follows:

Foster care status. The term “foster care status” means the circumstance in which a student is placed in 24-hour substitute care away from their birth or adoptive parents and for whom the child welfare agency has placement and care responsibility, as set forth in chancellor’s regulation A-101, at any point and for any length of time during the school year.

§ 10. Subdivision b of section 21-984 of the administrative code of the city of New York, as amended by local law number 63 for the year 2018, is amended to read as follows:

b. The data provided pursuant to subdivision a shall be disaggregated by race/ethnicity, gender, grade, year of birth, whether the individual is receiving special education services, whether the individual is an English language learner, *foster care status* and homeless status. The report shall include school district and citywide total numbers for each disaggregated category.

§ 11. Subdivision b of section 21-986 of the administrative code of the city of New York, as amended by local law number 63 for the year 2018, is amended to read as follows:

b. The chancellor shall submit to the council and post to the department's website by October 31 of each year a citywide report on EMS transports during the twelve-month period ending on June 30 of the same year. Each report shall be disaggregated by school and by race/ethnicity, year of birth, [and] whether the individual is

receiving special education services[.], *foster care status and homeless status. The report shall include school district and citywide total numbers for each disaggregated category.*

§ 12. This local law takes effect immediately.

Referred to the Committee on Education.

Int. No. 858

By Council Members Joseph and Louis.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of transportation to investigate vehicle collisions

Be it enacted by the Council as follows:

Section 1. Section 19-182.3 of the administrative code of the city of New York, as added by local law number 49 for the year 2021, is amended to read as follows:

§ 19-182.3 Crash investigation and analysis unit. a. Definitions. For the purposes of this section, the following terms have the following meanings:

Serious vehicular crash. The term “serious vehicular crash” means any collision between a motor vehicle and a pedestrian, cyclist, motorist or any other person that results in significant injury to or the death of any person, *as well as any collision involving a motor vehicle for which a collision report, as defined by section 14-167, was prepared by the police department of the city of New York.*

Significant injury. The term “significant injury” means any injury categorized as an “A” injury by the New York state department of motor vehicles, or any injury which requires hospitalization, or any other injury as determined by the department.

b. Powers and duties. No later than January 1, 2022, the department shall establish a crash investigation and analysis unit, which shall have the duty to analyze and report on serious vehicular crashes. In coordination with the police department, such unit shall have all powers necessary to investigate serious vehicular crashes or any other crash, including but not limited to, inspecting crash sites, documenting vehicle and party positions, measuring and collecting data, interviewing witnesses, and conducting collision reconstructions. The unit shall also have the primary responsibility for all public statements, press releases or any other public communications regarding serious vehicular crashes and related investigations. Nothing contained in this subdivision shall be construed to inhibit or interfere with the ability of the police department to pursue criminal investigations, or as otherwise conflicting with any obligation under the vehicle and traffic law regarding the investigation of vehicle crashes.

c. *Investigation. The crash investigation and analysis unit shall investigate every serious vehicular crash. Such investigation shall commence no later than one week after the date of the crash, and be completed no later than one month after the date of the crash.*

d. Review of street design. As part of any investigation undertaken pursuant to subdivision b of this section in which the department determines that street design or infrastructure contributed to a serious vehicular crash, the crash investigation and analysis unit shall review the existing street design, infrastructure and driver behavior at the location of each such crash, and as part of each such review, any available crash data or reports on locations with similar street design or infrastructure. In conducting the review, the unit may coordinate with the police department, the department of health and mental hygiene, the office of the chief medical examiner, or any other agency, office or organization deemed relevant by the department. Following each such review, the unit shall determine whether changes to street design or improvements to infrastructure could reduce the risk of subsequent serious vehicular crashes and make recommendations, if any, for safety maximizing changes to street design or infrastructure at the location of such crash, or citywide.

[d] e. Reporting. No later than April 30, 2022, and every three months thereafter, the department shall post on its website a report with information on each investigation completed during the preceding three month period ending thirty days prior. Nothing contained in this subdivision shall be construed to inhibit or interfere with the ability of the police department to pursue criminal investigations, or as otherwise conflicting with any obligation

under the vehicle and traffic law regarding the investigation of vehicle crashes. Furthermore, nothing required to be reported by this subdivision shall be reported in a manner that would reveal the identity of a person or persons involved in a serious vehicular crash. Each such report shall include, but need not be limited to, the following:

1. The total number of investigations completed *during the reporting period*;
2. *For each such investigation, all [All] evidence and data collected pursuant to each such investigation, including a graphical reconstruction of the serious vehicular crash*;
3. *For each such investigation, any determinations [Determinations] as to fault, including any potential criminal wrongdoing*;
4. *For each such investigation, any [Any] factors that may have contributed to each crash, or increased or mitigated the severity of each such crash; [and]*
5. *For each such investigation, whether [Whether] changes to street design or improvements to infrastructure could reduce the risk of subsequent serious vehicular crashes, at each crash location or other similar locations, the estimated cost to implement such improvements, and a recommendation as to any such changes or improvements that should be made[.]; and*
6. *For each such investigation, the number of serious vehicular crashes with similar contributing factors, including but not limited to the travel direction of the motor vehicles, pedestrians, cyclists, or other persons involved in the serious vehicular crash or the speed of the motor vehicle at the time of the serious vehicular crash, that have occurred at the intersection or location in the previous five years. If the department made any changes to the street design or infrastructure at such intersection or location within the previous five years, the report shall include an analysis of the quantity and nature of serious vehicular crashes before and after the implementation of such changes.*

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

Referred to the Committee on Transportation and Infrastructure.

Int. No. 859

By Council Members Joseph, Krishnan, Hanif and Restler.

A Local Law to amend the administrative code of the city of New York, in relation to special activation of the Open Streets program on certain holidays and time periods with significant pedestrian traffic

Be it enacted by the Council as follows:

Section 1. Subdivision a of section 19-107.1 of the administrative code of the city of New York is amended by adding a new definition of “special activation opportunity” in alphabetical order to read as follows:

Special activation opportunity. The term “special activation opportunity” means a specially designated window of days or hours during which the department or a community organization may choose to operate an open street, outside of or in addition to regularly scheduled operations.

§ 2. Subparagraphs f and g of paragraph 1 of subdivision d of section 19-107.1 of the administrative code of the city of New York, as added by local law 55 for the year 2021, are amended and a new subparagraph h is added to read as follows:

(f) Description of measures to facilitate use of the open street by people with disabilities; [and]

(g) Proposed plan for how to maintain emergency vehicle access and any staffing plans[.]; and

(h) *Proposed days and hours of operation for special activation opportunities on certain holidays, with options to include Memorial Day, Juneteenth, Fourth of July, Labor Day, Halloween, and other holidays or time periods with significant pedestrian traffic at the discretion of the department or the suggestion of applicants.*

§ 3. Paragraph 2 of subdivision d of section 19-107.1 of the administrative code of the city of New York, as added by local law 55 for the year 2021, is amended to read as follows:

2. The department shall offer a short-form application to renew the management of an open street. Such short-form application shall include an opportunity for an applicant to request any of the following: additional

resources, traffic calming measures as specified in subdivision i, street furniture, accessibility improvements, *special activation opportunities*, or consideration of conversion of such street to a shared street.

§ 4. The opening paragraph of subdivision e of section 19-107.1 of the administrative code of the city of New York, as added by local law 55 for the year 2021, is amended to read as follows:

e. Selection. In exercising its discretion to designate an open street *or permit a special activation of an open street*, the department shall consider the following factors:

§ 5. Paragraphs 6 and 7 of subdivision g of section 19-107.1 of the administrative code of the city of New York, as added by local law 55 for the year 2021, are amended and a new paragraph 8 is added to read as follows:

6. Procedures by which community organizations may create their own barriers, signage and street furniture that encourage sustainability and welcoming design, subject to the review and approval of the department; [and]

7. Procedures by which community organizations may expeditiously obtain permits related to programming on open streets[.]; *and*

8. *Procedures by which community organizations may participate in or suggest new special activation opportunities, which shall include Memorial Day, Juneteenth, Fourth of July, Labor Day, and Halloween, and may also be offered on other days at the discretion of the department.*

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

Referred to the Committee on Transportation and Infrastructure.

Res. No. 444

Resolution calling upon the New York State Legislature to pass, and the Governor to sign, S.7275/A.8210 requiring all district leadership teams to operate under open meetings law requirements.

By Council Members Joseph, Louis, Hanif and Restler.

Whereas, The purpose of school-based planning and shared decision-making is to improve the educational performance of all students, regardless of such factors as socioeconomic status, race, sex, language background, or disability; and

Whereas, School-based planning and shared decision-making is based on the premise that better decisions are made when people functioning closest to implementation participate in making the decision; and

Whereas, Section 100.11 of the Regulations of the Commissioner of Education (Section 100.11) directs each community school district to develop a plan for the participation of parents, teachers, and administrators in school-based planning and shared decision-making; and

Whereas, In the City of New York, District Leadership Teams (DLTs) consisting of parent, teacher, and administrator representatives from elementary, middle, and high schools geographically located within each community school district fulfill the section 100.11 requirements regarding the district-level plan for the participation of parents and staff in school-based planning and shared decision-making; and

Whereas, New York City Chancellor's Regulation A-655 (CR A-655) establishes guidelines regarding the formation and operations of DLTs in every community school district; and

Whereas, CR A-655 directs each DLT to develop a District Comprehensive Educational Plan, which includes annual goals and objectives that are aligned with the district's and the Chancellor's goals as well as the means and standards by which all parties in the district evaluate improvement in student achievement; and

Whereas, New York's Open Meetings Law states, "It is essential to the maintenance of a democratic society that the public business be performed in an open and public manner and that the citizens of this state be fully aware of and able to observe the performance of public officials and attend and listen to the deliberations and decisions that go into the making of public policy;" and

Whereas, DLTs are an important part of the governing structure of the New York City public school system; and

Whereas, DLTs are not operating according to Open Meetings Law requirements; and

Whereas, S.7275, introduced by State Senator James Sanders Jr. and pending in the New York State Senate, and companion bill A.8210, introduced by Assembly Member Khalil Anderson and pending in the New York State Assembly, would require DLTs to operate under Open Meetings Law requirements; 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.7275/A.8210 requiring all District Leadership Teams to operate under open meetings law requirements.

Referred to the Committee on Education.

Res. No. 445

Resolution calling upon the New York State Legislature to pass, and the Governor to sign, S.7279/A.8196, requiring District Leadership Teams and School Leadership Teams to include student representatives.

By Council Members Joseph, Louis, Hanif, Restler and Hudson.

Whereas, The purpose of school-based planning and shared decision-making is to improve the educational performance of all students, regardless of such factors as socioeconomic status, race, sex, language background, or disability; and

Whereas, School-based planning and shared decision-making is based on the premise that better decisions are made when people functioning closest to implementation participate in making the decision; and

Whereas, Section 100.11 of the Regulations of the Commissioner of Education (section 100.11) directs each community school district to develop a plan for the participation of parents, teachers, and administrators in school-based planning and shared decision-making; and

Whereas, In the City of New York, District Leadership Teams (DLTs) consisting of parent, teacher, and administrator representatives from elementary, middle, and high schools geographically located within each community school district fulfill the section 100.11 requirements regarding the district-level plan for the participation of parents and staff in school-based planning and shared decision-making; and

Whereas, section 2590-h of the New York Education Law requires every public school in the City of New York to have a School Leadership Team (SLT) comprised of the principal, parent association president, teachers union representatives, and an equal number of elected parents and staff members; and

Whereas, Chancellor's Regulation A-655 (CR A-655) establishes guidelines regarding the formation and operations of SLTs in every New York City public school and DLTs in every community school district; and

Whereas, SLTs and DLTs are an important part of the governing structure of the New York City public school system; and

Whereas, As the population most impacted by the decisions made by DLTs and SLTs, students should have a voice in those bodies' decision-making processes; and

Whereas, An analysis published in Educational Research Review by Peter Nowak and Ursula Mager found that student participation in school decision-making has positive effects on students' life skills and self-esteem, student-adult relationships, and school ethos; and

Whereas, S.7279, introduced by State Senator James Sanders Jr. and pending in the New York State Senate, and companion bill A.8196, introduced by Assembly Member Khalil Anderson and pending in the New York State Assembly, would require each DLT and SLT in New York City to appoint one student representative to serve as members; 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.7279/A.8196, requiring District Leadership Teams and School Leadership Teams to include student representatives.

Referred to the Committee on Education.

Res. No. 446

Resolution calling upon the New York State Legislature to pass, and the Governor to sign, S.7280/A.8194, establishing the citywide leadership team.

By Council Members Joseph and Louis

Whereas, The purpose of school-based planning and shared decision-making is to improve the educational performance of all students, regardless of such factors as socioeconomic status, race, sex, language background, or disability; and

Whereas, School-based planning and shared decision-making is based on the premise that better decisions are made when people functioning closest to implementation participate in making the decision; and

Whereas, section 2590-h of the New York Education Law requires every public school in the city of New York to have a School Leadership Team (SLT) comprised of the principal, parent association president, teachers union representatives, parents, and staff members that develops an annual school comprehensive educational plan and consults on the school-based budget; and

Whereas, Section 100.11 of the Regulations of the Commissioner of Education (section 100.11) directs each community school district to develop a plan for the participation of parents, teachers, and administrators in school-based planning and shared decision-making; and

Whereas, In the City of New York, District Leadership Teams (DLTs) consisting of parent, teacher, and administrator representatives from elementary, middle, and high schools geographically located within each community school district fulfill the section 100.11 requirements regarding the district-level plan for the participation of parents and staff in school-based planning and shared decision-making; and

Whereas, Chancellor's Regulation A-655 (CR A-655) establishes guidelines regarding the formation and operations of SLTs in every New York City public school and DLTs in every community school district; and

Whereas, There is no vehicle for the participation of parents, students, and other educational stakeholders in shared decision-making at the citywide level; and

Whereas, S.7280, introduced by State Senator James Sanders Jr. and pending in the New York State Senate, and companion bill A.8194, introduced by Assembly Member Khalil Anderson and pending in the New York State Assembly, would establish the citywide leadership team to ensure that parents' voices are represented in all education decision-making, ensure education policies considered or implemented are conducive to promoting student achievement and enhancing the overall quality of education for students attending public schools in the city of New York, and include all stakeholders at all stages of the decision-making process; 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.7280/A.8194, establishing the citywide leadership team.

Referred to the Committee on Education.

Int. No. 860

By Council Member Kagan.

A Local Law to amend the administrative code of New York, in relation to traffic studies conducted by the department of transportation

Be it enacted by the Council as follows:

Section 1. Section 19-185 of the administrative code of the city of New York, as added by local law number 14 for the year 2011, is amended to read as follows:

§ 19-185 Traffic study determinations. *a. Definition. As used in this section, the term “traffic study” means any study conducted by the department on traffic control devices that are regulated by the manual on uniform traffic control devices or on the proposed installation of such devices.*

b. No later than 14 days after receiving a request from a council member or community board for a traffic study, the department shall conduct a traffic study if no such study has been conducted in connection with the same traffic control devices within 18 months preceding such request.

c. If the department has conducted a traffic study within the 18 months preceding such request, the department shall compare the traffic conditions at the time of the request to the traffic conditions during the last traffic study, and if there have been material changes, the department shall conduct a new traffic study. If there have been no material changes, the department shall in every such case provide a written statement to the requestor stating that the conditions for the requested traffic study have not materially changed from the previously conducted traffic study.

d. The department shall include with any determination denying a request by a community board or council member for a traffic study or traffic control device regulated by the manual on uniform traffic control devices, a summary of the traffic control device warrants, along with the data and time that the department performed its traffic analysis and the time period of any crash data considered by the department for such warrants. Such denial shall also include the following language: “A summary of the studies and reports that led to this determination will be provided upon request.” Upon such request by the community board or council member after receiving the denial the department shall provide a summary of the previous or recent traffic studies [and/or] and reports performed by the department. The department shall provide the summary of the traffic studies and reports within 2 weeks of such a request.

§ 2. This local law takes effect immediately.

Referred to the Committee on Transportation and Infrastructure.

Res. No. 447

Resolution calling on the New York State legislature to pass, and the Governor to sign, A.6872A/S.5921A, the New York Deforestation-Free Procurement Act.

By Council Members Menin, Louis, Avilés, Marte and Gennaro.

Whereas, Tropical forests encompass over six percent of the Earth’s surface and harbor approximately 50 percent of all species on Earth; and

Whereas, Boreal forests, those located in northern regions, represent nearly 30 percent of the global forests and help regulate the Earth’s climate through energy and water exchange and serve as a large reservoir of biogenic carbon; and

Whereas, An Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES) report released in 2019 indicates that the Earth’s natural landscapes are being transformed drastically by human alteration, so much so that nearly one million plant and animal species are now at risk of extinction, posing a massive threat to ecosystems that the world depends on; and

Whereas, The IPBES report further indicates that the average abundance of native species in most major land-based habitats has decreased by approximately 20 percent since 1900, three-quarters of the land-based environments have been significantly altered by human actions, and land degradation has reduced the productivity of 23 percent of the global land surface; and

Whereas, According to the United Nations Food and Agriculture Organization, approximately 18 million acres of forest are destroyed each year, further threatening ecosystems globally; and

Whereas, One of the largest contributors to tropical deforestation is associated with land clearing for the industrial-scale production of agricultural commodities, while a leading cause of boreal forest degradation is industrial logging to produce single-use tissue products, newsprint and lumber; and

Whereas, Deforestation, if continued at the current pace, will ensure that the Earth’s tropical rainforests will be dramatically degraded or destroyed over the next 100 years; now, therefore, be it

Whereas, A.6872A, sponsored by New York State Assemblymember Kenneth P. Zebrowski, currently pending in the New York State Assembly, and companion bill S.5921A, sponsored by New York State Senator Liz Krueger, currently pending in the New York State Senate, known as the Deforestation-Free Procurement Act, seeks to require that companies who contract with the state do not contribute to tropical or boreal intact forest degradation or deforestation directly or through their supply chains; and

Whereas, A.6872A/S.5921A would tighten an existing ban on the use of tropical hardwoods for government construction projects by expanding the list of covered tree species and by removing certain exemptions, and requiring state contractors who sell forest-risk commodities to certify that their products do not contribute to deforestation; and

Whereas, The Deforestation-Free Procurement Act would ensure that New York State government procurement does not contribute to tropical or boreal deforestation; and

Resolved, That the Council of the City of New York calls on the New York State legislature to pass, and the Governor to sign, A.6872A/S.5921A, the New York Deforestation-Free Procurement Act.

Referred to the Committee on Environmental Protection.

Int. No. 861

By Council Members Nurse, Louis, Farías, Hudson, Avilés and Marte (by request of the Queens Borough President).

A Local Law to amend the administrative code of the city of New York, in relation to the emergency and resiliency plans of the department of sanitation

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 16 of the administrative code of the city of New York is amended by adding a new section 16-144 to read as follows:

§ 16-144 Emergency and resiliency plans. a. The department shall maintain a separate page on the city's website where all emergency and resiliency plans of the department are made available to the public. Such plans shall include, without limitation:

1. Provision of services during various types of emergencies including blackouts, hurricanes, storm surges, flash flooding and other severe weather events and natural disasters;

2. Provision and prioritization of services prior to anticipated flooding events, including waste collection and cleaning services such as street sweeping, in areas that are identified as prone to flooding in the rainfall-based flooding maps prepared by the department of environmental protection; and

3. Design of critical facilities in accordance with climate resiliency design guidelines and retrofitting existing facilities to increase resiliency.

b. The department shall make all of its emergency and resiliency plans available on a separate page of the city's website within 120 days following the effective date of the local law that added this section and shall make new or updated plans available on such page when they are finalized by the department.

c. Notwithstanding the requirements of this section, the department shall not be required to disclose any portions of any emergency and resiliency plan if disclosure of such information could compromise public safety.

§ 2. This local law takes effect immediately.

Referred to the Committee on Sanitation and Solid Waste Management.

Int. No. 862

By the Public Advocate (Mr. Williams) and Council Members Louis and Hudson.

A Local Law to amend the administrative code of the city of New York, in relation to responding to complaints filed about immediately hazardous and hazardous conditions in multiple dwellings

Be it enacted by the Council as follows:

Section 1. Article one of subchapter four of chapter two of title 27 of the administrative code of the city of New York is amended by adding a new section 27-2096.3 to read as follows:

§ 27-2096.3 *Inspections for immediately hazardous and hazardous conditions.* a. *For any dwelling unit in a multiple dwelling for which a complaint was filed describing a condition that would constitute an immediately hazardous violation, the department shall contact the complainant within five hours of receiving such complaint to determine whether the condition described in the complaint requires further investigation or inspection. The department shall conduct an inspection of the dwelling no later than one day after receiving such complaint, provided that an inspection is warranted after responding to such complaint, and shall notify the complainant.*

b. *For any dwelling unit in a multiple dwelling for which a complaint was filed describing a condition that would constitute a hazardous violation, the department shall contact the complainant within two days of receiving such complaint to determine whether the condition described in the complaint requires further investigation or inspection. The department shall conduct an inspection of the dwelling no later than one day after receiving such complaint, provided that an inspection is warranted after responding to such complaint, and shall notify the complainant.*

c. *No violation issued pursuant to a complaint filed pursuant to this section shall be closed until such violation has been certified to be corrected to the satisfaction of the department.*

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

Referred to the Committee on Housing and Buildings.

Int. No. 863

By Council Members Restler, Louis, Joseph, Hanif and Marte.

A Local Law to amend the administrative code of the city of New York, in relation to public organic waste receptacles

Be it enacted by the Council as follows:

Section 1. Subchapter 2 of chapter 3 of title 16 of the administrative code of the city of New York is amended by adding a new section 16-308.1 to read as follows:

§ 16-308.1 *Organic waste receptacles.* a. *The commissioner shall install at least 5 public organic waste receptacles in every community district for the collection of organic waste. In determining the placement of such public organic waste receptacles, the commissioner shall prioritize commercial corridors, parks, transit hubs, and other high-pedestrian traffic areas. Whenever practicable, such public organic waste receptacles shall be installed adjacent to public litter baskets.*

b. *Public organic waste receptacles installed pursuant to this section shall be emptied by the department at least once per week.*

c. *The commissioner shall post on the department's website the location of each public organic waste receptacle installed pursuant to this section.*

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

Referred to the Committee on Sanitation and Solid Waste Management.

Int. No. 864

By Council Members Restler, Cabán, Williams, Louis, Hanif and Hudson.

A Local Law to amend the administrative code of the city of New York, in relation to forbidding agreements to shorten the period in which claims and complaints of unlawful discriminatory practices, harassment or violence may be filed and in which civil actions may be commenced

Be it enacted by the Council as follows:

Section 1. Subdivision (e) of section 8-109 of the administrative code of the city of New York, as amended by local law number 100 for the year 2018, is amended to read as follows:

(e) The commission shall not have jurisdiction over any complaint that has been filed more than one year after the alleged unlawful discriminatory practice or act of discriminatory harassment or violence as set forth in chapter 6 of this title occurred; provided, however, that the commission shall have jurisdiction over a claim of gender-based harassment if such claim is filed within three years after the alleged harassing conduct occurred. *Any provision of any agreement purporting to shorten the periods provided in this subdivision in which a complaint or claim may be filed is unenforceable and void as against public policy.*

§ 2. Subdivision d of section 8-502 of the administrative code of the city of New York, as amended by local law number 63 for the year 2018, is amended to read as follows:

d. A civil action commenced under this section must be commenced within three years after the alleged unlawful discriminatory practice or act of discriminatory harassment or violence as set forth in chapter 6 of this title occurred. Upon the filing of a complaint with the city commission on human rights or the state division of human rights and during the pendency of such complaint and any court proceeding for review of the dismissal of such complaint, such three-year limitations period shall be tolled. *Any provision of any agreement purporting to shorten the limitations period provided in this subdivision in which a civil action may be commenced is unenforceable and void as against public policy.*

§ 3. This local law takes effect immediately.

Referred to the Committee on Civil and Human Rights.

Int. No. 865

By Council Members Rivera, Ayala, Stevens, Krishnan, Hudson, Louis, Joseph, Hanif, Ung and Avilés

A Local Law to amend the administrative code of the city of New York, in relation to requiring child protective specialists to orally disseminate information to parents or caretakers about their rights during initial contact at the start of an ACS investigation

Be it enacted by the Council as follows:

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

§ 21-922 *Information regarding the rights of parents and guardians.* a. *Definitions.* For purposes of this section, the term “office of advocacy” means the office within ACS which provides information and responds to the concerns of parents, youth, foster parents, and others affected by the child welfare system, juvenile justice system, and other ACS services.

b. *At the initial point of contact with a parent or caretaker during a child protective investigation, ACS shall orally disseminate to the parent or caretaker information regarding their rights during the investigation. Such information shall include, but need not be limited to:*

1. *Information regarding the right to appeal a case, request a copy of records in a case and request that such records be expunged;*

2. Resources which may be available to parents and caretakers during a child protective investigation;
 3. The telephone number of ACS' office of advocacy; and
 4. Any other information ACS deems appropriate.
- § 2. This local law takes effect 90 days after it becomes law.

Referred to the Committee on General Welfare.

Res. No. 448

Resolution calling on the New York State Legislature to pass, and the Governor to sign, S11A/A2683, which would prohibit the use of no-knock warrants, except in certain circumstances.

By Council Member Salamanca, the Public Advocate (Mr. Williams) and Council Members Williams, Louis, Joseph, Hanif and Hudson.

Whereas, Police execute “no-knock” warrants and enter an individual’s residence without announcing their presence; and

Whereas, Police execute warrants in this manner in order to prevent potential destruction of evidence and escape of suspects; and

Whereas, According to the New York Civil Liberties Union, police departments have increasingly relied on military equipment in routine operations, including the use of battering rams and flash-grenades while executing warrants, in a manner that contributes to panic and confusion, which elevates the chances of police involved shootings; and

Whereas, According to the *New York Daily News*, the New York City Police Department has been criticized for executing no-knock search warrants, including in wrong locations, subjecting innocent individuals and families to trauma and property damage when the police operation was intended for a different location or individual; and

Whereas, Nationally, public attention to the risks of harm and death caused by the use of no-knock warrants was heightened following the tragic death of Breonna Taylor, who was killed by police in Louisville, Kentucky when they executed a no-knock warrant in her apartment as part of a drug investigation targeting another individual; and

Whereas, In response to Breonna Taylor’s death, the Louisville Metro Council unanimously banned the use of no-knock warrants; and

Whereas, Enacting S11A, sponsored by Senator James Sanders, and A/2683, sponsored by Daniel O’Donnell, would prohibit the use of no-knock warrants, except in certain circumstances, such as when necessary to prevent imminent danger to the life of the executing officers or another person; and

Whereas, S11A/A2683 would limit the use of no-knock warrants in a manner that would decrease the occurrence of unnecessary use of force and police involved shootings, and help avoid serious harm and deadly consequences such operations have brought, often disproportionately on communities of color; 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, S11A/A2683, which would prohibit the use of no-knock warrants, except in certain circumstances.

Referred to the Committee on Public Safety.

Int. No. 866

By Council Members Stevens and Louis.

A Local Law to amend the administrative code of the city of New York, in relation to a report on community engagement by city contractors

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 6 of the administrative code of the city of New York is amended by adding a new section 6-122 to read as follows:

§ 6-122 *Reporting on community engagement.* a. *Definitions.* As used in this section, the term “covered contractor” means any business, individual, partnership, corporation, firm, or company that (i) has been awarded a contract with the city, and (ii) indicated during the procurement process that they would work or collaborate with community members or organizations when performing pursuant to the contract.

b. *Reports.* 1. No later than 90 days after the effective date of the local law that added this section, and quarterly thereafter, every covered contractor shall submit a report to the contracting agency containing information about the covered contractor’s community engagement during the preceding quarter. Such report shall include, but need not be limited to:

(a) The proposed work or collaboration with community members or organizations specified in such covered contractor’s contracts;

(b) Whether such covered contractor has worked or collaborated with community members or organizations in the preceding quarter, including a description of such work or collaboration; and

(c) If such covered contractor has not worked or collaborated with community members or organizations, such covered contractor’s plans for working or collaborating with community members or organizations.

2. No later than 180 days after the effective date of the local law that added this section, and annually thereafter, each contracting agency shall submit a report to the mayor and the speaker of the council on covered contractors’ engagement with community members or organizations during the preceding year. Such report shall include, but need not be limited to, the following:

(a) Each covered contractor’s proposed work or collaboration with community members or organizations specified in such covered contractor’s contracts;

(b) Whether each such covered contractor has worked or collaborated with community members or organizations;

(c) If any covered contractor has not worked or collaborated with community members or organizations, each such covered contractor’s plan for working or collaborating with community members or organizations; and

(d) What actions, if any, such contracting agency has taken to promote community engagement by covered contractors.

§ 2. This local law takes effect immediately.

Referred to the Committee on Contracts.

Int. No. 867

By Council Members Stevens, Joseph, Louis and Restler

A Local Law in relation to requiring the department of education to conduct a study on school murals

Be it enacted by the Council as follows:

Section 1. Study on school murals. a. *Definitions.* For the purposes of this section, the following terms have the following meanings:

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

Community. The term “community” means the students and families of students who attend the relevant school and residents of the community school district in which the school is located.

Department. The term “department” means the department of education.

Mural. The term “mural” means any painting or work of art executed directly on a wall or ceiling surface.

b. Study and report. The department shall conduct a study regarding murals found on school grounds within the city and assess whether such murals are sensitive or relevant to the school’s community. Such study shall include, but not be limited to, the following:

1. A list of schools in the city where murals are currently found;
2. A description of the content of each mural by school; and
3. An assessment of whether each mural is sensitive or relevant to the community, including input gathered from the community and other relevant stakeholders which may include, but need not be limited to, school faculty and local community organizations.

c. Report required. Within 18 months of the effective date of this local law, the department shall submit to the mayor and the speaker of the council a report summarizing the findings of the study required by subdivision b of this section and related recommendations, and shall post such report on the website of the department.

§ 2. This local law takes effect immediately.

Referred to the Committee on Education.

Int. No. 868

By Council Members Stevens, Dinowitz, Joseph, Louis, Farías, Restler, Hudson and Ung (by request of the Bronx Borough President).

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of education to report on the number of District 75 students and the criteria used to determine the location of District 75 schools

Be it enacted by the Council as follows:

Section 1. Title 21-A of the administrative code of the city of New York is amended by adding a new chapter 30 to read as follows:

**CHAPTER 30
DISTRICT 75 SCHOOLS REPORTING**

§ 21-1001 District 75 reporting. a. Definitions. For purposes of this section, the term “district 75 program” means a department program, designated as such, that provides educational, vocational, and behavioral support for students with significant challenges, such as Autism Spectrum Disorders, significant cognitive delays, emotional disturbances, sensory impairments, and multiple disabilities.

b. No later than August 30, 2023, and annually thereafter, the department shall submit to the speaker of the council and post on the department’s website a report regarding information on all district 75 programs for the prior school year. Such report shall include, but need not be limited to:

1. The number of students participating in a district 75 program in each building where a district 75 program is provided; and

2. The process and inputs used to determine the buildings where a district 75 program is provided, including, but not limited to:

(a) Any categories of non-quantitative criteria considered, which may include, but need not be limited to, facility replacements, grade expansion and truncation, school re-zonings, co-locating schools, and converting space in existing facilities; and

(b) The following information, reported at the community school district level, if utilized:

- (1) Projections of the number of students requiring a district 75 program and related confidence intervals;
- (2) Any formula used for measuring capacity, including class size goals;
- (3) Any relevant standards required for instructional space;
- (4) Any relevant standards required for accessibility;
- (5) Any relevant standards required for security;
- (6) Any relevant standards required for the provision of medical care;
- (7) Any data used for determining a projected public school ratio; and
- (8) Any new capacity projects expected to be initiated during the plan period.

c. No information that is otherwise required to be reported pursuant to this section shall be reported in a manner that would violate any applicable provision of federal, state, or local law relating to the privacy of student information or that would interfere with law enforcement investigations or otherwise conflict with the interests of law enforcement. If a category contains between 1 and 5 students, or contains a number that would allow the number of individuals in another category that is 5 or fewer to be deduced, the number shall be replaced with a symbol.

§ 2. This local law takes effect immediately.

Referred to the Committee on Education.

Int. No. 869

By Council Members Stevens, Sanchez, Louis and Restler (by request of the Bronx Borough President).

A Local Law to amend the administrative code of the city of New York, in relation to requiring the provision of notices regarding the obligation to maintain retaining walls

Be it enacted by the Council as follows:

Section 1. Article 103 of title 28 of the administrative code of the city of New York is amended by adding a new section 28-103.37 to read as follows:

§ 28-103.37. Notice of obligation to maintain retaining walls. *The department shall, at least once per year, send a notice by mail regarding the obligation to maintain retaining walls pursuant to article 305 of chapter three of this title. Such notice shall be sent to each person responsible for maintaining a retaining wall of which the department has knowledge and shall include information regarding the obligation to maintain retaining walls in a safe condition, how to comply with such obligation, how to identify potential problems with retaining walls and penalties for failure to maintain retaining walls.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Housing and Buildings.

Int. No. 870

By Council Members Stevens, Hanks, Louis, Joseph, Farías, Restler, Hudson and Ung (by request of the Bronx Borough President).

A Local Law to amend the administrative code of the city of New York, in relation to reporting on crossing guard deployment.

Be it enacted by the Council as follows:

Section 1. Section 14-118 of the administrative code of the city of New York is amended by adding a new subdivision d to read as follows:

d. The commissioner shall create a deployment map of the stationed crossing guard locations in New York City. Such map shall also be posted on the department website.

§ 2. This local law takes effect immediately.

Referred to the Committee on Public Safety.

Int. No. 871

By Council Members Stevens, Hanks, Louis, Joseph, Fariás and Ung (by request of the Bronx Borough President).

A Local Law to amend the administrative code of the city of New York, in relation to an advisory board on crossing guard deployment.

Be it enacted by the Council as follows:

Section 1. Section 14-118 is amended to add a new subdivision d to read as follows:

d. Advisory board on crossing guard deployment. 1. There shall be an advisory board (“the board”) to advise the commissioner concerning matters related to the deployment of crossing guards as provided for in this section.

2. The board shall be comprised of the commissioner, or his or her designee; the commissioner of the department of transportation, or his or her designee; and the commissioner of the department of education, or his or her designee.

3. No member of the board shall be removed except for cause and upon notice and hearing by the appropriate appointing official.

4. Members of the advisory board shall serve without compensation and shall meet no less often than every three months. The advisory board shall seek community input on proposed policy recommendations, including through consultation with local community boards and the chancellor’s parent advisory council.

5. The actions of the advisory board shall include, but not be limited to:

(a) conducting an assessment of the optimal headcount and station locations of crossing guards in New York City, including but not limited to, an evaluation of traffic patterns, shifting populations, and the needs of particular schools and programs; and

(b) making specific recommendations for changes and/or improvements, if any, to crossing guard deployment, including, but not limited to, optimal headcount and station locations.

6. The board shall hold at least one public meeting prior to issuance of the report pursuant to paragraph 7 of this section shall be open to the public, provided however that such meeting is no sooner than three months prior to the date of the issuance of such report. The department shall notify the public as to the time, place and subject of such meeting.

7. The board shall report its findings and recommendations on or before March 1, 2023, and thereafter in biannual reports, and submit such reports to the mayor, the commissioner and the speaker of the council. Such report shall include, but not be limited to: (a) an assessment of the optimal headcount and station locations of crossing guards in New York City; (b) proposed actions to be taken by the department in response to recommendations; and (c) an accounting for all task force actions, including a summary of each advisory board meeting and description of community input gathered in the course of the advisory board’s work.

§2. This local law takes effect immediately.

Referred to the Committee on Public Safety.

Res. No. 449

Resolution calling on the New York State Legislature to pass, and the Governor to sign, A.84/S.296A, in relation to prohibiting the search, with or without a warrant, of geolocation and keyword data of people who are under no individual suspicion of having committed a crime.

By Council Members Williams, Louis, Joseph, Hanif and Hudson.

Whereas, A 2011 International Library of Ethics publication described a “pacing problem” phenomenon in which there is a “growing gap between the pace of science and technology and the lagging responsiveness of legal and ethical oversight [which] society relies on to govern emerging technologies”; and

Whereas, A geofence is a defined virtual geographic perimeter, or area, that is overlaid over a real-world area for a period of time, and can be used for the collection, or pushing, of data in that area; and

Whereas, The National Association of Criminal Defense Lawyers defines geofence warrants as a type of reverse warrant where the government seeks a court order to learn who was within a “geofence” during a specific period of time, and explains that geofence warrants can be used by a government to compel technology companies to produce geolocation data, or information about devices interacting with a company’s technology within a particular geographic region; and

Whereas, Similarly, a government might also seek a reverse warrant for search data, also referred to as keyword data, wherein it seeks a court order to learn the identities of persons who entered particular terms into a search engine; and

Whereas, According to Slate Magazine’s Future Tense and Forbes, the first publicly available example of the use of a keyword warrant was in 2017 when a Minnesota judge signed off on a warrant that required Google to provide information on anyone who searched for a fraud victim’s name from within the city of Edina, the location where a crime being investigated had taken place; and

Whereas, In its semiannual transparency report, Google disclosed that it had received 49,001 search warrants in 2021, as compared with 10,383 search warrants a few years earlier, in 2017;

Whereas, Google also released a supplemental document pertaining to geofence warrants to share that the company has seen a dramatic rise in geofence information requests to the point that as of 2020 geofence warrants made up more than 25% of all warrants received by them in the U.S., increasing from 982 geofence warrants in 2018 to 11,554 such warrants in 2020; and

Whereas, A broad range of technological and civil liberty organizations including the Electronic Frontier Foundation (EFF), the New York Civil Liberties Union (NYCLU), and the Surveillance Technology Oversight Project (S.T.O.P.) have advocated to prohibit the issuance of these warrants due to their concerns regarding possible violations of constitutional protections against unlawful search and the consequences thereof; and

Whereas, The EFF published an article on May 13, 2022 in which it described the harms of geofence and keyword warrants, both for a possible invasion of privacy and for the potential to involve innocent bystanders that would become connected to criminal investigations due to otherwise innocuous search terms or coincidental geographic proximity; and

Whereas, On April 13, 2019, The New York Times reported on a case in which a geofence warrant issued in Phoenix, Arizona led to detectives falsely arresting and imprisoning a person in connection to an ongoing murder investigation; and

Whereas, On March 3, 2022, a federal judge in the U.S. District Court for the Eastern District of Virginia ruled that Virginia authorities’ usage of a geofence warrant was an unconstitutional violation of Fourth Amendment rights,

Whereas, The use of these warrants is occurring New York, as Gothamist reported on August 12, 2019 that the Office of the District Attorney of Manhattan was able to obtain the geolocation data of persons through a geofence warrant; and

Whereas, A.84A, sponsored by Assembly Member Dan Quart in the New York State Assembly and companion bill S.296A, sponsored by State Senator Zellnor Myrie in the New York State Senate, would prohibit the search, with or without a warrant, of geolocation and keyword data of people who are under no suspicion of having committed a crime; and

Whereas, Civil liberty and technology associations like the ACLU, EFF, S.T.O.P., and NYCLU have expressed support for this legislation, as has Reform Government Surveillance, a technology coalition which includes companies like Google, Microsoft, and Meta, which released a statement supporting the adoption of the legislation; now, therefore, be it

Resolved, That the Council of the City of New York calls on the New York State Legislature to pass, and the Governor to sign, A.84A/S.296A, in relation to prohibiting the search, with or without a warrant, of geolocation and keyword data of people who are under no individual suspicion of having committed a crime.

Referred to the Committee on Public Safety.

Res. No. 450

Resolution recognizing the contributions of Def Jam to the music industry and to music lovers everywhere by designating December 2023 as Def Jam Recognition Month in the City of New York.

By Council Members Williams, Stevens, Riley, Louis, Joseph, Farías and Hudson.

Whereas, Rick Rubin began recording rap music in his dorm room at the Weinstein Residence Hall of New York University in 1983 and gave birth to Def Jam Recordings (Def Jam), using a loan from his parents to get the company started; and

Whereas, Rubin soon joined with Russell Simmons, who brought his business expertise as a prominent figure in the Hip Hop scene and as the already-established manager of Run DMC, the renowned rap trio from Hollis, Queens; and

Whereas, Rubin and Simmons, both just in their twenties in 1983, launched Def Jam from New York City (NYC) to eventual worldwide acclaim, along with the careers of many of the label's iconic artists; and

Whereas, Rubin found innovative ways to get the energy and sound of live Hip Hop into the songs and albums he produced; and

Whereas, Simmons strove for authenticity for his artists and their music, using the slogan "keeping it real" to characterize who the artists were and what they wanted to say in their music; and

Whereas, Rubin and Simmons began by recording local talent, who became a who's who of rap royalty; and

Whereas, LL Cool J, a 17-year-old from Queens, was one of Def Jam's earliest artists, releasing his single "I Need a Beat" in 1984 and his debut album *Radio* in 1985 and going on to become one of the first rappers to earn mainstream success; and

Whereas, The Beastie Boys, a trio of Jewish white rappers from Long Island, who brought Hip Hop to the suburbs, also signed early with Def Jam and released their single "Rock Hard" in 1984 and their first album *Licensed to Ill* in 1986, which became the best-selling rap album of the 1980s; and

Whereas, Def Jam signed Public Enemy, also hailing from Long Island, in the late 1980s, giving voice to the social and political concerns of African Americans and ensuring Public Enemy's significant and lasting influence on rap music; and

Whereas, Even though Rubin left Def Jam in 1988 and Simmons left in 1999, the pre-eminence of Def Jam (through a variety of corporate entities over the years) did not wane as it added new executives and some of the music industry's biggest artists over the next four decades, including JAY-Z, DMX, Ja Rule, Method Man & Redman, Ludacris, Rihanna, Jeezy, Kanye West, Justin Bieber, Logic, Pusha T, Jadakiss, Vince Staples, Jeremih, Big Sean, YG, 2 Chainz, Dave East, and Jhené Aiko; and

Whereas, Def Jam has promoted artists of various racial and ethnic backgrounds and has brought their music to people of all demographics nationwide and worldwide; and

Whereas, Def Jam has contributed substantially to the health of the music industry and the economy of NYC; and

Whereas, Def Jam, which will reach its official 40th anniversary in 2023, continues to thrive, producing new music with up-and-coming artists, who will take their places alongside the pioneers who began their careers with Def Jam decades ago; and

Whereas, The designation of a holiday commemorates Rubin's pioneering producing and Simmons's business acumen and the impact that they had on the music industry and continue to have on fans everywhere; now, therefore, be it

Resolved, That the Council of the City of New York recognize the contributions of Def Jam to the music industry and to music lovers everywhere by designating December 2023 as Def Jam Recognition Month in the City of New York.

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

Int. No. 872

By Council Members Yeger, Hudson, Holden and Borelli.

A Local Law to amend the administrative code of the city of New York, in relation to illegal curb cuts and requiring local community board notification of curb cut applications

Be it enacted by the Council as follows:

Section 1. Section 19-147 of the administrative code of the city of New York is amended by adding new subdivisions h and i to read as follows:

h. Illegal curb cuts. If the department receives any complaint of an illegal curb cut, it shall investigate such complaint within 30 days. If the department determines that a curb cut was created without the required permits, the department shall within three days of such determination paint such curb cut green to indicate that such curb cut is available for parking and shall order the owner or owners of the property benefited by such curb cut to correct the violation by either restoring the curb to its proper condition or by obtaining the proper work permits and final sign-off from the department within 30 days. Failure to correct such violation pursuant to an order of the department within the time designated therein shall be a continuing violation until the curb cut is corrected to the satisfaction of the department. For the purposes of this section, the term "curb cut" means a break in a curb to allow access from the roadway and across the sidewalk to a legal parking space within the property line.

i. Notwithstanding any other provisions of law, within six months after the department becomes aware of an illegal curb cut, the department shall restore the curb to its original condition, unless the owner restores such curb cut or obtains the required permits and sign-off for such curb cut. The department shall recover the cost of restoring the curb from the owner of any property that benefited from the illegal curb cut, the person responsible for creating the illegal curb cut, or all such persons. The recovery of such costs shall be in addition to any civil penalty imposed in accordance with subdivision h of this section.

§ 2. Article 108 of chapter 1 of title 28 of the administrative code of the city of New York is amended by adding a new section 28-108.4 to read as follows:

§ 28-108.4 Community board notification. Within seven days of receipt of each new application for a permit to create a curb cut, the department shall notify the community board of the community district within which the proposed curb cut would be created of such application. The community board shall have 60 days from the date of notification to submit comments and recommendations to the department with respect to such application. The department shall consider these comments and recommendations in its decision to grant or deny a permit for a curb cut and shall inspect any location proposed as the location of a curb cut prior to the issuance of a permit to create a curb cut. For the purposes of this section, the term "curb cut" means a break in a curb to allow access from the roadway and across the sidewalk to a legal parking space within the property line.

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

Referred to the Committee on Transportation and Infrastructure.

Preconsidered L.U. No. 154

By Council Member Brannan:

505 West 43rd Street, Block 1072, Lot 1201, Manhattan, Community District No. 4, Council District No. 3.

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

L.U. No. 155

By Council Member Salamanca:

Application number C 220250 ZMQ (97-27 57th Ave. Commercial Overlay) submitted by SWDM 57 LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 10b & 14a: eliminating from within an existing R6A District a C1-2 District, establishing within an existing R6B District a C2-4 District, and establishing within the existing R6A District a C2-4 District, Borough of Queens, Community District 4, Council District 21.

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

L.U. No. 156

By Council Member Salamanca:

Application number C 210389 ZMQ (58-02 Northern Blvd Rezoning) submitted by 58-02 Northern Blvd LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 9d: changing from an R5 District to an R6B District and establishing within the proposed R6B District a C2-2 District, Borough of Queens, Community District 2, Council District 26.

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

L.U. No. 157

By Council Member Salamanca:

Application number N 210390 ZRQ (58-02 Northern Blvd Rezoning) submitted by 58-02 Northern Blvd LLC, pursuant to Section 201 of the New York City Charter for an amendment of the Zoning Resolution of the City of New York, modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of Queens, Community District 2, Council District 26.

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

NEW YORK CITY COUNCIL

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

Wednesday, January 4, 2023

Charter Meeting

Council Chambers – City Hall.....Agenda – 12:00 p.m.

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

The Speaker (Council Member Adams) acknowledged that the Council’s Committee of the Whole held oversight hearings on December 19th and 20th, 2022. These hearings were held to examine the city’s response and delivery of services to migrants seeking asylum. She thanked the hard work of municipal employees, nonprofit and community partners, and everyday New Yorkers who had stepped up to meet the needs of asylum seekers. She recognized the importance of partnership and support from the state and federal governments. She further noted the need to prioritize the development of possible solutions by listening to and leveraging the input of the community based organizations on the ground.

The Speaker (Council Member Adams) pointed out the gaps that existed in the critical services and support system made available to the arriving migrants. She acknowledged that John Ortega, a 26-year old father seeking asylum, had died by suicide. His passing marked the second migrant death in the city’s shelter system. She noted that it was important to be proactive in providing culturally competent mental health care.

The Speaker (Council Member Adams) acknowledged that the Council had released a new report outlining the challenges to effectively support asylum seekers and New Yorkers alike. The report included policy recommendations which would help address the problems facing the migrants. She reiterated that these policy solutions would also benefit all New Yorkers.

The Speaker (Council Member Adams) acknowledged the release of the Council’s housing agenda which presents a comprehensive set of housing solutions – this agenda would prioritize equitable and responsible affordable housing development, deeper levels of affordability, and housing preservation. She also noted that legislation would be introduced to establish a citywide Fair Housing Framework. This Framework would seek to ensure that affordable housing development becomes an equitably shared goal for every community district. She further announced the release of a Planning and Land Use Toolkit which would provide guidance for Council Members, communities, and land use applicants to successfully advance projects that balance important neighborhood needs with citywide housing goals.

The Speaker (Council Member Adams) expressed her support for colleague Council Member Bottcher. She noted that on December 19th, Council Member Bottcher was targeted by hateful attacks at his home and his office which included alleged acts of trespassing. She further noted that she was disturbed by the rising acts of homophobic and transphobic hate and emphasized the importance of rejecting any attempts to normalize such activity. The Speaker (Council Member Adams) expressed her love and support for Council Member Bottcher and the LGBTQIA+ community and for all of the Council Members who had been affected by the hate coming to their districts and homes.

The Speaker (Council Member Adams) acknowledged that December 16th marked the 51st anniversary of Bangladesh Victory Day which commemorates the independence of Bangladesh. She noted that her district in southeast Queens was home to a flourishing Bangladeshi community and she expressed her gratitude for their contributions to the city. The Speaker (Council Member Adams) also recognized the historic representation of Council Member Hanif as the city's first Bangladeshi and Muslim woman elected to the Council.

The Speaker (Council Member Adams) acknowledged that December 21st was the fourth night of Hanukkah. She extended her warmest wishes for the peace and joy of the season to Jewish families celebrating in New York City and throughout the world. She also emphasized the importance of uplifting love and light over hate and darkness especially in regard to the rising antisemitism that our Jewish communities continue to face. On behalf of the Council, the Speaker (Council Member Adams) wished those who were celebrating a *chag sameach*.

The Speaker (Council Member Adams) acknowledged that these December 21st proceedings marked the final Stated Meeting for 2022. She thanked all of her colleagues in the Council on both sides of the aisle for their hard work, dedication, and service on behalf of all New Yorkers and of their respective constituents. The Speaker (Council Member Adams) wished her colleagues a Merry Christmas, Happy Hanukkah, and Happy Kwanzaa.

Whereupon on motion of the Speaker (Council Member Adams), the Majority Leader and Acting President Pro Tempore (Council Member Powers) adjourned these proceedings to meet again for the Charter Meeting of Wednesday, January 4, 2023.

MICHAEL M. McSWEENEY, City Clerk
Clerk of the Council

*Editor's Local Law Note: Int. Nos. 404-A, 525-B, 609-A, 610-A, and 789, all adopted at the November 22, 2022 Stated Meeting, were **returned unsigned by the Mayor** on December 27, 2022. These items had become law on December 23, 2022 due to the lack of Mayoral action within the Charter-prescribed thirty day time period. These bills were assigned subsequently as Local Laws Nos. 122 to 126 of 2022, respectively,*