

THE COUNCIL

Minutes of the Proceedings for the
STATED MEETING

of
Thursday, May 19, 2022, 2:09 p.m.
(held in a hybrid meeting format)

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

Council Members

Adrienne E. Adams, *Speaker*

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

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

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

There were 51 Council Members marked present at this hybrid Stated Meeting held in the Council Chambers at City Hall, New York, N.Y.

INVOCATION

The Invocation was delivered by Denise Rhrissorrakrai, Executive Pastor, Hope Astoria Church, located at 36-14 35th Street, Astoria, N.Y. 11106.

Good afternoon.

As I pray today, I'm mindful of other faith traditions in the room.
I'll be praying from the perspective of a Christian.

Let's pray together.

Father God, we thank you for giving us life, purpose,
and the chance today to serve others in a meaningful way.
God, we thank you for our home, for New York City.
We thank you that you know and love every person in this City.
Each one of them is known by name by you,
and you care about their wellbeing.
We remember before you as well, and take a moment of silence
to remember those who lost their lives in the recent Buffalo shooting
and all who have been injured or killed by violence in our city.
Today, we pray that you would help us
to join in the work that you are doing to renew all things
and to bring about what is just and good.
Have your way in us, in our actions and our decisions,
in our words, and in the attitudes of our hearts,
that what is pleasing to you would be accomplished.
Lord, we thank you for our elected officials
and for all who serve the people of this city.
We pray for your protection, your wisdom,
your leadership, and your covering over them and their families.
We pray for your grace over their efforts today,
that they would accomplish much good for all the people of this City.
We pray also for your mercy and grace over New York City,
that our city and all its people
and all their beautiful diversity could thrive.
We know that in all things, Lord,
you are sovereign and you are good.
We praise you for who you are.
You are holy, and we thank you for your love for us.
We pray in Jesus name,
Amen.

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

During the Communication from the Speaker segment of this Meeting, the Speaker (Council Member Adams) spoke of a number of violent incidents and deaths that had recently taken place:

The Speaker (Council Member Adams) acknowledged the white supremacist violence inflicted on the black community of Buffalo, New York. The May 14, 2022 attack on a supermarket took the lives of ten community members and injured three others in the deadliest mass shooting of the year. On behalf of the Council, the Speaker (Council Member Adams) offered her prayers for the recovery of the survivors and the community from the physical and emotional trauma that was inflicted. She thanked Council Member Farias for ensuring that the Council Members in the Chambers were wearing black ribbons in commemoration of the victims.

The Speaker (Council Member Adams) also spoke of the increase in hate crimes and violence being experienced in New York City and pointed out the targeting of the city's Asian, Jewish, LGBTQ, Sikh, Muslim, and black communities. In response to this rise in such crimes, the Speaker (Council Member Adams) noted that the Council called for at least five million dollars to fund city and community-based programs designed to help root out hate in all its forms.

The Speaker (Council Member Adams) acknowledged the death of eleven year old Kyhara Tay who was killed by a stray bullet on May 16, 2022. The shooting took place in Council Member Salamanca's district in The Bronx. The Speaker (Council Member Adams) also acknowledged the beating death of nine year old Shalom Guifarro who was found deceased on May 15, 2022 in Crown Heights, Brooklyn. She emphasized the need for everyone to work together to protect children from such physical harm. She reiterated that violence had become a public health crisis which needed to be treated with urgency and with bold solutions.

The Speaker (Council Member Adams) acknowledged that in the previous week the United States death toll from COVID-19 had surpassed one million since the start of the pandemic. Along with protection from the virus, she noted that there was a need for healing from the trauma and grief caused by the pandemic. She asked that the memories of the one million Americans that were lost, as well as the millions more lost around the world, should be honored now and always.

The Speaker (Council Member Adams) acknowledged the death of several New Yorkers lost to workplace violence: food delivery worker Yan Zhiwen, 45, was shot and killed in Queens during a delivery on April 30, 2022 in Council Member Schulman's Forest Hills district; security guard Curtis Rippe, 58, was fatally stabbed during an argument with two men at a gas station in Corona, Queens on May 12, 2022; and grocery worker Ulugbek Gilasov, 38, was stabbed to death during an argument inside a supermarket in Midwood, Brooklyn on May 16, 2022.

The Speaker (Council Member Adams) acknowledged the death of retired FDNY Lieutenant John A. Vigliotti of Engine Company 159. Lieutenant Vigliotti was a lifelong Staten Island resident who had served in the Fire Department for thirty years. He passed away on May 4, 2022 at the age of 73.

On behalf of the Council, the Speaker (Council Member Adams) offered her prayers for the families of the lost mentioned above. She also reaffirmed that the Council stood with workers and their partners in labor who advocated for better and safer working conditions for all.

At this point, the Speaker (Council Member Adams) asked for a moment of silence in memory of the deceased.

A moment of silence was observed in the Chambers.

* * *

ADOPTION OF MINUTES

Council Member Hanks moved that the Minutes of the Stated Meeting of April 28, 2022 be adopted as printed.

COMMUNICATION FROM CITY, COUNTY & BOROUGH OFFICES

M-62

Withdrawal of M 58 of 2022 - Submitting the name of Ms. Leila Bozorg, to the Council for its advice and consent regarding her appointment to the City Planning Commission.

May 11, 2022

Hon. Adrienne Adams
Speaker
New York City Council
City Hall
New York, N.Y. 10007

Dear Speaker Adams:

Regarding the April 19 letter sent to you for the purpose of recommending Leila Bozorg for appointment to the New York City Planning Commission, I hereby ask the City Council to withdraw her name for consideration at this time. I will be resubmitting Leila Bozorg for appointment in the near future.

Sincerely,

Mark Levine
Manhattan Borough President

Filed pursuant to a Letter of Withdrawal.

M-63

Communication from the New York City Banking Commission - Transmitting recommendations of the interest rate to be charged for Fiscal Year 2023 for non-payment of taxes on real estate and for the discount rate to be allowed for early payment of real estate taxes for Fiscal Year 2023, pursuant to the City Charter.

May 13, 2022

Honorable Adrienne Adams
Speaker, New York City Council
ATTN: Jonathan Ettricks
City Hall
New York, NY 10007

Re: FY2023 Interest Rates Recommendations for:

Early Payment (Discount) of Property Taxes; and
Late-Payment of Property Taxes

Dear Speaker Adams:

Pursuant to Section 11-224.1 of the New York City Administrative Code and Section 1519-a of the New York City Charter, at its meeting on May 12, 2022, the NYC Banking Commission approved resolutions recommending to the City Council the following proposed FY2023 interest rates for the discount rate for early property tax payments and the rates for non-payment of property taxes:

- a. One-half of one percent (0.50%) discount per annum for early payment of real estate taxes;
- b. Six percent (**6.0%**) per annum for non-payment of property taxes with an assessed value of not more than two hundred fifty thousand dollars (\$250,000), or not more than two hundred fifty thousand dollars (\$250,000) per residential unit for co-ops;
- c. Twelve percent (**12.0%**) per annum for non-payment of property taxes with an assessed value of no more than two hundred fifty thousand dollars (\$250,000), but less than four hundred fifty thousand dollars (\$450,000), or not more than two hundred fifty thousand dollars (\$250,000), but less than four hundred fifty thousand dollars (\$450,000) per residential unit for co-ops;
- d. Eighteen percent (**18.0%**) per annum for non-payment of property taxes with an assessed value of more than four hundred fifty thousand dollars (\$450,000), or more than four hundred fifty thousand dollars (\$450,000) per residential unit for co-ops.

The Commission also voted on officially designating Webster Bank as a NYC Designated Bank. Webster Bank recently acquired Sterling National Bank, which had been a designated bank since 2017. The former entity Sterling National Bank had several construction loan accounts with the Department of Housing Preservation and Development (HPD), and Webster Bank needs to be designated to hold those deposits. Lastly, the Commission voted on making a \$10 Million deposit at Ridgewood Savings Bank's Banking Development District (BDD) branch located at 3889 Sedgwick Avenue in the Bronx. Attached are copies of the Banking Commission resolutions.

Sincerely,

Mary Christine Jackman

Assistant Commissioner and Treasurer
 NYC Department of Finance

Attachment

Cc: Honorable Eric Adams
 Comptroller Brad Lander
 Commissioner Preston Niblack, NYC Department of Finance
 Deputy Chief of Staff to the 1st Deputy Mayor Bassal Omar
 Assistant Comptroller for Policy Annie Levers

RESOLUTION NO. 1 — FY2023 EARLY PROPERTY TAX PAYMENT DISCOUNT RATE RECOMMENDATION

WHEREAS, pursuant to Section 1519-a of the New York City Charter, the Banking Commission shall send a written recommendation to the City Council of a proposed discount percentage for the early payment of property taxes for the ensuing fiscal year no later than the thirteenth of May, and

WHEREAS, from April 2021 to May 2022, NYC's monthly average rates on City investments ranged from .07% to .44%. The Banking Commission's impact analysis for FY2023 projects that the return on investments rate will result in \$1.4 Million of interest earned on taxes collected early. This will not offset estimates of forgone tax revenue of negative \$10.8 Million (discount given) plus forgone interest income on forgone taxes of (\$10k), resulting in a net loss in revenue to the City of negative \$9.5 Million, and

WHEREAS, Semi-annual payers are billed twice per year and Quarterly payers four times, at an estimated total cost of \$7.40 per invoice. When taxpayers pay their entire year's property tax early, eliminating the need for further billing, the City saves from processing fewer invoices. In FY2022, a total of 177,966 taxpayers made early payments saving NYC an estimated \$1.3 million in invoicing and administrative costs. If similar savings are realized in FY2023, the total impact of the 50 bps discount will be negative \$8.2 Million, and

WHEREAS, New York City's Cash Flow projection for June 30th, 2022, the end of FY22, is \$7 billion. At the close of FY21 on June 30th, 2021, actual cash on hand at the close of the business day was \$8.7 billion, a difference of \$1.7 billion. The Banking Commission does not recommend increasing the discount rate from 50 bps (0.50%) to 100 bps (1.0%). A 1.0% rate will not materially increase the cash flow but would further reduce the City's net income from negative \$9.5 million to negative \$20.3 million, and

WHEREAS, there is no economic reason for the Banking Commission to change the discount rate of 50 bps (0.50%) in FY2023. The impact of having this discount rate in place translates to a total net loss to the City of negative \$8.2 Million. If the Council default rate of 53 bps (0.53%) were to be invoked, the City's net loss would increase to negative \$10.1 Million. If the Banking Commission were to increase the discount rate to 100 bps (1.0%), this would result in an even greater revenue loss of approximately negative \$20.3 Million; now, therefore be it

RESOLVED, the Banking Commission recommends to the City Council that the discount rate for the early payment of real property taxes shall remain at 50 basis points (0.50%) per annum for FY2023, and be it further

RESOLVED, that said discount rate is to be offered only for that portion of the real estate tax that is paid before the due date.

RESOLUTION NO. 2 — FY2023 LATE PROPERTY TAX PAYMENT INTEREST RATE RECOMMENDATION FOR PROPERTIES ASSESSED NO MORE THAN \$250,000

WHEREAS, pursuant to the New York City Administrative Code Section 11-224.1, the Banking Commission is required to recommend to the City Council, no later than the thirteenth of May, the proposed interest rates to be charged for non-payment of taxes for properties with an assessed value of not more than two hundred fifty thousand dollars (\$250,000), or not more than two hundred fifty thousand dollars (\$250,000) per residential unit for co-ops, and

WHEREAS, the proposed interest rate shall be at least equal to the prevailing interest rate charged for commercial loans extended to prime borrowers by commercial banks operating in the City (the "prime rate"), and

WHEREAS, the Banking Commission notes that as of May 12, 2021 said prime rate stands at four percent (4.0%), as published by the Board of Governors of the Federal Reserve System, and

WHEREAS, the Federal Reserve plans to raise interest rates multiple times this year, and has acted to scale back other pandemic-era economic supports, in order to strengthen its efforts to fight the highest inflation in 40 years. The Federal Reserve is expecting that a steady series of rate hikes will slash inflation and stabilize the economy, at a time when there is much uncertainty in the global economy, and

WHEREAS, it is in the City's best interest to encourage the prompt payment of real estate taxes by all taxpayers, and, therefore, be it

RESOLVED, the Banking Commission recommends to the City Council that the penalty interest rate to be charged for non-payment of taxes for all properties with an assessed value of not more than two hundred fifty thousand dollars (\$250,000), or not more than two hundred fifty thousand dollars (\$250,000) per residential unit for co-ops, be set at six per cent (6.0%) per annum for tax year 2023.

RESOLUTION NO. 3 — FY2023 LATE PROPERTY TAX PAYMENT INTEREST RATE RECOMMENDATION FOR PROPERTIES ASSESSED GREATER THAN \$250,000 BUT LESS THAN \$450,000

WHEREAS, pursuant to Local Law 24 of 2021, the Banking Commission is required to recommend to the City Council, no later than the thirteenth of May, the proposed interest rate to be charged for non-payment of taxes for properties with an assessed value of more than two hundred fifty thousand dollars (\$250,000) but less than or equal to four hundred fifty thousand dollars (\$450,000), or more than two hundred fifty thousand dollars (\$250,000) but less than or equal to four hundred fifty thousand dollars (\$450,000) per residential unit for co-ops, and

WHEREAS, said provisions of Local Law 24 require the Banking Commission to propose a rate at least four percentage points (4.0%) per annum greater than the prevailing interest rate charged for commercial loans extended to prime borrowers by commercial banks operating in the City (the "prime rate"), and

WHEREAS, the Banking Commission notes for the record that as of May 12, 2022 said prime rate stands at four percent (4.0%), as published by the Board of Governors of the Federal Reserve System, and

WHEREAS, it is in the City's best interest to encourage the prompt payment of real estate taxes by all taxpayers, now, therefore, be it

RESOLVED, the Banking Commission recommends to the City Council that the penalty interest rate to be charged for non-payment of real property taxes where the assessed value of a property is more than two hundred fifty thousand dollars (\$250,000), but less than or equal to four hundred fifty thousand dollars (\$450,000), or more than two hundred fifty thousand dollars (\$250,000) but less than or equal to four hundred fifty thousand dollars (\$450,000) per residential unit for co-ops, be set at twelve per cent (12%) per annum for FY2023.

RESOLUTION NO. 4 — FY2023 LATE PROPERTY TAX PAYMENT INTEREST RATE RECOMMENDATION FOR PROPERTIES ASSESSED GREATER THAN \$450,000

WHEREAS, pursuant to the New York City Administrative Code Section 11-224.1, the Banking Commission is required to recommend to the City Council, no later than the thirteenth of May, the proposed interest rate to be charged for non-payment of taxes for properties with an assessed value of more than four hundred fifty thousand dollars (\$450,000), or more than four hundred fifty thousand dollars (\$450,000) per residential unit for co-ops, and

WHEREAS, said provisions of the Administrative Code require the Banking Commission to propose a rate at least six percentage points (6.0%) per annum greater than the prevailing interest rate charged for commercial loans extended to prime borrowers by commercial banks operating in the City (the "prime rate"), and

WHEREAS, the Banking Commission notes for the record that as of May 12, 2022 said prime rate stands at four percent (4.0%), as published by the Board of Governors of the Federal Reserve System, and

WHEREAS, it is in the City's best interest to encourage the prompt payment of real estate taxes by all taxpayers, now, therefore, be it

RESOLVED, the Banking Commission recommends to the City Council that the penalty interest rate to be charged for non-payment of real estate taxes where the assessed value of a property is more than four hundred fifty thousand dollars (\$450,000), or more than four hundred fifty thousand dollars (\$450,000) per residential unit for co-ops, be set at eighteen per cent (18%) per annum for FY2023.

RESOLUTION NO. 5 — APPROVAL OF WEBSTER BANK AS A NYC DEPOSITORY BANK

WHEREAS, pursuant to Section 1524 of the New York City Charter, the Banking Commission is responsible for designating banks that are permitted to hold City funds; and

WHEREAS, pursuant to Title 22 of the Rules of the City of NY (RCNY) Section 1-03(b), the term of a designation shall be for a period of no longer than two years, unless the Banking Commission by majority vote extends such designation period; and

WHEREAS, Sterling National Bank, which is currently a NYC Designated Bank, was acquired by Webster Bank as of February L 2022: and

WHEREAS, the former Sterling National Bank has been active in supporting approved affordable housing projects for the NYC Department of Housing Preservation and Development (HPD), such as working with the Banana Kelly Community Improvement Association in the Bronx, the West Farms Project, and the Acacia Network in East Harlem to create and preserve affordable housing units for those New Yorkers most in need of a home, and

WHEREAS, the former Sterling National Bank has entered into various loan servicing agreements with HPD, recently closing on two additional transactions with subsidy loan funds from HPD being held until designation for Webster Bank can be obtained; and

WHEREAS, Webster Bank has submitted the required documents and met the requirements to become a NYC Depository Bank.

Therefore, be it;

RESOLVED, the Banking Commission hereby approves the designation of Webster Bank as a NYC Depository Bank for a period beginning on May 12, 2022, lasting no later than May 31, 2023.

RESOLUTION NO. 6 — RIDGEWOOD SAVINGS BANK BDD DEPOSIT

WHEREAS, the New York State Department of Financial Services has approved a third branch of Ridgewood Savings Bank to participate in the Banking Development District (BDD) program; and

WHEREAS, Ridgewood Savings Bank has requested that the City of New York make a \$10 Million deposit at its Bronx BDD branch located at 3889 Sedgwick Avenue in the Bronx: therefore, be it

RESOLVED, the Banking Commission approves a \$10 Million City BDD deposit at the Ridgewood Savings Bank Bronx BDD branch.

Dated May 13, 2022

The NYC Banking Commission unanimously approved Resolutions No. 1-6.

Referred to the Committee on Finance.

Preconsidered M-64

Communication from the Office of Management & Budget - Approving the Modification (MN-5) of Units of Appropriation and the Transfer of City Funds Between Agencies Proposed by the Mayor Pursuant to Section 107(b) of the Charter of the City of New York.

(For text of the MN-5 and Appendix A numbers, please see the New York City Council website at <https://council.nyc.gov/> for the respective attachments section of [the M-64 & Res. No. 175 of 2022 files](#))

Referred to the Committee on Finance.

Preconsidered M-65

Communication from the Office of Management & Budget - Approving a Modification (MN-6) pursuant to Section 107(e) of the Charter of the City of New York.

(For text of the MN-6, please see the New York City Council website at <https://council.nyc.gov/> for the respective attachments section of [the M-65 & Res. No. 176 of 2022 files](#))

Referred to the Committee on Finance.

LAND USE CALL-UPS

M-66

By Council Member Stevens:

Pursuant to Sections 11.20(b-d) of the Council Rules and Section 197-d(b)(3) of the New York City Charter, the Council hereby resolves that the actions of the City Planning Commission on Application Nos. C 210293 PSX and C 210294 ZSX (EMS Station 17 New Facility) shall be subject to Council review.

Coupled on Call-up vote.

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

Affirmative – Abreu, Ariola, Avilés, Ayala, Barron, Bottcher, Brannan, Brewer, Brooks-Powers, Cabán, Carr, De La Rosa, Dinowitz, Farías, Feliz, Gennaro, Gutiérrez, Hanif, Hanks, Holden, Hudson, Joseph, Kagan, Krishnan, Lee, Louis, Marte, Mealy, Menin, Moya, Narcisse, Nurse, Ossé, Paladino, Restler, Richardson Jordan, 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) - **51**.

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

REPORTS OF THE STANDING COMMITTEES

Report of the Committee of 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. 160

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 May 19, 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”).

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 2022 and Fiscal 2021 Expense Budgets.

This Resolution, dated May 19, 2022, approves the new designation and the changes in the designation of certain organizations receiving local discretionary funding and funding for certain initiatives in accordance with the Fiscal 2022 Expense Budget and approves the new designation of a certain organization receiving funding for certain initiatives in accordance with the Fiscal 2021 Expense Budget.

This Resolution sets forth the new designation and the changes in the designation of certain organizations receiving local discretionary funding pursuant to the Fiscal 2022 Expense Budget, as described in Chart 1; sets forth the new designation and the changes in the designation of certain organizations receiving funding pursuant to certain initiatives pursuant to the Fiscal 2022 Expense Budget, as described in Charts 2-15; and sets forth the new designation of a certain organization receiving funding pursuant to a certain initiative pursuant to the Fiscal 2021 Expense Budget, as described in Charts 16 and 17.

Specifically, Chart 1 sets forth the new designation and the changes in the designation of certain organizations receiving local discretionary funding pursuant to the Fiscal 2022 Expense Budget. Such changes will be effectuated upon a budget modification.

Chart 2 sets forth the new designation of certain organizations receiving funding pursuant to Speaker's Initiative to Address Citywide Needs in accordance with the Fiscal 2022 Expense Budget. Such changes will be effectuated upon a budget modification.

Chart 3 sets forth the new designation of certain organizations receiving funding pursuant to the Cultural After-School Adventure (CASA) Initiative in accordance with the Fiscal 2022 Expense Budget.

Chart 4 sets forth the new designation and the change in the designation of certain organizations receiving funding pursuant to the Food Pantries Initiative in accordance with the Fiscal 2022 Expense Budget. Some of these changes will be effectuated upon a budget modification.

Chart 5 sets forth the new designation of certain organizations receiving funding pursuant to the A Greener NYC Initiative in accordance with the Fiscal 2022 Expense Budget.

Chart 6 sets forth the new designation of a certain organization receiving funding pursuant to the AAPI Community Support Initiative in accordance with the Fiscal 2022 Expense Budget.

Chart 7 sets forth the change in the designation of a certain organization receiving funding pursuant to the Mental Health Services for Vulnerable Populations Initiative in accordance with the Fiscal 2022 Expense Budget.

Chart 8 sets forth the change in designation of a certain organization receiving funding pursuant to the Alternatives to Incarceration (ATI's) Initiative in accordance with the Fiscal 2022 Expense Budget. Such change will be effectuated upon a budget modification.

Chart 9 sets forth the change in the designation of a certain organization receiving funding pursuant to the Children and Families in NYC Homeless System Initiative in accordance with the Fiscal 2022 Expense Budget. Such change will be effectuated upon a budget modification.

Chart 10 sets forth the change in the designation of a certain organization receiving funding pursuant to the Court-Involved Youth Mental Health Initiative in accordance with the Fiscal 2022 Expense Budget. Such change will be effectuated upon a budget modification.

Chart 11 sets forth the new designation of a certain organization receiving funding pursuant to the Home Loan Program Initiative in accordance with the Fiscal 2022 Expense Budget.

Chart 12 sets forth the new designation and the change in the designation of certain organizations receiving funding pursuant to the LGBTQ Inclusive Curriculum Initiative in accordance with the Fiscal 2022 Expense Budget. Such changes will be effectuated upon a budget modification.

Chart 13 sets forth the new designation of a certain organization receiving funding pursuant to the Naturally Occurring Retirement Communities (NORCs) Initiative in accordance with the Fiscal 2021 Expense Budget. Such change will be effectuated upon a budget modification.

Chart 14 sets forth the new designation of certain organizations receiving funding pursuant to the New York Immigrant Family Unity Project Initiative in accordance with the Fiscal 2022 Expense Budget. Such changes will be effectuated upon a budget modification.

Chart 15 sets forth the change in the designation of a certain organization receiving funding pursuant to the Physical Education and Fitness Initiative in accordance with the Fiscal 2022 Expense Budget. Such change will be effectuated upon a budget modification.

Chart 16 sets forth the new designation of a certain organization receiving funding pursuant to the Cultural Immigrant Initiative in accordance with the Fiscal 2021 Expense Budget.

Chart 17 sets forth the new designation of a certain organization receiving funding pursuant to the Food Pantries Initiative in accordance with the Fiscal 2021 Expense Budget.

It is to be noted that organizations identified in the attached Charts with an asterisk (*) have not yet completed or began the prequalification process conducted by the Mayor's Office of Contract Services (for organizations to receive more than \$10,000) by the Council (for organizations to receive \$10,000 or less total), or other

government agency. Organizations identified without an asterisk have completed the appropriate prequalification review.

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

Description of Above-captioned Resolution. In the above-captioned Resolution, the Council would approve the new designation and changes in the designation of certain organizations to receive funding in the Fiscal 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. 160:)

Preconsidered Res. No. 160

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

By Council Member Brannan.

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

Whereas, 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 2022 and Fiscal 2021 Expense Budgets by approving the new designation and/or the changes in the designation of certain organizations receiving local 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; now, therefore, be it

Resolved, That the City Council approves the new designation and the changes in the designation of certain organizations receiving local discretionary funding pursuant to the Fiscal 2022 Expense Budget, as set forth in Chart 1; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the Speaker’s Initiative to Address Citywide Needs in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 2; and be it further

Resolved, That the City Council approves the change 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 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 Food Pantries Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 4; and be it further

Resolved, That the City Council approves the new 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 5; and be it further

Resolved, That the City Council approves the new designation and the change in the designation of a certain organization receiving funding pursuant to the AAPI Community Support Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 6; and be it further

Resolved, That the City Council approves the change in designation of a certain organization receiving funding pursuant to the Mental Health Services for Vulnerable Populations Initiative in accordance with the Fiscal 2022 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 Alternatives to Incarceration (ATI's) Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 8; and be it further

Resolved, That the City Council approves the change in the designation of a certain organization receiving funding pursuant to the Children and Families in NYC Homeless System Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 9; and be it further

Resolved, That the City Council approves the change in designation of a certain organization receiving funding pursuant to the Court-Involved Youth Mental Health Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 10; and be it further

Resolved, That the City Council approves the new designation of a certain organization receiving funding pursuant to the Home Loan Program Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 11; 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 LGBTQ Inclusive Curriculum Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 12; and be it further

Resolved, That the City Council approves the change in the designation of a certain organization receiving funding pursuant to the Naturally Occurring Retirement Communities (NORCs) Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 13; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the New York Immigrant Family Unity Project Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 14; and be it further

Resolved, That the City Council approves the change in the designation of a certain organization receiving funding pursuant to the Physical Education and Fitness Initiative in accordance with the Fiscal 2022 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 Cultural Immigrant Initiative in accordance with the Fiscal 2021 Expense Budget, as set forth in Chart 16; and be it further

Resolved, That the City Council approves the new designation of a certain organization receiving funding pursuant to the Food Pantries Initiative in accordance with the Fiscal 2021 Expense Budget, as set forth in Chart 17.

(For text of the Exhibit Charts, please refer to the attachments section of [the Res. No. 160 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, DAVID M. CARR, CHARLES BARRON, GALE A. BREWER, AMANDA FARIAS, KAMILLAH HANKS, CRYSTAL HUDSON, ARI KAGAN, CHI. A. OSSÉ, PIERINA ANA SANCHEZ, MARJORIE VELÁZQUEZ, JULIE WON; 17-0-0; Committee on Finance, May 19, 2022 (Remote Hearing).

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 M-64

Report of the Committee on Finance in favor of approving a Communication from the Office of Management & Budget to Approve the Modification (MN-5) of Units of Appropriation and the Transfer of City Funds Between Agencies Proposed by the Mayor Pursuant to Section 107(b) of the Charter of the City of New York.

The Committee on Finance, to which the annexed preconsidered communication was referred on May 19, 2022 and which same communication was coupled with the resolution shown below, respectfully

REPORTS:

Introduction. At a meeting of the Committee on Finance of the City Council of the City of New York (the “City Council”) on May 19, 2022, the Committee on Finance considered a communication, dated May 13, 2022, from the Office of Management and Budget of the Mayor of The City of New York (the “Mayor”), of a proposed request, attached hereto as Exhibit “A” (the “modification” or “MN-5”), to modify units of appropriation and transfer City funds between various agencies in the amount of \$974,995,739 in the Fiscal 2022 expense budget as adopted by the Council on June 30, 2021.

Analysis. The Council annually adopts the City’s budget covering expenditures other than for capital projects (the “expense budget”) pursuant to Section 254 of the Charter. On June 30, 2021, the Council adopted the expense budget for Fiscal 2022 (the “Fiscal 2022 Expense Budget”). This Modification reallocates appropriations in the amount of \$974,995,739 that were reflected in the Fiscal 2022 Expense Budget to implement changes reflected in the City’s Executive Financial Plan and in addition, as requested by the City Council, this modification reflects the funding for the reallocation of City Council initiatives that were included in the FY 2022 Adopted Budget. The net effect of the modification is zero.

Procedure. If the Mayor wishes to transfer part or all of any unit of appropriation to another unit of appropriation from one agency to another; or when a transfer from one unit of appropriation to the another, and such transfer results in any unit of appropriation being increased or decreased by the greater of five percent or \$50,000, section 107(b) of the Charter requires that the Mayor must first notify the Council of the proposed action. Within 30 days after the first stated meeting of the Council following receipt of such notice, the Council may disapprove such proposed action. If the Council fails to approve or disapprove such proposed action within such 30-day period, the proposed action becomes effective and the Mayor has the authority to make such transfer.

Description of Above-captioned Resolution. In the above-captioned resolution, the Council would approve the Modification pursuant to Section 107(b) of the Charter. Such resolution would take effect as of the date of approval.

(The following is the text of the Fiscal Impact Memo to the Finance Committee from the Finance Division of the New York City Council:)

TO: Honorable Adrienne E. Adams
Speaker

Honorable Justin Brannan
Chair, Finance Committee

FROM: Tanisha S. Edwards, Esq.,
 Chief Financial Officer and Deputy Chief of Staff to the Speaker
 Jonathan Rosenberg, Managing Deputy Director
 Eisha Wright, Deputy Director
 Paul Scimone, Deputy Director
 Dohini Sompura, Assistant Director

DATE: May 19, 2022

SUBJECT: Expense Budget Modification for Fiscal 2022 (MN-5)

INITIATION: By letter dated May 13, 2022, the Director of the Office of Management and Budget submitted to the Council, pursuant to section 107(b) of the New York City Charter, a request for approval to modify units of appropriation and transfer funds from various agencies in the amount of \$869 million to implement changes in the City's expense budget.

BACKGROUND: MN-5 reallocates appropriations that were reflected in the City's April Financial Plan and modification reflects the funding for the reallocation of City Council initiatives that were included in the Fiscal 2022 Adopted Budget.

FISCAL IMPACT: MN-5 represents the reallocation of appropriations. The net effect of this modification is zero.

Expense Budget Modification (MN-5)

MN-5 modifies the current Fiscal 2022 budget. The changes presented in the Executive Financial Plan, as well as changed reflected in City Council transparency resolutions are included.

MN-5 moves \$975 million in City tax-levy funds (CTL) within and among City agencies but leaves the overall level of City funds unchanged.

New Needs

Overtime. An additional \$106 million in overtime needs for the Department of Sanitation (DSNY) and the Fire Department (FDNY).

Juneteenth. An additional \$74 million in the Miscellaneous Budget to fund Juneteenth as a City holiday in the current fiscal year.

Shelter Program - OTPS. An additional \$55 million in City funds in Fiscal 2022 the budget of Department of Homeless Services (DHS) to replace the loss of that amount of federal funding for family shelter expenses due to a change in State eligibility rules. The additional \$1.5 million is added from several technical adjustments.

Other Adjustments

Prepayments. Prepayments of \$1.5 billion for Fiscal 2023 utilizing Fiscal 2022 funding. This is on top of the \$3.7 billion that was already booked in the Fiscal 2023 Preliminary Plan. Total roll for Fiscal 2023 now totals \$5.3 billion.

General Reserves. A \$200 million reduction in the General Reserve for Fiscal 2022.

Pensions. A reduction of \$205.3 million in Fiscal 2022 due to the release of funds set aside for the actuarial audit of pensions that were no longer needed.

Labor Reserves. An additional \$119 million in Fiscal 2022 for the Labor Reserve. This includes the cost of two annual 0.5 percent wage increases for the next round of collective bargaining.

Rainy Day Fund. A \$200 million deposit into the City’s Rainy-Day Fund.

Tuition Revenue Adjustment. A decrease of \$100 million in Fiscal 2022 in tuition revenue for City University of New York (CUNY). This is a technical adjustment to align the Fiscal 2022 tuition revenue budget with this fiscal year’s projected collections.

Medical Assistance - OTPS. A decrease of \$73.1 million in Fiscal 2022 in City funding related to Medicaid. This funding is being transferred from Human Resources Administration (HRA) to Health and Hospitals (H+H), where it will be used for Medicaid-related expenditures in H+H’s budget.

Technical Realignment. Transfer of \$50 million from general education instruction and school leadership to U/A 410 in support of early learn contracts for DOE.

Heat, Light, and Power. An additional \$21.8 million in Fiscal 2022 and an additional \$31.6 million in Fiscal 2023 and the outyears reflecting re-estimates of DOE’s heat, light, and power usage.

Savings Program

Department of Education Personal Services Adjustment. The Executive Budget includes a re-estimate of DOE spending on pedagogical salaries resulting in \$100 million of savings in Fiscal 2022.

Debt Services Savings. A \$61.9 million in debt service savings in Fiscal 2022

Accordingly, this Committee recommends its adoption.

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

Preconsidered Res. No. 175

RESOLUTION APPROVING THE MODIFICATION (MN-5) OF UNITS OF APPROPRIATION AND THE TRANSFER OF CITY FUNDS BETWEEN AGENCIES PROPOSED BY THE MAYOR PURSUANT TO SECTION 107(b) OF THE NEW YORK CITY CHARTER.

By Council Member Brannan.

Whereas, At a meeting of the Committee on Finance of the City Council of the City of New York (the “City Council”) on May 19, 2022, the Committee on Finance considered a communication, dated May 13, 2022, from the Office of Management and Budget of the Mayor of The City of New York (the “Mayor”), of a proposed request, attached hereto as Exhibit A (the “Modification”), to modify units of appropriation and to transfer city funds in the amount of \$974,995,739 in the Fiscal 2022 expense budget as adopted by the Council on June 30, 2021, pursuant to Section 107(b) of the Charter of the City of New York (the “Charter”); and

Whereas, pursuant to Section 107(b) of the Charter, the City Council has thirty (30) days after the first stated meeting of the City Council following such receipt within which to act upon the Modification;

NOW, THEREFORE, The Council of The City of New York hereby resolves as follows:

1. **Approval of Modification.** The City Council hereby approves, pursuant to Section 107(b) of the Charter, the actions proposed by the Mayor as set forth in the Modification.
2. **Effective Date.** This resolution shall take effect as of the date hereof.

(For text of the Exhibit A MN-5 numbers and Appendix A numbers, please see the New York City Council website at <https://council.nyc.gov/> for the respective attachments section of [the M-64 & Res. No. 175 of 2022 files](#))

JUSTIN L. BRANNAN, *Chairperson*: DIANA I. AYALA, FRANCISCO P. MOYA, KEITH POWERS, FARAH N. LOUIS, SELVENA N. BROOKS-POWERS, DAVID M. CARR, GALE A. BREWER, AMANDA FARIAS, KAMILLAH HANKS, CRYSTAL HUDSON, ARI KAGAN, CHI. A. OSSÉ, PIERINA ANA SANCHEZ, MARJORIE VELÁZQUEZ, JULIE WON; 16-1-0; *Negative*: Charles Barron; Committee on Finance, May 19, 2022 (Remote Hearing).

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 M-65

Report of the Committee on Finance in favor of approving a Communication from the Office of Management & Budget in regard to Approving a Modification (MN-6) Pursuant to Section 107(e) of the Charter of the City of New York.

The Committee on Finance, to which the annexed preconsidered communication was referred on May 19, 2022 and which same communication was coupled with the resolution shown below, respectfully

REPORTS:

Introduction. At the meeting of the Committee on Finance of the City Council on May 19, 2022, the Council considered a communication from the Office of Management and Budget of the Mayor, dated May 13, 2022, of a proposed request to modify, pursuant to Section 107(e) of the Charter of the City of New York, the Fiscal 2022 Expense Budget Plan, and the revenue estimate related thereto prepared by the Mayor as of May 13, 2022.

Analysis. The Council annually adopts the City's budget covering expenditures pursuant to Section 254 of the Charter. On June 30, 2021, the Council adopted the expense budget for fiscal year 2022 (the "Fiscal 2022 Expense Budget"). On December 15, 2021, the Council adopted MN-1, modifying the Fiscal 2022 Expense Budget, and MN-2, which appropriated new revenues. On March 15, 2022, the Council adopted MN-3, modifying the Fiscal 2022 Expense Budget, and MN-4, which appropriated new revenues. On May 13, 2022, the Mayor submitted to the Council MN-5, modifying the Fiscal 2022 Expense Budget. On May 13, 2022, the Mayor submitted to the Council a revenue estimate MN-6, related to the Fiscal 2022 Expense Budget.

Circumstances have changed since the Council last adopted the Fiscal 2022 Expense Budget.

Section 107(e) provides one mechanism for the Mayor and the Council to amend the Expense Budget and related revenue estimate to reflect changes in circumstances that occur after adoption of a budget. Section 107(e)

permits the modification of the budget in order to create new units of appropriation, to appropriate new revenues from any source other than categorical federal, state and private funding, or to use previously unappropriated funds received from any source.

Discussion of Above-captioned Resolution. The above-captioned resolution would authorize the modifications to the Fiscal 2022 Expense Budget and related revenue estimate requested in the communication.

The Expense Modification (MN-5) and this Revenue Modification (MN-6) work in conjunction to move funds from Fiscal 2022 to Fiscal 2023. In Fiscal 2022, the General Reserve initially contains \$300 million, as described in the November 2021 Financial Plan. MN-3 added \$380 million to the General Reserve, increasing the Reserve to \$680 million. MN-4, in turn, drew down the General Reserve by \$430 million, reducing the General Reserve to \$250 million, as described in the April 2022 Financial Plan. MN-5 subtracts \$23 million from the General Reserve, decreasing the Reserve to \$227 million. MN-6, also draws down the General Reserve by \$177 million, reducing the General Reserve to \$50 million, as described in the April 2022 Financial Plan.

Of the \$200 million drawdown from the General Reserve, \$177 million is used to supplement the \$1.36 billion in additional revenues, to prepay Fiscal 2023 expenses. These prepayments include \$1.04 billion to be added to the Budget Stabilization Account, and \$500 million to be used to finance fringe benefits expenses in Fiscal 2023.

MN-6 seeks to increase revenues in the net amount of \$1.36 billion compared to the February 2022 Financial Plan, including \$1.6 billion in tax revenue and \$3.1 million in miscellaneous revenue. These increases are offset by a reduction of \$251.6 million in unrestricted intergovernmental aid. This represents an increase in City funds of approximately 1.9 percent.

Tax revenues increased by \$1.6 billion since the February 2022 Financial Plan. The majority of the increase, \$534 million, came from personal income tax. Additional tax revenues included \$414 million in the sales tax. Business taxes also came in stronger than expected with \$264 million in general corporation and \$60 million in unincorporated.

Miscellaneous revenues increased by \$3.1 million since the February 2022 Financial Plan. This included \$72.3 million in fines and forfeitures, \$17.9 million in other miscellaneous revenue and \$6.4 million water sewage charges. Offsetting these increases was \$97.9 million in reduced revenues from charges for services.

Unrestricted intergovernmental aid decreased by \$251.6 million since the February 2022 Financial Plan.

The resolution would also direct the City Clerk to forward a certified copy thereof to the Mayor and the Comptroller so that the Mayor, the Comptroller and the City Clerk may certify the Fiscal 2022 Expense Budget as amended thereby as the budget for the remainder of the fiscal year. The above-captioned resolution would take effect as of the date adopted.

(The following is the text of the Fiscal Impact Memo to the Finance Committee from the Finance Division of the New York City Council:)

TO: Honorable Adrienne E. Adams
 Speaker

 Honorable Justin Brannan
 Chair, Finance Committee

FROM: Tanisha S. Edwards, Esq.,
 Chief Financial Officer and Deputy Chief of Staff to the Speaker
 Raymond Majewski, Deputy Director/Chief Economist, Finance Division
 Paul Sturm, Supervising Economist
 Nashia Roman, Economist
 Malcom M. Butehorn, Interim Finance Counsel

DATE: May 19, 2022

SUBJECT: A Budget Modification (MN-6) for Fiscal 2022 that will appropriate \$1.36 billion in new revenues.

INITIATION: By letter dated May 13, 2022, the Director of the Office of Management and Budget submitted to the Council, pursuant to section 107(e) of the New York City Charter, a request to appropriate \$1.36 billion in new revenues. These new revenues with an additional adjustment of \$177 million to the General Reserve, will be used to prepay \$1.54 billion of fiscal year 2023 expenses in fiscal year 2022.

BACKGROUND: This modification (MN-6) seeks to recognize \$1.36 billion in new revenues, implementing changes reflected since the February 2022 Financial Plan. These funds will add \$1.04 billion to the Budget Stabilization Account to prepay debt service for Fiscal 2023 expenses, and add \$500 million for fringe benefits in Fiscal 2023. There is also a downward adjustment of the Fiscal 2022 General Reserve.

FISCAL IMPACT: This modification represents a net increase in the Fiscal 2022 budget of \$1.36 billion.

Accordingly, this Committee recommends its adoption.

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

Preconsidered Res. No. 176

RESOLUTION APPROVING A MODIFICATION (MN-6) PURSUANT TO SECTION 107(e) OF THE CHARTER OF THE CITY OF NEW YORK.

By Council Member Brannan.

Whereas, At a meeting of the Committee on Finance of the City Council of the City of New York (the “City Council”) on May 19, 2022, the Committee on Finance considered a communication, dated May 13, 2022, from the Office of Management and Budget of the Mayor of the City of New York (the “Mayor”), of a proposed request to recognize a net increase in revenue pursuant to Section 107(e) of the Charter of the City of New York (the “Charter”), attached hereto as Exhibit A (the "Request to Appropriate"); and

Whereas, Section 107(e) of the Charter requires the City Council and the Mayor to follow the procedures and required approvals pursuant to Sections 254, 255, and 256 of the Charter, without regard to the dates specified therein, in the case of the proposed appropriation of any new revenues and the creation of new units of appropriation; and

Whereas, Section 107(e) of the Charter requires that any request by the Mayor respecting an amendment of the budget that involves an increase in the budget shall be accompanied by a statement of the source of current revenues or other identifiable and currently available funds required for the payment of such

additional amounts, attached hereto as Exhibit B (together with the Request to Appropriate, the "Revenue Modification");

NOW, THEREFORE, The Council of the City of New York hereby resolves as follows:

1. Approval of Modification. The City Council hereby approves the Revenue Modification pursuant to Section 107(e) of the Charter.

2. Further Actions. The City Council directs the City Clerk to forward a certified copy of this resolution to the Mayor and the Comptroller as soon as practicable so that the Mayor, the Comptroller and the City Clerk may certify the Fiscal 2022 Expense Budget as amended by this resolution as the budget for the remainder of the fiscal year.

3. Effective Date. This resolution shall take effect as of the date hereof.

(For text of the Exhibit A with the MN-6 numbers and Exhibit B, please see the New York City Council website at <https://council.nyc.gov/> for the respective attachments section of [the M-65 & Res. No. 176 of 2022 files](#))

JUSTIN L. BRANNAN, *Chairperson*: DIANA I. AYALA, FRANCISCO P. MOYA, KEITH POWERS, FARAH N. LOUIS, SELVENA N. BROOKS-POWERS, DAVID M. CARR, CHARLES BARRON, GALE A. BREWER, AMANDA FARIAS, KAMILLAH HANKS, CRYSTAL HUDSON, ARI KAGAN, CHI. A. OSSÉ, PIERINA ANA SANCHEZ, MARJORIE VELÁZQUEZ, JULIE WON; 17-0-0; Committee on Finance, May 19, 2022 (Remote Hearing).

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. 60

Report of the Committee on Finance in favor of a Resolution approving 788 Fox Street; Block 2720, Lot 69; Bronx, Council District No. 8.

The Committee on Finance, to which the annexed preconsidered Land Use item was referred on May 19, 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:)

May 19, 2022

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

FROM: Malcom Butehorn, Interim Counsel, Finance Division

RE: Finance Committee Agenda of May 19, 2022 – Resolution approving a tax exemption for one Land Use item (Council District 8)

788 Fox Street

Project Description Narrative

788 Fox Street is a five-story building with 52 units located in the Longwood section of the South Bronx. The building has 30 one-bedroom units, 17 two-bedroom units (one of which is reserved for the superintendent), and five three-bedroom units. The property has five commercial spaces with a gross square footage of 3,420 SF. The residential square footage is 36,980 SF.

The project closed on a construction loan in 2017 under the HUD Multifamily Program and a Rental Assistance Demonstration (RAD) conversion. The scope of work was a moderate rehabilitation of the building as well as upgrades to apartment interiors. This work included, kitchen and bathroom refurbishments, replacement of the existing boiler, apartment air sealing, replacement of refrigerators with Energy Star models and replacement of lighting with LED fixtures and devices. The scope of work also included roof replacement with the addition of Energy Star aluminum coating and replacement of all apartment and hallway windows. Pursuant to RAD program requirements, the construction labor was paid prevailing wage. The project completed construction in January of 2018 and restructured rents in February of 2019 with legal rents set at 120% of the restructured contract rents.

The current Article XI is expiring in 2034, and the sponsor is seeking a new 30-year Article XI to match the loan term and a new HPD regulatory agreement. HPD would like to provide a partial exemption at four percent Gross Rent Tax for 30 years to allow the project to leverage debt to pay for expenses incurred and successfully convert the project. There are 52 units and all are currently rent stabilized with AMIs ranging from 50 percent to 80 percent.

History of the property, prior exemptions, and prior Council action

The project was constructed in 1939 and rehabilitated in 2004. The site was conveyed to 788 Fox Housing Development Fund Corporation in 1981 (Board of Estimate Cal. No. 53 dated October 22, 1981) for \$10,000. All the units are currently rent stabilized. City Council approved a full 40-year Article XI tax exemption on May 28, 2003 (Resolution No. 918). Then on December 15, 2003, City Council approved a full 40-year Article XI with an effective date of July 1, 1994 (Resolution No. 1217). The current Article XI is set to expire in 2034.

The project sponsor refinanced and rehabilitated the property with \$5.6 million in conventional financing from The Community Preservation Corporation and a \$1,820,000 loan from HPD through the HUD Multifamily program which closed in fiscal year 2017. The owner also converted the Project's existing mod SRO contract (covering 47 of the 52 units) to a long-term HAP contract by participating in HUD's RAD program. The project now has a Section 8 Project-Based-Voucher contract.

Summary

- Borough – Bronx
- Block 2720, Lot 69
- Council District – 8
- Council Member – Ayala
- Council Member approval – Yes
- Number of buildings – 1
- Number of units – 52
- Type of exemption – Article XI, partial 30-years
- Population – affordable rental housing
- Sponsor – Banana Kelly Community Improvement Association
- Purpose – renovation
- Cost to the City – \$2,341,975
- AMI target – 50% AMI to 80% AMI (47 units – 50% AMI; 2 units – 60% AMI; and 2 units – 80% AMI). Tenants will not pay more than 30% of income toward rent.

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

Res. No. 177

Resolution approving an exemption from real property taxes for property located at (Block 2720, Lot 69) Bronx, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 60).

By Council Member Brannan.

WHEREAS, The New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated April 12, 2022 that the Council take the following action regarding a housing project located at (Block 2720, Lot 69) Bronx (“Exemption Area”):

Approve an exemption of the Project from real property taxes pursuant to Section 577 of the Private Housing Finance Law (the “Tax Exemption”);

WHEREAS, The project description that HPD provided to the Council states that the purchaser of the Project (the “Owner”) is a duly organized housing development fund company under Article XI of the Private Housing Finance Law;

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

RESOLVED, HPD respectfully requests that the Council approve, pursuant to Section 577 of the Private Housing Finance Law, an exemption from real property taxation as follows:

1. For the purposes hereof, the following terms shall have the following meanings:
 - a. “Effective Date” shall mean the date that HPD and the Owner enter into the Regulatory Agreement.
 - b. “Exemption Area” shall mean the real property located in the Borough of the Bronx, City and State of New York, identified as Block 2720, Lot 69 on the Tax Map of the City of New York.

- c. “Expiration Date” shall mean the earlier to occur of (i) a date which is thirty (30) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
 - d. “Gross Rent” shall mean the gross potential rents from all residential, commercial, and community facility units on the Exemption Area without regard to whether such units are occupied or vacant, including, but not limited to, Section 8, rent supplements, rental assistance, or any other subsidy.
 - e. “Gross Rent Deadline” shall mean three hundred and sixty-five (365) days from the date of the HPD letter requesting the information that HPD needs to calculate the Gross Rent Tax for the applicable tax year.
 - f. “Gross Rent Tax” shall mean, with respect to any tax year, an amount equal to four percent (4%) of the Gross Rent in such tax year; provided, however, that if the Owner fails to provide the Gross Rent on or before the Gross Rent Deadline, Gross Rent Tax shall mean an amount equal to real property taxes that would otherwise be due in such tax year in the absence of any form of exemption from or abatement of real property taxation.
 - g. “HDFC” shall mean 788 Fox Street Housing Development Fund Corporation or a housing development fund company that acquires the Exemption Area with the prior written consent of HPD.
 - h. “HPD” shall mean the Department of Housing Preservation and Development of the City of New York.
 - i. “New Exemption” shall mean the exemption from real property taxation provided hereunder with respect to the Exemption Area.
 - j. “Owner” shall mean the HDFC.
 - k. “Prior Exemption” shall mean the exemption from real property taxation for the Exemption Area approved by the New York City Council on December 15, 2003 (Resolution No. 1217).
 - l. “Regulatory Agreement” shall mean the regulatory agreement between HPD and the Owner that is executed on or after March 1, 2022 and that establishes certain controls upon the operation of the Exemption Area during the term of the New Exemption.
2. The Prior Exemption shall terminate upon the Effective Date.
 3. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business, commercial, or community facility use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
 4. Commencing upon the Effective Date, and during each year thereafter until the Expiration Date, the Owner shall make real property tax payments in the sum of the Gross Rent Tax. Notwithstanding the foregoing, the total annual real property tax payment by the Owner shall not at any time exceed the amount of real property taxes that would otherwise be due in the absence of any form of exemption from or abatement of real property taxation provided by an existing or future local, state, or federal law, rule, or regulation.

5. Notwithstanding any provision hereof to the contrary:
 - a. The New Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (iv) any interest in the Exemption Area is conveyed or transferred to a new owner without the prior written approval of HPD, or (v) the construction or demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the New Exemption shall prospectively terminate.
 - b. The New Exemption shall apply to all land in the Exemption Area, but shall only apply to a building on the Exemption Area that exists on the Effective Date.
 - c. Nothing herein shall entitle the HDFC, the Owner, or any other person or entity to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.
 - d. All previous resolutions, if any, providing an exemption from or abatement of real property taxation with respect to the Exemption Area are hereby revoked as of the Effective Date.
6. In consideration of the New Exemption, the owner of the Exemption Area shall, for so long as the New Exemption shall remain in effect, waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state, or federal law, rule, or regulation. Notwithstanding the foregoing, nothing herein shall prohibit the granting of any real property tax abatement pursuant to Sections 467-b or 467-c of the Real Property Tax Law to real property occupied by senior citizens or persons with disabilities.

JUSTIN L. BRANNAN, *Chairperson*: DIANA I. AYALA, FRANCISCO P. MOYA, KEITH POWERS, FARAH N. LOUIS, SELVENA N. BROOKS-POWERS, DAVID M. CARR, CHARLES BARRON, GALE A. BREWER, AMANDA FARIAS, KAMILLAH HANKS, CRYSTAL HUDSON, ARI KAGAN, CHI. A. OSSÉ, PIERINA ANA SANCHEZ, MARJORIE VELÁZQUEZ, JULIE WON; 17-0-0; Committee on Finance, May 19, 2022 (Remote Hearing).

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 Fire and Emergency Management

Report for Int. No. 106-A

Report of the Committee on Fire and Criminal Justice 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 sale of electric space heaters.

The Committee on Fire and Criminal Justice Management, to which the annexed proposed amended local law was referred on March 24, 2022 (Minutes, page 480), respectfully

REPORTS:

I. INTRODUCTION

On May 18, 2022, the Committee on Fire and Emergency Management, chaired by Council Member Joann Ariola, voted on two pieces of legislation: Int. No. 106-A, in relation to the sale of electric space heaters; and Int. No. 131-A, in relation to requiring the fire department to conduct residential education and outreach regarding the safe operation of electric space heaters. The Committee voted in favor of both bill by a vote of nine affirmatives, no opposed, and no abstentions. The Committee previously heard these bills on April 6, 2022 and received testimony from the New York City Fire Department (“FDNY”), the Department of Housing Preservation and Development (“HPD”), the Department of Buildings (“DOB”), as well as real estate representatives, tenant advocates and other interested members of the public.

II. BACKGROUND

Electric space heaters are electrically powered appliances used to provide heat, usually as a supplement to the heat provided via building heating systems. In New York City, residential building tenants sometimes rely on space heaters to provide heat when a building owner fails to provide adequate heating, or personal preferences lead tenants to seek additional heating sources during cold weather. NYC Health data indicates that on average, 13% of households rely on supplemental heating sources; with greater than 20% of households in certain high poverty neighborhoods relying on supplemental heating sources.¹

The United States Consumer Product Safety Commission (“CPSC”) estimates that electric space heaters are involved in about 1,700 fires per year, resulting in about 80 deaths and 160 injuries annually.² According to the National Fire Prevention Association, space heaters account for 80% of heating-fire deaths each year.³ Recently, a deadly fire in the Bronx killed 17 people, including 8 children; and was started by an electric space heater malfunction after the device was left running for days-on-end.⁴ A 2021 Queens fire-related death was potentially attributable to space heater usage⁵; and similar incidents have been reported in Boston and Chicago. Additional risks are posed by potential space heater overheating and causing death by hyperthermia, with CPSC reporting

¹ NYC Department of Health, *Environment and Health Data Portal*; available at: <https://a816-dohbsp.nyc.gov/IndicatorPublic/VisualizationData.aspx?id=47.719b87.36.ChartOverTime.Boroughs.Percent>

² United State Consumer Product Safety Commission, *2016-2018 Residential Fire Loss Estimates*; available at: https://cpsc-d8-media-prod.s3.amazonaws.com/s3fs-public/2016-to-2018-Residential-Fire-Loss-Estimates-Final_0.pdf.

³ Architectural Digest, *Deadly NYC Fire Underscores the Danger Posed by Space Heaters*, Jan. 11, 2022; available at: <https://www.architecturaldigest.com/story/space-heaters-bronx-fire>.

⁴ NY Post, *Space Heater Blamed for Deadly Bronx Fire had Been Left on For Days*, Jan. 11, 2022; available at: <https://nypost.com/2022/01/11/bronx-fire-space-heater-blamed-for-blaze-had-been-left-on-for-days-sources-say/>.

⁵ NY Daily News, *86-year-old Man Found Dead in Queens Home, Space Heater Could be to Blame*; available at: <https://www.nydailynews.com/new-york/nyc-crime/ny-nyc-man-dead-space-heater-20210219-cjhzm63mf5ey3eypubi6bpkwtly-story.html>.

five such incidents caused by space heaters that did not have automatic functions to disable the device upon overheating.⁶

To mitigate the fire risk posed by indoor use of electric space heaters, most commercially available models are equipped with thermostats and safety features that disable the device following overheating or tip-over. These features are referenced in voluntary safety standards established by Underwriter Labs (“UL”), a nationally recognized testing laboratory. UL safety standards require portable space heaters to meet tip-over testing that simulates overturning of the device without resulting in heightened fire risk. The UL standards do not specify design; however, instead they indicate that safety features in compliance with tip-over tests could involve (a) lowering the temperature of the heating element, or (b) shutting off the device.⁷ Additionally, UL general operating standard tests require portable space heating devices to have temperature-limiting control that interrupts power to reduce temperature as not to exceed 347° F.⁸

III. BILL ANALYSIS

Int. No. 106-A

This legislation would prohibit the sale of portable electric space heaters without certain safety features that are designed to mitigate the fire risk posed by operation of such devices. Specifically, any such device would have to be equipped with a thermostat, an automatic function that disables the device upon tip-over or overheating, and be certified by a nationally recognized testing laboratory. This prohibition would take effect 120 days after it becomes law.

Since introduction, the bill has been amended as follows. First, a definition of electric space heater was added for improved clarity. Additionally, for ease of enforcement, provisions were added to require that device packaging discloses relevant safety features as required by the law. Finally, a penalty scheme was added to the legislation that would establish a zero-dollar penalty for first offenses, and escalating penalties for subsequent violations.

Int. No. 131-A

This legislation would amend current requirements relating to the FDNY’s efforts to conduct fire safety education and outreach for residential buildings, by requiring that such activities include dissemination of relevant information pertaining to the safe operation of electric space heaters in residential settings. This law would take effect immediately.

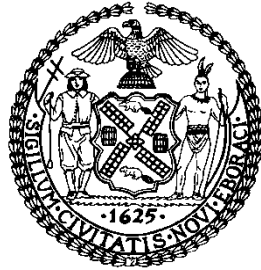
Since introduction, the legislation has been amended by adding a provision to require that any written materials disseminated by FDNY pertaining to fire safety education must be made available in the top ten languages most commonly spoken within the City.

⁶ See United State Consumer Product Safety Commission (CPSC), *A Preliminary Analysis of Hyperthermia Deaths Associated with Electric Room and Space Heaters*, Sec. 5.1, March 2019; available at: https://www.cpsc.gov/s3fs-public/A_Preliminary_Analysis_of_Hyperthermia_Deaths_Associated_with_Electric_Room_and_Space_Heaters.pdf?0DlebfJqpPu3lAC7YYoKSNeMHXWxgGCC

⁷ See UL 1278; Underwriter Labs Electric Space Heater Tip-over Protections; available at: https://code-authorities.ul.com/wp-content/uploads/2014/04/ul_ElectricHeaterTipoverProtection.pdf.

⁸ See UL 1278; see CPSC -- Sec. 5.1 “Voluntary Standards for Space and Room Heaters.” available at: https://www.cpsc.gov/s3fs-public/A_Preliminary_Analysis_of_Hyperthermia_Deaths_Associated_with_Electric_Room_and_Space_Heaters.pdf?0DlebfJqpPu3lAC7YYoKSNeMHXWxgGCC

(The following is the text of the Fiscal Impact Memo to the Finance Committee from the Finance Division of the New York City Council:)



**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, New
York City Council

FISCAL IMPACT STATEMENT

PROPOSED INT. NO. 106-A

COMMITTEE: Fire and Emergency Management

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to the sale of electric space heaters.

Sponsors: Council Members Hanif, Public Advocate Jumaane Williams, Sanchez, Powers, Feliz, Riley, Yeger, Krishnan, Brannan, Williams, Won, Holden, Farías, Avilés, Ung, Abreu, Richardson Jordan, Gutiérrez, Hanks, De La Rosa, Schulman, Narcisse, Barron, Dinowitz, Nurse, Bottcher, Rivera, Joseph, Brewer, Velázquez, Ossé, Ayala, Cabán, and Ariola.

SUMMARY OF LEGISLATION: Proposed Intro. No. 106-A would prohibit the sale of electric space heaters without certain safety features; specifically, requiring all such devices for sale to be equipped with a thermostat, an automatic function that disables the device upon tip-over or overheating, and be certified by a nationally recognized testing laboratory.

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

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

IMPACT ON EXPENDITURES: It is anticipated that the Department of Consumer and Worker Protection would use existing resources to comply with the enactment of this legislation.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: New York City Council Finance Division
Mayor's Office of City Legislative Affairs
Fire Department of New York
Office of Management and Budget

ESTIMATE PREPARED BY: Jack Kern, Senior Financial Analyst

ESTIMATE REVIEWED BY: Malcom Butehorn, Counsel
Eisha Wright, Deputy Director
Dohini Sompura, Assistant Director
John Russell, Unit Head

LEGISLATIVE HISTORY: This legislation was introduced by the City Council on March 24, 2022 as Intro. 106 and referred to the Committee on Fire and Emergency Management. The legislation was heard at a joint hearing by the Committee on Fire and Emergency Management, the Committee on Housing and Buildings, and the Special Committee on Twin Parks Citywide Taskforce on Fire Prevention on April 6, 2022. The legislation was laid over and subsequently amended. The amended version, Proposed Intro. No. 106-A, will be voted on by the Committee on Fire and Emergency Management at a hearing on May 18, 2022. Upon successful vote by the Committee, Proposed Intro. No. 106-A will be submitted to the full Council for a vote on May 19, 2022.

DATE PREPARED: May 18, 2022.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 106-A:)

Int. No. 106-A

By Council Member Hanif, the Public Advocate (Mr. Williams), and Council Members Sanchez, Powers, Feliz, Riley, Yeger, Krishnan, Brannan, Williams, Won, Holden, Farías, Avilés, Ung, Abreu, Richardson Jordan, Gutiérrez, Hanks, De La Rosa, Schulman, Narcisse, Barron, Dinowitz, Nurse, Bottcher, Rivera, Joseph, Brewer, Velázquez, Ossé, Ayala, Cabán, Gennaro, Brooks-Powers, Menin and Ariola.

A Local Law to amend the administrative code of the city of New York, in relation to the sale of electric space heaters

Be it enacted by the Council as follows:

Section 1. Chapter 4 of title 20 of the administrative code of the city of New York is amended by adding a new subchapter 14 to read as follows:

**SUBCHAPTER 14
SPACE HEATERS**

*§ 20-699.10 Definitions. For purposes of this subchapter, the following terms have the following meanings:
Electric space heater. The term "electric space heater" means any electric portable device designed for space heating.*

Stock keeping unit. The term "stock keeping unit" means each group of items offered for sale of the same brand name, quantity of contents, retail price and variety.

§ 20-699.11 *Sale of electric space heaters. a. No person shall distribute, sell or offer for sale an electric space heater unless such electric space heater:*

1. *Is equipped with a thermostat and such thermostat is disclosed on packaging for such space heater;*
2. *Is equipped with an automatic function that disables such space heater upon overheating or tipping over and such automatic function is disclosed on packaging for such space heater;*
3. *Has been listed and labeled by a nationally recognized testing laboratory or other approved organization, as required by section 605.10.1 of the New York city fire code and such labeling is disclosed on packaging for such space heater.*

b. Penalty. A person who violates subdivision a of this section or any rule promulgated thereunder is liable for a civil penalty as follows:

1. *For the first violation, a civil penalty of zero dollars; and*
2. *For any subsequent violations issued for the same offense within a period of two years of the date of a first violation, a civil penalty of not more than one thousand dollars.*

c. Each failure to comply with subdivision a of this section with respect to any one stock keeping unit constitutes a separate violation.

§ 2. This local law takes effect 120 days after it becomes law, except that the commissioner of consumer and worker protection may take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

JOANN ARIOLA, *Chairperson*; ROBERT F. HOLDEN, KALMAN YEGER, KEVIN C. RILEY, JAMES F. GENNARO, OSWALD FELIZ, DAVID M. CARR, CARMEN N. De La ROSA, LYNN C. SCHULMAN; 9-0-0; Committee on Fire and Emergency Services, May 18, 2022 (Remote Meeting). *Other Council Members Attending: Council Members Kagan and 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 for Int. No. 131-A

Report of the Committee on Fire and Emergency 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 requiring the fire department to conduct residential education and outreach regarding the safe operation of electric space heaters.

The Committee on Fire and Emergency Management, to which the annexed proposed amended local law was referred on March 24, 2022 (Minutes, page 480), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Fire and Emergency Management for Int. No. 106-A printed in these Minutes)

Accordingly, this Committee recommends its adoption, as amended.

JOANN ARIOLA, *Chairperson*; ROBERT F. HOLDEN, KALMAN YEGER, KEVIN C. RILEY, JAMES F. GENNARO, OSWALD FELIZ, DAVID M. CARR, CARMEN N. De La ROSA, LYNN C. SCHULMAN; 9-0-0; Committee on Fire and Emergency Services, May 18, 2022 (Remote Meeting). *Other Council Members Attending: Council Members Kagan and 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 Housing and Buildings

Report for Int. No. 104-A

Report of the Committee on Housing and Buildings 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 defining the term self-closing door.

The Committee on Housing and Buildings, to which the annexed proposed amended local law was referred on March 24, 2022 (Minutes, page 446), respectfully

REPORTS:

INTRODUCTION

On May 18, 2022, the Committee on Housing and Buildings, chaired by Council Member Pierina Sanchez, will hold a hearing on Int. No. 104-A, in relation to defining the term self-closing door; Int. No. 105-A, in relation to self-closing door corrections and certification, and penalties for self-closing door violations; and Int. No. 155-A, in relation to requiring the commissioner of buildings to waive filing fees for permits to alter family dwellings to conform to the New York city fire code. These bills were first heard on April 6, 2022. More information about these bills along with the materials for that hearing can be found at <https://tinyurl.com/yc733x3d>.

BACKGROUND

THE TWIN PARKS RESIDENTIAL BUILDING FIRE

On January 9, 2022, a high-rise residential fire at the 19-story Twin Parks North West apartment building in the Fordham section of the Bronx resulted in the deaths of 17 individuals, including eight children.¹ Dozens were hospitalized with life-threatening injuries due to smoke inhalation.² Investigators determined the fire was caused by a defective space heater that caught fire in a resident's bedroom.³ The space heater had reportedly been running continuously for days to supplement the inadequate heat provided by the building. Although the flames were contained primarily to the hallway outside the third floor apartment unit where the fire originated, smoke from the fire quickly inundated the building.⁴ As residents of the building evacuated, the door to the third floor apartment from which the fire originated reportedly remained open, causing smoke to permeate throughout the building.⁵ The smoke was drawn into a stairwell, leading up to the fifteenth floor, where the stairwell door was also left open.⁶ All individuals killed in the fire died from smoke inhalation. Additionally, dozens of residents were displaced from their apartments. It was reported that between 2013 and 2019, HPD inspectors

¹ Ashley Southall et al., *19 Killed in New York City's Deadliest Fire in Decades*, The New York Times (Jan. 9, 2022) <https://www.nytimes.com/2022/01/09/nyregion/nyc-bronx-fire.html>

² *Id.*

³ *Bronx Fire: Mayor Revises Number Killed to 17, Including 8 Children*, The New York Times (Jan. 10, 2022) <https://www.nytimes.com/live/2022/01/10/nyregion/bronx-fire-nyc>

⁴ Nicholas Fandos, *Two Open Doors Created 'Flue Effect' of Deadly Smoke at Bronx High-Rise*, The New York Times (Jan. 10, 2022) <https://www.nytimes.com/2022/01/10/nyregion/bronx-apartment-fire-smoke.html>

⁵ *Supra*, note 3.

⁶ *Id.*

cited the Twin Parks building six times for failure to maintain self-closing doors, all of which had been resolved.⁷ Of those violations, doors on the third and fifteenth floors had specifically been mentioned.⁸

Closing doors when escaping a fire can greatly decrease the chance that such fire will spread to other areas of a building. The Twin Parks fire, and other high-rise fires, have demonstrated the fatal results of open doors allowing fires to spread into common hallways, stairways and other apartments. Recognizing the potential life-or-death impact of closing doors during a fire, the Council enacted legislation aimed to address this issue following a string of deadly fires in early 2018.

First, Local Law 111 of 2018, established requirements that doors providing access to interior corridors or stairs be self-closing or equipped with devices to ensure closing after having been opened. This requirement, which applied to occupancy groups R-1 and R-2 established July 31, 2021 as a deadline for compliance with such requirements.⁹ The bill placed responsibility on building owners of multiple dwellings to keep and maintain self-closing doors in good repair, and made failure to keep or maintain such doors a class C immediate hazardous violation, with a 21-day period of correction following issuance of violation.¹⁰

Additionally, Local Law 115 of 2018, required the posting of notices within residential buildings regarding the importance of closing doors when escaping a fire. This requirement, codified in Admin. Code. Section 15-135, places responsibility on building owners to ensure such notices are maintained in conspicuous locations.¹¹

LEGISLATION

Below is a brief summary of the legislation being heard by the Committee at this hearing. 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. 104-A, A Local Law to amend the administrative code of the city of New York, in relation to defining the term self-closing door

This bill would add a definition for the term “self-closing door” as it is used within the Housing Maintenance Code.

This legislation would take effect 45 days after becoming law.

Int. No. 105-A, A Local Law to amend the administrative code of the city of New York, in relation to self-closing door corrections and certification, and penalties for self-closing door violations

This bill would reduce the amount of time for a landlord to correct a violation to keep or maintain self-closing doors from 21 days to 14 days. Once the 14 day window has run, it also requires inspection by the Department of Housing Preservation and Development within 20 days, regardless of whether the owner has submitted a certification of correction. It establishes a civil penalty range of \$250-\$500 for violation of the self-closing door requirement. It would also increase civil penalties for false certification of correction of class B and class C violations of the Housing Maintenance Code. Finally, this bill would clarify that all doors providing access to interior corridors or stairs in R-1 and R-2 occupancy groups must be self-closing or equipped with a device that will ensure such doors close shut and are latched.

This legislation would take effect 45 days after becoming law, except that the section establishing the new re-inspection period for HPD would take effect on January 1, 2023.

⁷ *Id.*

⁸ Nolan Hicks and Jack Morphet, *City repeatedly flagged busted fire doors before Bronx tower inferno*, *The New York Post* (Jan. 10, 2022) <https://nypost.com/2022/01/10/city-repeatedly-flagged-busted-fire-doors-before-bronx-tower-inferno/>

⁹ Admin. Code §28-315.10

¹⁰ Admin. Code §27-2041.1

¹¹ Admin. Code §15-135

Int. No. 155-A, A Local Law to amend the administrative code of the city of New York, in relation to permit filing fees for one-, two-, and three-family dwellings damaged by a fire

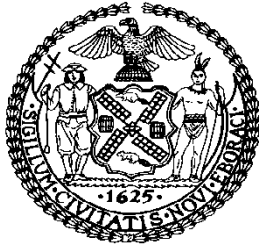
This bill would require the Commissioner of Buildings to waive the filing fee for a permit to alter a one-, two- or three-family home, when the dwelling has been damaged by fire, for work to repair damage from the fire and any construction defects discovered following the fire. The fee waiver would extend to other dwellings in the same homeowner's association or cooperative association to correct the same construction defect. The bill would also require the Department of Buildings to conduct outreach on the waiver in the designated citywide languages.

This legislation would take effect 120 days after becoming law.

UPDATE

On Wednesday, May 18, 2022, the Committee adopted Int. No. 104-A by a vote of nine in the affirmative, zero in the negative, and zero abstentions; Int. No. 105-A by a vote of nine in the affirmative, zero in the negative, and zero abstentions; and Int. No. 155-A by a vote of eight in the affirmative, zero in the negative, and one abstention.

(The following is the text of the Fiscal Impact Statement for Int. No. 104-A:)



THE COUNCIL OF THE CITY OF NEW YORK

FINANCE DIVISION

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

FISCAL IMPACT STATEMENT

PROPOSED INT. NO.: 104-A

COMMITTEE: Housing and Buildings

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to defining the term self-closing door.

SPONSORS: By Council Members Feliz, Ariola, Sanchez, Abreu, Hanif, Brewer, Riley, Yeger, Krishnan, Brannan, Williams, Won, Holden, Farias, Restler, Avilés, Ayala, Menin, Ung, Ossé, Richardson Jordan, Gennaro, Hanks, Schulman, Cabán, Narcisse, Barron, Dinowitz, Bottcher, Marte, and Rivera (by request of the Bronx Borough President).

SUMMARY OF LEGISLATION: Proposed Int. No. 104-A would add a definition for the term “self-closing door” as it is used within the Housing Maintenance Code: “a door equipped with a device that will ensure the door, when opened and released, returns to the closed position and self-latches shut.”

EFFECTIVE DATE: This local law would take effect 45 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.

IMPACT ON EXPENDITURES: It is anticipated that this legislation would have no impact on expenditures.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

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

ESTIMATE PREPARED BY: Daniel Kroop, Senior Financial Analyst

ESTIMATED REVIEWED BY: Chima Obichere, Unit Head
Malcom Butehorn, Counsel

LEGISLATIVE HISTORY: This legislation was first introduced to the Council as Proposed Intro. No. 104 on March 24, 2022 and referred to the Committee on Housing and Buildings (the Committee). A joint hearing was held by the Committee with the Committee on Fire and Emergency Management, and the Special Committee on the Twin Parks Citywide Taskforce on Fire Prevention on April 6, 2022, and the bill was laid over. The legislation was subsequently amended, and the amended version, Proposed Intro. No. 104-A, will be considered by the Committee on May 18, 2022. Upon a successful vote by the Committee, Proposed Intro. No. 104-A will be submitted to the full Council for a vote on May 19, 2022.

DATE PREPARED: May 17, 2022.

(For text of Int. Nos. 105-A and 155-A their Fiscal Impact Statements, please see the Report of the Committee on Housing and Buildings for Int. Nos. 105-A and 155-A, respectively, printed in these Minutes; for text of Int. No. 104-A, please see below)

Accordingly, this Committee recommends the adoption of Int. Nos. 104-A, 105-A, and 155-A.

(The following is the text of Int. No. 104-A:)

Int. No. 104-A

By Council Members Feliz, Ariola, Sanchez, Abreu, Hanif, Brewer, Riley, Yeger, Krishnan, Brannan, Williams, Won, Holden, Farías, Restler, Avilés, Ayala, Menin, Ung, Ossé, Richardson Jordan, Gennaro, Hanks, Schulman, Cabán, Narcisse, Barron, Dinowitz, Bottcher, Marte, Rivera, Hudson and Brooks-Powers (by request of the Bronx Borough President).

A Local Law to amend the administrative code of the city of New York, in relation to defining the term self-closing door

Be it enacted by the Council as follows:

Section 1. Subdivision a of section 27-2004 of the administrative code of the city of New York is amended by adding a new paragraph 49 to read as follows:

49. The term “self-closing door” means a door equipped with a device that will ensure the door, when opened and released, returns to the closed position and self-latches shut.

§ 2. This local law takes effect 45 days after it becomes law.

PIERINA ANA SANCHEZ, *Chairperson*; ERIC DINOWITZ, OSWALD FELIZ, DAVID M. CARR, TIFFANY CABÁN, ALEXA AVILÉS, CHARLES BARRON, CRYSTAL HUDSON, ARI KAGAN; 9-0-0; Committee on Housing and Buildings, May 18, 2022. *Other Council Members Attending: Council Members Yeger, Schulman and Ariola.*

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. 105-A

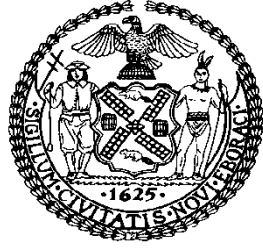
Report of the Committee on Housing and Buildings in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to self-closing door corrections and certification, and penalties for self-closing door violations.

The Committee on Housing and Buildings, to which the annexed proposed amended local law was referred on March 24, 2022 (Minutes, page 446), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Housing ad Buildings for Int. No. 104-A printed in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 105-A:



THE COUNCIL OF THE CITY OF NEW YORK

FINANCE DIVISION

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

FISCAL IMPACT STATEMENT

PROPOSED INT. NO.: 105-A

COMMITTEE: Housing and Buildings

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to self-closing door corrections and certification, and penalties for self-closing door violations.

SPONSORS: By Council Members Feliz, Ariola, Sanchez, Abreu, Hanif, Hudson, Riley, Krishnan, Stevens, Williams, Won, Holden, Farías, Avilés, Ayala, Menin, Ung, Ossé, Richardson Jordan, Gennaro, Velázquez, Hanks, Schulman, Cabán, Narcisse, Barron, Dinowitz, Bottcher, Marte, Rivera and Nurse (by request of the Bronx Borough President).

SUMMARY OF LEGISLATION: Proposed Int. No. 105-A would reduce, from 21 days to 14 days, the amount of time for a landlord to correct a violation to keep or maintain self-closing doors. The bill would also require inspection by the Department of Housing Preservation and Development within 20 days, after the 14 day window has lapsed, regardless of whether the owner has submitted a certification of correction. Furthermore, the bill would: establish a civil penalty range of \$250-\$500 for violations of the self-closing door requirement; increase civil penalties for false certification of correction of class B and class C violations of the Housing Maintenance Code; and clarify that all doors providing access to interior corridors or stairs in R-1 and R-2 occupancy groups must be self-closing or equipped with a device that will ensure such doors close shut and are latched.

EFFECTIVE DATE: This local law would take effect 45 days after becoming law, except that the amendment to subdivision c of section 27-2041.1 of the administrative code of the city of New York set forth in section one of this local law takes effect on January 1, 2023, and except that section three of this local law expires and is deemed repealed on the same date that local law number 126 for the year 2021 takes effect; and further except that section four of this local law takes effect on the same date as local law number 126 for the year 2021.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2023

FISCAL IMPACT STATEMENT:

	Effective FY23	FY Succeeding Effective FY24	Full Fiscal Impact FY23
Revenues	\$0	\$0	\$0
Expenditures	\$937,000	\$687,000	\$937,000
Net	\$937,000	\$687,000	\$937,000

IMPACT ON REVENUES: It is estimated that there would be no impact on revenues resulting from the enactment of this legislation. While the administering agency is authorized to impose civil penalties for violation of the

self-closing door requirement, this estimate assumes building owners would fully comply with the provisions of this legislation.

IMPACT ON EXPENDITURES: It is anticipated that there would be an impact on expenditures resulting from the enactment of Intro No. 105-A because the Department of Housing Preservation and Development would need to increase the number of technicians and community associates to help implement the requirements of this local law. Initially, it was anticipated that the agency would complete the inspections using existing resources. Subsequently, the Council was informed that 14 additional positions costing \$843,000 and OTPS cost of \$267,000 annually would be needed. However, Council Finance estimates that seven additional positions are needed including five technicians, one technician supervisor and one community associate. As such, the total anticipated cost for this legislation is \$937,000 in Fiscal 2023, including one-time cost of \$250,000 for technology upgrade. Beginning in Fiscal 2024, the cost is \$687,000 per year when fully executed.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

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

ESTIMATE PREPARED BY: Daniel Kroop, Senior Financial Analyst

ESTIMATED REVIEWED BY: Chima Obichere, Unit Head
Malcom Butehorn, Counsel

LEGISLATIVE HISTORY: This legislation was first introduced to the Council as Proposed Intro. No. 105 on March 24, 2022 and referred to the Committee on Housing and Buildings (the Committee). A joint hearing was held by the Committee with the Committee on Fire and Emergency Management, and the Special Committee on the Twin Parks Citywide Taskforce on Fire Prevention on April 6, 2022, and the bill was laid over. The legislation was subsequently amended, and the amended version, Proposed Intro. No. 105-A, will be considered by the Committee on May 18, 2022. Upon a successful vote by the Committee, Proposed Intro. No. 105-A will be submitted to the full Council for a vote on May 19, 2022.

DATE PREPARED: May 17, 2022.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 105-A:)

Int. No. 105-A

By Council Members Feliz, Ariola, Sanchez, Abreu, Hanif, Hudson, Riley, Krishnan, Stevens, Williams, Won, Holden, Farías, Avilés, Ayala, Menin, Ung, Ossé, Richardson Jordan, Gennaro, Velázquez, Hanks, Schulman, Cabán, Narcisse, Barron, Dinowitz, Bottcher, Marte, Rivera and Nurse (by request of the Bronx Borough President).

A Local Law to amend the administrative code of the city of New York, in relation to self-closing door corrections and certification, and penalties for self-closing door violations

Be it enacted by the Council as follows:

Section 1. Section 27-2041.1 of the administrative code of the city of New York, as added by local law number 111 for the year 2018, is amended to read as follows:

§ 27-2041.1 Self-closing doors. a. It shall be the duty of the owner of a multiple dwelling, which is required to be equipped with self-closing doors pursuant to section 28-315.10, or any other applicable law, to keep and maintain such doors in good repair.

b. Any owner required to keep and maintain self-closing doors pursuant to subdivision a of this section who fails to keep or maintain such doors shall be liable for a class C immediately hazardous violation. Notwithstanding any other provision of law to the contrary, the time within which to correct such violation shall be [twenty-one] 14 days after service of the notice of violation.

c. *The department shall conduct a re-inspection of a self-closing door violation no later than 20 days after the expiration of the correction period specified in subdivision b, notwithstanding any submission of a certification of correction. The department shall make reasonable efforts to conduct a re-inspection of a self-closing door violation that was issued for a door that opens into an interior corridor and is an entrance door to a dwelling unit, and shall notify the occupant of such dwelling unit of efforts to re-inspect the door within the re-inspection period specified in this subdivision, including information on how to reschedule the re-inspection if the department was unable to access the door for re-inspection.*

d. *Notwithstanding the civil penalties set forth in subdivision (a) of section 27-2115, the civil penalty for a violation of subdivision a of this section shall be not less than two hundred fifty dollars nor more than five hundred dollars and, in addition, two hundred fifty dollars per day from the date set for correction until the violation is corrected.*

§ 2. Subdivision (a) of section 27-2115 of the administrative code of the city of New York, as amended by local law number 65 for the year 1987, is amended to read as follows:

(a) A person who violates any law relating to housing standards shall be subject to a civil penalty of not less than ten dollars nor more than fifty dollars for each non-hazardous violation, not less than twenty-five dollars nor more than one hundred dollars and ten dollars per day for each hazardous violation, fifty dollars per day for each immediately hazardous violation, occurring in a multiple dwelling containing five or fewer dwelling units, from the date set for correction in the notice of violation until the violation is corrected, and not less than fifty dollars nor more than one hundred fifty dollars and, in addition, one hundred twenty-five dollars per day for each immediately hazardous violation, occurring in a multiple dwelling containing more than five dwelling units, from the date set for correction in the notice of violation until the violation is corrected. A person [wilfully] making a false certification of correction of a violation shall be subject to a civil penalty [of not less than fifty dollars nor more than two hundred fifty dollars for each violation falsely certified] *in the following amounts*, in addition to the other penalties herein provided: *not less than five hundred dollars nor more than one thousand dollars for each immediately hazardous violation falsely certified, not less than two hundred fifty dollars nor more than five hundred dollars for each hazardous violation falsely certified, and not less than fifty dollars nor more than two hundred fifty dollars for each non-hazardous violation falsely certified.*

§ 3. Section 28-315.10 of the administrative code of the city of New York, as added by local law number 111 for the year 2018, is amended to read as follows:

§ 28-315.10 Self-closing doors. All doors providing access to interior corridors or stairs in occupancy groups R-1 and R-2 shall be [self-closing or] equipped with a device that will ensure [closing after having been opened] *the door, when opened and released, returns to the closed position and self-latches shut* by July 31, 2021.

§ 4. Section 28-315.10 of the administrative code of the city of New York is amended to read as follows:

§ 28-315.10 Self-closing doors. All doors providing access to interior corridors or stairs in occupancy groups R-1 and R-2 shall be [self-closing or] equipped with a device that will ensure [closing after having been opened] *the door, when opened and released, returns to the closed position and self-latches shut* by July 31, 2021.

§ 5. This local law takes effect 45 days after it becomes law, except that the amendment to subdivision c of section 27-2041.1 of the administrative code of the city of New York set forth in section one of this local law takes effect on January 1, 2023, and except that section three of this local law expires and is deemed repealed on the same date that local law number 126 for the year 2021 takes effect; and further except that section four of this local law takes effect on the same date as local law number 126 for the year 2021.

PIERINA ANA SANCHEZ, *Chairperson*; ERIC DINOWITZ, OSWALD FELIZ, DAVID M. CARR, TIFFANY CABÁN, ALEXA AVILÉS, CHARLES BARRON, CRYSTAL HUDSON, ARI KAGAN; 9-0-0; Committee on Housing and Buildings, May 18, 2022. *Other Council Members Attending: Council Members Yeger, Schulman and Ariola.*

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. 155-A

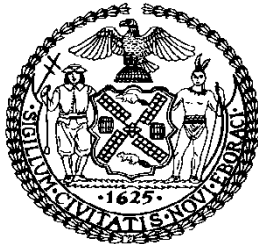
Report of the Committee on Housing and Buildings in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to permit filing fees for one-, two-, and three-family dwellings damaged by a fire.

The Committee on Housing and Buildings, to which the annexed proposed amended local law was referred on April 14, 2022 (Minutes, page 569), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Housing and Buildings for Int. No. 104-A printed in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 155-A:



THE COUNCIL OF THE CITY OF NEW YORK

FINANCE DIVISION

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

FISCAL IMPACT STATEMENT

PROPOSED INT. NO.: 155-A

COMMITTEE: Housing and Buildings

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to permit filing fees for one-, two-, and three-family dwellings damaged by a fire.

SPONSORS: By Council Members Carr, Borelli, Ariola, Holden, Dinowitz, and Yeger.

SUMMARY OF LEGISLATION: Proposed Int. No. 155-A would require the Commissioner of Buildings to waive the filing fee for a permit to alter a one-, two- or three-family home when the dwelling has been damaged by fire for work to repair damage from the fire and any construction defects discovered following the fire. The fee waiver would extend to other dwellings in the same homeowner's association or cooperative association to

correct the same construction defect. The bill would also require the Department of Buildings to conduct outreach on the waiver in the designated citywide languages.

EFFECTIVE DATE: This local law 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	(See Below)	(See Below)	(See Below)
Expenditures	\$0	\$0	\$0
Net	(See Below)	(See Below)	(See Below)

IMPACT ON REVENUES: It is estimated that there would be de minimus impact on revenues resulting from the enactment of this legislation as a result of the fee waiver.

IMPACT ON EXPENDITURES: It is anticipated that this legislation would have no impact on expenditures because the Department of Buildings would use existing resources to conduct outreach.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

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

ESTIMATE PREPARED BY: Daniel Kroop, Senior Financial Analyst

ESTIMATED REVIEWED BY: Chima Obichere, Unit Head
Malcom Butehorn, Counsel

LEGISLATIVE HISTORY: This legislation was first considered by the Committee on Housing and Buildings (the Committee), jointly with the Committee on Fire and Emergency Management and the Special Committee on the Twin Parks Citywide Taskforce on Fire Prevention, as a Preconsidered Introduction on April 6, 2022 and the bill was laid over. The legislation was then introduced to the full Council on April 14, 2022, as Proposed Intro. No. 155 and was referred to the Committee. Intro. No. 155 has been amended and the amended version, Proposed Intro. No. 155-A, will be considered by the Committee on May 18, 2022. Upon a successful vote by the Committee, Proposed Intro. No. 155-A will be submitted to the full Council for a vote on May 19, 2022.

DATE PREPARED: May 17, 2022.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 155-A:)

Int. No. 155-A

By Council Members Carr, Borelli, Ariola, Holden, Dinowitz, Yeger, Feliz, Gennaro and Brooks-Powers.

A Local Law to amend the administrative code of the city of New York, in relation to permit filing fees for one-, two-, and three-family dwellings damaged by a fire

Be it enacted by the Council as follows:

Section 1. Article 112 of chapter 1 of title 28 of the administrative code of the city of New York is amended by adding a new section 28-112.13 to read as follows:

§ 28-112.13 Permit filing fees for one-, two- or three-family dwellings damaged by a fire. *For a one-, two- or three-family dwelling that has been damaged as a result of a fire, no filing fee that would otherwise be required to be paid to the department by this code or the rules of the department shall be required to be paid, in connection with a permit for work that is necessary to address the damage to such dwelling that resulted from such a fire, which may include a construction defect discovered following such fire, and which shall be certified to the department by the applicant for such permit. If a construction defect is discovered at such dwelling following such fire, the department shall not charge filing fees for other dwellings in the same homeowner's association or cooperative association to correct the same construction defect at such dwellings where such situation is certified to the department by the applicant for such permit. The department, with relevant agencies, shall conduct outreach regarding these provisions in the designated citywide languages, as defined in section 23-1101.*

§ 2. This local law takes effect in 120 days.

PIERINA ANA SANCHEZ, *Chairperson*; ERIC DINOWITZ, OSWALD FELIZ, DAVID M. CARR, TIFFANY CABÁN, ALEXA AVILÉS, CHARLES BARRON, ARI KAGAN; 8-1-0; *Abstain*: Crystal Hudson; Committee on Housing and Buildings, May 18, 2022. *Other Council Members Attending: Council Members Yeger, Schulman and Ariola.*

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

Report of the Committee on Land Use

Report for L.U. No. 39

Report of the Committee on Land Use in favor of approving, as modified, Application number C 200246 ZMQ (146-93 Guy Brewer Boulevard Rezoning) submitted by Ranbir, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 19b: changing from an R3-2 District to an R6A District and establishing within the proposed R6A District a C2-2 District, Borough of Queens, Community District 13, Council District 31.

The Committee on Land Use, to which the annexed Land Use item was referred on April 14, 2022 (Minutes, page 631), respectfully

REPORTS:

SUBJECT

QUEENS CB-13 - TWO APPLICATIONS RELATED TO 146-93 GUY R. BREWER BOULEVARD REZONING

C 200246 ZMQ (Pre. L.U. No. 39)

City Planning Commission decision approving an application submitted by Ranbir, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 19b:

1. changing from an R3-2 District to an R6A District property bounded by 146th Terrace, a line 100 feet easterly of Guy R. Brewer Boulevard, 147th Avenue, and Guy R. Brewer Boulevard; and
2. establishing within the proposed R6A District a C2-2 District bounded by 146th Terrace, a line 100 feet easterly of Guy R. Brewer Boulevard, 147th Avenue, and Guy R. Brewer Boulevard;

as shown on a diagram (for illustrative purposes only) dated November 1, 2021, and subject to the conditions of CEQR Declaration E-646.

N 200247 ZRQ (Pre. L.U. No. 40)

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

INTENT

To approve the amendment to rezone the project area from an R3-2 zoning district to an R6A/C2-2 zoning district and amend the zoning text to establish a Mandatory Inclusionary Housing area to facilitate the development of an eight-story mixed-use building with residential and commercial uses located at 146-93 Guy R. Brewer Boulevard in the Springfield Gardens neighborhood of Queens, Community District 13.

PUBLIC HEARING**DATE:** April 12, 2022**Witnesses in Favor:** Three**Witnesses Against:** Three**SUBCOMMITTEE RECOMMENDATION****DATE:** May 10, 2022

The Subcommittee recommends that the Land Use Committee approve the motion to file pursuant to withdrawal of the application by the Applicant on Pre. L.U. No. 40 and approve with modifications the decision of the City Planning Commission on Pre. L.U. No. 39.

In Favor:

Riley
Moya
Louis
Abreu
Bottcher
Hanks
Schulman
Carr

Against:

None

Abstain:

None

COMMITTEE ACTION**DATE:** May 12, 2022

The Committee recommends that the Council approve the attached resolutions.

In Favor:

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

Against:

None

Abstain:

None

RAFAEL SALAMANCA, *Chairperson*; FRANCISCO P. MOYA, CARLINA RIVERA, FARAH N. LOUIS, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, ERIK D. BOTTCHER, KAMILLAH HANKS, SHEKAR KRISHNAN, PIERINA ANA SANCHEZ, JOSEPH C. BORELLI; 11-0-0; Committee on Land Use, May 12, 2022 (Remote Hearing).

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

Report for L.U. No. 40

Report of the Committee on Land Use in favor of filing, pursuant to a letter of withdrawal, Application number N 200247 ZRQ (146-93 Guy Brewer Boulevard Rezoning) submitted by Ranbir, 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 13, Council District 31.

The Committee on Land Use, to which the annexed Land Use item was referred on April 14, 2022 (Minutes, page 631) and which same Land Use item was coupled with the resolution shown below, respectfully

(For text of report, please see the Report of the Committee on Land Use for L.U. No. 39 printed in these Minutes)

Accordingly, this Committee recommends its filing.

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

Res. No. 178

Resolution approving a motion to file pursuant to withdrawal of the application regarding the decision of the City Planning Commission on Application No. N 200247 ZRQ, for an amendment of the text of the Zoning Resolution (Preconsidered L.U. No. 40).

By Council Members Salamanca and Riley.

WHEREAS, Ranbir, LLC, filed an application pursuant to Section 201 of the New York City Charter, for an amendment of the text of the Zoning Resolution of the City of New York, modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing Area, which in conjunction with the related item would facilitate the development of an eight-story mixed-use building with residential and commercial uses located at 146-93 Guy R. Brewer Boulevard in the Springfield Gardens neighborhood of Queens, Community District 13 (ULURP No. N 200247 ZRQ) (the “Application”);

WHEREAS, the City Planning Commission filed with the Council on April 8, 2022, its decision dated March 16, 2022 (the “Decision”), on the Application;

WHEREAS, the Application is related to application C 200246 ZMQ (Pre. L.U. No. 39), a zoning map amendment to change an R3-2 zoning district to an R6A/C2-2 zoning district;

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on April 12, 2022; and

WHEREAS, by submission dated May 10, 2022 and submitted to the Council on May 10, 2022, the Applicant withdrew the application.

RESOLVED:

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

RAFAEL SALAMANCA, *Chairperson*; FRANCISCO P. MOYA, CARLINA RIVERA, FARAH N. LOUIS, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, ERIK D. BOTTCHER, KAMILLAH HANKS, SHEKAR KRISHNAN, PIERINA ANA SANCHEZ, JOSEPH C. BORELLI; 11-0-0; Committee on Land Use, May 12, 2022 (Remote Hearing).

Coupled to be Filed pursuant to a Letter of Withdrawal.

Report for L.U. No. 41

Report of the Committee on Land Use in favor of approving, as modified, Application number C 210312 ZMK (103 Lee Avenue) submitted by Sbeny holdings, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 12d: eliminating from within an existing R6 District a C1-3 District, changing from an R6 District to an R7X District, and establishing within the proposed R7X District a C2-4 District, Borough of Brooklyn, Community District 1, Council District 33.

The Committee on Land Use, to which the annexed Land Use item was referred on April 14, 2022 (Minutes, page 631), respectfully

REPORTS:

SUBJECT

BROOKLYN CB-1 - TWO APPLICATIONS RELATED TO 103 LEE AVENUE

C 210312 ZMK (Pre. L.U. No. 41)

City Planning Commission decision approving an application submitted by Sbeny Holdings, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 12d:

1. eliminating from within an existing R6 District a C1-3 District bounded by Williamsburg Street East, Lee Avenue, and the southwesterly prolongation of a line midway between Keap Street and Hooper Street;

2. changing from an R6 District to an R7X District property bounded by Williamsburg Street East, Keap Street and its southwesterly centerline prolongation, a line 100 feet northeasterly of Lee Avenue, and a line midway between Keap Street and Hooper Street and its southwesterly prolongation; and
3. establishing within the proposed R7X District a C2-4 District bounded by Williamsburg Street East, Keap Street and its southwesterly centerline prolongation, a line 100 feet northeasterly of Lee Avenue, and a line midway between Keap Street and Hooper Street and its southwesterly prolongation;

as shown on a diagram (for illustrative purposes only) dated November 15, 2021.

N 210313 ZRK (Pre. L.U. No. 42)

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

INTENT

To approve the amendment to rezone the project area from an R6 and R6/C1-3 zoning districts to an R7X/C2-4 zoning district and amend the zoning text to designate a Mandatory Inclusionary housing (MIH) area to facilitate the construction of an eight-story mixed-use building with 52 dwelling units, 16 of which would be permanently affordable, as well as approximately 7,800 square feet of ground floor commercial space at 103 Lee Avenue (Block 2200, Lot 6) in the Williamsburg neighborhood of Brooklyn, Community District 1.

PUBLIC HEARING

DATE: April 12, 2022

Witnesses in Favor: Four

Witnesses Against: One

SUBCOMMITTEE RECOMMENDATION

DATE: May 10, 2022

The Subcommittee recommends that the Land Use Committee approve with modifications the decisions of the City Planning Commission on Pre. L.U. Nos. 41 and 42.

In Favor:

Riley
Moya
Louis
Abreu

Against:

None

Abstain:

None

Bottcher
Hanks
Schulman
Carr

COMMITTEE ACTION

DATE: May 12, 2022

The Committee recommends that the Council approve the attached resolutions.

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

RAFAEL SALAMANCA, *Chairperson*; FRANCISCO P. MOYA, CARLINA RIVERA, FARAH N. LOUIS, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, ERIK D. BOTTCHER, KAMILLAH HANKS, SHEKAR KRISHNAN, PIERINA ANA SANCHEZ, JOSEPH C. BORELLI; 11-0-0; Committee on Land Use, May 12, 2022 (Remote Hearing).

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

Report for L.U. No. 42

Report of the Committee on Land Use in favor of approving, as modified, Application number N 210313 ZRK (103 Lee Avenue) submitted by Sbeny Holdings, LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of Brooklyn, Community District 1, Council District 33.

The Committee on Land Use, to which the annexed Land Use item was referred on April 14, 2022 (Minutes, page 631), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Land Use for L.U. No. 41 printed in these Minutes)

Accordingly, this Committee recommends its adoption, as modified.

RAFAEL SALAMANCA, *Chairperson*; FRANCISCO P. MOYA, CARLINA RIVERA, FARAH N. LOUIS, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, ERIK D. BOTTCHER, KAMILLAH HANKS, SHEKAR KRISHNAN, PIERINA ANA SANCHEZ, JOSEPH C. BORELLI; 11-0-0; Committee on Land Use, May 12, 2022 (Remote Hearing).

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

Report for L.U. No. 46

Report of the Committee on Land Use in favor of approving Application number C 220209 HAK (Broadway Triangle-Bartlett Crossing) submitted by the New York City Department of Housing Preservation and Development (HPD), pursuant to Article 16 of the General Municipal Law of New York State for the designation of an Urban Development Action Area and an Urban Development Action Area Project, and pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer to be selected by HPD, for property located at 31 Bartlett Street (Block 2269, Lot 52), Borough of Brooklyn, Community District 1, Council District 33.

The Committee on Land Use, to which the annexed Land Use item was referred on April 28, 2022 (Minutes, page 845) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

BROOKLYN CB - 1

C 220209 HAK

City Planning Commission decision approving an application submitted by the New York City Department of Housing Preservation and Development (HPD):

- 1) pursuant to Article 16 of the General Municipal Law of New York State for:
 - a) the designation of property located at 31 Bartlett Street (Block 2269, Lot 52) as an Urban Development Action Area; and
 - b) an Urban Development Action Area Project for such area; and
- 2) pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer to be selected by HPD;

to facilitate the development of a nine-story building containing approximately 29 affordable housing units.

INTENT

To approve the urban development action area designation, project approval, and disposition of city-owned property to facilitate the development of a new nine-story building containing approximately 29 affordable housing units, approximately six of which would be permanently affordable through the Voluntary Inclusionary Housing (VIH) program, in Brooklyn, Community District 1.

PUBLIC HEARING

DATE: May 11, 2022

Witnesses in Favor: Three

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: May 11, 2022

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

In Favor:

Louis
Feliz
De La Rosa
Marte
Nurse
Ung
Vernikov

Against:

None

Abstain:

None

COMMITTEE ACTION

DATE: May 12, 2022

The Committee recommends that the Council approve the attached resolution.

In Favor:

Salamanca
Moya
Rivera
Louis
Riley
Brooks-Powers
Bottcher

Against:

None

Abstain:

None

Hanks
Krishnan
Sanchez
Borelli

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

Res. No. 179

Resolution approving the application submitted by the New York City Department of Housing Preservation and Development (“HPD”) and the decision of the City Planning Commission, ULURP No. C 220209 HAK, approving the designation of an Urban Development Action Area, an Urban Development Action Area Project, and the disposition of city-owned property located at 31 Bartlett Street (Block 2269, Lot 52), Borough of Brooklyn, Community District 1, to a developer selected by HPD (Preconsidered L.U. No. 46; C 220209 HAK).

By Council Members Salamanca and Louis.

WHEREAS, the City Planning Commission filed with the Council on April 15, 2022 its decision dated April 13, 2022 (the “Decision”), on the application submitted by the New York City Department of Housing Preservation and Development (“HPD”) regarding city-owned property located at 31 Bartlett Street (Block 2269, Lot 52) (the “Disposition Area”), approving:

- a) pursuant to Article 16 of the General Municipal Law of New York State the designation of the Disposition Area as an Urban Development Action Area;
- b) pursuant to Article 16 of the General Municipal Law of New York State an Urban Development Action Area Project for the Disposition Area (the “Project”); and
- c) pursuant to Section 197-c of the New York City Charter the disposition of the Disposition Area to a developer to be selected by the New York City Department of Housing Preservation and Development;

to facilitate the development of a new nine-story building containing approximately 29 affordable housing units, approximately six of which would be permanently affordable through the Voluntary Inclusionary Housing (VIH) program, in Brooklyn, Community District 1 (ULURP No. C 220209 HAK) (the “Application”);

WHEREAS, the City Planning Commission has certified its unqualified approval of UDAAP pursuant to Article 16 of the General Municipal Law;

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

WHEREAS, by letter dated April 29, 2022 and submitted to the Council on April 29, 2022, HPD submitted its requests (the “HPD Requests”) respecting the Application including the submission of the project summary for the Project (the “Project Summary”);

WHEREAS, upon due notice, the Council held a public hearing on the Application and Decision and the HPD Requests on May 11, 2022;

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

WHEREAS, the Council has considered the relevant environmental issues, including the Revised Negative Declaration issued April 12th, 2022, which supersedes the Negative Declaration issued October 8th, 2021, and a Revised Environmental Assessment Statement (EAS) issued April 12th, 2022 (CEQR No. 21HPD027K) to include additional information related to the Waterfront Revitalization Program and the Revised EAS concluded that the revised analysis would not result in any new or different significant adverse environmental impacts not already identified in the previous Negative Declaration (the “Revised Negative Declaration”).

RESOLVED:

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

Pursuant to Section 197-d of the New York City Charter, based on the environmental determination and the consideration described in the report C 220209 HAK and incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission and the HPD Requests.

Pursuant to Article 16 of the General Municipal Law of the New York State, based on the environmental determination, and the consideration described in the report C 220209 HAK and incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission and the HPD Requests.

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

The Council approves the designation of the Area as an urban development action area pursuant to Section 693 of the General Municipal Law.

The Council approves the Project as an urban development action area project pursuant to Section 694 of the General Municipal Law and subject to the terms and conditions of the Project Summary, a copy of which is attached hereto.

The Council approves the disposition of the Disposition Area under Section 197-d of the New York City Charter, to a developer to be selected by the New York City Department of Housing Preservation and Development for the development of the Project consistent with the Project Summary.

ATTACHMENT:

PROJECT SUMMARY

- | | |
|---------------------|---|
| 1. PROGRAM: | EXTREMELY LOW AND LOW INCOME AFFORDABILITY PROGRAM |
| 2. PROJECT: | Broadway Triangle – Bartlett Crossing |
| 3. LOCATION: | |
| a. BOROUGH: | Brooklyn |

- b. **COMMUNITY DISTRICT:** 1
- c. **COUNCIL DISTRICT:** 33
- d. **DISPOSITION AREA:**
- | <u>BLOCK</u> | <u>LOT</u> | <u>ADDRESS</u> |
|--------------|------------|--------------------|
| 2269 | 52 | 31 Bartlett Street |
4. **BASIS OF DISPOSITION PRICE:** Nominal. Sponsor will pay one dollar per lot and deliver an enforcement note and mortgage for the remainder of the appraised value (“Land Debt”). For a period of at least thirty (30) years following completion of construction, the Land Debt or the City’s capital subsidy may be repayable out of resale or refinancing profits. The remaining balance, if any, may be forgiven at the end of the term.
5. **TYPE OF PROJECT:** New Construction
6. **APPROXIMATE NUMBER OF BUILDINGS:** 1
7. **APPROXIMATE NUMBER OF UNITS:** Approximately 29 dwelling units
8. **HOUSING TYPE:** Rental
9. **ESTIMATE OF INITIAL RENTS** Rents will be affordable to families earning from 30% to 80% of the area median income (“AMI”) with up to 30% of the units with rents affordable to families earning up to 100% of AMI. Formerly homeless tenants referred by DHS and other City agencies will pay up to 30% of their income as rent.
10. **INCOME TARGETS** Between up to 30% and up to 80% of AMI, with up to 30% of the units targeted to incomes up to 100% of AMI.
11. **PROPOSED FACILITIES:** None
12. **PROPOSED CODES/ORDINANCES:** None
13. **ENVIRONMENTAL STATUS:** Negative Declaration
14. **PROPOSED TIME SCHEDULE:** Approximately 24 months from closing to completion of construction completion of construction

RAFAEL SALAMANCA, *Chairperson*; FRANCISCO P. MOYA, CARLINA RIVERA, FARAH N. LOUIS, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, ERIK D. BOTTCHER, KAMILLAH HANKS, SHEKAR KRISHNAN, PIERINA ANA SANCHEZ, JOSEPH C. BORELLI; 11-0-0; Committee on Land Use, May 12, 2022 (Remote Hearing).

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

Report for L.U. No. 47

Report of the Committee on Land Use in favor of approving Application number C 200358 ZMK (2300 Cropsey Avenue) submitted by Cropsey Partners, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 28c, by establishing within an existing R6 District a C2-4 District, Borough of Brooklyn, Community District 11, Council District 43.

The Committee on Land Use, to which the annexed Land Use item was referred on April 28, 2022 (Minutes, page 845) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

BROOKLYN CB - 11

C 200358 ZMK

City Planning Commission decision approving an application submitted by Cropsey Partners, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 28c, by establishing within an existing R6 District a C2-4 District bounded by Cropsey Avenue, a line 380 feet northwesterly of 24th Avenue, Leif Ericson Drive and a line 620 feet northwesterly of 24th Avenue, as shown on a diagram (for illustrative purposes only) dated December 13, 2021.

INTENT

To approve the amendment to the Zoning Map, Section No. 28c, in order to establish from an existing R6 to R6/C2-4 to facilitate a commercial use comprised of 35,227 square feet within the ground floor of an as-of-right residential and community facility building at 2300 Cropsey Avenue (Block 6471, Lots 109), in the Gravesend neighborhood of Brooklyn, Community District 11.

PUBLIC HEARING

DATE: April 26, 2022

Witnesses in Favor: Two

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: May 10, 2022

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

In Favor:

Riley
Moya
Louis
Abreu
Bottcher
Hanks
Schulman
Carr

Against:

None

Abstain:

None

COMMITTEE ACTION

DATE: May 12, 2022

The Committee recommends that the Council approve the attached resolution.

In Favor:

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

Against:

None

Abstain:

None

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

Res. No. 180

Resolution approving the decision of the City Planning Commission on ULURP No. C 200358 ZMK, a Zoning Map amendment (Preconsidered L.U. No. 47).

By Council Members Salamanca and Riley.

WHEREAS, Cropsey Partners, LLC, filed an application pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 28c, by establishing within an existing R6 District a C2-4 District, which would facilitate a commercial use comprised of 35,227 square feet within the ground floor of an as-of-right residential and community facility building at 2300 Cropsey Avenue (Block 6471, Lots 109), in the Gravesend neighborhood of Brooklyn, Community District 11 (ULURP No. C 200358 ZMK) (the "Application");

WHEREAS, the City Planning Commission filed with the Council on April 15, 2022 its decision dated April 13, 2022 (the "Decision") on the Application;

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on April 26, 2022;

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

WHEREAS, the Council has considered the relevant environmental issues, including the Negative Declaration issued December 13th, 2021 (CEQR No. 21DCP032K) (the "Negative Declaration").

RESOLVED:

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

Pursuant to Sections 197-d and 201 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, C 200358 ZMK incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission.

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section No. 28c, by establishing within an existing R6 District a C2-4 District bounded by Cropsey Avenue, a line 380 feet northwesterly of 24th Avenue, Leif Ericson Drive and a line 620 feet northwesterly of 24th Avenue, as shown on a diagram (for illustrative purposes only) dated December 13, 2021.

RAFAEL SALAMANCA, *Chairperson*; FRANCISCO P. MOYA, CARLINA RIVERA, FARAH N. LOUIS, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, ERIK D. BOTTCHER, KAMILLAH HANKS, SHEKAR KRISHNAN, PIERINA ANA SANCHEZ, JOSEPH C. BORELLI; 11-0-0; Committee on Land Use, May 12, 2022 (Remote Hearing).

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

Report for L.U. No. 48

Report of the Committee on Land Use in favor of approving Application number C 220050 ZMQ (35-01 Vernon Boulevard Rezoning) submitted by Agayev Holding, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 9a, changing from an R5 District to an M1-4/R7A District and establishing a Special Mixed Use District (MX-23), Borough of Queens, Community District 1, Council District 26.

The Committee on Land Use, to which the annexed Land Use item was referred on April 28, 2022 (Minutes, page 845) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

**QUEENS CB-1 - TWO APPLICATIONS RELATED TO 35-01 VERNON BOULEVARD
REZONING**

C 220050 ZMQ (Pre. L.U. No. 48)

City Planning Commission decision approving an application submitted by Agayev Holding LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 9a:

1. changing from an R5 District to an M1-4/R7A District property bounded by Vernon Boulevard, 35th Avenue, 9th Street, and a line 175 feet southwesterly of 35th Avenue; and
2. establishing a Special Mixed Use District (MX-23) bounded by Vernon Boulevard, 35th Avenue, 9th Street, and a line 175 southwesterly of 35th Avenue;

as shown on a diagram (for illustrative purposes only) dated January 3, 2022 and subject to the conditions of CEQR Declaration E-645.

N 220051 ZRQ (Pre. L.U. No. 49)

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

INTENT

To approve the amendment to rezone the project area from an R5 district to an MX-23 Special Mixed Use District (M1-4/R7A) and amend the zoning text to designate a Mandatory Inclusionary Housing (MIH) area to facilitate the construction of a new nine-story mixed-use building with residential, commercial, and light industrial uses on property located at 35-01 Vernon Boulevard in the Ravenswood neighborhood of Queens, Community District 1.

PUBLIC HEARING

DATE: April 26, 2022

Witnesses in Favor: Four

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: May 10, 2022

The Subcommittee recommends that the Land Use Committee approve the decisions of the City Planning Commission on Pre. L.U. Nos. 48 and 49.

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

COMMITTEE ACTION

DATE: May 12, 2022

The Committee recommends that the Council approve the attached resolutions.

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

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

Res. No. 181

Resolution approving the decision of the City Planning Commission on ULURP No. C 220050 ZMQ, a Zoning Map amendment (Preconsidered L.U. No. 48).

By Council Members Salamanca and Riley.

WHEREAS, Agayev Holding, LLC, filed an application pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 9a, by changing from an R5 District to an M1-4/R7A District and establishing a Special Mixed Use District (MX-23), which in conjunction with the related action would facilitate the construction of a new nine-story mixed-use building with residential, commercial,

and light industrial uses on property located at 35-01 Vernon Boulevard in the Ravenswood neighborhood of Queens, Community District 1 (ULURP No. C 220050 ZMQ) (the "Application");

WHEREAS, the City Planning Commission filed with the Council on April 15, 2022 its decision dated April 13, 2022 (the "Decision") on the Application;

WHEREAS, the Application is related to application N 220051 ZRQ (Pre. L.U. No. 49), a zoning text amendment to designate a Mandatory Inclusionary Housing (MIH) area;

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on April 26, 2022;

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

WHEREAS, the Council has considered the relevant environmental issues, including the Negative Declaration issued January 3rd, 2022 (CEQR No. 21DCP114Q) which includes an (E) designation to avoid the potential for significant adverse impacts related to hazardous materials, air quality, and noise (E-645) (the "Negative Declaration").

RESOLVED:

The Council finds that the action described herein will have no significant impact on the environment as set forth in the (E) Designation (E-645) and Negative Declaration.

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, C 220050 ZMQ incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission.

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section 9a:

1. changing from an R5 District to an M1-4/R7A District property bounded by Vernon Boulevard, 35th Avenue, 9th Street, and a line 175 feet southwesterly of 35th Avenue; and
2. establishing a Special Mixed Use District (MX-23) bounded by Vernon Boulevard, 35th Avenue, 9th Street, and a line 175 southwesterly of 35th Avenue;

as shown on a diagram (for illustrative purposes only) dated January 3, 2022 and subject to the conditions of CEQR Declaration E-645, Borough of Queens, Community District 1.

RAFAEL SALAMANCA, *Chairperson*; FRANCISCO P. MOYA, CARLINA RIVERA, FARAH N. LOUIS, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, ERIK D. BOTTCHER, KAMILLAH HANKS, SHEKAR KRISHNAN, PIERINA ANA SANCHEZ, JOSEPH C. BORELLI; 11-0-0; Committee on Land Use, May 12, 2022 (Remote Hearing).

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

Report for L.U. No. 49

Report of the Committee on Land Use in favor of approving Application number N 220051 ZRQ (35-01 Vernon Boulevard Rezoning) submitted by Agayev Holding, 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 1, Council District 26.

The Committee on Land Use, to which the annexed Land Use item was referred on April 28, 2022 (Minutes, page 846) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Land Use for L.U. No. 48 printed in these Minutes)

Accordingly, this Committee recommends its adoption.

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

Res. No. 182

Resolution approving the decision of the City Planning Commission on Application No. N 220051 ZRQ, for an amendment of the text of the Zoning Resolution (Preconsidered L.U. No. 49).

By Council Members Salamanca and Riley.

WHEREAS, Agayev Holding, LLC, filed an application pursuant to Section 201 of the New York City Charter, for an amendment of the text of the Zoning Resolution of the City of New York, modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing Area, which in conjunction with the related action would facilitate the construction of a new nine-story mixed-use building with residential, commercial and light industrial uses on the property located at 35-01 Vernon Boulevard in the Ravenswood neighborhood of Queens, Community District 1 (ULURP No. N 220051 ZRQ) (the "Application");

WHEREAS, the City Planning Commission filed with the Council on April 15, 2022, its decision dated April 13, 2022 (the "Decision") on the Application;

WHEREAS, the Application is related to application C 220050 ZMQ (Pre. L.U. No. 48), a zoning map amendment to change an R5 district to an MX-23 Special Mixed Use District (M1-4/R7A);

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on April 26, 2022;

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

WHEREAS, the Council has considered the relevant environmental issues, including the Negative Declaration issued January 3rd, 2022 (CEQR No. 21DCP114Q) which includes an (E) designation to avoid the potential for significant adverse impacts related to hazardous materials, air quality, and noise (E-645) (the “Negative Declaration”).

RESOLVED:

The Council finds that the action described herein will have no significant impact on the environment as set forth in the (E) Designation (E-645) and Negative Declaration.

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, N 220051 ZRQ, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission.

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

* * *

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

* * *

QUEENS


Queens Community District 1

* * *

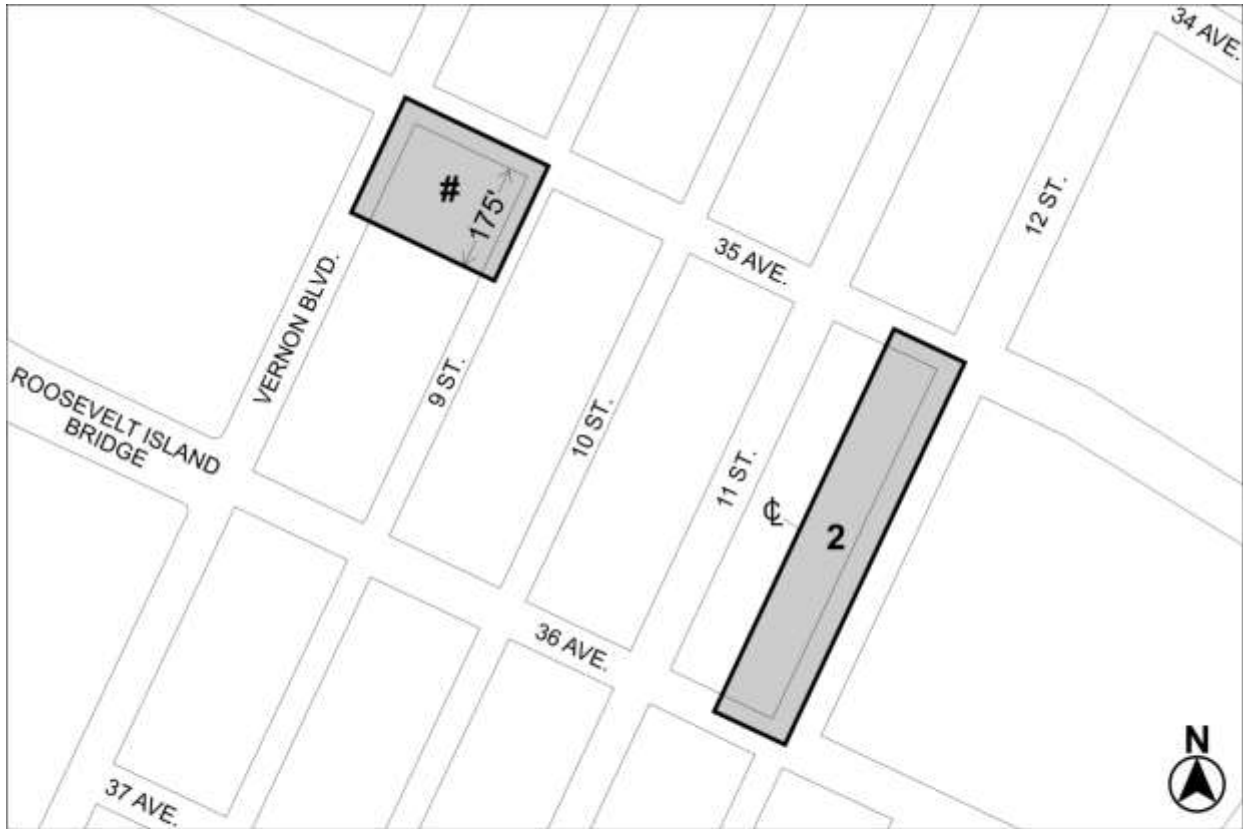
Map 4 – [date of adoption]

[EXISTING MAP]



 Mandatory Inclusionary Housing Program Area *see Section 23-154(d)(3)*
Area **2** — 10/31/18 MIH Program Option 1 and Option 2

[PROPOSED MAP]



- Mandatory Inclusionary Housing Area *see Section 23-154(d)(3)*
- Area 2 — 10/31/18 MIH Program Option 1 and Option 2
- Area # — [date of adoption] — MIH Program Option 1

Portion of Community District 1, Queens

* * *

RAFAEL SALAMANCA, *Chairperson*; FRANCISCO P. MOYA, CARLINA RIVERA, FARAH N. LOUIS, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, ERIK D. BOTTCHEER, KAMILLAH HANKS, SHEKAR KRISHNAN, PIERINA ANA SANCHEZ, JOSEPH C. BORELLI; 11-0-0; Committee on Land Use, May 12, 2022 (Remote Hearing).

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-49

Report of the Committee on Rules, Privileges and Elections approving the appointment by the Mayor of David Do as a member of the New York City Taxi and Limousine Commission.

The Committee on Rules, Privileges and Elections, to which the annexed Mayor's Message was referred on April 28, 2022 (Minutes, page 640) and which same Mayor's Message was coupled with the resolution shown below, respectfully

REPORTS:

Topic I: New York City Taxi and Limousine Commission – (Candidate for appointment by the Mayor upon the advice and consent of the Council as Chair)

- **David Do [M-49]**

The TLC was created pursuant to Local Law 12 of 1971. Chapter 65 of section 2300 of the *Charter* states that there shall be a TLC, which shall have the purpose of further developing and improving the taxi and limousine service in New York City (“the City”). It shall also remain consistent with the promotion and protection of the public comfort and convenience, adopting and establishing an overall public transportation policy, which will govern taxi, coach, limousine, and wheelchair accessible van services, as it relates to the overall public transportation network of the City. The TLC is also responsible for establishing certain rates, standards, and criteria for the licensing of vehicles, drivers, chauffeurs, owners, and operators engaged in such services. Furthermore, the TLC provides authorization to individuals who wish to operate commuter van services within the City.

The TLC consists of nine members appointed by the Mayor, all with the advice and consent of the Council. Five of the said members must be a resident from each of the five boroughs of the City, and are recommended for appointment by a majority vote of the Council Members from the respective borough. The TLC members are appointed for seven year terms, and can serve until the appointment and qualification of a successor. Vacancies, other than those that occur due to an expiration of a term, shall be filled for the unexpired term. Furthermore, the mayor may remove any such member for cause, upon stated charges.

The mayor designates one TLC member to act as the Chairperson and Chief Executive Officer. The Chairperson shall have be in-charge of the organization of his/her office, and possesses the authority to employ, assign, and superintend the duties of such officers and employees, as may be necessary to carry out the provisions of Chapter 65 of the *Charter*. The *Charter* provides that the Chairperson shall devote his/her full time to this position and as such, the Chair will receive compensation that is set by the Mayor. The Chair currently receives an annual salary of \$243,171.00. The other TLC members are not entitled to compensation.

Pursuant to the *Charter*, all TLC proceedings and all documents and records in its possession, shall be public records. Furthermore, the TLC is required to make an annual report to the Council, on or before the second Monday of January, of every year, concerning information that consists of the following; complaints received by the commission from the public, including, but is not limited to, complaints of overcharging, as well as enforcement actions undertaken by the commission, whether the enforcement action was dismissed or settled, or if a penalty was imposed by the commission on the subject of the enforcement action. The information regarding enforcement actions shall also include, but is not limited to; enforcement action relating to illegal street hails, unlicensed vehicles, overcharging, and toll lane infractions.

If Mr. Do, who is currently establishing residency in Brooklyn, receives the advice and consent of the Council and is subsequently appointed as Chair of the TLC, he will be eligible to complete the remainder of a seven-year term, expiring on January 31, 2024. Copies of the following are annexed to this briefing paper: the candidate's résumé as well as the related associated message.

Topic II: *New York City Civilian Complaint Review Board– (Council Candidate for appointment)*

- **Robert Hogan [M-60]**

New York City Charter (“Charter”) § 440 created the New York City Civilian Complaint Review Board (“CCRB” or “the Board”) as an entity independent of the New York City Police Department (“NYPD”). Its purpose is to investigate complaints concerning misconduct by officers of NYPD towards members of the public. The Board’s membership must reflect the City’s diverse population, and all members must be residents of the City.

The CCRB consists of 15 members of the public. Members shall be residents of the city of New York and shall reflect the diversity of the city’s population. The members of the board shall be appointed as follows: (i) five members, one from each of the five boroughs, shall be appointed by the city council; (ii) one member shall be appointed by the public advocate; (iii) three members with experience as law enforcement professionals shall be designated by the police commissioner and appointed by the mayor; (iv) five members shall be appointed by the mayor; and (v) one member shall be appointed jointly by the mayor and the speaker of the council to serve as chair of the board. Only those appointees to CCRB designated by the Police Commissioner may have law enforcement experience. Experience as an attorney in a prosecutorial agency is not deemed law enforcement experience for purposes of this definition. The CCRB hires the Executive Director, who in turn hires and supervises the agency’s all-civilian staff. There are two Deputy Executive Directors: one is responsible for administration and the other for investigations.

All appointees to CCRB serve three-year terms. Vacancies on the CCRB resulting from removal, death, resignation, or otherwise, are filled in the same manner as the original appointment; the successor completes the former member’s un-expired term. Board members are prohibited from holding any other public office or public employment. All CCRB members are eligible for compensation for their work on a per-diem basis. The current per-diem rate is \$315.

The CCRB is authorized to “receive, investigate, hear, make findings and recommend action” upon civilian complaints of misconduct by members of the NYPD towards the public. Complaints within the CCRB’s jurisdiction are those that allege excessive force, abuse of authority, discourtesy, or use of offensive language, including but not limited to slurs relating to race, ethnicity, religion, gender, sexual orientation or disability.

The CCRB has promulgated procedural rules pursuant to the City’s Administrative Procedural Act (“CAPA”). These rules regulate the way in which investigations are conducted, recommendations are made, and members of the public are informed of the status of their complaints. The rules also outline the establishment of panels consisting of at least three Board members (no panel may consist exclusively of Mayoral appointees, Council appointees or Police Commissioner appointees); these panels may supervise the investigation of complaints and hear, make findings and recommend action with respect to such complaints. The CCRB, by majority vote of all its members, may compel the attendance of witnesses and require the production of such records and other materials as are necessary for the investigation of complaints.

The CCRB’s findings and recommendations with respect to a complaint, and the basis therefore, must be submitted to the Police Commissioner. In all such cases where a finding or recommendation has been submitted, the Police Commissioner is required to report to the CCRB on any action taken with respect to that complaint. The law prohibits the CCRB from making any finding or recommendation solely on the basis of an unsworn

complaint or statement. In addition, the law prohibits the CCRB from using prior complaints against a member of the NYPD that have been unsubstantiated, unfounded or withdrawn as the basis for any finding or recommendation regarding a current complaint.

It should also be noted that the CCRB has established a voluntary mediation program in which a complainant may choose to resolve his or her complaint through informal conciliation. Both the alleged victim and the subject officer must voluntarily agree to mediation. Mediation is offered as an alternative to investigation to resolve certain types of complaints, none of which can involve physical injury or damage to property. If the mediation is not successful, the alleged victim has the right to request that the case be fully investigated.

Also, the CCRB is required to issue to the Mayor and to the City Council a semi-annual report describing its activities and summarizing its actions, and is also mandated to develop and administer an on-going program to educate the public about the CCRB.

Mr. Hogan is scheduled to appear before the Committee on Rules, Privileges and Elections on Tuesday, May 17, 2022. Upon appointment by the Council, Mr. Hogan, a resident of Queens, will fill a vacancy and serve the remainder of a three-year term that expires on July 4, 2023. Copies of the following are annexed to this briefing paper: the candidate's résumé as well as the related associated message.

(After interviewing the candidates and reviewing the submitted material, the Committee decided to approve the appointment of the nominees. For nominee Robert Hogan [M-60], please see, respectively, the Report of the Committee on Rules, Privileges and Elections for M-60 printed in these Minutes; For nominee David Do [M-59], please see immediately below:)

Pursuant to §§ 31 and 2301 of the *New York City Charter*, the Committee on Rules, Privileges and Elections, hereby approves the appointment by the Mayor of David Do as a member of the New York City Taxi and Limousine Commission to serve the remainder of a seven-year term that expires on January 31, 2024.

This matter was be referred to the Committee on April 28, 2022

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

Res. No. 183

RESOLUTION APPROVING THE APPOINTMENT BY THE MAYOR OF DAVID DO AS A MEMBER OF THE NEW YORK CITY TAXI AND LIMOUSINE COMMISSION.

By Council Member Powers.

RESOLVED, that pursuant to §§ 31 and 2301 of the *New York City Charter*, the Council does hereby approve the appointment by the Mayor of David Do as a member of the New York City Taxi and Limousine Commission to serve the remainder of a seven-year term that expires on January 31, 2024.

KEITH POWERS, *Chairperson*; RAFAEL SALAMANCA, Jr.; SELVENA N. BROOKS-POWERS, JUSTIN L. BRANNAN, GALE A. BREWER, CRYSTAL HUDSON, PIERINA ANA SANCHEZ, JOSEPH C. BORELLI, THE SPEAKER (COUNCIL MEMBER ADRIENNE E. ADAMS); 9-0-0; Committee on Rules, Privileges and Elections, May 19, 2022 (Remote Hearing).

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-60

Report of the Committee on Rules, Privileges and Elections approving the appointment by the Council of Robert Hogan as a member of the New York City Civilian Complaint Review Board.

The Committee on Rules, Privileges and Elections, to which the annexed communication was referred on May 5, 2022 (Minutes, page 855) and which same communication 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-49, printed in these Minutes)

The Committee on Rules, Privileges and Elections respectfully reports:

Pursuant to § 440(b)(1) of the *New York City Charter*, the Committee on Rules, Privileges and Elections, hereby approves the appointment by the Council of Robert Hogan as a member of the New York City Civilian Complaint Review Board to serve for the remainder of a three-year term that will expire on July 4, 2023.

This matter was referred to the Committee on April 28, 2022.

Accordingly, this Committee recommends its adoption.

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

Res. No. 184

RESOLUTION APPROVING THE APPOINTMENT BY THE COUNCIL OF ROBERT HOGAN AS A MEMBER OF THE NEW YORK CITY CIVILIAN COMPLAINT REVIEW BOARD.

By Council Member Powers.

RESOLVED, that pursuant to § 440(b)(1) of the *New York City Charter*, the Council does hereby approve the appointment by the Council of Robert Hogan as a member of the New York City Civilian Complaint Review Board to serve for the remainder of a three-year term that will expire on July 4, 2023.

KEITH POWERS, *Chairperson*; RAFAEL SALAMANCA, Jr.; SELVENA N. BROOKS-POWERS, JUSTIN L. BRANNAN, GALE A. BREWER, CRYSTAL HUDSON, PIERINA ANA SANCHEZ, JOSEPH C. BORELLI, THE SPEAKER (COUNCIL MEMBER ADRIENNE E. ADAMS); 9-0-0; Committee on Rules, Privileges and Elections, May 19, 2022 (Remote Hearing).

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 State and Federal Legislation

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

Report for State Legislation Res. No. 1

Report of the Committee on State and Federal Legislation in favor of approving a State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Gounardes, S.6981-B, and Assembly Member Abbate, A.7971-A, “AN ACT to amend the retirement and social security law, in relation to additional member contributions for certain members under the age fifty-seven retirement program”.

The Committee on State and Federal Legislation, to which the annexed preconsidered State and Federal Legislation was referred on May 19, 2022, respectfully

REPORTS:

(The following report refers to pending State legislation which requires a Home Rule Message for passage in the State Senate and State Assembly. This Committee is to decide whether this respective State Legislation Resolution [SLR] should be recommended for adoption by the Council. By adopting this SLR, the Council would be formally requesting that the New York State Legislature act favorably in this matter)

I. BACKGROUND

On May 19, 2022, the Committee on State and Federal Legislation, chaired by Council Member Shaun Abreu, held a vote on SLR 1, State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Gounardes, S.6981-B, and Assembly Member Abbate, A.7971-A, “AN ACT to amend the retirement and social security law, in relation to additional member contributions for certain members under the age fifty-seven retirement program”. The State Legislation Resolution passed with 5 votes in the affirmative, 0 vote in the negative, and 0 abstentions.

Currently, certain members of the New York City Employees’ Retirement System (NYCERS) and Board of Education Retirement System (BERS) in the 57/5 plan who serve in a physically taxing position may utilize an early retirement provision that allows them to retire at age 50 with 25 years of service, but they must pay an Additional Member Contribution (AMC) through the date of retirement. However, there are some members in the carpenter position who, due to their enrollment dates, will not be able to achieve the 25-years of service necessary to use the physically taxing position benefits, but who nonetheless are still required to pay the AMC.

This bill would address that disparity and allow members who will not be able to receive the benefits to be exempt from making the physically taxing additional member contributions. Specifically, this legislation would exempt those carpenter members from having to pay the AMC and require a refund of the portion of the AMC they have already paid into the retirement system plus interest.

II. PROPOSED LEGISLATION

Section one of the legislation amends section 604-d of the retirement and social security law to change the member contribution requirements and would refund employee portions of contributions to the age 57 retirement program for certain participants with the titles: carpenter, supervisor carpenter, ship carpenter, supervisor ship carpenter, rigger, or dockbuilder. These changes would apply to participants who could not accumulate at least 25-years of service by the time the participant would reach the age of 57.

Section two is the effective date.

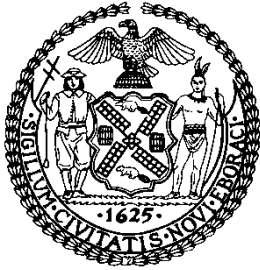
III. FISCAL IMPLICATIONS

See Council Finance Division fiscal impact statement.

IV. EFFECTIVE DATE

Immediately.

(The following is the text of the Fiscal Impact Statement for SLR. No. 1 of 2022:)



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

PRECONSIDERED SLR 1: A.7971-A (Abbate)
S.6981-B (Gouardes)

COMMITTEE: State and Federal Legislation

TITLE: An act to amend the retirement and social security law, in relation to additional member contributions for certain members under the age fifty-seven retirement program.

SPONSOR(S): Council Member Abreu.

SUMMARY OF LEGISLATION: Currently, certain members of the New York City Employees' Retirement System (NYCERS) and Board of Education Retirement System (BERS) in the 57/5 plan who serve in a physically taxing position may enjoy an early retirement provision permitting them to retire at age 50 with 25 years of service, but they must pay an Additional Member Contribution (AMC) through the date of retirement. However, there are some members in the carpenter position who, due to their enrollment dates, will not be able to achieve the 25 years of service necessary to avail themselves of the physically taxing position benefits, but who nonetheless are still required to pay the AMC. This legislation would exempt those carpenter members from having to pay the AMC and require a refund of the portion of the AMC they have already paid into the retirement system plus interest.

EFFECTIVE DATE: This act would take effect immediately.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2023

FISCAL IMPACT STATEMENT:

	Effective FY23	FY Succeeding Effective FY24	Full Fiscal Impact FY23
Revenues	\$0	\$0	\$0
Expenditures	\$389,000	\$389,000	\$389,000
Net	\$389,000	\$389,000	\$389,000

IMPACT ON REVENUES: It is anticipated that there would be no impact on revenues as a result of this legislation.

IMPACT ON EXPENDITURES: It is estimated that the passage of this legislation would increase the Present Value of Future Benefits by \$5.2 million, resulting in a \$2.3 million net increase in unfunded accrued liabilities (UAL). The increase in UAL would amortize over the remaining working lifetime of members impacted by the legislation, which the City Actuary estimates to be seven years for NYCERS carpenters and nine years for BERS carpenters. The amortized payments toward the UAL, coupled with the increase in the normal cost to fund these plans, would incur an annual cost of \$931,000. The City would fund \$389,000 of the annual contribution increase, with other obligors funding the remaining \$542,000.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: General Fund

SOURCE OF INFORMATION: New York City Council Finance Division
Fiscal Note 2022-02, Chief Actuary New York City Employees' Retirement System and Board of Education Retirement System of the City of New York

ESTIMATE PREPARED BY: Andrew Wilber, Economist

ESTIMATE REVIEWED BY: Raymond Majewski, Deputy Director/Chief Economist
Malcom Butehorn, Senior Counsel

LEGISLATIVE HISTORY: This bill will be considered by the Committee on State and Federal Legislation as a Preconsidered SLR on May 19, 2022. Upon successful vote by the Committee, the Preconsidered SLR will be introduced and submitted to the full Council for a vote on May 19, 2022.

DATE PREPARED: May 11, 2022.

(For text of the related State bills and the State Sponsor’s Memorandum-in Support from each house ([S.6981-B](#); [A.7971-A](#)), please refer, respectively, to the New York State Senate at <https://www.nysenate.gov/legislation> and New York State Assembly at <http://nyassembly.gov/leg/>).

Accordingly, this Committee recommends its adoption.

(The following is the text of SLR No. 1 of 2022 before the Committee:)

Preconsidered State Legislation Resolution No. 1

State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Gounardes, S.6981-B, and Assembly Member Abbate, A.7971-A, “AN ACT to amend the retirement and social security law, in relation to additional member contributions for certain members under the age fifty-seven retirement program”

By Council Member Abreu.

Whereas, Bills have been introduced in the New York State Legislature by Senator Gounardes, S.6981-B, and Assembly Member Abbate, A.7971-A, “AN ACT to amend the retirement and social security law, in relation to additional member contributions for certain members under the age fifty-seven retirement program”; and

Whereas, The enactment of the above State Legislation requires the concurrence of the Council of the City of New York as the local legislative body; now, therefore, be it

Resolved, That the Council of the City of New York, in accordance with the provisions of Section 2 of Article 9 of the Constitution of the State of New York, does hereby request the New York State Legislature to enact into law the aforesaid pending bills.

SHAUN ABREU, *Chairperson*; JAMES F. GENNARO, CARMEN N. De La ROSA, JENNIFER GUTIÉRREZ, CHRISTOPHER MARTE; 5-0-0; Committee on State and Federal Legislation, May 19, 2022 (Remote Hearing). *Other Council Members Attending: Council Member Williams.*

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 State and Federal Legislation and had been favorably reported for adoption.

Report for State Legislation Res. No. 2

Report of the Committee on State and Federal Legislation in favor of approving a State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Gounardes, S.6985-B, and Assembly Member Abbate, A.7873-A, “AN ACT to amend the retirement and social security law, in relation to automotive members of the New York city employees' retirement system”.

The Committee on State and Federal Legislation, to which the annexed preconsidered State and Federal Legislation was referred on May 19, 2022, respectfully

REPORTS:

(The following report refers to pending State legislation which requires a Home Rule Message for passage in the State Senate and State Assembly. This Committee is to decide whether this respective State Legislation Resolution [SLR] should be recommended for adoption by the Council. By adopting this SLR, the Council would be formally requesting that the New York State Legislature act favorably in this matter)

I. BACKGROUND

On May 19, 2022, the Committee on State and Federal Legislation, chaired by Council Member Shaun Abreu, held a vote on SLR 2, State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Gounardes, S.6985-B, and Assembly Member Abbate, A.7873-A, "AN ACT to amend the retirement and social security law, in relation to automotive members of the New York city employees' retirement system". The State Legislation Resolution passed with 5 votes in the affirmative, 0 vote in the negative, and 0 abstentions.

This legislation would provide automotive members of the New York City Employees' Retirement System who begin their careers later in life with the ability to receive a vested retirement benefit.

The current path to retirement for vested Tier 4 Autoworkers on the 25-year plan requires reaching 50 years in age or 25 years of service, whichever comes later. Accordingly, automotive members who begin their careers later in life and are not included in the revised plan may never become eligible to receive a vested retirement due to the age and service requirements.

This bill adjusts those requirements to afford those employees with the ability to receive a vested retirement in two ways. First, it would expand the eligibility for these vested members to begin collecting pension benefits at a later age with fewer years of service. Second, it would provide Tier 4 and Tier 6 vested members of the Auto 25-Year Plan an additional annuity benefit equal to the difference between annual member contributions for the Auto 25-Year Plan and Tier 4 55/25 Retirement Plan.

II. PROPOSED LEGISLATION

Section one of the legislation amends section 604-g of the retirement and social security law to set new criteria for when the vested benefit shall become payable.

Section two of the legislation amends section 604-g to state that participants who are eligible for a defined deferred vested benefit, will receive a life annuity calculated in accordance with this section.

Section three is the effective date.

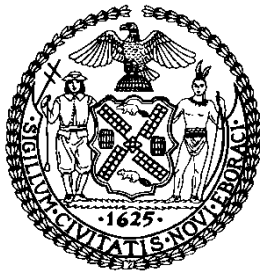
III. FISCAL IMPLICATIONS

See Council Finance Division fiscal impact statement.

IV. EFFECTIVE DATE

Immediately.

(The following is the text of the Fiscal Impact Statement for SLR. No. 2 of 2022:)



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

PRECONSIDERED SLR 2: A.7873-A (Abbate)
S.6985-B (Gounardes)

COMMITTEE: State and Federal Legislation

TITLE: An act to amend the retirement and social security law, in relation to automotive members of the New York city employees' retirement system.

SPONSOR(S): Council Member Abreu.

SUMMARY OF LEGISLATION: Currently, service and age requirements for retirement benefits prohibit automotive workers starting careers later in life from becoming eligible for retirement at a reasonable age. This bill would adjust the age and service requirements, extending eligibility to these workers. Specifically, this bill would allow New York City Employees’ Retirement System (NYCERS) Tier Four members in the Automotive 25 year plan to begin collecting pension benefits at age 62 with ten years of credited service; age 63 with eight years of credited service; age 64 with six years of credited service; or age 65 or older with at least five years of credited service. Members in the Tier Six Automotive 25 year plan would remain eligible at age 63 with at least ten years of credited service.

EFFECTIVE DATE: This act would take effect immediately.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2023

FISCAL IMPACT STATEMENT:

	Effective FY23	FY Succeeding Effective FY24	Full Fiscal Impact FY23
Revenues	\$0	\$0	\$0
Expenditures	\$3,200,000	\$3,200,000	\$3,200,000
Net	\$3,200,000	\$3,200,000	\$3,200,000

IMPACT ON REVENUES: It is anticipated that there would be no impact on revenues as a result of this legislation.

IMPACT ON EXPENDITURES: It is estimated that passing this bill would increase the Present Value of Future Benefits by \$31 million, resulting in an \$18 million net increase in unfunded accrued liabilities (UAL). The increase in UAL would amortize over 14 years. The amortized payments toward the UAL, coupled with the increase in the normal cost to fund these plans, would incur an annual cost of \$3.9 million. The City would fund \$3.2 million of the annual contribution increase, with other obligors funding the remaining \$0.7 million.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: General Fund

SOURCE OF INFORMATION: New York City Council Finance Division
Fiscal Note 2021-30, Chief Actuary New York City Employees’ Retirement System

ESTIMATE PREPARED BY: Andrew Wilber, Economist

ESTIMATE REVIEWED BY: Raymond Majewski, Deputy Director/Chief Economist
Malcom Butehorn, Senior Counsel

LEGISLATIVE HISTORY: This bill will be considered by the Committee on State and Federal Legislation as a Preconsidered SLR on May 19, 2022. Upon successful vote by the Committee, the Preconsidered SLR will be introduced and submitted to the full Council for a vote on May 19, 2022.

DATE PREPARED: May 11, 2022.

(For text of the related State bills and the State Sponsor’s Memorandum-in Support from each house (S.6985-B; A.7873-A), please refer, respectively, to the New York State Senate at <https://www.nysenate.gov/legislation> and New York State Assembly at <http://nyassembly.gov/leg/>).

Accordingly, this Committee recommends its adoption.

(The following is the text of SLR No. 2 of 2022 before the Committee:)

Preconsidered State Legislation Resolution No. 2

State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Gounardes, S.6985-B, and Assembly Member Abbate, A.7873-A, “AN ACT to amend the retirement and social security law, in relation to automotive members of the New York city employees' retirement system”

By Council Member Abreu.

Whereas, Bills have been introduced in the New York State Legislature by Senator Gounardes, S.6985-B, and Assembly Member Abbate, A.7873-A, “AN ACT to amend the retirement and social security law, in relation to automotive members of the New York city employees' retirement system”; and

Whereas, The enactment of the above State Legislation requires the concurrence of the Council of the City of New York as the local legislative body; now, therefore, be it

Resolved, That the Council of the City of New York, in accordance with the provisions of Section 2 of Article 9 of the Constitution of the State of New York, does hereby request the New York State Legislature to enact into law the aforesaid pending bills.

SHAUN ABREU, *Chairperson*; JAMES F. GENNARO, CARMEN N. De La ROSA, JENNIFER GUTIÉRREZ, CHRISTOPHER MARTE; 5-0-0; Committee on State and Federal Legislation, May 19, 2022 (Remote Hearing). *Other Council Members Attending: Council Member Williams.*

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 State and Federal Legislation and had been favorably reported for adoption.

Report for State Legislation Res. No. 3

Report of the Committee on State and Federal Legislation in favor of approving a State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senators Gounardes, Kaminsky, S.6980-B, and Assembly Member Abbate, A.10029, “AN ACT to amend the retirement and social security law, in relation to authorizing police/fire members of the New York city fire department pension fund to obtain credit for service as an EMT member”.

The Committee on State and Federal Legislation, to which the annexed preconsidered State and Federal Legislation was referred on May 19, 2022, respectfully

REPORTS:

(The following report refers to pending State legislation which requires a Home Rule Message for passage in the State Senate and State Assembly. This Committee is to decide whether this respective State Legislation Resolution [SLR] should be recommended for adoption by the Council. By adopting this SLR, the Council would be formally requesting that the New York State Legislature act favorably in this matter)

I. BACKGROUND

On May 19, 2022, the Committee on State and Federal Legislation, chaired by Council Member Shaun Abreu, held a vote on SLR 3, State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senators Gounardes, Kaminsky, S.6980-B, and Assembly Member Abbate, A.10029, "AN ACT to amend the retirement and social security law, in relation to authorizing police/fire members of the New York city fire department pension fund to obtain credit for service as an EMT member". The State Legislation Resolution passed with 5 votes in the affirmative, 0 vote in the negative, and 0 abstentions.

This bill will give Tier III members of the New York City Fire Department Pension Fund who have prior creditable service as an Emergency Medical Technician (EMT) with the Fire Department of the City of New York the ability to receive Fire Department Pension service credit for their service. Currently, EMTs that started their careers under the New York City Employees' Retirement System (NYCERS) pension system but transitioned over to the Tier 3 FIRE pension system later in their career can only count the years under the FIRE pension system towards their retirement credit.

FDNY EMTs employed within the FDNY's Emergency Medical Services (EMS) Unit are eligible for the NYCERS pension. However, if they transfer into another unit of the FDNY, they become eligible to enter into the FIRE pension system, and currently cannot count years of service in the EMS unit towards the FIRE pension.

This bill would allow those members to apply up to three prior years of service as a NYCERS EMT to their FIRE pension retirement, so long as the service years with NYCERS directly precedes their current membership in the FIRE pension. The credit would apply to the minimum number of years needed for a vested, early or regular service retirement and will create parity with Tier II firefighters who are already able to purchase time for EMT service. This bill aims to correct this discrepancy between tiers by allowing Tier III firefighters to purchase EMT time.

II. PROPOSED LEGISLATION

Section one of this bill amends paragraph 2 of subdivision c of section 513 of the Retirement and Social Security Law.

Section two is the effective date.

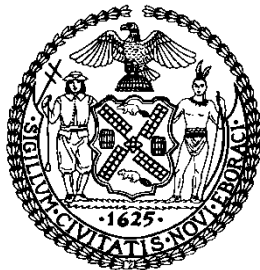
III. FISCAL IMPLICATIONS

See Council Finance Division fiscal impact statement.

IV. EFFECTIVE DATE

Immediately.

(The following is the text of the Fiscal Impact Statement for SLR. No. 3 of 2022:)



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

PRECONSIDERED SLR 3: A.10029 (Abbate)
S.6980-B (Gounardes)

COMMITTEE: State and Federal Legislation

TITLE: An act to amend the retirement and social security law, in relation to authorizing police/fire members of the New York City Fire Department pension fund to obtain credit for service as an EMT member.

SPONSOR(S): Council Member Abreu.

SUMMARY OF LEGISLATION: Currently, Emergency Medical Technicians (EMT) that started their careers under the New York City Employees’ Retirement System (NYCERS) pension system but transitioned over to the Tier 3 New York City Fire Pension Fund (FIRE) later in their career can only count years under the FIRE pension system towards their retirement credit. EMTs employed within the FDNY’s Emergency Medical Services (EMS) Unit hold eligibility for a NYCERS pension. However, if they transfer into another unit of the FDNY, they become eligible to enter into the FIRE pension system, and currently cannot count years of service in EMS towards their FIRE pension service credit.

This bill would allow those members to apply prior years of service as a NYCERS EMT to their FIRE pension retirement, so long as the service years with NYCERS directly precedes their current membership in the FIRE pension.

EFFECTIVE DATE: This act would take effect immediately.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2023

FISCAL IMPACT STATEMENT:

	Effective FY23	FY Succeeding Effective FY24	Full Fiscal Impact FY23
Revenues	\$0	\$0	\$0
Expenditures	\$3,200,000	\$3,200,000	\$3,200,000
Net	\$3,200,000	\$3,200,000	\$3,200,000

IMPACT ON REVENUES: It is anticipated that there would be no impact on revenues as a result of this legislation.

IMPACT ON EXPENDITURES: It is estimated that passing this legislation would increase the Present Value of Future Benefits by \$14.9 million, resulting in a \$33.5 million net increase in unfunded accrued liabilities (UAL). The increase in UAL would amortize over 20 years. The amortized payments toward the UAL, coupled with the increase in the normal cost to fund these plans, would incur an annual cost of \$3.2 million.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: General Fund

SOURCE OF INFORMATION: New York City Council Finance Division
Fiscal Note 2022-29, Chief Actuary New York City Employees’ Retirement System

ESTIMATE PREPARED BY: Andrew Wilber, Economist

ESTIMATE REVIEWED BY: Raymond Majewski, Deputy Director/Chief Economist
Malcom Butehorn, Senior Counsel

LEGISLATIVE HISTORY: This bill will be considered by the Committee on State and Federal Legislation as a Preconsidered SLR on May 19, 2022. Upon successful vote by the Committee, the Preconsidered SLR will be introduced and submitted to the full Council for a vote on May 19, 2022.

DATE PREPARED: May 11, 2022.

(For text of the related State bills and the State Sponsor’s Memorandum-in Support from each house ([S.6980-B](#); [A.10029](#)), please refer, respectively, to the New York State Senate at <https://www.nysenate.gov/legislation> and New York State Assembly at <http://nyassembly.gov/leg/>).

Accordingly, this Committee recommends its adoption.

(The following is the text of SLR No. 3 of 2022 before the Committee:)

Preconsidered State Legislation Resolution No. 3

State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Gounardes, S.6980-B, and Assembly Member Abbate, A.10029, “AN ACT to amend the retirement and social security law, in relation to authorizing police/fire members of the New York city fire department pension fund to obtain credit for service as an EMT member”

By Council Member Abreu.

Whereas, Bills have been introduced in the New York State Legislature by Senator Gounardes, S.6980-B, and Assembly Member Abbate, A.10029, “AN ACT to amend the retirement and social security law, in relation to authorizing police/fire members of the New York city fire department pension fund to obtain credit for service as an EMT member”; and

Whereas, The enactment of the above State Legislation requires the concurrence of the Council of the City of New York as the local legislative body; now, therefore, be it

Resolved, That the Council of the City of New York, in accordance with the provisions of Section 2 of Article 9 of the Constitution of the State of New York, does hereby request the New York State Legislature to enact into law the aforesaid pending bills.

SHAUN ABREU, *Chairperson*; JAMES F. GENNARO, CARMEN N. De La ROSA JENNIFER GUTIÉRREZ, CHRISTOPHER MARTE; 5-0-0; Committee on State and Federal Legislation, May 19, 2022 (Remote Hearing). *Other Council Members Attending: Council Member Williams.*

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 State and Federal Legislation and had been favorably reported for adoption.

Report for State Legislation Res. No. 4

Report of the Committee on State and Federal Legislation in favor of approving a State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Gounardes, S.6988-B, and Assembly Members Abbate, Griffin, A.7962-A, “AN ACT to amend the retirement and social security law and the administrative code of the city of New York, in relation to the establishment

of twenty-five year retirement programs for members of the New York city employees' retirement system employed as fire protection inspectors and associate fire protection inspectors”.

The Committee on State and Federal Legislation, to which the annexed preconsidered State and Federal Legislation was referred on May 19, 2022, respectfully

REPORTS:

(The following report refers to pending State legislation which requires a Home Rule Message for passage in the State Senate and State Assembly. This Committee is to decide whether this respective State Legislation Resolution [SLR] should be recommended for adoption by the Council. By adopting this SLR, the Council would be formally requesting that the New York State Legislature act favorably in this matter)

I. BACKGROUND

On May 19, 2022, the Committee on State and Federal Legislation, chaired by Council Member Shaun Abreu, held a vote on SLR 4, State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Gounardes, S.6988-B, and Assembly Members Abbate, Griffin, A.7962-A, "AN ACT to amend the retirement and social security law and the administrative code of the city of New York, in relation to the establishment of twenty-five year retirement programs for members of the New York city employees' retirement system employed as fire protection inspectors and associate fire protection inspectors". The State Legislation Resolution passed with 5 votes in the affirmative, 0 vote in the negative, and 0 abstentions.

While New York City fire protection inspectors and associate fire protection inspectors hold important roles in inspecting and ensuring compliance with the fire code, currently, they do not qualify for the same benefits as other uniformed employees. This bill would provide uniformed fire service personnel the opportunity to retire with a full pension after 25 years of service. It would grant them parity with other uniformed service personnel who perform essential tasks including, police officers, firefighters, EMTs and other uniformed service employees.

This bill would create a 25-year plan (FPI 25-Year Plan) for Tier 4 and Tier 6 Fire Protection Inspectors, Associate Fire Inspectors, and supervisors of those titles who currently participate in one of the New York City Employees' Retirement System (NYCERS) general plans, giving them the option of enrolling in the new fire protection inspectors (FPI) plan. The service benefit would equal 50% of final average salary (FAS) for the first 25 years of allowable service, and 2% of FAS for each additional year up to a maximum of 30 years.

Under this bill, eligibility for the benefit, FAS span and date of payability differ between Tiers 4 and 6. Tier 4 eligibility requires at least five, but less than 25, years of allowable service, with an FAS averaging three years, and payable after 25 years. In contrast, Tier 6 eligibility requires at least 10, but less than 25, years or allowable service, with an FAS averaging five years, and payable at age 63. The FPI 25-Year Plan would require additional member contributions equal to 6.25 percent of compensation, which would reduce the amount required for the City to contribute in employer contributions.

II. PROPOSED LEGISLATION

Section one of the bill exempts the newly created section regarding fire protection inspectors from the maximum benefits of section 444(a) of the retirement and social security law.

Section two of the bill allows for fire protection inspector member of NYCERS to retire regardless of age and with less than 25 years of service subject to the provisions of the newly created section 445-j.

Section three creates a new section in the law, 445-j, to provide an optional 25-year improved benefit retirement program for fire protection inspection members. The section sets out the terms and conditions of this program.

Section four of this bill creates a new section 604-j that establishes a 25-year retirement program for fire protection inspector members. It sets out the terms and conditions of the program.

Section five of the bill amends section 613 of the retirement and social security law to require contributions to the retirement system on behalf of fire protection inspector members who are participating in the program.

Section six of this bill adds a new subdivision to the administrative code of the city of New York requiring the employer of a fire protection inspector member who is participating in the 25-year improved benefit retirement program to pay all additional member contributions that would otherwise be deducted from the member's compensation.

Section seven of the bill amends subdivision c of section 13-125.2 of the administrative code of the city of New York to conform the existing law to the newly created subdivision from section six.

Section eight of this bill amends section 13-125.2 the administrative code of the city of New York to add a new paragraph describing what contributions will be included in determining the retirement benefits of a member of the 25-year improved benefit program.

Section nine of the bill amends subdivision d of section 13-125.2 of the administrative code of the city of New York to conform the existing law to the newly created subdivision from section six.

Section 10 of this bill amends section 603 of the retirement and social security law to include a reference to the newly created section 604-j.

Section 11 of this bill indicates that provisions of this bill do not create a contractual right to applicable members.

Section 12 is the effective date.

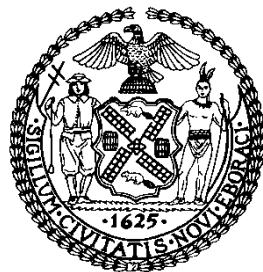
III. FISCAL IMPLICATIONS

See Council Finance Division fiscal impact statement.

IV. EFFECTIVE DATE

Immediately.

(The following is the text of the Fiscal Impact Statement for SLR. No. 4 of 2022:)



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

**PRECONSIDERED SLR 4: A.7962-A (Abbate)
S.6988-B (Gouardes)**

COMMITTEE: State and Federal Legislation

TITLE: An act to amend the retirement and social security law and the administrative code of the city of New York, in relation to the establishment of twenty-five year retirement programs for members of the New York city employees' retirement system employed as fire protection inspectors and associate fire protection inspectors.

SPONSOR(S): Council Member Abreu.

SUMMARY OF LEGISLATION: This bill would create a 25 year plan for approximately 66 Tier 4 and Tier 6 Fire Protection Inspectors, Associate Fire Inspectors, and supervisors of those titles who currently participate in one of the New York City Employees' Retirement System general plans, and give them the option of enrolling in the new Fire Protection Inspector 25 year plan. The service benefit would equal 50% of final average salary (FAS) for the first 25 years of allowable service, and 2% of FAS for each additional year up to a maximum of 30 years. Eligibility for the benefit, FAS span, and date of payability would differ between Tiers 4 and 6.

Tier 4 eligibility would require at least five, but less than 25, years of allowable service, with an FAS averaging three years, and payable after 25 years. Tier 6 eligibility would require at least 10, but less than 25, years or allowable service, with an FAS averaging five years, and payable at age 63.

The new 25 year plan would require additional member contributions equal to 6.25% of compensation which would reduce the amount required for the City to contribute in employer contributions.

EFFECTIVE DATE: This act would take effect immediately.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2023

FISCAL IMPACT STATEMENT:

	Effective FY23	FY Succeeding Effective FY24	Full Fiscal Impact FY23
Revenues	\$0	\$0	\$0
Expenditures	\$290,000	\$290,000	\$290,000
Net	\$290,000	\$290,000	\$290,000

IMPACT ON REVENUES: It is anticipated that there would be no impact on revenues as a result of this legislation.

IMPACT ON EXPENDITURES: It is estimated that passing this bill would increase the Present Value of Future Benefits by \$2.6 million, resulting in a \$1.1 million net increase in unfunded accrued liabilities (UAL). The increase in UAL would amortize over 12 years. The amortized payments toward the UAL, coupled with the increase in the normal cost to fund these plans, would incur an annual cost of \$290,000.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: General Fund

SOURCE OF INFORMATION: New York City Council Finance Division
Fiscal Note 2022-37, Chief Actuary New York City Employees' Retirement System

ESTIMATE PREPARED BY: Andrew Wilber, Economist

ESTIMATE REVIEWED BY: Raymond Majewski, Deputy Director/Chief Economist
Malcom Butehorn, Senior Counsel

LEGISLATIVE HISTORY: This bill will be considered by the Committee on State and Federal Legislation as a Preconsidered SLR on May 19, 2022. Upon successful vote by the Committee, the Preconsidered SLR will be introduced and submitted to the full Council for a vote on May 19, 2022.

DATE PREPARED: May 16, 2022.

(For text of the related State bills and the State Sponsor’s Memorandum-in Support from each house ([S.6988-B](#); [A.7962-A](#)), please refer, respectively, to the New York State Senate at <https://www.nysenate.gov/legislation> and New York State Assembly at <http://nyassembly.gov/leg/>).

Accordingly, this Committee recommends its adoption.

(The following is the text of SLR No. 4 of 2022 before the Committee:)

Preconsidered State Legislation Resolution No. 4

State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Gounardes, S.6988-B, and Assembly Member Abbate, A.7962-A, “AN ACT to amend the retirement and social security law and the administrative code of the city of New York, in relation to the establishment of twenty-five year retirement programs for members of the New York city employees' retirement system employed as fire protection inspectors and associate fire protection inspectors”

By Council Member Abreu.

Whereas, Bills have been introduced in the New York State Legislature by Senator Gounardes, S.6988-B, and Assembly Member Abbate, A.7962-A, “AN ACT to amend the retirement and social security law and the administrative code of the city of New York, in relation to the establishment of twenty-five year retirement programs for members of the New York city employees' retirement system employed as fire protection inspectors and associate fire protection inspectors”; and

Whereas, The enactment of the above State Legislation requires the concurrence of the Council of the City of New York as the local legislative body; now, therefore, be it

Resolved, That the Council of the City of New York, in accordance with the provisions of Section 2 of Article 9 of the Constitution of the State of New York, does hereby request the New York State Legislature to enact into law the aforesaid pending bills.

SHAUN ABREU, *Chairperson*; JAMES F. GENNARO, CARMEN N. De La ROSA, JENNIFER GUTIÉRREZ, CHRISTOPHER MARTE; 5-0-0; Committee on State and Federal Legislation, May 19, 2022 (Remote Hearing). *Other Council Members Attending: Council Member Williams.*

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>
Domonique Gauthier	173 W 83rd Street, Apt 1 New York, New York 10024	6
Toni Incorvaia	275 Central Park West, Apt 14D New York, New York 10024	6
Bianny Magarin	3157 Broadway, Apt 19 New York, New York 10027	7
Kevon Milhouse	631 W 152nd Street, Apt 1B New York, New York 10031	7
Camille Goodridge	9 East 107th Street, Apt 6P New York, New York 10026	9
Melissa Boxley	1638 Radcliff Ave, PH Bronx, New York 10462	13
Angel Delgigante	2327 Walton Ave Bronx, New York 10468	14
Sahre Davis	912 E 178th Street, Apt 3E Bronx, New York 10460	17
Stephanie Marsh	1520 Story Ave, Apt 705W Bronx, New York 10473	17
Ayyub Alim	1545 Unionport Road, Apt 4C Bronx, New York 10462	18
Rocio Salazar Aramayo	25-54 33rd Street, Apt 2 Queens, New York 11102	22
Omar Luciano	227-15 88th Ave Queens, New York 11427	23

Kirkland O'Neal	40-11 Vernon Blvd, Apt 3D Queens, New York 11101	26
Isaura Amezcva	739 47th Street, Floor 2 Brooklyn, New York 11220	38
Fadia Pierre	980 Putnam Ave, Apt 3A Brooklyn, New York 11221	41
Ruth Sabino	1225 Eastern Parkway, Apt 3C Brooklyn, New York 11213	41
Symeon Vafiadis	240 96th Street, Apt 3D Brooklyn, New York 11209	43
Vanessa Smith	1821 Rockaway Pkwy Brooklyn, New York 11236	46
Debra McCarthy	24 Sloan Place, Apt 3E Brooklyn, New York 11223	47
Alex Derbaremdiker	2268 E 14th Street Brooklyn, New York 11229	48
Tamari Shedania	1812 Quentin Rd Brooklyn, New York 11229	48
Cesar Trinidad	256 Westervelt Ave, 2nd Floor Staten Island, New York 10301	49
Briana Nasti	28 Mason Blvd Staten Island, New York 10309	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-49 & Res 183 - | Submitting the name of David Do to the Council for its advice and consent regarding his appointment as Chair and Chief Executive Officer of the New York City Taxi and Limousine Commission. |
| (2) M-60 & Res 184 - | Robert Hogan , a resident of Queens, Council candidate for appointment to the New York City Civilian Complaint Review Board. |
| (3) Preconsidered
M-64 & Res 175 - | Approving the Modification (MN-5) of Units of Appropriation and the Transfer of City Funds Between Agencies Proposed by the Mayor. |
| (4) Preconsidered
M-65 & Res 176 - | Approving a Modification (MN-6) pursuant to Section 107(e) of the Charter of the City of New York. |
| (5) Int 104-A - | Defining the term self-closing door. |
| (6) Int 105-A - | Self-closing door corrections and certification, and penalties for self-closing door violations. |
| (7) Int 106-A - | Sale of electric space heaters. |
| (8) Int 131-A - | Fire Department to conduct residential education and outreach regarding the safe operation of electric space heaters. |
| (9) Int 155-A - | Permit filing fees for one-, two-, and three-family dwellings damaged by a fire. |
| (10) Preconsidered
Res 160 - | New designation and changes in the designation of certain organizations to receive funding in the Expense Budget (Transparency Resolution). |
| (11) Preconsidered
SLR 1 - | S.6981-B/A.7971-A , “Retirement and Social Security Law, in relation to additional member contributions for certain members under the age fifty-seven retirement program” (Home Rule SLR item introduced by the Council requiring two- |

- thirds affirmative vote for passage).**
- (12) **Preconsidered SLR 2** **S.6985-B/A.7873-A**, “AN ACT to amend the retirement and social security law, in relation to automotive members of the New York city employees' retirement system” (**Home Rule SLR item introduced by the Council requiring two-thirds affirmative vote for passage**).
- (13) **Preconsidered SLR 3 -** **S.6980-B/A.10029**, “AN ACT to amend the retirement and social security law, in relation to authorizing police/fire members of the New York city fire department pension fund to obtain credit for service as an EMT member” (**Home Rule SLR item introduced by the Council requiring two-thirds affirmative vote for passage**).
- (14) **Preconsidered SLR 4 -** **S.6988-B/A.7962-A**, “AN ACT to amend the retirement and social security law and the administrative code of the city of New York, in relation to the establishment of twenty-five year retirement programs for members of the New York city employees' retirement system employed as fire protection inspectors and associate fire protection inspectors” (**Home Rule SLR item introduced by the Council requiring two-thirds affirmative vote for passage**).
- (15) **L.U. 40 & Res 178 -** **App. N 200247 ZRQ (146-93 Guy Brewer Boulevard Rezoning)** Borough of Queens, Community District 13, Council District 31 (**Coupled to be Filed**).
- (16) **L.U. 46 & Res 179 -** **App. C 220209 HAK (Broadway Triangle-Bartlett Crossing)** Borough of Brooklyn, Community District 1, Council District 33.

- (17) **L.U. 47 & Res 180 - App. C 200358 ZMK (2300 Cropsey Avenue)** Borough of Brooklyn, Community District 11, Council District 43.
- (18) **L.U. 48 & Res 181 - App. C 220050 ZMQ (35-01 Vernon Boulevard Rezoning)** Borough of Queens, Community District 1, Council District 26.
- (19) **L.U. 49 & Res 182 - App. N 220051 ZRQ (35-01 Vernon Boulevard Rezoning)** Borough of Queens, Community District 1, Council District 26.
- (20) **Preconsidered L.U. 60 & Res 177 -** 788 Fox Street; Block 2720, Lot 69; Bronx, Council District No. 8.
- (21) **Resolution approving various persons Commissioners of Deeds.**

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

Affirmative – Abreu, Ariola, Avilés, Ayala, Barron, Bottcher, Brannan, Brewer, Brooks-Powers, Cabán, Carr, De La Rosa, Dinowitz, Farías, Feliz, Gennaro, Gutiérrez, Hanif, Hanks, Holden, Hudson, Joseph, Kagan, Krishnan, Lee, Louis, Marte, Mealy, Menin, Moya, Narcisse, Nurse, Ossé, Paladino, Restler, Richardson Jordan, 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) - **51**.

The General Order vote recorded for this Stated Meeting was 51-0-0 as shown above with the exception of the votes for the following legislative items:

The following was the vote recorded for **M-49 & Res. No. 183** and **M-60 & Res. No. 184**:

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, Richardson Jordan, 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) - **50**.

Abstention – Barron -**1**.

The following was the vote recorded for **Preconsidered M-64 & Res. No. 175**:

Affirmative – Abreu, Ariola, Avilés, Ayala, Bottcher, Brannan, Brewer, Brooks-Powers, Carr, De La Rosa, Dinowitz, Farías, Feliz, Gennaro, Gutiérrez, Hanif, Hanks, Holden, Hudson, Joseph, Kagan, Krishnan, Lee, Louis, Marte, Mealy, Menin, Moya, Narcisse, 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) - **47**.

Negative – Barron and Richardson Jordan - **2**.

Abstention – Caban and Nurse- **2**.

The following was the vote recorded for **Preconsidered M-65 & Res. No. 176**:

Affirmative – Abreu, Ariola, Avilés, Ayala, Barron, Bottcher, Brannan, Brewer, Brooks-Powers, 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**.

Negative – Richardson Jordan – **1**.

Abstention – Cabán – **1**.

The following was the vote recorded for **L.U. No. 48 & Res. No. 181 and L.U. No. 49 & Res. No. 182**:

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, Richardson Jordan, 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) - **50**.

Negative – Barron – **1**.

*The following Introductions were sent to the Mayor for his consideration and approval:
Int. Nos. 104-A, 105-A, 106-A, Int. No. 131-A, and 155-A.*

Home Rule Request bluebacks signed and certified by the City Clerk and Clerk of the Council (Mr. McSweeney) verifying the passage of SLRs No. 1-4 of 2022 were sent to the State Senate and State Assembly in Albany.

RESOLUTIONS
presented for voice-vote

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

Report for voice-vote item Res. No. 121

Report of the Committee on State and Federal Legislation in favor of approving a Resolution calling on the New York State Legislature to pass, and the Governor to sign, S.1553-C/A.6399-B, the Clean Slate Act.

The Committee on State and Federal Legislation, to which the annexed resolution was referred on April 14, 2022 (Minutes, page 688), respectfully

REPORTS:

I. INTRODUCTION

On May 19, 2022, the Committee on State and Federal Legislation (Committee), chaired by Council Member Shaun Abreu, will held a vote on Res. 121, a resolution calling on the New York State Legislature to pass, and the Governor to sign, S.1553-C/A.6399-B, the Clean Slate Act. The resolution was first introduced on April 14, 2022 by Council Member Nantasha M. Williams. The resolution passed with 4 votes in the affirmative, 1 vote in the negative, and 0 abstentions.

II. BACKGROUND

In New York State, more than one in seven people has a conviction record.¹ A criminal record creates serious hurdles for those who are trying to provide for themselves and their families. For example, background checks used during the hiring process can often impede a person's ability to find a job after they receive a conviction.² It is estimated that excluding individuals with conviction records from the national workforce costs the economy between 78 billion and 87 billion dollars in lost domestic product.³ In New York, that number is nearly 2 billion dollars in lost wages across the state.⁴ Furthermore, studies show that obtaining a job after a period of incarceration greatly impacts the likelihood of a convicted individual to reoffend, also known as recidivism.⁵ High re-arrest and re-incarceration rates indicate the immense difficulty of the post-release transition process.⁶ Research shows a strong correlation between employment and crime, suggesting individuals that become gainfully employed after being convicted are at a significantly reduced risk for reoffending.⁷ However, just obtaining employment alone is not enough since job quality plays a role in the likelihood of recidivism.⁸ A conviction record limits the quality of job opportunities available to an individual, which in turn limits their wage

¹ *Get the Facts*, Clean Slate New York. Available at <https://www.cleanslateny.org/facts>.

² *Id.*

³ *Back to Business: How Hiring Formerly Incarcerated Job Seekers Benefits Your Company*, American Civil Liberties Union. (2017) Available at https://www.aclu.org/sites/default/files/field_document/060917-trone-reportweb_0.pdf.

⁴ *Poverty and Mass Incarceration in New York*. Brennan Center for Justice. (Mar. 2021) Available at https://www.brennancenter.org/sites/default/files/2021-03/Summary%20for%20Lost%20Earnings_NY%20Report.pdf

⁵ Kimberly Bender, Johnny S. Kim, and Stephen Tripodi. *Is Employment Associated With Reduced Recidivism?: The Complex Relationship Between Employment and Crime*. College of Social Work at Florida State Univ., FSU Libraries. (2010) Available at <https://diginole.lib.fsu.edu/islandora/object/fsu:253662/datastream/PDF/download>.

⁶ *Id.*

⁷ *Id.*

⁸ Schepel, Kevin. *Do Post-Prison Job Opportunities Reduce Recidivism?* IZA World of Labor, Univ. of Sydney. (Nov. 2017) Available at <https://wol.iza.org/uploads/articles/399/pdfs/do-post-prison-job-opportunities-reduce-recidivism.pdf>.

or salary opportunities and perpetuates a cycle of unemployment, crime, and incarceration.⁹ Those who have spent time in prison can expect to earn about half of what they may have otherwise earned annually.¹⁰ On average, having a conviction alone, even without prison time, can reduce lifetime earnings by 100,000 dollars.¹¹

Similarly, a conviction record also impacts an individual's ability to find stable housing as some landlords are not willing to enter into a lease agreement with a tenant that has a criminal background,¹² a practice that also contributes to segregation.¹³ Housing insecurity is associated with an increased risk of recidivism.¹⁴ There is a sizable overlap between those experiencing homelessness and those with prior involvement in the criminal justice system.¹⁵ For some populations, like individuals with mental or physical health disorders, stable housing can help in curtailing entry into the jail system.¹⁶ For many others, housing helps to curb the need for survival-related crimes such as theft, robbery, trespassing, loitering, and prostitution.¹⁷

Racial disparities within the criminal justice system also play a part in who is most affected by the obstacles created by having a conviction record.¹⁸ Of the roughly 337,400 New Yorkers that have spent time in prison, more than 40 percent are Black and around 30 percent are Latinx even though only 14 percent of the state population identifies as Black, and 19 percent as Latinx.¹⁹ As previously mentioned, difficulties associated with finding employment while having a conviction record costs New York State nearly 2 billion dollars in lost wages.²⁰ Around 80 percent of these losses are borne by Black and Latinx communities.²¹

In 2017, New York State passed a law that allows for the permanent seal of conviction records under certain conditions.²² Approximately 600,000 New Yorkers qualify to have their conviction records sealed, but fewer than 2,500 have been able to complete the complex process,²³ indicating that the law is not having its intended impact.

On January 13, 2021, New York Senator Zellnor Myrie and New York Assembly Member Catalina Cruz introduced S.1553-C/A.6399-B, the Clean Slate Act, which would automatically seal conviction records after someone has completed their sentence, is off of parole or probation, has not incurred any new charges or convictions in New York State during the waiting period, and the conviction to be sealed is not a sex offense. If passed, the Clean Slate Act could have a monumental impact on the successful rebuilding of many New Yorkers' lives.

III. LEGISLATION

Res. No. 121, Resolution calling on the New York State Legislature to pass, and the Governor to sign, S.1553-C/A.6399-B, the Clean Slate Act

This resolution would encourage the State government to pass and the Governor to sign the Clean Slate Act. The resolution would call on the New York State Legislature to pass the Clean Slate Act (S.1553-C/A.6399-B), which would automatically seal conviction records after someone has completed their sentence, is off of parole or probation, has not incurred any new charges or convictions in New York State during a set waiting period and

⁹ *Id.*

¹⁰ *Poverty and Mass Incarceration in New York*, *supra* note 4.

¹¹ *Id.*

¹² Olumhense, Ese, 'They're Shut Out of the Market': The Struggle To Rent With A Criminal Record. The Guardian. (Feb. 10, 2022) Available at <https://www.theguardian.com/lifeandstyle/2022/feb/10/new-york-renting-criminal-record>.

¹³ Archer, Deborah. *Racial Exclusion Through Crime-Free Housing Ordinances*. Am. Const. Soc. (Nov. 2019) Available at https://www.acslaw.org/issue_brief/briefs-landing/racial-exclusion-through-crime-free-housing-ordinances-2/.

¹⁴ Burrowes, Kimberly. *Can Housing Interventions Reduce Incarceration and Recidivism?* Housing Matters, an Urban Institute Initiative. (Feb. 27, 2019) Available at <https://housingmatters.urban.org/articles/can-housing-interventions-reduce-incarceration-and-recidivism>

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ *Get the Facts*, *supra* note 1.

¹⁹ *Poverty and Mass Incarceration in New York*, *supra* note 4.

²⁰ *Id.*

²¹ *Id.*

²² *Get the Facts*, *supra* note 1.

²³ *Id.*

the conviction to be sealed is not a sex offense. The Act would allow individuals with criminal records to be socially integrated and have opportunities to fully participate in our society.

Accordingly, this Committee recommends its adoption.

(The following is the text of Res. No. 121:)

Res. No. 121

Resolution calling on the New York State Legislature to pass, and the Governor to sign, S.1553-C/A.6399-B, the Clean Slate Act.

By Council Members Williams, the Public Advocate (Mr. Williams), Cabán, Hanif, Bottcher, Won, Farías, Stevens, Louis, Riley, Avilés, Schulman, Joseph, Narcisse, Restler, Sanchez, Barron, Krishnan, Gutiérrez, Ayala, Rivera, Richardson Jordan, Hudson, Hanks, Nurse, De La Rosa, Brooks-Powers, Lee, Abreu and The Speaker (Council Member Adams) (in conjunction with the Brooklyn Borough President).

Whereas, According to the National Institute of Justice, nearly 1 in 3 American adults has a prior arrest or criminal conviction on their record; and

Whereas, According to the Legal Action Center, in New York even a single past conviction can mean a lifetime of obstacles and barriers to critical employment, licensing, housing and educational opportunities; and

Whereas, According to Clean Slate New York, a coalition of over 100 advocacy groups, nearly 2.3 million New Yorkers are shackled by their convictions and perpetually excluded from our state's economy and society; and

Whereas, According to the Brennan Center for Justice, people who have been to prison lose an average of \$484,400 in earnings over their lifetime; and

Whereas, As determined by the Economic Policy Institute, racial disparities and socio-economic discrimination are rampant throughout the criminal legal system, and statistical data shows that convictions for even low-level offenses result in cyclical harm and structural instability for individuals, families and communities; and

Whereas, On January 13, 2021, New York Senator Zellnor Myrie and New York Assembly Member Catalina Cruz introduced S.1553-C/A.6399-B, the Clean Slate Act, which would automatically seal conviction records after someone has completed their sentence, is off of parole or probation, has not incurred any new charges or convictions in New York State during the waiting period, and the conviction to be sealed is not a sex offense; and

Whereas, According to reports from various media outlets, only approximately 2,500 of an estimated 600,000 eligible people, or less than 0.5 percent, have had their records sealed since New York's current application-based sealing law went into effect in 2017; and

Whereas, Giving people access to jobs, housing, education and licenses to practice a trade increases their participation in the economy and reduces the likelihood they will return to prison, thereby making our communities safer and more prosperous; and

Whereas, Numerous other states, including Pennsylvania, Michigan, Utah and Connecticut, have already passed "Clean Slate" legislation; and

Whereas, Excluding individuals with criminal records from full participation in society creates a system of perpetual punishment, contributes to intergenerational trauma and exacerbates racial and economic inequality; and

Whereas, The Clean Slate Act would work to ensure that individuals are well integrated into society and have opportunities to move forward after having paid their debts to society; now, therefore, be it

Resolved, That the Council of the City of New York calls on the New York State Legislature to pass, and the Governor to sign, S.1553-C/A.6399-B, the Clean Slate Act.

SHAUN ABREU, *Chairperson*; CARMEN N. De La ROSA JENNIFER GUTIÉRREZ, CHRISTOPHER MARTE; 4-1-0; *Negative:* Janes F. Gennaro. Committee on State and Federal Legislation, May 19, 2022 (Remote Hearing). *Other Council Members Attending: Council Member Williams.*

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

The following 8 Council Members formally noted their intent to vote **negative** on this item:

Council Members Ariola, Carr, Gennaro, Holden, Paladino, Vernikov, Yeger, and the Minority Leader (Council Member Borelli).

Adopted by the Council by voice-vote.

INTRODUCTION AND READING OF BILLS

Int. No. 372

By The Speaker (Council Member Adams) and Council Members Yeger, Louis, Nurse and Krishnan (by request of the Manhattan Borough President).

A Local Law to amend the New York city charter, in relation to the creation of an office of the utility advocate within the department of consumer and worker protection

Be it enacted by the Council as follows:

Section 1. Chapter 64 of the charter of the city of New York is amended by adding a new section 2204 to read as follows:

§ 2204. Office of the utility advocate. a. For the purposes of this section, the term “utility” means a provider of cable television, electric, gas, internet, steam, telephone or water service in the city.

b. The office of the utility advocate shall be established within the department. Such office shall:

1. Establish a website, email address and telephone number to receive communications from utility customers on their utility services;

2. Refer utility customers with complaints to the appropriate entity to handle such complaints, such as the utility, the public service commission, or the federal communications commission;

3. Advocate for utility customers by:

(a) Contacting utilities, the public service commission or any other entity with jurisdiction over utilities to resolve issues experienced by utility customers in the city; and

(b) Providing testimony for public hearings on the customer feedback received by the office. Such public hearings shall include, but need not be limited to, rate cases conducted by the public service commission;

4. Assist consumers with accessing and navigating financial aid available to cover utility costs;

5. Conduct outreach and provide educational materials to the public on choosing, starting and stopping utility services; utility laws, rules and regulations, including their rights and protections with respect to utilities; financial aid available to help with utility payments; methods to lower the cost of their utility bills; and utility complaint procedures; and

6. Submit the annual report required by subdivision c of this section.

c. No later than October 31, 2023, and annually thereafter, the office shall submit to the mayor and the speaker of the council, and shall post conspicuously on the office’s website, an annual report on the utility services provided from September 1 of the previous year to August 31 of the same year, that includes: (i) a summary of utility issues, with a rating of the performance of Consolidated Edison and a rating of the performance of National Grid that each take into account, at a minimum, such utility’s service outages and storm preparedness; (ii) information on the communications received from customers about utilities; and (iii) recommendations for government action that would help ensure utilities better serve the public.

§ 2. This local law takes effect 120 days after it becomes law, except that the commissioner shall take such measures as are necessary for the implementation of this local law, before such date.

Referred to the Committee on Consumer and Worker Protection.

Preconsidered State Legislation Resolution No. 1

State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Gounardes, S.6981-B, and Assembly Member Abbate, A.7971-A, “AN ACT to amend the retirement and social security law, in relation to additional member contributions for certain members under the age fifty-seven retirement program”.

By Council Members Abreu and Louis.

Whereas, Bills have been introduced in the New York State Legislature by Senator Gounardes, S.6981-B, and Assembly Member Abbate, A.7971-A, “AN ACT to amend the retirement and social security law, in relation to additional member contributions for certain members under the age fifty-seven retirement program”; *and*

Whereas, The enactment of the above State Legislation requires the concurrence of the Council of the City of New York as the local legislative body; *now, therefore, be it*

Resolved, That the Council of the City of New York, in accordance with the provisions of Section 2 of Article 9 of the Constitution of the State of New York, does hereby request the New York State Legislature to enact into law the aforesaid pending bills.

Adopted by the Council (preconsidered and approved by the Committee on State and Federal Legislation).

Preconsidered State Legislation Resolution No. 2

State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Gounardes, S.6985-B, and Assembly Member Abbate, A.7873-A, “AN ACT to amend the retirement and social security law, in relation to automotive members of the New York city employees' retirement system”.

By Council Members Abreu and Louis.

Whereas, Bills have been introduced in the New York State Legislature by Senator Gounardes, S.6985-B, and Assembly Member Abbate, A.7873-A, “AN ACT to amend the retirement and social security law, in relation to automotive members of the New York city employees' retirement system”; *and*

Whereas, The enactment of the above State Legislation requires the concurrence of the Council of the City of New York as the local legislative body; *now, therefore, be it*

Resolved, That the Council of the City of New York, in accordance with the provisions of Section 2 of Article 9 of the Constitution of the State of New York, does hereby request the New York State Legislature to enact into law the aforesaid pending bills.

Adopted by the Council (preconsidered and approved by the Committee on State and Federal Legislation).

Preconsidered State Legislation Resolution No. 3

State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senators Gounardes, Kaminsky, S.6980-B, and Assembly Member Abbate, A.10029, “AN ACT to amend the retirement and social security law, in relation to authorizing police/fire members of the New York city fire department pension fund to obtain credit for service as an EMT member”.

By Council Members Abreu and Louis.

Whereas, Bills have been introduced in the New York State Legislature by Senator Gounardes, S.6980-B, and Assembly Member Abbate, A.10029, “AN ACT to amend the retirement and social security law, in relation

to authorizing police/fire members of the New York city fire department pension fund to obtain credit for service as an EMT member”; *and*

Whereas, The enactment of the above State Legislation requires the concurrence of the Council of the City of New York as the local legislative body; *now, therefore, be it*

Resolved, That the Council of the City of New York, in accordance with the provisions of Section 2 of Article 9 of the Constitution of the State of New York, does hereby request the New York State Legislature to enact into law the aforesaid pending bills.

Adopted by the Council (preconsidered and approved by the Committee on State and Federal Legislation).

Preconsidered State Legislation Resolution No. 4

State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Gounardes, S.6988-B, and Assembly Members Abbate, Griffin, A.7962-A, “AN ACT to amend the retirement and social security law and the administrative code of the city of New York, in relation to the establishment of twenty-five year retirement programs for members of the New York city employees' retirement system employed as fire protection inspectors and associate fire protection inspectors”.

By Council Member Abreu.

Whereas, Bills have been introduced in the New York State Legislature by Senator Gounardes, S.6988-B, and Assembly Member Abbate, A.7962-A, “AN ACT to amend the retirement and social security law and the administrative code of the city of New York, in relation to the establishment of twenty-five year retirement programs for members of the New York city employees' retirement system employed as fire protection inspectors and associate fire protection inspectors”; *and*

Whereas, The enactment of the above State Legislation requires the concurrence of the Council of the City of New York as the local legislative body; *now, therefore, be it*

Resolved, That the Council of the City of New York, in accordance with the provisions of Section 2 of Article 9 of the Constitution of the State of New York, does hereby request the New York State Legislature to enact into law the aforesaid pending bills.

Adopted by the Council (preconsidered and approved by the Committee on State and Federal Legislation).

Int. No. 373

By Council Members Avilés, Hanif, Ung, Lee, Nurse and Krishnan.

A Local Law to amend the administrative code of the city of New York, in relation to outreach and education about free public services

Be it enacted by the Council as follows:

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

§ 20-706.6 Outreach and education about free public services. a. The commissioner, in consultation with the director of the office of immigrant affairs and other agencies as appropriate, shall establish and implement an outreach and education campaign to raise public awareness about services that are offered by the city for free. Such campaign shall focus on raising awareness of services that are also frequently offered for a charge by businesses, including but not limited to assistance in applying for benefits, including SNAP, section 8 vouchers, social security and disability benefits. Such campaign shall include posting signs in public places that include information about where and how to find such services offered without charge. In any neighborhood with a significant limited English proficiency population, such signs shall be posted in the three languages most commonly spoken in each such neighborhood in addition to English.

b. No later than one year after the effective date of the local law that added this section and annually thereafter, the commissioner shall submit a report to the mayor and the speaker of the council detailing the outreach and education efforts made pursuant to subdivision a, including, but not limited to:

- 1. The neighborhoods in which such outreach and education campaign was implemented;*
- 2. The languages in which such outreach and education campaign was implemented in each such neighborhood;*
- 3. The methods and frequency of outreach used in each such neighborhood.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Consumer and Worker Protection.

Int. No. 374

By Council Members Ayala, Yeger and Brewer.

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

Be it enacted by the Council as follows:

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

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

§ 2. This local law takes effect immediately.

Referred to the Committee on Finance.

Int. No. 375

By Council Members Ayala, Nurse and Krishnan.

A Local Law to amend the administrative code of the city of New York, in relation to reporting on affordable housing set-asides for tenants with disabilities

Be it enacted by the Council as follows:

Section 1. Section 26-1402 of the administrative code of the city of New York, as added by local law 217 for the year 2019, is amended by adding a subdivision c to read as follows:

c. In each report required by subdivision a of this section, the department shall disclose, disaggregated by development, the following information:

- 1. The total amount of units in the development;*
- 2. How many applications were received for the development by persons with a mobility, vision, or hearing disability;*
- 3. How many units were rented to persons with a mobility disability that were designated as accessible for a person with that disability?*
- 4. How many units were rented to persons with a vision or hearing disability that were designated as accessible for a person with that disability; and*
- 5. The size of the waiting list of applicants with disabilities for the development.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Housing and Buildings.

Int. No. 376

By Council Members Ayala, Hanif, Brewer, Nurse and Krishnan.

A Local Law in relation to establishing a temporary task force on pay parity for public defenders and assistant district attorneys with city agency attorneys

Be it enacted by the Council as follows:

Section 1. Temporary task force on pay parity for public defenders and assistant district attorneys with other city agency attorneys.

a. The coordinator of criminal justice as defined in section 13 of the New York city charter, or such other person as the mayor may designate, shall establish and implement a temporary task force to address issues related to the pay parity of the city's assistant district attorney's and public defenders, with that of attorneys working for other city agencies, including the department of education, the department of correction, and the law department.

b. The task force shall consist of no less than 12 members as follows:

- (1) Eight members appointed by the mayor, chosen from individuals representing relevant city agencies, provider organizations, and advocacy groups; and
- (2) Four members appointed by the speaker of the council, chosen from individuals representing provider organizations and advocacy groups.

c. In addition the mayor, or the coordinator of criminal justice, shall invite the governor of the state of New York, or the governor's designee, to appoint a representative to the task force.

d. Membership on the task force shall not constitute the holding of a public office, and members of the task force shall not be required to take or file oaths of office before serving on the task force. All members of the task force shall serve without compensation.

e. The task force shall meet at least four times per year.

f. The task force shall issue recommendations to the coordinator of criminal justice, or such other person as the mayor may designate, and the mayor, and council no later than 12 months after the final member of the task force is appointed. Such report shall, to the extent practicable, include but not be limited to the following information regarding pay parity between the city attorneys:

1. An analysis of the salaries – both starting and longitudinal - between assistant district attorney’s, public defenders, and attorneys in city agencies, including the department of education, the department of correction, and the law department.

2. An analysis of the organizational structure, budgetary constraints and hiring and retention policies of the city’s district attorney offices and indigent defense providers, including but not limited to: (i) the unique retention issues for the agencies and nonprofits employing criminal court attorneys, including an analysis of caseloads (differentiated by felonies and misdemeanors); (ii) the funding streams for district attorney offices and indigent defense providers including state and federal contributions; (iii) attrition rates of assistant district attorney’s and public defenders, within the first three to five years of practice; (iv) how office infrastructure, organizational culture, and court delay effect retention rates; (v) how other cities have approached the issue of pay parity; and (vi) how the city can work with providers to improve retention rates; and

3. Any other recommendations to assist in supporting and sustaining the city’s assistant district attorneys and public defenders, including, but not limited to potential legislative reforms.

f. Following the publication of the initial report, the task force shall continue to meet at least four times a year and shall make supplemental recommendations, as needed, to the coordinator of criminal justice, or such other person as the mayor may designate. Such coordinator or other person shall publish supplemental annual reports, as needed, updating the mayor and council on any progress in the implementation of the recommendations contained in the initial report.

g. The task force shall cease to exist four years after the publication of its initial report.

§2. This local law takes effect immediately.

Referred to the Committee on Public Safety.

Int. No. 377

By Council Member Borelli.

A Local Law to amend the administrative code of the city of New York, in relation to establishing a real property tax exemption for Cold War veterans

Be it enacted by the Council as follows:

Section 1. Part 1 of subchapter 2 of chapter 2 of title 11 of the administrative code of the city of New York is amended by adding a new section 11-245.76 to read as follows:

§11-245.76 Exemption for Cold War veterans. a. Definitions. As used in this section, the following terms have the following meanings:

Active duty. The term "active duty" means full-time duty in the United States armed forces, other than active duty for training.

Armed forces. The term "armed forces" means the United States army, navy, marine corps, air force, and coast guard.

Cold War veteran. The term "Cold War veteran" means a person, male or female, who served on active duty in the United States armed forces, during the time period from September 2, 1945 to December 26, 1991, and was discharged or released therefrom under honorable conditions.

Latest class ratio. The term "latest class ratio" means the latest final class ratio established by the state board pursuant to title one of article 12 of the real property tax law for use in a special assessing unit as defined in section 1801 of the real property tax law.

Qualified owner. The term "qualified owner" means a Cold War veteran, the spouse of a Cold War veteran, or the unremarried surviving spouse of a deceased Cold War veteran. Where property is owned by more than one qualified owner, the exemption to which each is entitled may be combined. Where a veteran is also the unremarried surviving spouse of a veteran, such person may also receive any exemption to which the deceased spouse was entitled.

Qualified residential real property. The term "qualified residential real property" means property owned by a qualified owner which is used exclusively for residential purposes; provided, however, that in the event that any portion of such property is not used exclusively for residential purposes, but is used for other purposes, such portion shall be subject to taxation and only the remaining portion used exclusively for residential purposes shall be subject to the exemption provided by this section. Such property shall be the primary residence of the Cold War veteran or the unremarried surviving spouse of a Cold War veteran, unless the Cold War veteran or unremarried surviving spouse is absent from the property due to medical reasons or institutionalization.

Service connected. The term "service connected" means, with respect to disability or death, that such disability was incurred or aggravated, or that the death resulted from a disability incurred or aggravated, in line of duty on active military, naval or air service.

b. Amount of Exemption; Limitations. 1. Qualifying residential real property shall be exempt from taxation to the extent of 15 percent of the assessed value of such property; provided however, that such exemption shall not exceed \$39,000 or the product of \$39,000 multiplied by the latest class ratio, whichever is less.

2. In addition to the exemption provided by paragraph 1 of this subdivision, where the Cold War veteran received a compensation rating from the United States department of veterans affairs or from the United States department of defense because of a service connected disability, qualifying residential real property shall be exempt from taxation to the extent of the product of the assessed value of such property, multiplied by 50 percent of the Cold War veteran disability rating; provided, however, that such exemption shall not exceed \$130,000, or the product of \$130,000 multiplied by the latest class ratio, whichever is less.

3. If a Cold War veteran receives the exemption under section 11-245.45 or 11-245.5, the Cold War veteran shall not be eligible to receive the exemption under this section.

4. The exemption from taxation provided by this subdivision shall be applicable to the city of New York ad valorem taxes, but shall not be applicable to taxes levied for school purposes.

5. The exemption provided by paragraph 1 of this subdivision shall be granted for a period of 10 years. The commencement of such 10 year period shall be governed pursuant to this paragraph. Where a qualified owner owns qualifying residential real property on the effective date of the local law that added this section, such 10 year period shall be measured from the assessment roll prepared pursuant to the first taxable status date occurring on or after such effective date. Where a qualified owner does not own qualifying residential real property on the effective date of the local law that added this section, such 10 year period shall be measured from the assessment roll prepared pursuant to the first taxable status date occurring at least 60 days after the date of purchase of qualifying residential real property; provided, however, that should the Cold War veteran apply for and be granted an exemption on the assessment roll prepared pursuant to a taxable status date occurring within 60 days after the date of purchase of residential real property, such 10 year period shall be measured from the first assessment roll in which the exemption occurs. If, before the expiration of such 10 year period, such exempt property is sold and replaced with other residential real property, such exemption may be granted pursuant to this subdivision for the unexpired portion of the 10 year exemption period.

c. Application. Application for exemption shall be made by the owner, or all of the owners, of the property on a form prescribed by the state board. Such form shall be furnished by the department of finance and shall be filed at the department of finance on or before the fifteenth of March. The exemption shall continue in full force and effect for all appropriate subsequent tax years and the owner or owners of the property shall not be required to refile each year. Applicants shall be required to refile on or before the taxable status date if the percentage of disability percentage increases or decreases or may refile if other changes have occurred which affect qualification for an increased or decreased amount of exemption. Any applicant convicted of willfully making any false statement in the application for such exemption shall be subject to the penalties prescribed in the penal law.

d. Real property held in trust. Notwithstanding any other provision of law to the contrary, the provisions of this section shall apply to any real property held in trust solely for the benefit of a person or persons who would otherwise be eligible for a real property tax exemption, pursuant to this section, were such person or persons the owner or owners of such real property.

e. Cooperative corporations. 1. For the purposes of this section, title to the portion of real property owned by a cooperative apartment corporation in which a tenant-stockholder of such corporation resides and which is represented by his or her share or shares of stock in such corporation as determined by its or their proportional

relationship to the total outstanding stock of the corporation, including that owned by the corporation, shall be deemed to be vested in such tenant-stockholder.

2. Provided that all other eligibility criteria of this section are met, that proportion of the assessment of such real property owned by a cooperative apartment corporation determined by the relationship of such real property vested in such tenant-stockholder to such real property owned by such cooperative apartment corporation in which such tenant-stockholder resides shall be subject to exemption from taxation pursuant to this section and any exemption so granted shall be credited by the department of finance against the assessed valuation of such real property; the reduction in real property taxes realized thereby shall be credited by the cooperative apartment corporation against the amount of such taxes otherwise payable by or chargeable to such tenant-stockholder.

3. Notwithstanding paragraph two of this subdivision, a tenant-stockholder who resides in a dwelling that is subject to the provisions of article 2, 4, 5 or 11 of the private housing finance law shall not be eligible for an exemption pursuant to this section.

§ 2. This local law takes effect immediately.

Referred to the Committee on Finance.

Int. No. 378

By Council Members Borelli, Yeger, Ayala and Nurse.

A Local Law to amend the administrative code of the city of New York, in relation to requiring cost and schedule signage at capital project sites

Be it enacted by the Council as follows:

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

§ 5-109 *Signage at capital project sites. a. Definitions. As used in this section, the following terms have the following meanings:*

Baseline completion date. The term “baseline completion date” means the estimated substantial completion date at the start of the construction phase of the project.

Baseline cost. The term “baseline cost” means the cost of a project as based on the original contract value and other project-related cost estimates.

Budget agency. The term “budget agency” means the agency that is funding the project.

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

Cost variance. The term “cost variance” means the difference between the baseline cost and the current forecast cost.

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

Schedule variance. The term “schedule variance” means the difference between the baseline completion date and the current forecast completion date.

b. Signage placement and duration. The managing agency shall prominently display signage as provided under subdivision c of this section at all ongoing capital project sites from the commencement of a project until its substantial completion, updating the signs monthly and updating information on its website more frequently.

c. Information to be displayed. Such signage shall be in a large format font readable from a reasonable distance and shall include:

(1) The name of the project;

(2) The managing agency and budget agency, if different;

(3) Whether a project is on time, behind schedule, or ahead of schedule;

- (4) *The current projected completion date;*
- (5) *The schedule variance;*
- (6) *Whether the project is substantially on budget, over budget or under budget;*
- (7) *The cost variance expressed both as a dollar amount and as a percentage of the baseline cost; and*
- (8) *A website link and phone number to call for more information regarding schedule and cost variances.*

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

Referred to the Committee on Finance.

Int. No. 379

By Council Members Borelli and Carr.

A Local Law in relation to the creation of a task force to study and report on the feasibility of an independent city of Staten Island

Be it enacted by the Council as follows:

Section 1. Staten Island secession task force. a. There is hereby established a task force that shall study and assess the feasibility of the secession of Staten Island from the city of New York.

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

1. The Staten Island borough president, or such borough president's designee, who shall serve as chair of the task force;
2. The clerk of Richmond County, or such clerk's designee;
3. The chair of the city planning commission, or such chair's designee;
4. The comptroller, or the comptroller's designee;
5. The chancellor of the city school district, or such chancellor's designee;
6. The commissioner of emergency management, or such commissioner's designee;
7. The Staten Island borough commissioner of transportation, or such borough commissioner's designee;
8. A representative from each of Staten Island's three community boards, appointed by the chair of the task force;
9. One member appointed by the public advocate; and

10. Each city council member representing a district located in Staten Island, or the respective designees of such members.

c. All members shall be appointed to the task force within 60 days of the effective date of this local law. The task force shall hold its first meeting no later than 30 days after the last member of the task force has been appointed pursuant to subdivision b of this section and shall meet at least quarterly. Members of the task force shall serve without compensation.

d. No member of the task force shall be removed except for cause and upon notice and hearing by the official who appointed that member. In the event of a vacancy, a successor shall be appointed in the same manner as the original appointment.

e. The task force shall create and conduct a survey of Staten Island residents and local businesses. Such survey shall include questions regarding the concerns and opinions on Staten Island secession. The findings of such survey shall be included in the report required pursuant to subdivision g of this section.

f. The task force shall hold at least four public meetings before submitting the report required pursuant to subdivision g of this section to solicit testimony and input from relevant city agencies, academics and experts with relevant professional experience, and members of the general public regarding Staten Island secession.

g. The task force shall submit a report to the mayor and the speaker of the council assessing the feasibility of an independent city of Staten Island, including but not limited to, the financial cost of secession, the legislative and political considerations necessary for secession, the service demands, allocation of resources, and overall

cost to both the city of New York and to the borough of Staten Island of creating an independent and self-sustaining city of Staten Island. The report shall include input from all city agencies relevant to the secession analysis. The report shall be submitted to the mayor and the speaker of the city council no later than 18 months after the first meeting of the task force.

h. The task force shall dissolve 90 days after the submission of the report required pursuant to subdivision g of this section.

§ 2. This local law takes effect immediately.

Referred to the Committee on Governmental Operations.

Int. No. 380

By Council Members Borelli, Yeger, Ayala and Nurse.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of parks and recreation to notify property owners in writing of their sidewalk rating in the trees and sidewalks program

Be it enacted by the Council as follows:

Section 1. Section 18-151 of the administrative code of the city of New York, as added by local law number 65 for the year 2017 and renumbered by local law number 133 for the year 2017, is amended to read as follows:

§ 18-151 Street tree maintenance information [posted online]. *a.* The department shall post on its website certain information relating to street tree maintenance and sidewalk repair. Such information shall be updated not less frequently than quarterly and shall, at a minimum, include the following:

1. The approximate date and location of each upcoming, regularly scheduled street tree pruning, street tree stump removal and street tree planting;

2. The date, location and status of each street tree pruning, street tree stump removal and street tree planting that occurred within the previous six months;

3. For each planned sidewalk repair to address sidewalk damage that was (i) reported through a 311 citizen service center request or reported by other means of notification and (ii) caused by a street tree under the jurisdiction of the department:

(a) The approximate date and location of such repair; and

(b) The date of the initial request for repair.

4. For work to address sidewalk damage (i) that was caused by a street tree under the jurisdiction of the department and (ii) where such repair or inspection commenced in the previous six months:

(a) For each sidewalk repair or inspection, the date, location and status of such repair or inspection, including the sidewalk rating that resulted from such inspection; and

(b) For each sidewalk inspection, the number of notifications concerning such damage received through the 311 citizen service center request or reported by other means of notification in the 90 day-period preceding commencement of such work.

b. For work to address sidewalk damage that was caused by a street tree under the jurisdiction of the department, the department shall notify in writing the owner of the abutting property of the sidewalk the rating that resulted from inspection of such sidewalk within five business days.

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

Referred to the Committee on Parks and Recreation.

Int. No. 381

By Council Members Borelli, Ariola, Yeger and Louis.

A Local Law to create a task force to reform the capital construction process

Be it enacted by the Council as follows:

Section 1. Capital construction reform task force. a. There shall be a task force with 15 members consisting of the commissioner of buildings as co-director of the task force, the commissioner of housing preservation and development as co-director of the task force, the commissioner of parks and recreation, 7 city council members appointed by the speaker of the council and 5 members appointed by the mayor.

b. The commissioner of buildings, the commissioner of housing preservation and development, the commissioner of parks and recreation and the city council members on the task force may appoint a representative for the purpose of determining the existence of a quorum and who may vote on behalf of such member, provided that such representative shall be an officer or employee from the same agency as the delegating member.

c. In the event that a member's seat becomes vacant, that member's successor shall be appointed within 30 days of the vacancy. The new member shall be appointed in the same manner as the predecessor member whose vacancy is being filled.

d. Members appointed by the speaker of the council and by the mayor may be removed by the appointing person.

e. The task force shall consult, on an ongoing basis, with the office of management and budget, the economic development corporation, the school construction authority, the department of design and construction, contractors and other capital construction stakeholders to determine the cause of capital construction delays and the cause of rising capital construction costs.

f. The task force shall determine best practices for reducing delay and cost in the capital construction process and make recommendations for the improvement of the capital construction process.

g. The task force shall hold not less than one hearing each month, except during the months of July and August, and such meetings shall be considered a meeting of a public body subject to article 7 of the public officers law.

h. Within 1 year from the date of the first regular meeting, and annually thereafter, the task force shall report its findings to the council and make recommendations to reduce construction delays, ensure construction remains on budget or under budget, and improve the capital construction process.

i. This task force shall dissolve upon submission of the third annual report.

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

Referred to the Committee on Finance.

Preconsidered Res. No. 160

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

By Council Member Brannan.

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

Whereas, 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 2022 and Fiscal 2021 Expense Budgets by approving the new designation and/or the changes in the designation

of certain organizations receiving local 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; now, therefore, be it

Resolved, That the City Council approves the new designation and the changes in the designation of certain organizations receiving local discretionary funding pursuant to the Fiscal 2022 Expense Budget, as set forth in Chart 1; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the Speaker's Initiative to Address Citywide Needs in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 2; and be it further

Resolved, That the City Council approves the change 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 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 Food Pantries Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 4; and be it further

Resolved, That the City Council approves the new 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 5; and be it further

Resolved, That the City Council approves the new designation and the change in the designation of a certain organization receiving funding pursuant to the AAPI Community Support Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 6; and be it further

Resolved, That the City Council approves the change in designation of a certain organization receiving funding pursuant to the Mental Health Services for Vulnerable Populations Initiative in accordance with the Fiscal 2022 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 Alternatives to Incarceration (ATI's) Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 8; and be it further

Resolved, That the City Council approves the change in the designation of a certain organization receiving funding pursuant to the Children and Families in NYC Homeless System Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 9; and be it further

Resolved, That the City Council approves the change in designation of a certain organization receiving funding pursuant to the Court-Involved Youth Mental Health Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 10; and be it further

Resolved, That the City Council approves the new designation of a certain organization receiving funding pursuant to the Home Loan Program Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 11; 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 LGBTQ Inclusive Curriculum Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 12; and be it further

Resolved, That the City Council approves the change in the designation of a certain organization receiving funding pursuant to the Naturally Occurring Retirement Communities (NORCs) Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 13; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the New York Immigrant Family Unity Project Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 14; and be it further

Resolved, That the City Council approves the change in the designation of a certain organization receiving funding pursuant to the Physical Education and Fitness Initiative in accordance with the Fiscal 2022 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 Cultural Immigrant Initiative in accordance with the Fiscal 2021 Expense Budget, as set forth in Chart 16; and be it further

Resolved, That the City Council approves the new designation of a certain organization receiving funding pursuant to the Food Pantries Initiative in accordance with the Fiscal 2021 Expense Budget, as set forth in Chart 17.

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. 160 of 2022 file](#) in the legislation section of the New York City Council website at <https://council.nyc.gov>).

Int. No. 382

By Council Members Brewer, Yeger, Hanif, Louis, Ung, Nurse and Krishnan.

A Local Law to amend the New York city charter and the administrative code of the city of New York, in relation to requiring written communications regarding the results of inspections from the department of consumer and worker protection and the department of health and mental hygiene to be in the receiving business owner’s language of choice

Be it enacted by the Council as follows:

Section 1. Paragraph 3 of subdivision f of section 15 of the New York city charter, as amended by local law number 132 for the year 2013, is amended to read as follows:

3. To the extent practicable, the office of operations shall develop and implement a plan for each business owner to indicate the language in which such owner would prefer that agency inspections of the business be conducted, *and in which such owner would prefer that mailed agency communications relating to the results of such inspections be written.* To the extent practicable, the office of operations shall also develop and implement a plan to inform all relevant agencies of such respective language preference.

§ 2. Subdivision b of section 561 of the New York city charter, as amended by local law number 132 for the year 2013, is amended to read as follows:

b. Every application for a permit or a renewal of an existing permit issued by the commissioner pursuant to this section shall provide an opportunity for the applicant to indicate the language in which such applicant would prefer that inspections in connection with such permit be conducted, or alternatively for which language interpretation services be provided, *and an opportunity for the applicant to indicate the language in which such applicant would prefer that mailed communications relating to the results of such inspection be written.* Nothing in this subdivision nor any failure to comply with such preference shall be construed so as to create a cause of action or constitute a defense in any legal, administrative, or other proceeding.

§ 3. Section 17-301 of the administrative code of the city of New York, as amended by local law number 132 for the year 2013, is amended to read as follows:

§ 17-301. Language preference for inspections. Every application for a license or a permit, or the renewal of an existing license or an existing permit to be issued by the commissioner pursuant to this chapter shall provide an opportunity for the applicant to indicate the language in which such applicant would prefer that inspections in connection with such license or permit be conducted, or alternatively for which language interpretation services be provided, *and an opportunity for the applicant to indicate the language in which such applicant would prefer that mailed communications relating to the results of such inspection be written.* Nothing in this subdivision nor any failure to comply with such preference shall be construed so as to create a cause of action or constitute a defense in any legal, administrative, or other proceeding.

§ 4. Subdivision b of section 20-107 of the administrative code of the city of New York, as amended by local law number 132 for the year 2013, is amended to read as follows:

b. Every application for a license or the renewal of an existing license shall provide an opportunity for the applicant to indicate the language in which he or she would prefer that inspections in connection with such license be conducted, *and in which such applicant would prefer that mailed agency communications relating to the results of such inspections be written.* Nothing in this subdivision nor any failure to comply with such

preference shall be construed so as to create a cause of action or constitute a defense in any legal, administrative, or other proceeding.

§ 5. Subdivision b of section 20-275 of the administrative code of the city of New York, as amended by local law number 80 for the year 2021, is amended to read as follows:

b. Except as otherwise provided in this subchapter, any person who violates any of the provisions of this subchapter or any rule or regulation issued thereunder shall be subject to a civil penalty of \$175 for the first violation, \$300 for the second violation and \$500 for the third and any subsequent violation; except that a person shall not be subject to such civil penalty for a first-time violation of section 20-270 or 20-271 of this subchapter or any rule or regulation issued thereunder, if such person proves to the satisfaction of the department, within 30 days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of section 20-270 or section 20-271 of this subchapter or any rule or regulation issued thereunder. *Such option shall be written in English and in any other language that such person has indicated that they would prefer that mailed agency communications relating to the results of such inspections be written pursuant to paragraph 3 of subdivision f of section 15 of the charter or subdivision b of section 20-107 of the code.* The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the department's administrative tribunal, of the determination that the person has not submitted proof of a cure within 15 days of receiving written notification of such determination.

§ 6. Subdivision a of section 20-332 of the administrative code of the city of New York, as amended by local law number 80 for the year 2021, is amended to read as follows:

a. Any person who violates any of the provisions of this subchapter or any rule or regulation promulgated thereunder shall be subject to a civil penalty of one hundred seventy-five dollars for the first violation, three hundred dollars for the second violation and five hundred dollars for the third and any subsequent violation; except that a person shall be subject to a civil penalty of zero dollars for a first-time violation of subdivision b of section 20-324, paragraph 1 of subdivision b of section 20-327.1, or subdivision g of section 20-327.1 of this subchapter and any rule or regulation promulgated thereunder, if such person proves to the satisfaction of the department, within thirty days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of subdivision b of section 20-324, paragraph 1 of subdivision b of section 20-327.1, or subdivision g of section 20-327.1 of this subchapter or any rule or regulation promulgated thereunder. *Such option shall be written in English and in any other language that such person has indicated that they would prefer that mailed agency communications relating to the results of such inspections be written pursuant to paragraph 3 of subdivision f of section 15 of the charter or subdivision b of section 20-107 of the code.* The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the department's administrative tribunal, of the determination that the person has not submitted proof of a cure within fifteen days of receiving written notification of such determination.

§ 7. Subdivision d of section 20-240.1 of the administrative code of the city of New York, as amended by local law number 98 for the year 2021, is amended to read as follows:

d. Any person who violates the provisions of this section or section 20-237 shall be considered to be an unlicensed general vendor or an unlicensed food vendor and, except as otherwise provided in subdivision c of section 20-237, shall be subject to the penalty and enforcement provisions of either subchapter twenty-seven of chapter two of this title or subchapter two of chapter three of title seventeen of the code, whichever is applicable; except that a person shall not be subject to the civil penalty described above for a first-time violation of subdivision b of section 20-237 and any rule or regulation promulgated thereunder, if such person proves to the satisfaction of the department within thirty days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that he or she has cured the violation. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an

admission of liability for all purposes. The option of presenting proof of compliance shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of subdivision b of section 20-237 or any rule or regulation promulgated thereunder. *Such option shall be written in English and in any other language that such person has indicated that they would prefer that mailed agency communications relating to the results of such inspections be written pursuant to paragraph 3 of subdivision f of section 15 of the charter or subdivision b of section 20-107 of the code.* The department shall permit such proof to be submitted to the department electronically or in person. A person may seek review, in the department's administrative tribunal, of the determination that the person has not submitted proof of a cure within fifteen days of receiving written notification of such determination.

§ 8. Section 20-728 of the administrative code of the city of New York, as amended by local law number 80 for the year 2021, is amended to read as follows:

§ 20-728 Penalties. Violation of this subchapter or any rule or regulation promulgated thereunder, shall be punishable by payment of a civil penalty in the sum of twenty-five dollars for the first violation, fifty dollars for the second violation and one hundred dollars for the third and any subsequent violation; except that a person shall not be subject to the civil penalty described above for a first-time violation of any provision of this subchapter or any rule or regulation promulgated thereunder, if such person proves to the satisfaction of the department within thirty days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that he or she has cured the violation. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of any provision of this subchapter or any rule or regulation promulgated thereunder. *Such option shall be written in English and in any other language that such person has indicated that they would prefer that mailed agency communications relating to the results of such inspections be written pursuant to paragraph 3 of subdivision f of section 15 of the charter.* The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the department's administrative tribunal, of the determination that the person has not submitted proof of a cure within fifteen days of receiving written notification of such determination.

§ 9. Section 20-743 of the administrative code of the city of New York, as amended by local law number 80 for the year 2021, is amended to read as follows:

§ 20-743 Penalties. Any person, partnership, corporation or other business entity who violates any provision of this subchapter or any of the regulations promulgated hereunder shall be liable for a civil penalty of not less than two hundred fifty dollars nor more than five hundred dollars for the first violation and for each succeeding violation a civil penalty of not less than five hundred dollars nor more than seven hundred fifty dollars; except that a person, partnership, corporation or other business entity shall not be subject to the civil penalty described above for a first-time violation of subdivision a of section 20-740 of this subchapter or any rule or regulation promulgated thereunder, if such person, partnership, corporation or other business entity proves to the satisfaction of the department, within thirty days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person, partnership, corporation or other business entity who has received, for the first time, a notice of violation of subdivision a of section 20-740 of this subchapter or any rule or regulation promulgated thereunder. *Such option shall be written in English and in any other language that such person has indicated that they would prefer that mailed agency communications relating to the results of such inspections be written pursuant to paragraph 3 of subdivision f of section 15 of the charter.* The department shall permit such proof to be submitted electronically or in person. A person, partners hip, corporation or other business entity may seek review, in the department's administrative tribunal, of the determination that the person or entity has not submitted proof of a cure within fifteen days of receiving written notification of such determination.

§ 10. Section 20-748 of the administrative code of the city of New York, as amended by local law number 80 for the year 2021, is amended to read as follows:

§ 20-748 Penalties. Violation of this subchapter, or any regulation promulgated pursuant to it, shall be punishable by payment of a civil penalty of one hundred fifty dollars; except that a person shall not be subject

to a civil penalty described above for a first-time violation of section 20-746 of this subchapter or any rule or regulation promulgated thereunder or pursuant to section 20-747, if such person proves to the satisfaction of the department, within thirty days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of section 20-746 of this subchapter or any rule or regulation promulgated thereunder. *Such option shall be written in English and in any other language that such person has indicated that they would prefer that mailed agency communications relating to the results of such inspections be written pursuant to paragraph 3 of subdivision f of section 15 of the charter.* The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the department's administrative tribunal, of the determination that the person has not submitted proof of a cure within fifteen days of receiving written notification of such determination.

§ 11. Section 20-753 of the administrative code of the city of New York, as amended by local law number 98 for the year 2021, is amended to read as follows:

§ 20-753 Penalties. Any person who violates the provisions of this subchapter or the regulations promulgated pursuant to this subchapter shall, upon conviction thereof, pay a civil penalty of fifty dollars for the first offense; one hundred dollars for the second offense; and two hundred fifty dollars for the third offense and any subsequent offense; except that a person shall not be subject to the civil penalty described above for a first-time violation of section 20-750 or 20-751 of this subchapter or any rule or regulation promulgated thereunder or pursuant to section 20-753, if such person proves to the satisfaction of the department, within thirty days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of section 20-750 or 20-751 of this subchapter or any rule or regulation promulgated thereunder or pursuant to section 20-753. *Such option shall be written in English and in any other language that such person has indicated that they would prefer that mailed agency communications relating to the results of such inspections be written pursuant to paragraph 3 of subdivision f of section 15 of the charter.* The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the department's administrative tribunal, of the determination that the person has not submitted proof of a cure within fifteen days of receiving written notification of such determination. For the purposes of this section, if on any single day the current selling price list is not displayed in accordance with this subchapter or the regulations promulgated pursuant to this subchapter, it shall be considered a single violation.

§ 12. Section 20-810 of the administrative code of the city of New York, as amended by local law number 98 for the year 2021, is amended to read as follows:

§ 20-810 Violations. A person violating sections 20-808 or 20-809 of this subchapter shall be subject to a civil penalty of not less than two hundred fifty dollars nor more than five hundred dollars for the first violation; except that a person shall not be subject to the civil penalty described above for a first-time violation of section 20-809 of this subchapter or any rule or regulation promulgated thereunder, if such person proves to the satisfaction of the department, within thirty days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of section 20-809 of this subchapter or any rule or regulation promulgated thereunder. *Such option shall be written in English and in any other language that such person has indicated that they would prefer that mailed agency communications relating to the results of such inspections be written pursuant to paragraph 3 of subdivision f of section 15 of the charter.* The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the department's administrative tribunal, of the determination that the person has not submitted proof of a cure within fifteen days of receiving written notification of such determination.

§ 13. Subdivision b of section 17-144 of the administrative code of the city of New York, as added by local law number 80 for the year 2021, is amended to read as follows:

b. A food service establishment that violates this section or any rule promulgated thereunder in a manner that does not present an imminent health hazard or public health hazard, as such terms are defined in section 81.03 of the health code of the city of New York, shall be subject to a civil penalty of \$500; except that such food service establishment shall not be subject to a civil penalty for a first-time violation if such food service establishment proves to the satisfaction of the department, within seven days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a food service establishment that has received, for the first time, a notice of violation of this section or any rules promulgated pursuant thereto. *Such option shall be written in English and in any other language that such person has indicated that they would prefer that mailed agency communications relating to the results of such inspections be written pursuant to paragraph 3 of subdivision f of section 15 of the charter.* The department shall permit such proof to be submitted electronically or in person. A food service establishment may seek review, in the office of administrative trials and hearings, of the determination that the food service establishment has not submitted proof of a cure within 15 days of receiving written notification of such determination.

§ 14. Subdivision f of section 17-192 of the administrative code of the city of New York, as added by local law number 80 for the year 2021, is amended to read as follows:

f. Cure permitted. Any food service establishment or mobile food unit commissary that violates this section or any rules promulgated thereunder shall not be subject to a civil penalty for a first-time violation if such establishment or commissary proves to the satisfaction of the department, within seven days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of this section or any rules promulgated pursuant thereto. *Such option shall be written in English and in any other language that such person has indicated that they would prefer that mailed agency communications relating to the results of such inspections be written pursuant to paragraph 3 of subdivision f of section 15 of the charter.* The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the office of administrative trials and hearings, of the determination that the person has not submitted proof of a cure within 15 days of receiving written notification of such determination.

§ 15. Subdivision f of section 17-199.11 of the administrative code of the city of New York, as added by local law number 80 for the year 2021, is amended to read as follows:

f. Any food service establishment that violates this section or any rules promulgated thereunder shall not be subject to a civil penalty for a first-time violation if such person proves to the satisfaction of the department, within seven days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of this section or any rules promulgated pursuant thereto. *Such option shall be written in English and in any other language that such person has indicated that they would prefer that mailed agency communications relating to the results of such inspections be written pursuant to paragraph 3 of subdivision f of section 15 of the charter.* The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the office of administrative trials and hearings, of the determination that the person has not submitted proof of a cure within 15 days of receiving written notification of such determination.

§ 16. Paragraph 4 of subdivision c of section 17-325 of the administrative code of the city of New York, as added by local law number 80 for the year 2021, is amended to read as follows:

4. Any person that violates section 17-311 or subdivisions a or b of section 17-315, or any rules promulgated thereunder, shall not be subject to a civil penalty for a first-time violation if such person proves to the satisfaction

of the department, within seven days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of section 17-311 or subdivisions a or b of section 17-315, or any rules promulgated thereunder. *Such option shall be written in English and in any other language that such person has indicated that they would prefer that mailed agency communications relating to the results of such inspections be written pursuant to paragraph 3 of subdivision f of section 15 of the charter.* The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the office of administrative trials and hearings, of the determination that the person has not submitted proof of a cure within 15 days of receiving written notification of such determination.

§ 17. Subdivision c of section 17-381 of the administrative code of the city of New York, as added by local law number 80 for the year 2021, is amended to read as follows:

c. Any person that violates subdivision b of section 17-377 or any rule promulgated thereunder shall not be subject to a civil penalty for a first-time violation if such person proves to the satisfaction of the department, within seven days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of subdivision b of section 17-377 or any rules promulgated thereunder. *Such option shall be written in English and in any other language that such person has indicated that they would prefer that mailed agency communications relating to the results of such inspections be written pursuant to paragraph 3 of subdivision f of section 15 of the charter.* The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the office of administrative trials and hearings, of the determination that the person has not submitted proof of a cure within 15 days of receiving written notification of such determination.

§ 18. Paragraph 2 of subdivision e of section 17-508 of the administrative code of the city of New York, as added by local law number 80 for the year 2021, is amended to read as follows:

2. Where a person prohibits smoking and the use of electronic cigarettes in all indoor places of employment pursuant to subdivision a of section 17-504, and such person is in compliance with subdivision a of section 17-506 of this chapter, such person shall not be subject to a civil penalty for a violation of subdivision b of this section for failure to comply with subdivision f of section 17-504 through failure to post a smoking and electronic cigarette use policy if such person proves to the satisfaction of the department, within thirty days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of subdivision b of this section by failing to comply with subdivision f of section 17-504 through failure to post a smoking and electronic cigarette use policy or any rule or regulation issued thereunder. *Such option shall be written in English and in any other language that such person has indicated that they would prefer that mailed agency communications relating to the results of such inspections be written pursuant to paragraph 3 of subdivision f of section 15 of the charter.* The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the office of administrative trials and hearings, of the determination that the person has not submitted proof of a cure within fifteen days of receiving written notification of such determination.

§ 19. Subdivision c of section 17-1307 of the administrative code of the city of New York, as added by local law number 80 for the year 2021, is amended to read as follows:

c. Any child care service that violates section 17-1303 or any rule promulgated thereunder shall not be subject to a civil penalty for a first-time violation if such child care service proves to the satisfaction of the department, within seven days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability for all

purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a child care service that has received, for the first time, a notice of violation of section 17-1303 or any rules promulgated pursuant thereto. *Such option shall be written in English and in any other language that such person has indicated that they would prefer that mailed agency communications relating to the results of such inspections be written pursuant to paragraph 3 of subdivision f of section 15 of the charter.* The department shall permit such proof to be submitted electronically or in person. A child care service may seek review, in the office of administrative trials and hearings, of the determination that the child care service has not submitted proof of a cure within 15 days of receiving written notification of such determination.

§ 20. Subdivision d of section 17-1507 of the administrative code of the city of New York, as added by local law number 80 for the year 2021, is amended to read as follows:

d. Any food service establishment that violates subdivision a of this section or any rules promulgated thereunder shall not be subject to a civil penalty for a first-time violation if such food service establishment proves to the satisfaction of the department, within seven days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a food service establishment that has received, for the first time, a notice of violation of this section or any rules promulgated pursuant thereto. *Such option shall be written in English and in any other language that such person has indicated that they would prefer that mailed agency communications relating to the results of such inspections be written pursuant to paragraph 3 of subdivision f of section 15 of the charter.* The department shall permit such proof to be submitted electronically or in person. A food service establishment may seek review, in the office of administrative trials and hearings, of the determination that the food service establishment has not submitted proof of a cure within 15 days of receiving written notification of such determination.

§ 21. Subdivision c of section 17-1508 of the administrative code of the city of New York, as added by local law number 80 for the year 2021, is amended to read as follows:

c. Except as provided by subdivision b of this section, a food service establishment that violates this chapter, chapter 1 of this title or any rule or provision of the health code of the city of New York promulgated pursuant to either chapter, failing to post or conspicuously post a sign, poster, image, card or other required information, or by failing to display or conspicuously display any permit, license or certification, shall be subject to a civil penalty of \$100; except that such food service establishment shall not be subject to a civil penalty for a first-time violation if such food service establishment proves to the satisfaction of the department, within 7 days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a food service establishment that has received, for the first time, a notice of violation of this section or any rules promulgated pursuant thereto. *Such option shall be written in English and in any other language that such person has indicated that they would prefer that mailed agency communications relating to the results of such inspections be written pursuant to paragraph 3 of subdivision f of section 15 of the charter.* The department shall permit such proof to be submitted electronically or in person. A food service establishment may seek review, in the office of administrative trials and hearings, of the determination that the food service establishment has not submitted proof of a cure within 15 days of receiving written notification of such determination.

§ 22. Subdivision c of section 17-1511 of the administrative code of the city of New York, as added by local law number 80 for the year 2021, is amended to read as follows:

c. A food service establishment that violates this section or any rule promulgated pursuant to this section shall be subject to a civil penalty of \$100; except that such food service establishment shall not be subject to a civil penalty for a first-time violation if such food service establishment proves to the satisfaction of the department, within 7 days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any

settlement offer made by the department to a food service establishment that has received, for the first time, a notice of violation of this section or any rules promulgated pursuant thereto. *Such option shall be written in English and in any other language that such person has indicated that they would prefer that mailed agency communications relating to the results of such inspections be written pursuant to paragraph 3 of subdivision f of section 15 of the charter.* The department shall permit such proof to be submitted electronically or in person. A food service establishment may seek review, in the office of administrative trials and hearings, of the determination that the food service establishment has not submitted proof of a cure within 15 days of receiving written notification of such determination.

§ 23. Subdivision b of section 17-1513 of the administrative code of the city of New York, as added by local law number 80 for the year 2021, is amended to read as follows:

b. A food service establishment that violates this section or any rule promulgated pursuant thereto shall be subject to a civil penalty of \$100; except that such food service establishment shall not be subject to a civil penalty for a first-time violation if such food service establishment proves to the satisfaction of the department, within 7 days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a food service establishment that has received, for the first time, a notice of violation of this section or any rules promulgated pursuant thereto. *Such option shall be written in English and in any other language that such person has indicated that they would prefer that mailed agency communications relating to the results of such inspections be written pursuant to paragraph 3 of subdivision f of section 15 of the charter.* The department shall permit such proof to be submitted electronically or in person. A food service establishment may seek review, in the office of administrative trials and hearings, of the determination that the food service establishment has not submitted proof of a cure within 15 days of receiving written notification of such determination.

§ 24. Subdivision b of section 17-1514 of the administrative code of the city of New York, as added by local law number 80 for the year 2021, is amended to read as follows:

b. A food service establishment that violates this section or any rule promulgated pursuant to this section shall be subject to a civil penalty of \$100; except that such food service establishment shall not be subject to a civil penalty for a first-time violation if such food service establishment proves to the satisfaction of the department, within seven days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a food service establishment that has received, for the first time, a notice of violation of this section or any rules promulgated pursuant thereto. *Such option shall be written in English and in any other language that such person has indicated that they would prefer that mailed agency communications relating to the results of such inspections be written pursuant to paragraph 3 of subdivision f of section 15 of the charter.* The department shall permit such proof to be submitted electronically or in person. A food service establishment may seek review, in the office of administrative trials and hearings, of the determination that the food service establishment has not submitted proof of a cure within 15 days of receiving written notification of such determination.

§ 25. Subdivision b of section 17-1515 of the administrative code of the city of New York, as added by local law number 80 for the year 2021, is amended to read as follows:

b. A food service establishment that violates this section or any rule promulgated pursuant to this section shall be subject to a civil penalty of \$100; except that such food service establishment shall not be subject to a civil penalty for a first-time violation if such food service establishment proves to the satisfaction of the department, within seven days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a food service establishment that has received, for the first time, a notice of violation of this section or any rules promulgated pursuant thereto. *Such option shall be written in*

English and in any other language that such person has indicated that they would prefer that mailed agency communications relating to the results of such inspections be written pursuant to paragraph 3 of subdivision f of section 15 of the charter. The department shall permit such proof to be submitted electronically or in person. A food service establishment may seek review, in the office of administrative trials and hearings, of the determination that the food service establishment has not submitted proof of cure within 15 days of receiving written notification of such determination.

§ 26. Subdivision b of section 17-1516 of the administrative code of the city of New York, as added by local law number 80 for the year 2021, is amended to read as follows:

b. A food service establishment that violates this section or any rule promulgated pursuant to this section shall be subject to a civil penalty of \$100; except that such food service establishment shall not be subject to a civil penalty for a first-time violation if such food service establishment proves to the satisfaction of the department, within seven days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a food service establishment that has received, for the first time, a notice of violation of this section or any rules promulgated pursuant thereto. *Such option shall be written in English and in any other language that such person has indicated that they would prefer that mailed agency communications relating to the results of such inspections be written pursuant to paragraph 3 of subdivision f of section 15 of the charter.* The department shall permit such proof to be submitted electronically or in person. A food service establishment may seek review, in the office of administrative trials and hearings, of the determination that the food service establishment has not submitted proof of a cure within 15 days of receiving written notification of such determination.

§ 27. Subdivision b of section 17-1517 of the administrative code of the city of New York, as added by local law number 80 for the year 2021, is amended to read as follows:

b. A food service establishment that violates this section or any rule promulgated pursuant to this section shall be subject to a civil penalty of \$100; except that such food service establishment shall not be subject to a civil penalty for a first-time violation if such food service establishment proves to the satisfaction of the department, within seven days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a food service establishment that has received, for the first time, a notice of violation of this section or any rules promulgated pursuant thereto. *Such option shall be written in English and in any other language that such person has indicated that they would prefer that mailed agency communications relating to the results of such inspections be written pursuant to paragraph 3 of subdivision f of section 15 of the charter.* The department shall permit such proof to be submitted electronically or in person. A food service establishment may seek review, in the office of administrative trials and hearings, of the determination that the food service establishment has not submitted proof of a cure within 15 days of receiving written notification of such determination.

§ 28. Subdivision c of section 17-1707 of the administrative code of the city of New York, as added by local law number 80 for the year 2021, is amended to read as follows:

c. Any person that violates subdivision c of section 17-1703 or any rules promulgated pursuant thereto shall not be subject to a civil penalty for a first-time violation if such person proves to the satisfaction of the department, within seven days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of subdivision c of section 17-1703 or any rules promulgated pursuant thereto. *Such option shall be written in English and in any other language that such person has indicated that they would prefer that mailed agency communications relating to the results of such inspections be written pursuant to paragraph 3 of subdivision f of section 15 of the charter.* The department shall permit such proof to be submitted electronically or in person.

A person may seek review, in the office of administrative trials and hearings, of the determination that the person has not submitted proof of a cure within 15 days of receiving written notification of such determination.

§ 29. Subdivision a of section 20-630 of the administrative code of the city of New York, as added by local law number 80 for the year 2021, is amended to read as follows:

a. Any person who violates any provision of this subchapter or any rules promulgated pursuant to this subchapter shall be subject to a civil penalty of: (i) one hundred seventy-five dollars for the first violation; (ii) three hundred dollars for the second violation; and (iii) five hundred dollars for the third and any subsequent violation; except that a person shall be subject to a civil penalty of zero dollars for a first violation of subdivision a or d of 20-629 of this subchapter or any rule or regulation promulgated thereunder, if such person proves to the satisfaction of the department, within thirty days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of subdivision a or d of section 20-629 of this subchapter or any rule or regulation promulgated thereunder. *Such option shall be written in English and in any other language that such person has indicated that they would prefer that mailed agency communications relating to the results of such inspections be written pursuant to paragraph 3 of subdivision f of section 15 of the charter.* The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the department's administrative tribunal, of the determination that the person has not submitted proof of a cure within fifteen days of receiving written notification of such determination.

§ 30. Subdivision i of section 20-227.1 of the administrative code of the city of New York, as added by local law number 80 for the year 2021, is amended to read as follows:

i. Notwithstanding any inconsistent provision of this section, any person found to be operating an unlicensed sidewalk cafe or any holder of a license found to be operating a sidewalk cafe in violation of this subchapter, the terms and conditions of such license or a revocable consent, or rules promulgated by the commissioner pursuant to this subchapter shall be subject to a civil penalty of zero dollars for a first violation, if such person or holder of a license proves to the satisfaction of the department, within thirty days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to such person or holder of a license who has received, for the first time, a notice of violation of this subchapter or any rule or regulation promulgated thereunder. *Such option shall be written in English and in any other language that such person has indicated that they would prefer that mailed agency communications relating to the results of such inspections be written pursuant to paragraph 3 of subdivision f of section 15 of the charter.* The department shall permit such proof to be submitted electronically or in person. Such person or holder of a license may seek review, in the department's administrative tribunal, of the determination that such person or holder of a license has not submitted proof of a cure within fifteen days of receiving written notification of such determination.

§ 31. Subdivision b of section 20-241.1 of the administrative code of the city of New York, as amended by local law number 98 for the year 2021 and renumbered by local law number 128 for the year 2021, is amended to read as follows:

b. Notwithstanding any inconsistent provision of this section, a person shall be subject to a civil penalty of zero dollars for a first violation of: (i) restrictions imposed pursuant to section 20-231 relating to the display or offering for sale of merchandise from any public space adjacent to a newsstand or from any portion of a newsstand exterior, the affixation of materials to a newsstand or the location of sales made at a newsstand; (ii) paragraph 1 of subdivision h of section 20-231 or any rule or regulation promulgated thereunder; (iii) subdivision i of section 20-231 or any rule or regulation promulgated thereunder; (iv) subdivision b of section 20-233 of this subchapter or any rule or regulation promulgated thereunder, or (v) subdivision (a) of section 2-66 of title 6 of the rules of the city of New York, or any successor to such provision, if such person proves to the satisfaction of the department, within thirty days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability for all

purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation for any violation described in clauses (i) through (v) of this subdivision. *Such option shall be written in English and in any other language that such person has indicated that they would prefer that mailed agency communications relating to the results of such inspections be written pursuant to paragraph 3 of subdivision f of section 15 of the charter.* The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the department's administrative tribunal, of the determination that the person has not submitted proof of a cure within fifteen days of receiving written notification of such determination.

§ 32. Subdivision b of section 20-263 of the administrative code of the city of New York, as added by local law number 80 for the year 2021, is amended to read as follows:

b. Any person who violates any provision of this subchapter or any rules promulgated pursuant to this subchapter shall be subject to a civil penalty of: (1) two hundred dollars for the first violation and for each additional violation committed on the same day; (2) five hundred dollars for the second violation committed, and each additional violation committed on the same day, within a one-year period; and (3) one thousand dollars for the third and any subsequent violation committed, and each additional violation committed on the same day, within a one-year period; provided that any person who violates section 20-253, paragraph 6 or 7 of subdivision b or subdivision d or e of section 20-259, or any rule or regulation promulgated thereunder, shall be subject to a civil penalty of: (1) five hundred dollars for the first violation; (2) one thousand dollars for the second violation committed, and each additional violation committed on the same day, within a one-year period; and (3) four thousand dollars for the third and any subsequent violation committed, and each additional violation committed on the same day, within a one-year period; and provided further that a person shall be subject to a civil penalty of zero dollars for a first violation of paragraph 13, 14 or 15 of subdivision a of section 20-254 or subdivision d or e of section 20-255 or any rule or regulation promulgated thereunder, or any rule or regulation promulgated pursuant to subdivision b of section 20-265 of this subchapter, if such person proves to the satisfaction of the department, within thirty days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of paragraph 13, 14 or 15 of subdivision a of section 20-254 or subdivision d or e of section 20-255 of this subchapter or any rule or regulation promulgated thereunder, or any rule or regulation promulgated pursuant to subdivision b of section 20-265 of this subchapter. *Such option shall be written in English and in any other language that such person has indicated that they would prefer that mailed agency communications relating to the results of such inspections be written pursuant to paragraph 3 of subdivision f of section 15 of the charter.* The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the department's administrative tribunal, of the determination that the person has not submitted proof of a cure within fifteen days of receiving written notification of such determination. The pedicab business that authorizes the operation of such pedicab shall be jointly and severally liable with the pedicab driver thereof, for the penalties imposed by this section.

§ 33. Section 20-277.2 of the administrative code of the city of New York, as added by local law number 80 for the year 2021, is amended to read as follows:

§ 20-277.2 Penalties. Any person who violates any provision of this subchapter or any rules promulgated pursuant to this subchapter shall be subject to a civil penalty of: (i) one hundred seventy-five dollars for the first violation; (ii) three hundred dollars for the second violation; and (iii) five hundred dollars for the third and any subsequent violation; except that a person shall not be subject to such civil penalty for a first-time violation of subdivision b or d of section 20-277.1 of this subchapter, or any rule or regulation promulgated thereunder, if such person proves to the satisfaction of the department, within thirty days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of subdivision b or d of section 20-277.1, or any rule or regulation promulgated thereunder. *Such option shall be written in English and in any other language that such person has indicated*

that they would prefer that mailed agency communications relating to the results of such inspections be written pursuant to paragraph 3 of subdivision f of section 15 of the charter. The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the department's administrative tribunal, of the determination that the person has not submitted proof of a cure within fifteen days of receiving written notification of such determination.

§ 34. Subdivision a of section 20-359 of the administrative code of the city of New York, as added by local law number 80 for the year 2021, is amended to read as follows:

a. Any person who violates any provision of this subchapter or any rules promulgated pursuant to this subchapter shall be subject to a civil penalty of: (i) one hundred seventy-five dollars for the first violation; (ii) three hundred dollars for the second violation committed; and (iii) five hundred dollars for the third and any subsequent violation committed; except that a person shall be subject to a civil penalty of zero dollars for a first violation of section 20-346 of this subchapter or any rule or regulation promulgated thereunder by failing to conspicuously display a license upon the premises where a game is to be conducted at all times during the conduct thereof, if such person proves to the satisfaction of the department, within thirty days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of section 20-346 of this subchapter or any rule or regulation promulgated thereunder. *Such option shall be written in English and in any other language that such person has indicated that they would prefer that mailed agency communications relating to the results of such inspections be written pursuant to paragraph 3 of subdivision f of section 15 of the charter.* The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the department's administrative tribunal, of the determination that the person has not submitted proof of a cure within fifteen days of receiving written notification of such determination.

§ 35. Subdivision b of section 20-415 of the administrative code of the city of New York, as added by local law number 80 for the year 2021, is amended to read as follows:

b. Notwithstanding subdivision a of this section, a person shall be subject to a civil penalty of zero dollars for a first violation of subdivision 6 of section 20-417 of this subchapter or any rule or regulation promulgated thereunder if such person proves to the satisfaction of the department, within thirty days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of subdivision 6 of section 20-417 of this subchapter or any rule or regulation promulgated thereunder. *Such option shall be written in English and in any other language that such person has indicated that they would prefer that mailed agency communications relating to the results of such inspections be written pursuant to paragraph 3 of subdivision f of section 15 of the charter.* The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the department's administrative tribunal, of the determination that the person has not submitted proof of a cure within fifteen days of receiving written notification of such determination.

§ 36. Paragraph 3 of subdivision b of section 20-485.5 of the administrative code of the city of New York, as amended by local law number 80 for the year 2021, is amended to read as follows:

3. Notwithstanding the provisions of section 20-485.6 of this subchapter, the civil penalties imposed for a violation of this subdivision shall be those provided for violations of section 20-708 of this title; except that a person shall be subject to a civil penalty of zero dollars for a first violation of subdivision b of section 20-485.5 of this subchapter or any rule or regulation promulgated thereunder, if such person proves to the satisfaction of the department, within thirty days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of subdivision b of section 20-485.5 of this subchapter or any rule or regulation promulgated thereunder. *Such*

option shall be written in English and in any other language that such person has indicated that they would prefer that mailed agency communications relating to the results of such inspections be written pursuant to paragraph 3 of subdivision f of section 15 of the charter. The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the department's administrative tribunal, of the determination that the person has not submitted proof of a cure within fifteen days of receiving written notification of such determination.

§ 37. Subdivision b of section 20-485.6 of the administrative code of the city of New York, as amended by local law number 80 for the year 2021, is amended to read as follows:

b. Notwithstanding the provisions of subdivisions a and b of section 20-106 and except as provided in paragraph 3 of subdivision b of section 20-485.5, any person who violates any provision of this subchapter or any rules promulgated thereunder shall be subject to a civil penalty of one hundred seventy-five dollars for the first violation, three hundred dollars for the second violation and five hundred dollars for the third and any subsequent violation, to be recovered in a civil action; except that a person shall be subject to a civil penalty of zero dollars for a first violation of subdivision a of section 20-485.5 of this subchapter or any rule or regulation promulgated thereunder, if such person proves to the satisfaction of the department, within thirty days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of subdivision a of section 20-485.5 of this subchapter or any rule or regulation promulgated thereunder. *Such option shall be written in English and in any other language that such person has indicated that they would prefer that mailed agency communications relating to the results of such inspections be written pursuant to paragraph 3 of subdivision f of section 15 of the charter.* The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the department's administrative tribunal, of the determination that the person has not submitted proof of a cure within fifteen days of receiving written notification of such determination.

§ 38. Section 20-593 of the administrative code of the city of New York, as amended by local law number 80 for the year 2021, is amended to read as follows:

§ 20-593 Punishment. Any person who shall violate any of the foregoing provisions for the regulation of weights and measures or any rule or regulation promulgated thereunder shall forfeit and pay a penalty of fifty dollars for the first violation, seventy-five dollars for the second violation and one hundred dollars for the third and any subsequent violation; except that a person shall be subject to a civil penalty of zero dollars for a first-time violation of section 20-595 of this subchapter or any rule or regulation promulgated thereunder, if such person proves to the satisfaction of the department, within thirty days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of section 20-595 of this subchapter or any rule or regulation promulgated thereunder. *Such option shall be written in English and in any other language that such person has indicated that they would prefer that mailed agency communications relating to the results of such inspections be written pursuant to paragraph 3 of subdivision f of section 15 of the charter.* The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the department's administrative tribunal, of the determination that the person has not submitted proof of a cure within fifteen days of receiving written notification of such determination.

§ 39. Paragraph 3 of subdivision a of section 20-674 of the administrative code of the city of New York, as amended by local law number 80 for the year 2021, is amended to read as follows:

(3) In addition to the penalties prescribed by paragraph one of subdivision a of this section, any person who violates the provisions of this subchapter or any rules or regulations promulgated thereunder, other than sections 20-673.1 and 20-673.2 and any rules or regulations promulgated thereunder, shall be liable for a civil penalty of not less than five hundred dollars nor more than ten thousand dollars; except that a person shall be subject to a civil penalty of zero dollars for a first violation of section 20-672 of this subchapter or any rule or regulation promulgated thereunder, if such person proves to the satisfaction of the department, within thirty days of the

issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of section 20-672 of this subchapter or any rule or regulation promulgated thereunder. *Such option shall be written in English and in any other language that such person has indicated that they would prefer that mailed agency communications relating to the results of such inspections be written pursuant to paragraph 3 of subdivision f of section 15 of the charter.* The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the department's administrative tribunal, of the determination that the person has not submitted proof of a cure within fifteen days of receiving written notification of such determination.

§ 40. Section 20-683 of the administrative code of the city of New York, as amended by local law number 80 for the year 2021, is amended to read as follows:

§ 20-683 Punishment. Any person who shall violate any of the provisions of this subchapter shall be liable to forfeit and pay a civil penalty in the sum of three hundred dollars for the first violation, four hundred dollars for the second violation and five hundred dollars for the third and any subsequent violation; except that a person shall be subject to a civil penalty of zero dollars for a first violation of subdivision b of section 20-682 of this subchapter or any rule or regulation promulgated thereunder, if such person proves to the satisfaction of the department, within thirty days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of subdivision b of section 20-682 of this subchapter or any rule or regulation promulgated thereunder. *Such option shall be written in English and in any other language that such person has indicated that they would prefer that mailed agency communications relating to the results of such inspections be written pursuant to paragraph 3 of subdivision f of section 15 of the charter.* The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the department's administrative tribunal, of the determination that the person has not submitted proof of a cure within fifteen days of receiving written notification of such determination.

§ 41. Subdivision a of section 20-692 of the administrative code of the city of New York, as amended by local law number 80 for the year 2021, is amended to read as follows:

a. Any person who shall violate any of the provisions of subdivisions a or b of section 20-691 shall be subject to a civil penalty of fifty dollars for the first violation, one hundred dollars for the second violation and one hundred fifty dollars for the third and any subsequent violation, except that a person shall be subject to a civil penalty of zero dollars for a first violation of subdivision a or b of section 20-691 of this subchapter or any rule or regulation promulgated thereunder, if such person proves to the satisfaction of the department, within thirty days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of subdivision a or b of section 20-691 of this subchapter or any rule or regulation promulgated thereunder. *Such option shall be written in English and in any other language that such person has indicated that they would prefer that mailed agency communications relating to the results of such inspections be written pursuant to paragraph 3 of subdivision f of section 15 of the charter.* The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the department's administrative tribunal, of the determination that the person has not submitted proof of a cure within fifteen days of receiving written notification of such determination.

§ 42. Subparagraph (a) of paragraph 2 of subdivision f of section 20-708.1 of the administrative code of the city of New York, as amended by local law number 80 for the year 2021, is amended to read as follows:

(a) upon inspection, up to \$25 for the first 20 violations and up to \$50 for each successive violation, total violations not to exceed \$2,000, except that a retail store shall not be subject to the civil penalty described above for a first-time violation or first-time violations of subdivision b of this section or any rule promulgated

thereunder if such retail store proves to the satisfaction of the department, within 30 days of the issuance of the notice of violation or notices of violation and prior to the commencement of an adjudication of such notice or notices, that the violation or violations have been cured. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation or violations have been cured shall be offered as part of any settlement offer made by the department to a retail store that has received a notice of violation or notices of violation for a first-time violation or first-time violations of subdivision b of this section or any rule promulgated thereunder. *Such option shall be written in English and in any other language that such person has indicated that they would prefer that mailed agency communications relating to the results of such inspections be written pursuant to paragraph 3 of subdivision f of section 15 of the charter.* The department shall permit such proof to be submitted electronically or in person. A retail store may seek review, in the department, of the determination that proof of a cure was not submitted within 15 days of receiving written notification of such determination.

§ 43. Section 20-711 of the administrative code of the city of New York, as amended by local law number 80 for the year 2021, is amended to read as follows:

§ 20-711 Penalties. Any person who shall violate the provisions of section 20-708 or section 20-709 hereof or rules promulgated pursuant to this subchapter, other than the provisions of section 20-708.1 or rules promulgated under such section, shall pay a civil penalty of fifty dollars for the first violation, one hundred and seventy-five dollars for the second violation and two hundred fifty dollars for the third and each subsequent violation and shall, upon conviction thereof, be punished by a fine of not less than twenty-five dollars nor more than two hundred fifty dollars for each violation; except that a person shall be subject to a civil penalty of zero dollars for a first violation of section 20-708 of this subchapter or any rule or regulation promulgated thereunder, if such person proves to the satisfaction of the department, within thirty days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of section 20-708 of this subchapter or any rule or regulation promulgated thereunder. *Such option shall be written in English and in any other language that such person has indicated that they would prefer that mailed agency communications relating to the results of such inspections be written pursuant to paragraph 3 of subdivision f of section 15 of the charter.* The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the department's administrative tribunal, of the determination that the person has not submitted proof of a cure within fifteen days of receiving written notification of such determination. For the purposes of this section, each group of identical consumer commodities for which on any single day the total selling price or price per measure is not displayed in accordance with section 20-708 or section 20-709 or rules promulgated pursuant to this subchapter, other than the provisions of section 20-708.1 or rules promulgated under such section, shall be considered a single violation.

§ 44. Section 20-862 of the administrative code of the city of New York, as amended by local law number 98 for the year 2021, is amended to read as follows:

§ 20-862 Penalties. Any person who violates any provision of this subchapter or any rules promulgated pursuant to this subchapter shall be subject to a civil penalty of: (i) \$150 for the first violation; (ii) \$250 for the second violation; and (iii) \$350 for the third and any subsequent violation; except that a person shall be subject to a civil penalty of zero dollars for a first-time violation of section 20-861 of this subchapter or any rule or regulation promulgated thereunder, if such person proves to the satisfaction of the department, within 30 days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of section 20-861 of this subchapter or any rule or regulation promulgated thereunder. *Such option shall be written in English and in any other language that such person has indicated that they would prefer that mailed agency communications relating to the results of such inspections be written pursuant to paragraph 3 of subdivision f of section 15 of the charter.* The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the

department's administrative tribunal, of the determination that the person has not submitted proof of a cure within 15 days of receiving written notification of such determination.

§ 45. Subdivision a of section 20-633 of the administrative code of the city of New York, as added by local law number 98 for the year 2021, is amended to read as follows:

a. Any person who violates any provision of this subchapter or any rules promulgated pursuant to this subchapter shall be subject to a civil penalty of: (i) \$175 for the first violation; (ii) \$300 for the second violation; and (iii) \$500 for the third and any subsequent violation committed; except that a person shall be subject to a civil penalty of zero dollars for a first violation of subdivision a or d of section 20-632 of this subchapter, or any rule or regulation promulgated thereunder, if such person proves to the satisfaction of the department, within 30 days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of subdivision a or d of section 20-632 of this subchapter, or any rule or regulation promulgated thereunder. *Such option shall be written in English and in any other language that such person has indicated that they would prefer that mailed agency communications relating to the results of such inspections be written pursuant to paragraph 3 of subdivision f of section 15 of the charter.* The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the department's administrative tribunal, of the determination that the person has not submitted proof of a cure within 15 days of receiving written notification of such determination.

§ 46. By May 30, 2023, the department of consumer and worker protection shall promulgate rules to the effect that the option of presenting proof that the violation has been cured as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of any signage mandate described in this section shall be written in English and in any other language that such person has indicated that they would prefer that mailed agency communications relating to the results of inspections be written pursuant to paragraph 3 of subdivision f of section 15 of the charter or subdivision b of section 20-107 of the code. This section shall apply to the following signage mandates:

- 1) requiring the posting of refund policies;
- 2) requiring the posting of a sign stating that individuals may complain to the department of consumer and worker protection about a business licensed by such department;
- 3) prohibiting signs stating that a business is not liable for such business's negligence if such a statement is invalid under law;
- 4) requiring that parking lots and garages post a sign stating:
 - a) the business hours of such lot or garage;
 - b) the licensed capacity of such lot or garage;
 - c) such lot or garage is at full capacity for car or bicycle parking; and
 - d) minimum number of bicycle parking spaces;
- 5) requiring that parking lots and garages have separate entrances and exits, with the main entrance and exit clearly designated with illuminated signs marked "entrance" and "exit";
- 6) requiring that all required signage is illuminated, clearly visible, and readable;
- 7) requiring that those lots and garages with waivers under section 20-327.1 of the administrative code post a sign with respect to bike parking;
- 8) requiring that auxiliary signs of parking lots and garages contain equally sized letters and numbers;
- 9) requiring that businesses that accept credit cards post a list of limitations that such businesses put on credit card usage at or near the entrance of each such business, and in all advertising indicating that credit cards are accepted;
- 10) requiring that electronic or home appliance service dealers include a notice in the department or area where electronic and home appliances are accepted for repair stating that customers are entitled to written estimates for repairs and other customer rights, and that the regulations of the department of consumer and worker protection relating to television, radio and audio servicing are available for review from the service dealer upon request;
- 11) requiring a tax preparer to display a sign:
 - a) identifying him or herself, including his or her address, telephone number, and qualifications;

- b) stating that both the preparer and taxpayer must sign every tax return;
 - c) stating how his or her fees are calculated;
 - d) stating that he or she or his or her agency will not represent the taxpayer in an audit, if true; and
 - e) stating that he or she is not licensed by the state board of public accounting or the New York state bar, or both, if true;
 - 12) requiring dealers of products for the disabled to post a sign summarizing any provisions of the New York city products for the disabled law;
 - 13) requiring any bus to include a posted sign on the windshield and near the entrance door of such bus that designates the departure time and destination of such bus;
 - 14) requiring laundries:
 - a) to distinguish in their advertising between services being offered at different prices;
 - b) to post an out-of-order sign on non-functioning machines on such laundry's premises;
 - c) to post a notice that complaints and claims for refunds may be made to a certain person or persons; and
 - d) to post any sign in both English and Spanish, if applicable;
 - 15) requiring sidewalk cafes to post a sign stating the maximum number of tables and chairs licensed for such sidewalk café, and prohibiting other signage at a sidewalk café except for signage meeting certain specifications;
 - 16) requiring motor vehicle rental businesses to post a notice of the department of consumer and worker protection's rules pursuant to the consumer protection law;
 - 17) requiring any labeling declaration to be written in the English language;
 - 18) requiring that amusement arcades and gaming cafes post a sign describing age restrictions during certain hours of operation; and
 - 19) requiring signage at businesses that sell beverages for off-premises consumption in beverage containers that are covered by title ten of article twenty-seven of the environmental conservation law of the state of New York to be placed within a certain distance of cash registers or to be visible to consumers from any specific vantage point; and
 - 20) requiring stores with weighing and measuring devices for customer use to post a sign informing customers that they may reweigh products using such weighing or measuring device or devices.
- § 47. This local law takes effect 120 days after it becomes law, except that the department of consumer and worker protection shall take such actions as are necessary for its implementation, including the promulgation of rules, before such date.

Referred to the Committee on Governmental Operations.

Int. No. 383

By Council Members Brewer, Louis and Menin.

A Local Law to amend the administrative code of the city of New York, in relation to supplemental registration statements and the dataset for ground floor or second floor commercial premises

Be it enacted by the Council as follows:

Section 1. Subdivisions d and f of section 11-3001 of the administrative code of the city of New York, as added by local law number 157 for the year 2019, is amended to read as follows:

d. Supplemental registration. Every owner of a ground floor or second floor commercial premises who is required to file a registration statement pursuant to subdivision b of this section shall also submit a supplemental registration statement if the premises becomes vacant at any time [during the period from January 1 through June 30 of the current calendar year] or the ownership of the premises [has changed during that period] *changes*. Such supplemental registration statement shall be filed on forms [and according to a schedule] prescribed by the department of finance *as follows*:

1. If the vacancy or change of ownership occurs from January 1 through May 31 of the current calendar year, the supplemental registration shall be filed at the same time as the registration statement; and

2. If the vacancy or change of ownership occurs from June 1 through December 31 of the current calendar year, the supplemental registration shall be filed within 60 days of such vacancy or change of ownership.

f. The department of finance shall require the registration statements and supplemental registration required to be filed pursuant this subdivisions b, c and *paragraph 1 of subdivision d* of this section to be filed as part of the income and expense statement required to be submitted to such department pursuant to section 11-208.1.

§ 2. Paragraph 1 of subdivision h of section 11-3001 of the administrative code of the city of New York, as added by local law number 157 for the year 2019, is amended to read as follows:

1. Establish a public online searchable dataset. Such dataset shall be based upon registrations filed during the previous year and shall include [a list of street addresses, including block and lot number, and zip code,] for each ground floor and second floor commercial premises [indicating whether or not such commercial premises was reported as being vacant as of December 31 of the previous calendar year, or as of June 30 of the current calendar year if a supplemental registration statement has been filed for such premises.]:

(a) *The street address, block and lot number, and zip code;*

(b) *Whether such commercial premises was reported as being vacant, leased or occupied by the owner as of December 31 of the previous calendar year or as of the filing date of the most recent supplemental registration statement, if applicable; and*

(c) *If such commercial premises is vacant, the expiration date of the most recent lease.*

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

Referred to the Committee on Small Business.

Int. No. 384

By Council Members Brooks-Powers, Lee, Ossé, Louis and Nurse.

A Local Law to amend the New York city charter, in relation to the creation of an office of the homeowner advocate within the department of housing preservation and development

Be it enacted by the Council as follows:

Section 1. Chapter 61 of the New York city charter is amended by adding a new section 1807 to read as follows:

§ 1807. *Office of the homeowner advocate. a. For the purposes of this section the following term shall have the following meaning:*

Homeowner. The term “homeowner” means a person who utilizes a building as a primary residence by being: (1) the lawful owner of shares in a cooperative corporation that entitles such owner to occupancy of a dwelling unit in such building; (2) the owner of a residential condominium unit in such building; or (3) the owner of such building containing a residence within the city, provided such building may be either a one- or two- family dwelling or a multiple dwelling as defined by section 4 of the New York state multiple dwelling law.

b. There shall be in the department an office of the homeowner advocate whose duties shall include, but not be limited, to the following:

1. *establish a website and email address to receive comments and complaints from homeowners;*

2. *refer homeowners to the appropriate state or federal agency and, where needed, facilitate communication between the homeowner and such agency;*

3. *serve as a liaison to homeowners and city agencies including, but not limited to, the department, the department of buildings, the department of environmental protection and the department of finance and to provide the names of individuals or offices within such agencies that directly relate to the interests of homeowners;*

4. *act as a liaison to homeowners and community based organizations, legal services organizations and other organizations that provide support to homeowners;*

5. *make available, or provide referrals to, counseling for homeowners on areas such as scam prevention, mortgage counseling, municipal payment assistance, repair financing, financial planning and estate planning;*

6. provide trainings for homeowners on topics such as homeownership basics, property management, utility payments, insurance, mortgage relief and foreclosure prevention;

7. assist homeowners with navigating and accessing private and public financial and technical resources; and

8. create public awareness campaigns about the rights and responsibilities of homeowners.

c. By January 1, 2023, and by January first of each year thereafter, the office of the homeowner advocate shall submit to the speaker of the council, the mayor and post on its website a report. The report shall include, but need not be limited to, the following, disaggregated by community district where applicable:

1. the number of inquiries received by the office of the homeowner advocate, including complaint type and frequency;

2. a summary of actions taken for each inquiry type;

3. average amount of time taken to address each inquiry type;

4. the names and websites of existing not for profit organizations providing low cost or free services to homeowners within the city, including the names of individual points of contact within such organizations; and

5. recommendations for free and low cost services not already available that might be beneficial to homeowners within the city.

§ 2. This local law takes effect 90 days after becoming law.

Referred to the Committee on Housing and Buildings.

Int. No. 385

By Council Members Cabán, Powers, Hanif, Joseph, Nurse and Krishnan.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of correction to report programming and fiscal information

Be it enacted by the Council as follows:

Section 1. Section 9-129 of the administrative code of the city of New York, as amended by chapter 322 of the laws of 2021, is amended to read as follows:

§ 9-129 Reporting. *a. Annual report.* The commissioner of correction shall submit a report to the mayor and the council by October [first] 1 of each year regarding implementation of sections 9-127 and 9-128 of this title and other discharge planning efforts[, and, beginning October first, two thousand eight and annually thereafter, regarding recidivism among incarcerated individuals receiving discharge planning services from the department of correction or any social services organization under contract with the department of correction] *made in the prior fiscal year.*

b. Required information. In addition to the information required in subdivision a of this section, such report shall include, but need not be limited to:

1. The number of incarcerated individuals and the average number of days spent in the custody of the department of correction among such incarcerated individuals;

2. The number of incarcerated individuals eligible for a discharge plan pursuant to section 9-127.1, and the number of such incarcerated individuals who are offered a discharge plan;

3. Information pertaining to post-release job placement and retention, including, to the extent practicable: the number of formerly incarcerated individuals with post-release job placements within 30 days of release from the custody of the department; the number of formerly incarcerated individuals with post-release job placements within 90 days of release from the custody of the department; and the number of formerly incarcerated individuals with post-release job placements within 180 days of release from the custody of the department; and

4. A description of any services referred to formerly incarcerated individuals upon release.

§ 2. Subdivision b of section 9-143 of the administrative code of the city of New York is amended by adding a new paragraph 3 to read as follows:

3. *During the reporting period, the number of incarcerated individuals with a mental health diagnosis, the number of incarcerated individuals who received mental health services, and the percentage of incarcerated individuals with a mental health diagnosis who received mental health services.*

§ 3. Section 9-144 of the administrative code of the city of New York, as amended by chapter 322 of the laws of 2021, is amended to read as follows:

§ 9-144 Correction programming evaluation and report. [The department shall evaluate incarcerated individual programming each calendar year.] *a. Definitions.* For purposes of this section, “incarcerated individual programming” includes but is not limited to any structured services offered directly to incarcerated individuals for the purposes of vocational training, counseling, cognitive behavioral therapy, addressing drug dependencies, or any similar purpose.

b. Annual evaluation. *The department shall evaluate incarcerated individual programming each calendar year.*

c. Annual report. No later than April 1 of each year, beginning in 2017, the department shall submit a [summary of each] *report containing a summary of the evaluation required in subdivision b of this section* to the mayor and the council, and post such [summary] *report* to the department’s website.

[This summary] *d. Program information.* *The report required in subdivision c of this section shall include [factors determined by the department, including], but need not be limited to, the following information [related to the following for each such program: (i) the] for each program offered in the most recent calendar year and, where information is available, the prior five years:*

1. *The name of the program and the facilities where it is offered;*

2. *The name of the provider;*

3. *The amount of funding received; [(ii) estimated number of incarcerated individuals served; (iii) a brief]*

4. *A description of the program including the enrollment or referral process, the estimated number of hours of programming offered and utilized, the frequency with which it is offered, any interruption in programming and the cause, program length, goals, target populations, effectiveness, and outcome measurements, including a description of any award, certificate, degree or other qualification earned upon successful completion of the program, where applicable; [and (iv) successful completion and compliance rates, if applicable. Such summary]*

5. *The number of participating incarcerated individuals in the aggregate and disaggregated by race, gender and age;*

6. *The number of program instructors, and the ratio of program instructors to participating incarcerated individuals;*

7. *The number of participating incarcerated individuals who successfully complete the program, in the aggregate and disaggregated by race, sex and age, and the ratio of participating incarcerated individuals who successfully complete the program to participating incarcerated individuals, in the aggregate and disaggregated by race, sex and age;*

8. *The number of participating incarcerated individuals who do not successfully complete the program and the reason, when known; and*

9. *For applicable programs, the number of incarcerated individuals earning a GED, disaggregated by race, sex and age.*

e. Information required for each facility. *The information required in subdivision d of this section shall be reported in the aggregate for each program and disaggregated by facility if the program is offered at more than one facility.*

f. Accessibility and formatting. *The report required in subdivision c of this section shall be permanently accessible from the department’s website and shall be provided in a format that permits automated processing, where appropriate. [Each yearly summary] Required rates shall be expressed in fractions and percentages.*

g. Annual comparison required. *The report required in subdivision c of this section shall include a comparison of the current year with the prior five years, where such information is available.*

§ 4. Chapter 1 of title 9 of the administrative code of the city of New York is amended by adding a new section 9-163 to read as follows:

§ 9-163 *Report on budget and spending.* *The commissioner shall report the following information to the mayor and the speaker of the council by September 1 of each year:*

a. The amount of overtime spending per uniformed personnel for the prior fiscal year; and

b. The average number of fixed posts requiring coverage for each month of the prior fiscal year.

§ 5. This local law takes effect immediately.

Referred to the Committee on Criminal Justice.

Int. No. 386

By Council Members Cabán, Hanif, Hudson, Louis, Joseph, Nurse and Krishnan (by request of the Queens Borough President).

A Local Law to amend the administrative code of the city of New York, in relation to requiring the police department to submit reports on complaints of police misconduct

Be it enacted by the Council as follows:

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

§ 14-193 Police misconduct report. Within 10 days from the end of each calendar month, the commissioner shall submit to the council and the mayor, and post on the department’s website, a report on the number of complaints of police misconduct, including, but not limited to, misuse of force, harassment, and use of offensive language, received by the department in the prior calendar month, disaggregated by patrol precinct. The report shall include any action taken by the department in response to each such complaint, including any resulting investigation or disciplinary action.

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

Referred to the Committee on Public Safety.

Res. No. 161

Resolution calling upon the New York State Legislature to pass and the Governor to sign A.9802/S.8783, in relation to establishing a program to address the legalization of specified accessory dwelling units in a city with a population of one million or more.

By Council Members Hanif, Krishnan, the Public Advocate (Mr. Williams) and Council Members Narcisse, Hudson, Louis, Joseph, Ung, Nurse and Restler.

Whereas, According to recent news reports, tens of thousands of New Yorkers are estimated to be living illegally in basement apartments; and

Whereas, Many tenants in unsafe basement apartments are vulnerable due to the impacts of extreme weather; and

Whereas, The City, an online publication, reported on September 3, 2021 that at least 11 people drowned, the youngest being two years old, in basement apartments located in Queens and Brooklyn due to flooding conditions from a historic storm; and

Whereas, A pathway is needed to transform basement apartments into safe, legal and affordable housing; and

Whereas, A.9802, sponsored by Assembly Member Harvey Epstein in the New York State Assembly, and companion bill S.8783, introduced by State Senator Brian Kavanagh in the New York State Senate, creates a pathway to convert illegal basement units, in-law units, and other secondary units into accessory dwelling units; and

Whereas, A.9802/S.8783 allows for the City of New York to create an amnesty program that could exempt property owners that had accessory dwelling unit before the enactment of this law; and

Whereas, A.9802/S.8783 the permit application to create an accessory unit will also include a certificate that the unit was rented to a tenant and the rent amount; and

Whereas, A.9802/S.8783, helps property owners' clear regulatory hurdles like certain regulations set in the Multiple Dwelling Law or floor area restrictions that prevent accessory dwelling units from becoming legal; 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.9802/S.8783, in relation to establishing a program to address the legalization of specified accessory dwelling units in a city with a population of one million or more

Referred to the Committee on Housing and Buildings.

Int. No. 387

By Council Members Holden, Louis and Nurse.

A Local Law to amend the administrative code of the city of New York, in relation to door to door commercial solicitations

Be it enacted by the Council as follows:

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

*SUBCHAPTER 26
DOOR TO DOOR COMMERCIAL SOLICITATIONS*

§ 20-880 Definitions.

§ 20-881 Prohibited activity.

§ 20-882 Penalties.

§ 20-880 Definitions. For the purposes of this subchapter the following terms shall have the following meanings:

Door to door commercial solicitation. The term "door to door commercial solicitation" shall mean to go upon, ring the doorbell affixed to, knock on the door of or attempt to gain admission to any private or multiple dwelling for the purpose of advertising a business or soliciting business.

Multiple dwelling. The term "multiple dwelling" shall have the same meaning as defined in paragraph 7 of section 4 of article 1 of the multiple dwelling law.

Person. The term "person" shall mean any natural person, firm, partnership, joint venture, corporation or association.

Private dwelling. The term "private dwelling" shall have the same meaning as defined in paragraph 6 of section 4 of article 1 of the multiple dwelling law.

§ 20-881 Prohibited activity. a. No person shall engage in door to door commercial solicitation at any private dwelling or multiple dwelling where, in a conspicuous location at the entrance to such private dwelling or multiple dwelling, a sign is posted stating that door to door commercial solicitation is prohibited.

b. 1. In a private dwelling that is entirely owner-occupied and is designed for and occupied exclusively by no more than two families, any owner of such property shall have the authority to post such sign.

2. In all other private and multiple dwellings, the property owner shall only post such sign if the owner or lessee of each separate dwelling unit on such property or within such building indicates a desire to prohibit door to door commercial solicitations. Where one or more of such owners or lessees do not consent to the prohibition of door to door commercial solicitations, the property owner may post a sign prohibiting door to door commercial solicitation as long as the sign indicates those units where door to door commercial solicitation is permitted.

3. The signs permitted by this section shall be in a size and style to be determined by the commissioner.

§ 20-882 *Penalties.* A civil penalty of not less than \$250 nor more than \$1,000 shall be imposed for each violation of the provisions of this subchapter.

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

Referred to the Committee on Consumer and Worker Protection.

Int. No. 388

By Council Members Holden, Ayala, Brewer, Louis, Dinowitz and Paladino.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the Department of Homeless Services to report information regarding veterans entering and exiting shelter

Be it enacted by the Council as follows:

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

§ 21-328. *Veterans in shelter report. a. Definitions.* For the purposes of this section, the following terms have the following meanings:

Residential rehabilitation facilities. The term “residential rehabilitation facilities” means facilities for veterans and service members recovering from injuries or illnesses.

Shelter. The term “shelter” means temporary emergency housing provided to homeless adults, adult families, and families with children by the department or a provider under contract or similar agreement with the department.

Subsidized housing. The term “subsidized housing” means dwelling units aided by one or more federal, state or city programs designed to provide low or moderate income housing.

Supportive housing. The term “supportive housing” means affordable housing, combined with recovery-oriented services, where tenants pay up to thirty percent of their income towards rent and utilities.

Veteran. The term “veteran” means a person who has served in the active military of the United States and who has been released from such service otherwise than by dishonorable discharge.

b. Beginning no later than September 1, 2022 and on the first day of each succeeding calendar quarter thereafter, the department shall submit to the Speaker a report and post such report on its website detailing the following information relating to the previous calendar quarter:

1. The total number of veterans entering shelter, disaggregated by the number and percent of veterans who are new to the shelter system and those who have had prior shelter stays;

2. For the total number of veterans staying in shelter, the average length of stay, disaggregated by male and female veterans; and

3. The total number and percent of veterans placed in permanent housing, disaggregated by the type of housing including but not limited to supportive housing, subsidized housing, residential rehabilitation facilities and veterans who return to their family or to independent living.

§ 2. This local law takes effect immediately.

Referred to the Committee on General Welfare.

Int. No. 389

By Council Member Holden.

A Local Law to amend the administrative code of the city of New York, in relation to spending by foreign nationals and foreign-influenced entities in connection with city elections

Be it enacted by the Council as follows:

Section 1. Section 3-702 of the administrative code of the city of New York is amended by adding new subdivisions 24 and 25 to read as follows:

24. *Foreign-influenced entity.* The term “foreign-influenced entity” means any entity, as defined in clause (ii) of subparagraph (a) of paragraph 15 of subdivision a of section 1052 of the charter, for which at least one of the following conditions is met:

a. A single foreign national holds, owns, controls, or otherwise has direct or indirect beneficial ownership of five percent or more of the total equity, outstanding voting shares, membership units, or other applicable ownership interests of the entity;

b. Two or more foreign nationals, in aggregate, hold, own, control, or otherwise have direct or indirect beneficial ownership of 20 percent or more of the total equity, outstanding voting shares, membership units, or other applicable ownership interests of the entity; or

c. A foreign national participates directly or indirectly in the entity’s decision-making process with respect to the entity’s political activities in the United States, including the entity’s political activities with respect to a covered election.

25. *Foreign national.* The term “foreign national” means:

a. A foreign national, as defined in subsection (b) of section 30121 of title 52 of the United States code, including but not limited to a foreign government or a foreign principal; or

b. An entity for which, in aggregate, one or more foreign nationals, as defined in subsection (b) of section 30121 of title 52 of the United States code, own, control, or otherwise have direct or indirect beneficial ownership of 50 percent or more of the equity, outstanding voting shares, membership units, or other applicable ownership interests of the entity.

§ 2. Chapter 7 of title 3 of the administrative code of the city of New York is amended by adding a new section 3-721 to read as follows:

§ 3-721 *Prohibition of spending by foreign nationals and foreign-influenced entities.* a. A foreign national or foreign-influenced entity shall not make, directly or through any other person, a contribution, expenditure or independent expenditure, as defined in clause (i) of subparagraph (a) of paragraph 15 of subdivision a of section 1052 of the charter, in connection with any covered election.

b. The board may, upon notice and opportunity to be heard, assess a civil penalty in an amount not in excess of \$10,000 for each violation of this section. The intentional or knowing violation of this section shall be punishable as a misdemeanor in addition to any other penalty provided under law.

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

Referred to the Committee on Governmental Operations.

Int. No. 390

By Council Members Holden, Yeger and Brooks-Powers.

A Local Law to amend the administrative code of the city of New York, in relation to prohibiting new smoking paraphernalia retailer dealers near schools

Be it enacted by the Council as follows:

Section 1. Section 17-702 of the administrative code of the city of New York, as amended by local law number 191 for the year 2017, is amended by adding a new subdivision dd to read as follows:

dd. "Smoking paraphernalia retail dealer" means any person engaged in the retail sale of non-tobacco smoking products. For the purposes of this section, the possession or transportation at any one time of more than 20 non-tobacco smoking products by any person other than a manufacturer or a person delivering such products in the regular course of business for a manufacturer or smoking paraphernalia retail dealer, shall be presumptive evidence that such person is a smoking paraphernalia retail dealer.

§ 2. Chapter 7 of title 17 of the administrative code of the city of New York is amended by adding a new section 17-706.1 to read as follows:

§ 17-706.1 Smoking paraphernalia retail dealer locations. It is unlawful for any person to engage in business as a smoking paraphernalia retail dealer within 500 feet of any public or non-public school serving children in any grade from kindergarten through high school except where such smoking paraphernalia retail dealer was engaged in the retail sale of non-tobacco smoking products in such location on the effective date of this section.

§ 3. Section 17-709 of the administrative code of the city of New York, as amended by local law number 145 for the year 2017, is amended to read as follows:

§ 17-709 Enforcement. The department of health and mental hygiene and the department of finance shall enforce the provisions of this subchapter. The department of consumer affairs shall enforce sections 17-703, 17-703.1, 17-704, 17-704.1, 17-705, [and] 17-706 and 17-706.1. In addition, designated enforcement employees of any authorizing agency shall have the power to enforce the provisions of this subchapter.

§ 4. Section 17-709.1 of the administrative code of the city of New York, as added by local law number 97 for the year 2013, is amended to read as follows:

§ 17-709.1 Rules. The commissioner of the department and the commissioner of finance shall promulgate any rules as may be necessary for the purposes of carrying out the provisions of this subchapter. *The commissioner of consumer affairs shall promulgate any rules as may be necessary for the purposes of carrying out the provisions of section 17-706.1.*

§ 5. This local law takes effect 60 days after it becomes law, except that before such date the commissioner of consumer affairs shall publicize the location restriction set forth in section 17-706.1 of the administrative code of the city of New York, as added by section two of this local law, and may take any other measures necessary for the implementation of this local law, including the promulgation of rules.

Referred to the Committee on Health.

Int. No. 391

By Council Members Holden, Dinowitz and Williams.

A Local Law in relation to the creation of an interagency derelict housing and neglected property task force

Be it enacted by the Council as follows:

Section 1. Derelict housing and neglected property task force. a. There shall be an interagency task force that shall review and recommend changes to the laws, rules, regulations and policies related to the abatement of nuisances or other health or safety risks created by derelict housing and neglected properties.

b. The task force shall consist of 7 members, or their designees, as follows:

1. the commissioner of health and mental hygiene;
2. the commissioner of buildings;
3. the commissioner of housing preservation and development;

4. the commissioner of sanitation;
5. the commissioner of environmental protection;
6. one member appointed by the mayor; and
7. one member appointed by the speaker of the council.

c. Members of the task force shall serve for a term of 1 year, to commence after the appointment of the final member of the task force. All members shall be appointed to the task force within 60 days of the enactment of this local law.

d. All members of the task force shall serve without compensation and shall meet, at a minimum, on a quarterly basis.

e. No member of the task force shall be removed except for cause and upon notice and hearing by the appropriate appointing official. In the event of a vacancy, a successor shall be appointed in the same manner as the original appointment to serve the balance of the unexpired term.

f. The task force shall issue a report to the mayor and council no later than 12 months after the final member of the task force is appointed. Such report shall include, but need not be limited to, analysis and recommendations regarding the following:

1. reporting of problems relating to derelict housing or neglected properties by members of the public and the response to such reports, including situations where it may be unclear which agency has the authority to address the problem;
2. coordination between agencies when one property has violations from different city agencies;
3. strategies for addressing violations that a property owner fails to repair; and
4. the authority of city agencies to repair violations, including through the department of health and mental hygiene's authority to abate nuisances, and the department of housing preservation and development's emergency repair program, and whether any additional authority to repair violations should be granted to any agency.

g. Such task force shall dissolve 90 days after the final submission of the report required pursuant to subdivision f.

§ 2. This local law takes effect immediately and is deemed repealed 90 days after the final submission of the report required by subdivision f of section 1 of this local law.

Referred to the Committee on Housing and Buildings.

Int. No. 392

By Council Members Holden, Ayala, Louis and Nurse.

A Local Law to amend the administrative code of the city of New York, in relation to improving the flow of traffic during street construction

Be it enacted by the Council as follows:

Section 1. Section 19-107 of the administrative code of the city of New York is amended by adding new subdivisions d and e to read as follows:

d. A person to whom a permit has been issued shall ensure that a flag person or other individual authorized by law to conduct traffic is present at the street closure for which such permit was issued.

e. The police department shall enforce the provisions of this section, and shall periodically conduct a visual inspection of each street closure for which a permit has been issued pursuant to this section to confirm that a flag person or other individual authorized by law to conduct traffic is present.

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

Referred to the Committee on Transportation and Infrastructure.

Int. No. 393

By Council Members Holden and Yeger.

A Local Law to amend the administrative code of the city of New York, in relation to prohibiting certain commercial establishments from parking vehicles on city streets

Be it enacted by the Council as follows:

Section 1. Subchapter 2 of chapter 1 of title 19 of the administrative code of the city of New York is hereby amended to add a new section 19-170.3 to read as follows:

§ 19-170.3 Limitation on parking of motor vehicles by certain commercial establishments. a. As used in this section, the following terms have the following meanings:

Commercial establishment. The term “commercial establishment” means a motor vehicle repair shop, rental vehicle business or vehicle maintenance shop. A commercial establishment does not include a car dealership as defined in section 415 of the vehicle and traffic law.

Inventory vehicle. The term “inventory vehicle” means a motor vehicle that is owned by a commercial establishment for the purpose of selling, renting or leasing to a consumer.

Motor vehicle repair shop. The term “motor vehicle repair shop” means any person, as defined in section 1-112 of this code, who for compensation, is wholly or partially engaged in the business of repairing or diagnosing motor vehicle malfunctions or repairing motor vehicle bodies, fenders or other components damaged by accident or otherwise. The term “motor vehicle repair shop” also includes any shop, drive-in station, or garage at which motor vehicles are inspected for the purposes of appraising, evaluating or estimating the extent or value of motor vehicle damage or the necessity or cost of motor vehicle repairs.

Rental vehicle business. The term “rental vehicle business” means any person, as defined in section 1-112 of this code, in the business of providing rental vehicles to the public. The term “rental vehicle business” does not include carsharing organizations as defined in subdivision a of section 19-175.5.

Shop vehicle. The term “shop vehicle” means a motor vehicle that is in the possession of or is being operated at the direction of a commercial establishment for the purpose of maintenance, service or repair, but is not owned by such commercial establishment.

Vehicle maintenance shop. The term “vehicle maintenance shop” means any person, as defined in section 1-112 of this code, who for compensation, is wholly or partially engaged in the business of performing vehicle maintenance such as fueling, changing oil, batteries or tires, replacing fan belts, air filters or oil filters, installing windshield wiper blades or light bulbs, or such other minor repair and servicing functions.

b. It shall be unlawful for any commercial establishment to park, store, idle or otherwise maintain on any street any inventory vehicle or shop vehicle.

c. Any owner of a commercial establishment found to be in violation of this section is liable for a civil penalty of not less than \$250 and not more than \$400. For purposes of this section, every day that any single inventory vehicle or shop vehicle is parked in violation of this section shall be considered a separate violation.

d. Where an owner or lessee of a motor vehicle, other than a commercial establishment, receives a summons for a violation of subdivision b, it is an affirmative defense that such motor vehicle was in the possession of or operated at the direction of a commercial establishment at the time of the violation alleged in the summons.

e. Any inventory vehicle that is parked in violation of subdivision b of this section is subject to impoundment. Any inventory vehicle impounded pursuant to this subdivision shall not be released until all applicable towing and storage fees have been paid. The commissioner may promulgate rules concerning the procedure for the impoundment and release of inventory vehicles pursuant to this subdivision.

f. The penalties and fees provided for in this section shall be in addition to any other penalties, fees or remedies provided by law or regulation.

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

Referred to the Committee on Transportation and Infrastructure.

Int. No. 394

By Council Member Holden.

A Local Law to amend the New York city charter, in relation to requiring each community board to establish a veterans committee

Be it enacted by the Council as follows:

Section 1. Subdivision d of section 2800 of the New York city charter is amended by adding a new subparagraph 23 to read as follows:

(23) *Establish a committee dedicated to the needs of veterans and their families, with the meetings of such committee open to the public except as otherwise provided by law.*

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

Referred to the Committee on Veterans.

Int. No. 395

By Council Members Holden, Ariola, Louis and Nurse.

A Local Law to amend the administrative code of the city of New York, in relation to raising the maximum age to apply to become a firefighter

Be it enacted by the Council as follows:

Section 1. Paragraph 3 of subdivision a of section 15-103 of the administrative code of the city of New York is amended to read as follows:

3. Shall have passed his or her [eighteenth] 18th birthday but not his or her [twenty-ninth] 31st birthday on the date of the filing of his or her application for civil service examination *and not his or her 36th birthday on the date of his or her commencing employment as a firefighter.* [No person who qualifies under this requirement shall be disqualified from membership in the department because of having passed his or her twenty-ninth birthday subsequent to the filing of his or her application.] However no person shall be appointed unless he or she shall have attained his or her [twenty-first] 21st birthday.

§2. This local law takes effect immediately.

Referred to the Committee on Fire and Emergency Management.

Int. No. 396

By Council Members Holden, Joseph and Nurse (by request of the Queens Borough President).

A Local Law to amend the administrative code of the city of New York, in relation to remediating lead water hazards in schools and facilities providing day care services

Be it enacted by the Council as follows:

Section 1. Subchapter 2 of chapter 9 of title 17 of the administrative code of the city of New York, as amended by local law number 28 for the year 2020, is amended to add a new section 17-925 as follows:

§ 17-925 *Remediation of lead in water used for drinking or cooking at covered facilities.*

a. All water supplied for drinking or cooking purposes in a covered facility shall have lead levels below a water lead action level established by rule of the department.

b. The operator of a covered facility or the owner of the premises where such facility is located shall:

1. Except as provided in subdivision c of this section, at least once in each year, cause a sample of water from each fixture in such facility that supplies water for drinking or cooking purposes to be analyzed for lead by a laboratory certified to perform such analysis by the United States environmental protection agency, or a state agency of appropriate jurisdiction, and provide, in a form and manner established by the department, a copy of the results of such analysis to the parent or guardian of each child that attends such facility and to the department; or

2. (i) Install, and thereafter maintain and replace in accordance with manufacturer specifications, water filtration or treatment systems that will reduce lead concentrations in water supplied for drinking or cooking purposes at such facility and that have been certified by NSF International, or another certifying body designated by rule of the department, to reduce lead concentrations in water in accordance with NSF/ANSI standard 53 or 58, as in effect on the effective date of the local law that added this section, or such other standard as the department may adopt by rule or (ii) otherwise provide occupants of such facility with an adequate supply of safe, water for drinking and cooking purposes in accordance with rules promulgated by the department, provided that if electing to comply with this paragraph, such owner or operator shall at least once in each year, in a time and manner established by the department, provide the department with a certification describing the manner of such compliance and provide a copy of such certification to the parents or guardian of each child that attends such facility.

c. 1. For a covered facility located in a building erected before June 19, 1988, the operator of such facility, or the owner of such building, may only elect to comply with paragraph 1 of subdivision b of this section for such facility if the department has authorized such election for such facility based upon submission of an application, in a form and manner established by the department, showing that (i) a person performed tests, using a lead test kit registered by the United States environmental protection agency pursuant to section 745.88 of title 40 of the code of federal regulations, of the pipes, pipe fittings, joints, valves, faucets and fixture fittings utilized to supply water for drinking or cooking purposes in such facility to determine the lead content thereof, (ii) such person determined that such tests yielded negative responses for lead, (iii) such person is a certified renovator, as such term is defined in section 745.83 of title 40 of the code of federal regulations, as in effect on the effective date of the local law that added this section, or is otherwise approved to perform such tests by the department, the department of buildings or another agency designated by the mayor, (iv) such application includes a copy of the results of such tests certified by such person and (v) a copy of such application was provided to the parent or guardian of each child attending such facility.

2. The department may reduce the frequency of sampling for a covered facility under paragraph 1 of subdivision b of this section from once in each year to once in every three years upon submission of an application, in a form established by such department, showing that for each of the immediately preceding three years, the results of sampling in accordance with such paragraph have indicated that lead levels in such samples were below the water lead action level established under subdivision a of this section.

d. If a test that is required by federal, state or local law or rule, or an order issued by a court or a federal, state or local agency having appropriate jurisdiction, indicates that water supplied for drinking or cooking at a covered facility has a lead level at or above the water lead action level established under subdivision a of this section, the operator of such facility or the owner of the premises where such facility is located shall:

1. Notify the department and the parent or guardian of each child that attends such facility in a time and manner established by the department; and

2. Comply with paragraph 1 of subdivision b of this section, except that an operator of such covered facility, or an owner of the premises where such a facility is located, who installs a water filtration or treatment system pursuant to such paragraph need not thereafter replace such system in accordance with such paragraph if such operator or owner submits to the department, in a time and manner established by the department, a certification showing that (i) a sample of water was obtained from each fixture in such facility that supplies water for drinking or cooking purposes, (ii) each such sample was obtained after the installation of such system but did not include water that passed through such system, (iii) each such sample was analyzed for lead by a laboratory certified to perform such analysis by the United States environmental protection agency, or a state agency having appropriate jurisdiction, (iv) such analysis indicated that the lead level for each such sample is below the water

lead action levels established under section 17-912 of the code, provided that such certification shall include a copy of the results of such analysis as provided by such laboratory, and (v) a copy of such certification was provided to a parent or guardian of each child attending such facility.

e. Conditions prohibited by this section shall be remediated in the manner set forth under subdivision d of section 17-922.

§ 4. This local law takes effect 120 days after it becomes law, except that the commissioner of health and mental hygiene must take such actions as are necessary for implementation of this local law, including the promulgation of rules, before such effective date.

Referred to the Committee on Health.

Int. No. 397

By Council Members Holden, Borelli and Brannan.

A Local Law to amend the administrative code of the city of New York, in relation to building permit classifications and certificate of occupancy requirements

Be it enacted by the Council as follows:

Section 1. Item 2 of section 28-105.2 of the administrative code of the city of New York, as amended by local law 141 of 2013, is amended to read as follows:

2. Alteration permits: For the alteration of buildings or structures, including new and existing sign structures and partial demolition in conjunction with such building or structure. *Such alteration permits are further classified as follows:*

2.1 Alteration type 1 permits: for the alteration of buildings or structures requiring an amended or new certificate of occupancy, or having a cost of \$125,000 or more.

2.2 Alteration type 2 permits: for the alteration of buildings or structures involving multiple work types, but not requiring an amended or new certificate of occupancy and not having a cost of \$125,000 or more.

2.3 Alteration type 3 permits: for the alteration of buildings or structures involving only one work type and not requiring an amended or new certificate of occupancy, and not having a cost of \$125,000 or more.

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

Referred to the Committee on Housing and Buildings.

Int. No. 398

By Council Members Holden, Dinowitz, Yeger and Joseph.

A Local Law to amend the administrative code of the city of New York, in relation to requiring that law enforcement officers responding to noise complaints carry sound level meters

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 14 of the administrative code of the city of New York is amended by adding a new section 14-175 to read as follows:

§ 14-193 Sound level meters. a. Definitions. For the purposes of this section the following terms have the following meanings:

Dwelling. The term “dwelling” means any building lawfully occupied in whole or in part as the temporary or permanent residence of one or more natural persons.

Law enforcement officer. The term “law enforcement officer” a peace officer or police officer as defined in the Criminal Procedure Law who is employed by the city of New York or a special patrolman appointed by the police commissioner pursuant to section 14-106 of the administrative code.

Sound level meter. The term “sound level meter” means any instrument, including but not limited to a microphone, an amplifier, an output meter, and frequency weighting networks, for the measurement of noise and sound levels in a specified manner and which complies with standards established by the American National Standards Institute specifications for sound level meters S1.4-1971, as amended or S1.4-1983, as amended.

b. Law enforcement officers responding to noise complaints pursuant to chapter 2 of title 24, where the noise originates from a dwelling and enforcement of the applicable law may require the measurement of sound, shall be equipped with sound level meters and shall use such sound level meters where appropriate.

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

Referred to the Committee on Public Safety.

Int. No. 399

By Council Members Joseph, Yeger, Louis, Marte, Avilés, Krishnan, Dinowitz, Schulman, Hanif and Gutiérrez.

A Local Law to amend the administrative code of the city of New York, in relation to the sale and use of diesel-powered leaf blowers and lawn mowers

Be it enacted by the Council as follows:

Section 1. Chapter 4 of title 20 of the administrative code of the city of New York is amended by adding a new subchapter 14 to read as follows:

**SUBCHAPTER 14
LAWN CARE DEVICES**

§ 20-699.8 Diesel-powered leaf blowers and lawn mowers.

§ 20-699.9 Penalty.

§ 20-699.8 Diesel-powered leaf blowers and lawn mowers. No person shall distribute, sell or offer for sale a diesel-powered leaf blower or diesel-powered lawn mower after September 1, 2022.

§ 20-699.9 Penalty. a. A person who violates any provision of this subchapter shall be subject to a civil penalty of not less than \$250 nor more than \$1,000 for each violation.

b. Civil penalties under this section may be recovered by the department in an action in any court of appropriate jurisdiction or in a proceeding before the environmental control board. Such board shall have the power to impose civil penalties provided for in this section.

c. The civil penalties set forth in subdivision a of this section shall be indexed to inflation in a manner to be determined by department rules.

§ 2. Section 24-242 of the administrative code of the city of New York is amended by adding a new subdivision c to read as follows:

(c) No person shall operate a diesel-powered leaf blower or diesel-powered lawn mower after September 1, 2023.

§ 3. This local law takes effect immediately.

Referred to the Committee on Environmental Protection.

Int. No. 400

By Council Members Joseph, Hanif, Louis, Nurse, Marte, Avilés, Riley, Krishnan, Dinowitz, Schulman, Gutiérrez, Barron and Ossé.

A Local Law to amend the administrative code of the city of New York, in relation to establishing a warming centers program

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 17 of the administrative code of the city of New York is amended by adding a new section 17-199.19 to read as follows:

§ 17-199.19 Warming centers program. a. Definitions. For purposes of this section, the following terms have the following meanings:

Age group. The term “age group” means the range of ages of the visitors, as determined by the department.

Code blue alert. The term “code blue alert” means a weather emergency notice that the city issues when the temperature is 32 degrees Fahrenheit or below.

Visitor. The term “visitor” means an individual who visits a warming center.

Vulnerable population. The term “vulnerable population” means a group of persons in the city who are more sensitive to, or at a greater health risk, than the general population from the conditions of a cold blue alert.

b. Program established. The commissioner, in consultation with the commissioner of emergency management, shall establish a warming centers program to provide accessible spaces in each borough for the public to obtain refuge during a code blue alert. As part of such program, the commissioner, in consultation with the commissioner of emergency management, shall do the following:

1. Create a list of at least 10 locations in each borough to be used as warming centers, based on criteria, including, but not limited to, the areas where vulnerable populations reside and the areas most accessible to such populations;

2. Identify and coordinate the details of such centers, including, but not limited to, the hours of operation, the amenities offered to visitors, the staff at such centers and staff training;

3. Provide culturally appropriate electronic and non-electronic notification in advance of the opening of such centers to individuals, including, but not limited to, prior visitors, those in vulnerable populations and those who lack internet access;

4. During a code blue alert, operate at least two warming centers in each borough from the list required by paragraph 1 of this subdivision, operating additional centers based on demand and other factors that the commissioner determines by rule; and

5. At least annually survey the visitors regarding the warming centers and utilize the results of such survey to improve such program and centers.

c. Outreach. The commissioner, in consultation with the commissioner of emergency management, shall conduct culturally appropriate outreach on the warming centers program established by subdivision b of this section to create awareness of such program and the opening of such centers. Such outreach shall include, but need not be limited to, the following:

1. Creating a page about the program established by subdivision b of this section on the department website and the office of emergency management website, which shall provide information, including, but not limited to, the hours of operation and the location of the warming centers that the department operates;

2. Collaborating with churches, community-based organizations and government stakeholders, particularly those that serve vulnerable populations and populations who lack internet access, to enhance awareness of the warming centers; and

3. Posting information on relevant government websites and in public spaces, including, but not limited to, community centers, New York city housing authority buildings, public libraries and senior centers, which shall be made available in the designated citywide languages as defined in section 23-1101.

d. Reporting. No later than one year after the effective date of the local law that added this section, and annually thereafter, the commissioner shall report on the warming centers program required by subdivision b

of this section to the mayor and the speaker of the council and post such report on the department's website. Such annual reports shall include, but not be limited to, the following anonymized information:

1. The list of warming centers required by paragraph 1 of subdivision b of this section, and a description of the criteria that the department considered in creating such list;
2. The total number of warming centers that the department operated;
3. The total number of visitors;
4. A list of each warming center that the department operated, with each separate row of such list referencing a unique warming center and providing the following information about such center set forth in separate columns:
 - (a) The name of such center;
 - (b) The zip code and borough in which such center operated;
 - (c) The type of space in which such center was located, including, but not limited to, a community center, a public library, a New York city housing authority building or a senior center;
 - (d) The number of days and the number of hours per day that such center operated;
 - (e) The number of staff in such center;
 - (f) The number of visitors; and
 - (i) The age group and the zip code of each such visitor;
5. A description of the results of the visitors' survey required by paragraph 5 of subdivision b of this section and how such results were used to improve such centers;
6. An explanation as to why the department operated more than two such centers in a borough pursuant to subdivision b of this section, if applicable;
7. A comparison of the utilization of such centers in the current reporting period to the prior reporting period; and
8. An evaluation of the outreach required by subdivision c of this section, including, but not limited to, recommendations to improve such outreach, recommendations to improve utilization of such centers and an estimate of any resources to implement such recommendations.

§ 2. This local law takes effect 120 days after it becomes law, except that the commissioner of health and mental hygiene shall take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

Referred to the Committee on Health.

Int. No. 401

By Council Members Joseph, Hanif, Yeger, Ayala, Louis, Brannan, Nurse, Marte, Avilés, Riley, De La Rosa, Krishnan, Dinowitz, Gutiérrez and Barron.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the installation of speed humps on roadways adjacent to any park equal or greater than one acre

Be it enacted by the Council as follows:

Section 1. Subchapter 3 of chapter 1 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-189.2 to read as follows:

§19-189.2 *Installation of speed humps on roadways adjacent to parks.* a. *Definitions.* For the purposes of this section, the following terms having the following meanings:

1. *Park.* The term "park" means any park under the jurisdiction of the department of parks and recreation that is equal to or greater than one acre.
2. *Speed hump.* The term "speed hump" means any raised area in the roadway pavement surface extending transversely across the travel way that is composed of asphalt or another paving material and is installed and designed for the purpose of slowing vehicular traffic.

b. Notwithstanding the provisions of sections 19-183 and 19-185 of this chapter, the department shall install a speed hump on all roadways adjacent to any park that is equal or greater than one acre.

c. The commissioner may decline to install any speed hump that is otherwise required by this section if such installation would, in the commissioner's judgment, endanger the safety of motorists or pedestrians or not be consistent with the department's guidelines regarding the installation of speed humps.

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

Referred to the Committee on Transportation and Infrastructure.

Int. No. 402

By Council Members Joseph, Brewer, Louis, Ung, Nurse, Marte, Avilés, Riley, De La Rosa, Krishnan, Dinowitz, Schulman, Gutiérrez, Barron and Ossé.

A Local Law to amend the administrative code of the city of New York, in relation to a universal summer youth program plan

Be it enacted by the Council as follows:

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

§ 21-414 *Universal summer youth program plan. a. Definitions. For the purposes of this section, the following terms have the following meanings*

Department. The term "department" means the department of youth and community development.

School. The term "school" means a school of the city school district of the city of New York.

Youth. The term "youth" means any person under 18 years of age or under 21 years of age who does not have a high school diploma and who is enrolled in a school as school is defined in this subdivision.

Summer youth program. The term "summer youth program" means any organized program, under the jurisdiction of either the department, the department of education or the department of parks and recreation that occurs during the months of July and August, which allows youths to participate in expanded learning activities that include, but are not limited to, academic support, arts and cultural enrichment, recreation, sports, nutrition, youth development, and mentoring.

b. Subject to appropriation, no later than September 1, 2023, the department, in consultation with the department of education, the department of parks and recreation and any relevant city agency, shall make a summer youth program slot available for any youth who requests one.

§ 2. Universal summer youth program reporting. a. No later than September 1, 2022, and annually thereafter on or before September 1, the department of youth and community development, in consultation with the department of education, the department of parks and recreation and any relevant city agency, shall submit to the mayor and speaker of the council, conspicuously post to its website and make available to youths and parents, a report detailing the implementation efforts to be undertaken by the city to achieve universal summer youth programs pursuant to section 21-414 of the administrative code of the city of New York. Such report shall include, but need not be limited to:

1. An assessment of how many summer youth programs are needed to achieve universal summer youth programs;

2. The availability and cost of creating additional capacity within existing summer youth programs and how many new summer youth programs need to be created and the cost associated with creating such programs;

3. Current methods used by the department of youth and community development, the department of education and the department of parks and recreation to make youths and parents aware of summer youth programs;

4. The number and percentage of youths, disaggregated by borough, taking part in a summer youth program as compared with the preceding calendar year;

5. To the extent such information is available, the demographic information for youths in each summer youth program including, but not limited to age, race, ethnicity, gender and family income as compared with the preceding calendar year;

6. Steps the department of youth and community development, the department of education and the department of parks and recreation are taking to increase enrollment in existing summer youth programs;

7. Implementation deadlines to be achieved in establishing universal summer youth programs; and

8. Any other issues related to summer youth program capacity and participation rates in the city that the department of youth and community development, the department of education and the department of parks and recreation deem appropriate.

b. Beginning with the second report required pursuant to subdivision a of this section and for every report thereafter, the department of youth and community development, in consultation with the department of education, the department of parks and recreation and any relevant city agency, shall incorporate progress made in achieving implementation deadlines required pursuant to paragraph seven of subdivision a of this section. If implementation deadlines are not able to be met in any given year, the department of youth and community development shall detail why the implementation deadline will not be met and identify remedial steps the department will take to achieve the implementation timeframe in subsequent years.

c. The department of youth and community development, in consultation with the department of education the department of parks and recreation and any relevant city agency, shall certify to the mayor and the speaker of the council when a summer youth program slot is available for all youths.

§ 3. This local law takes effect immediately, except that section two of this local law is deemed repealed at the conclusion of the final calendar year during which the department of youth and community development, in consultation with the department of education, the department of parks and recreation and any relevant city agency, has certified to the mayor and speaker of the council that a summer youth program slot is available for all youth.

Referred to the Committee on Youth Services.

Int. No. 403

By Council Members Joseph, Stevens, Schulman, Hanif, Ayala, Hudson, Brewer, Louis, Ung, Nurse, Marte, Avilés, Riley, De La Rosa, Krishnan, Dinowitz, Barron and Ossé.

A Local Law to amend the administrative code of the city of New York, in relation to distributing IDNYC applications to all high school students

Be it enacted by the Council as follows:

Section 1. The administrative code of the city of New York is amended by adding a new section 3-209.3 to read as follows:

§ 3-209.3 *Distribution of IDNYC municipal identification program materials. (a) Definitions. As used in this section, the following terms have the following meanings:*

Department. The term “department” means the department of education.

IDNYC. The term “IDNYC” means the New York city identity card established pursuant to section 3-115 of subchapter 1 of chapter 1 of title 3 of this code.

School. The term “school” means any public school in the city of New York under the jurisdiction of the department of education that contains any combination of grades from and including grade nine through grade twelve.

b. Within each school, the department shall distribute information related to the IDNYC program to every student at the start of each school year. At a minimum, such materials shall include the IDNYC application form and information on: (i) eligibility requirements; and (ii) the application process, including but not limited to a list of documents accepted to prove identity and residency.

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

Referred to the Committee on Education.

Int. No. 404

By Council Members Lee, Ayala, Brewer, Louis, Nurse, Krishnan, Kagan, Menin, Marte, Farías, Williams, Holden, Schulman and Ariola.

A Local Law in relation to a report tracking the opioid settlement fund

Be it enacted by the Council as follows:

Section 1. a. Definitions. For the purposes of this chapter, the following terms have the following meanings:
Department. The term “department” means the department of health and mental hygiene or such other agency or entity as the mayor may designate.

Opioid settlement fund. The term “opioid settlement fund” means the monies paid or to be paid to New York city as a result of the attorney general’s lawsuit against opioid manufacturers and distributors, including, but not limited to, Purdue Pharma and its affiliates, members of the Sackler family and trusts they control, Janssen Pharmaceuticals and its affiliates, including its parent company Johnson & Johnson, Mallinckrodt LLC and its affiliates, Endo Health Solutions and its affiliates, Teva Pharmaceuticals USA, Inc. and its affiliates, McKesson Corporation, Cardinal Health Inc., Amerisource Bergen Drug Corporation and Rochester Drug Cooperative Inc.

b. No later than July 1, 2022, and every month thereafter, the department shall submit to the mayor and the speaker of the council, and post on such department’s website, a report disclosing the following information for the previous month:

1. The total amount of monies in the opioid settlement fund, including any new monies entered;
2. The total amount of monies withdrawn, spent or committed to be spent in the opioid settlement fund;
3. Where the monies in the opioid settlement fund have been spent or committed to be spent, including the name and description of any city-run program, the name and description of any city-contractor and the name and description of any vendor to the city;
4. The number of New York city residents participating in or benefiting from city, contractor or vendor programs receiving opioid settlement funds, disaggregated by zip code, gender, ethnicity and languages spoken; and
5. A timeline of when the department expects the monies in the opioid settlement fund to be depleted and any plan for continuing services after the monies are depleted.

§ 2. This local law takes effect immediately and is deemed repealed upon depletion of all monies in the opioid settlement fund.

Referred to the Committee on Mental Health, Disabilities and Addiction.

Res. No. 162

Resolution calling on the New York State Legislature to pass, and the Governor to sign, amendments to article 4 of the Public Service Law to prevent a utility’s rate case from exceeding a certain percentage each year.

By Council Members Lee, Louis, Nurse, Yeger, Kagan, Menin, Marte, Farías, Williams, Holden, Brooks-Powers, Schulman, Dinowitz, Ossé, Narcisse, Richardson Jordan, Bottcher, Abreu, Restler, Avilés, Hudson, De La Rosa, Cabán, Gennaro, Ariola and Paladino.

Whereas, The New York Public Service Commission (PSC) regulates the State’s electric, gas, steam, telecommunications and water utilities; and

Whereas, The Commission also oversees the cable industry; and

Whereas, The Commission is housed within the Department of Public Service (DPS) and the Chair, designated by the Governor, also serves as the Chief Executive Officer of the Department; and

Whereas, A key responsibility of the PSC is approving rate increases, proposed by the various utility companies, and ensuring that New Yorkers are receiving adequate service; and

Whereas, In New York City, Consolidated Edison of New York (ConEd) holds a virtual monopoly over the electricity market, serving all parts of New York City (except for Rockaway, Queens), and Westchester County; and

Whereas, Although there are alternative electricity suppliers, all of these Energy Service Companies (ESCOs) still rely on existing utilities' infrastructure to deliver the electricity; and

Whereas, Therefore, most New York City residents are at the mercy of ConEd's billing practices; and

Whereas, The PSC exists to offer some protection to consumers – being a check on superfluous rate increases and ensuring a consistent and reliable delivery of utilities; and

Whereas, However, over the past few years, the PSC has approved rate case increases for ConEd, and New Yorkers have had their electricity bills soar; and

Whereas, This is despite the fact that New York City residents have experienced numerous blackouts and decreased services, even during heatwaves; and

Whereas, In fact, while investigating ConEd's preparation for tropical Storm Isaias and its ability to restore power after the storm hit, the DPS threatened to revoke its franchise; and

Whereas, Despite these demonstrated failures in service, the PSC continues to approve rate case increases; and

Whereas, According to advocates such as Susan Lerner from Common Cause NY, the PSC Commissioners are typically plucked from private industry and are more concerned with industry profit than consumer wellbeing; and

Whereas, ConEd is proposing an 11.2 percent increase in electric rates and an 18.2 percent increase in gas rates starting in January 2023; and

Whereas, According to ConEd, annual increases in utility rates are needed for ConEd to operate its energy system, invest in energy efficiency and public improvement projects and advance NYS's clean energy transition; and

Whereas, ConEd also pays \$2.5 billion in property taxes annually to municipal and state entities, the majority of which goes to the City of New York; and

Whereas, According to ConEd, "the costs of taxes are socialized across our customer base"; and

Whereas, ConEd has therefore acknowledged that part of its annual rate case is for City residents to pay for ConEd's property taxes; and

Whereas, ConEd reported over \$11.716 billion in operating revenues in 2021, up from \$10.647 billion in 2020; and

Whereas, City residents have meanwhile struggled to recover from the economic impact of the pandemic; and

Whereas, The NYC Independent Budget Office predicts that New York City will not recover all of the jobs lost in 2020 until 2025; and

Whereas, As ConEd proposes another rate case increase for January 2023, City residents struggling to pay their bills will enter even greater debt; and

Whereas, ConEd is a member of the industry group Edison Electric Institute, which spends millions of dollars annually on state and federal lobbying efforts; and

Whereas, Given its near monopoly status as a utility in NYC, ConEd has near assurance that it will continue to generate profits in future years; and

Whereas, Beyond the PSC rejecting a rate case proposal, there are no mechanisms to prevent a utility from proposing an exorbitantly high rate case; and

Whereas, To enhance consumer protections and hold ConEd and other utilities more accountable, there should be a percentage cap that an annual rate case cannot exceed; and

Whereas, This regulation would prevent utilities from proposing excessive rate case increases, therefore requiring utilities to invest more of their own money to pay taxes or public improvement projects instead of passing these costs on to City residents; now, therefore, be it

Resolved, That the Council of the City of New York on the New York State Legislature to pass, and the Governor to sign, amendments to article 4 of the Public Service Law to prevent a utility's case rate from exceeding a certain percentage each year.

Referred to the Committee on Consumer and Worker Protection.

Res. No. 163

Resolution calling upon the New York State Legislature to pass and the Governor to sign S.6359/A.7260, to require public elementary and high schools to provide instruction in Asian American history and civic impact.

By Council Members Lee, Ung, Krishnan, Won, Hanif, Hudson, Brewer, Ossé, Nurse, Kagan, Menin, Marte, Farías, Williams, Holden, Brooks-Powers, Schulman, Dinowitz, Richardson Jordan, Bottcher, Abreu, Restler, Avilés and Ariola.

Whereas, There was a significant increase in anti-Asian hate crimes from 2020 to 2021 across major cities in the United States, according to an analysis of police department statistics released by the Center for the Study of Hate and Extremism (CSHE) at California State University; and

Whereas, The CSHE analysis found that hate crimes targeting Asian people in 16 of America's largest cities increased by 164 percent in the first quarter of 2021 in comparison to the same period in 2020; and

Whereas, Further, anti-Asian hate incident reports, including verbal harassment, physical assault, civil rights violations and online harassment, nearly doubled in March 2021 in comparison to March 2020 according to a national report released by Stop AAPI Hate; and

Whereas, NBC News and other media outlets attribute the recent increase in anti-Asian hate incidents to negative stereotyping of Asians and rhetoric linking the coronavirus pandemic to Asians; and

Whereas, Many advocates, including the NYC Coalition for Educational Justice, contend that schools can play a significant role in helping to reduce racial prejudice and diminish implicit bias in our society; and

Whereas, Research shows that use of culturally responsive teaching and curricula that reflects the diversity, identities, and experiences of students of all races and ethnicities benefits all students by helping them to understand different perspectives, appreciate others' strengths, build empathy and reduce implicit bias, according to the NYU Metropolitan Center for Research on Equity and the Transformation of Schools; and

Whereas, The curriculum in New York schools is often devoid of content related to the impact of Asian Americans on the history and culture of the state and the country at large, and the discrimination they have historically faced; and

Whereas, A lack of understanding and knowledge of Asian Americans has contributed to the recent increase in violence and hate crimes against people of Asian descent, particularly in the wake of the COVID-19 pandemic, according to Stop AAPI Hate, leading the US Congress to pass the Covid-19 Hate Crimes Act in May 2021; and

Whereas, S.6359, sponsored by Senator Liu, and its companion bill A.7260, sponsored by Assemblymember Kim, would require public elementary and high schools in New York to provide instruction in Asian American history and civic impact; and

Whereas, This legislation directs the Board of Regents to develop a course of study in the events of Asian American history and directs the Commissioner of Education to provide technical assistance in the development of curricula on Asian American history and civic impact and to provide suitable course materials; and

Whereas, The required instruction would include, at minimum, the history of Asian Americans in New York and the Northeast; the contributions of Asian Americans toward advancing civil rights from the nineteenth century onward; the contributions made by individual Asian Americans in government and the arts, humanities and sciences; and the contributions of Asian American communities to the economic, cultural, social and political development of the United States; and

Whereas, Companion bills S.6359 and A.7260 would ensure that students in New York State schools are taught about the historical contributions of Asian Americans, which will help foster respect and understanding

of Asian American history, and allow Asian American students to see themselves reflected as an important part of the history and culture of New York and the United States; 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.6359/A.7260, to require public elementary and high schools to provide instruction in Asian American history and civic impact.

Referred to the Committee on Education.

Res. No. 164

Resolution calling upon the New York City Department of Education to establish Diwali as an official holiday for New York City public school students.

By Council Members Lee, Ung, Krishnan, Won, Hanif, Schulman, Hudson, Brewer, Ossé, Louis, Joseph, Nurse, Kagan, Menin, Marte, Fariás, Williams, Holden, Brooks-Powers, Dinowitz, The Speaker (Council Member Adams), Richardson Jordan, Bottcher, Abreu, Avilés, Ariola and Riley.

Whereas, According to the U.S. Census Bureau's latest American Religious Identification Survey in 2008, there were 582,000 Hindus, 78,000 Sikhs, and 1,189,000 Buddhists in the United States; and

Whereas, According to the 2015-2019 American Community Survey, there were about 227,374 New York City residents who identify themselves as Asian Indian, of which many are adherents of Hinduism, Sikhism, Jainism, or Buddhism; and

Whereas, Diwali, a five-day festival that typically falls between October and November and corresponds with the New Year in the Bikrami calendar, is an immensely significant festival across South Asia that celebrates the triumph of light over darkness and knowledge over ignorance; and

Whereas, Diwali is commonly known as the Festival of Lights, with celebrants lighting millions of lanterns, symbols of inner light and of the triumph of good over evil; and

Whereas, Hindus in certain regions of India celebrate Diwali as the New Year; and

Whereas, For Sikhs, Diwali coincides with Bandi Chhor Divas, the day Hargobind, the revered sixth Guru, was released from captivity; and

Whereas, For Jains, Diwali marks the anniversary of the attainment of moksha, or liberation, by Mahavira, who was the last of the Tirthankaras, or the great teachers of Jain dharma; and

Whereas, Some Buddhists celebrate Diwali to commemorate the day King Ashok converted to Buddhism; and

Whereas, Despite the large number of Hindus, Sikhs, Jains, and Buddhists in New York City, Diwali is not recognized as a school holiday in the New York City public school system; and

Whereas, Since 2005, the United States House of Representatives and the Senate have passed multiple resolutions recognizing the religious and historical significance of Diwali, and in 2013 hosted the first-ever Congressional Diwali celebration; and

Whereas, Since 2003, the White House has held an annual Diwali celebration; and

Whereas, New York City has already acknowledged the significance of Diwali by suspending alternate side parking rules on Lakshmi Puja, the third and most important day of the holiday; and

Whereas, Currently, New York City public schools are closed on several religious holidays; and

Whereas, It should be noted that Chancellor's Regulation A-630 puts forth guidelines regarding the provision of reasonable accommodations for religious observance and practices for public school students; and

Whereas, Pursuant to Regulation A-630, reasonable accommodations include excused absences for religious observance outside of school grounds, as well as in-school provisions such as time for praying or sitting separately in the cafeteria during periods in which a student may fast; and

Whereas, Despite the intentions behind this regulation, many parents, students, and advocates have expressed concern that students who celebrate Diwali are still left at a disadvantage, having to choose between

celebrating an important holiday or being absent from school, which can result in these students falling behind their peers, missing lessons and tests, and having lower attendance records; and

Whereas, Other American localities with growing Hindu, Sikh, Jain, and Buddhist populations have incorporated Diwali into their school holiday calendars, including Passaic and South Brunswick in New Jersey and East Meadow School District, East Williston Union Free School District, Half Hollow Hills Central School District, Herricks Union Free School District, Hicksville Union Free School District and Syosset Central School District. Another, Mineola Union Free School District; and

Whereas, New York City is a diverse and dynamic locality in which tolerance and acceptance are central values, and the incorporation of Diwali as a public school holiday would serve as an important embodiment of this tolerance and acceptance; and

Whereas, The New York City Department of Education has authority over the school calendar and, as a matter of policy, can incorporate Diwali as an observed holiday; and

Whereas, Furthermore, while campaigning, Mayor Adams declared that Diwali should be a school holiday; and

Whereas, It is time for the Mayor to fulfill this promise; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York City Department of Education to establish Diwali as an official holiday for New York City public school students.

Referred to the Committee on Education.

Int. No. 405

By Council Member Louis.

A Local Law to amend the New York city charter, in relation to creating an online posting requirement for statements outlining consistency or inconsistency with criteria established for the siting of city facilities

Be it enacted by the Council as follows:

Section 1. Subdivision a of section 195 of the New York city charter, as added by vote of the electors on November 7, 1989, is amended to read as follows:

a. The agency proposing any such acquisition shall file with the department of city planning a notice of intent to acquire *that shall include a statement describing (i) how the proposed acquisition satisfies or does not satisfy the criteria for the location of city facilities established pursuant to section 203, (ii) whether the proposed action is consistent with the most recent statement of needs, and (iii) whether the proposed action is consistent with any written statements or comments submitted by borough presidents and community boards in response to the statement of needs. Such notice of intent to acquire, including the statement, shall be posted prominently (i) on the publicly accessible website maintained by the filing agency as soon as it submits the application and (ii) within five business days of submission on the publicly accessible website maintained by the department of city planning. This posting requirement does not replace any other disclosure and notice requirements.* The department of city planning shall send such notice to the community board in which the proposed acquisition is located and to all borough presidents.

§ 2. Subdivision b of section 197-c of the New York city charter, as added by a vote of the electors on November 7, 1989, is amended to read as follows:

b. The following documents shall be filed with the department of city planning: (1) applications under this section, (2) any amendments thereto that are made prior to approval of such applications pursuant to this chapter, (3) any written information submitted by an applicant for purposes of determining whether an environmental impact statement will be required by law, and (4) documents or records intended to define or substantially redefine the overall scope of issues to be addressed in any draft environmental impact statement required by law. *No application shall be certified as complete under subdivision c without the online posting required by*

subdivision g of section 204. The department of city planning shall forward a copy of any materials it receives pursuant to this subdivision (whether or not such materials have been certified as complete) within five days to each affected borough president, community board or borough board.

§ 3. Subdivision g of section 204 of the New York city charter, as added by vote of the electors on November 7, 1989, is amended to read as follows:

g. New city facilities 1. Application, statement and additional description. Whenever an application involving a new city facility is submitted to the department of city planning pursuant to paragraph [five, ten or eleven] (5), (10) or (11) of subdivision a of section [one hundred ninety-seven-c] 197-c, the applicant shall include as part of the application a statement of *consistency describing* (1) how the proposed action satisfies the criteria for the location of city facilities established pursuant to section [two hundred three] 203, (2) whether the proposed action is consistent with the most recent statement of needs, and (3) whether the proposed action is consistent with any written statements or comments submitted by borough presidents and community boards in response to the statement of needs. If the proposed action is not consistent with the criteria for location of city facilities, the statement of needs, or any such written statements or comments submitted in response to the statement of needs, the agency shall include as part of its application a statement of the reasons for any such inconsistencies. If the proposed new facility is not referred to in the statement of needs, the applicant shall submit to the affected borough president a description of the public purpose to be served by the city facility, its proposed location, the appropriation (if any) that the agency intends to use in connection with the facility, the size and nature of the facility and the specific criteria for the location of the facility. The affected borough president shall have the right, within [thirty] 30 days of the submission of such description, to propose an alternative location in his or her borough for the proposed city facility, provided that the borough president shall certify that the alternative location satisfies the criteria for location of city facilities under section [two hundred three] 203 and the specific criteria for locating the facility in the statement of needs. The application for the proposed site selection, disposition or acquisition shall not be certified and shall not be reviewed pursuant to section [one hundred ninety-seven-c] 197-c until at least [thirty] 30 days after the submission of such information to the affected borough president. A borough president may elect to waive the right to such [thirty-day] 30-day review period.

2. Posting requirements. The statements of consistency or inconsistency and the additional details to be provided to the borough presidents in accordance with paragraph 1 shall be posted prominently (a) on a publicly accessible website maintained by the submitting agency as soon as it submits the application and (b) within five business days of submission on the publicly accessible website maintained by the department of city planning. These posting requirements do not replace any other disclosure and notice requirements.

§ 4. Chapter 13 of the New York city charter is amended by adding a new section 336 to read as follows:

§ 336. *Contracts subject to criteria for the location of city facilities.* Any statement prepared in connection with a contract that outlines an agency's consideration and application of the criteria that are established pursuant to section 203 shall be posted prominently on publicly accessible websites maintained by the procuring agency and by the department of city planning. Such statements shall be posted online before or concurrently with any public notice regarding the contract under this chapter.

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

Referred to the Committee on Land Use.

Int. No. 406

By Council Member Louis.

A Local Law to amend the administrative code of the city of New York, in relation to establishing a missing person alert system

Withdrawn.

Int. No. 407

By Council Member Louis.

A Local Law to amend the New York city charter and the administrative code of the city of New York, in relation to requiring the civilian complaint review board to conduct an investigation of any injury or death caused by police action

Withdrawn.

Int. No. 408

By Council Member Louis.

A Local Law to amend the administrative code of the city of New York, in relation to the police department's 911 operational time analysis report

Withdrawn.

Int. No. 409

By Council Members Louis, Hanif, Joseph, Ung, Nurse and Krishnan.

A Local Law to amend the administrative code of the city of New York, in relation to increasing access to data and maternal mortality and morbidity

Be it enacted by the Council as follows:

Section 1. Subdivision b of section 17-199.3 of the administrative code of the city of New York, as amended by local law 188 of the year 2018, is amended to read as follows:

b. No later than September 30, 2022, and no later than September 30 annually thereafter, the department shall *post on its website*, submit to the speaker and publish in a machine-readable format in the annual summary of vital statistics the most recent calendar year data available regarding maternal mortality in New York City, to the extent such data is made available to the department, on an individual-person level, anonymized to comply with privacy considerations, including but not limited to the health insurance portability and accountability act (HIPAA), including, but not be limited to:

§ 2. This local law takes effect immediately.

Referred to the Committee on Women and Gender Equity.

Res. No. 165

Resolution calling on the State Legislature to pass, and the Governor to sign, A.1847/S.843, authorizing certain shelters for victims of domestic violence to be reimbursed for any payment differential for housing a single individual in a room intended for double occupancy

By Council Members Louis, Yeger, Hudson, Ung, Nurse and Abreu.

Whereas, Domestic violence, sometimes known as intimate partner violence or relationship abuse, is usually defined as a pattern of abusive behavior in a relationship used by one partner to maintain or gain power and control over another partner; and

Whereas, Domestic violence is a leading cause of homelessness in New York City, in addition to evictions and overcrowding; and

Whereas, Domestic violence survivors often cannot stay with family members for fear of running into their abusers, and many lack the income to find permanent housing quickly; and

Whereas, The provision of safe emergency shelter is a primary tool for those fleeing domestic violence; and

Whereas, The domestic violence emergency shelter system was originally created to provide short-term respite for victims of domestic violence and their families who were fleeing imminent danger; and

Whereas, Within New York City, domestic violence shelters were created over several decades to house families rather than single adults; and

Whereas, New York City Human Resources Administration's domestic violence shelters served an average of 122 single adults per month in the first half of 2019; and

Whereas, Non-profit providers who operate these shelters are reimbursed by the New York State Office of Children and Family Services per person per night; and

Whereas, The reimbursement from the State is intended to cover the entire cost of operating domestic violence shelters, including rent, utilities, staffing, and services; and

Whereas, Any reduction in this reimbursement severely impacts the ability of the provider to cover the cost of operating the shelter; and

Whereas, The State reimbursement formula discourages domestic violence emergency shelter providers from placing a smaller family or single adult in a large apartment or room; and

Whereas, Single adult victims of domestic violence have a harder time accessing domestic violence shelters; and

Whereas, A.1847, sponsored by Assembly Member Andrew D. Hevesi, and S.843, sponsored by Senator Andrew Gouardes, require the State to preserve the full reimbursement to providers who accommodate a single adult in a room configured for a family of two; and

Whereas, This legislation will help increase system-wide capacity for single adults who otherwise face serious obstacles to accessing the domestic violence shelter system; and

Whereas, A.1847/S.843 will ensure that providers are not penalized for accommodating a single adult fleeing a dangerous situation; now, therefore, be it

Resolved, That the Council of the City of New York calls on the State Legislature to pass, and the Governor to sign, A.1847/S.843, authorizing certain shelters for victims of domestic violence to be reimbursed for any payment differential for housing a single individual in a room intended for double occupancy.

Referred to the Committee on Women and Gender Equity.

Int. No. 410

By Council Members Marte, Brannan, Yeger and Nurse.

A Local Law to amend the administrative code of the city of New York, in relation to requiring that notices of violation issued by the department of sanitation be accompanied by a photograph of the alleged violation

Be it enacted by the Council as follows:

Section 1. Section 16-133 of the administrative code of the city of New York is amended by adding a new subdivision f to read as follows:

f. All notices of violation issued by agents of the department to any person charged with a violation of any of the provisions of this title or any rules promulgated pursuant thereto shall contain a photograph evidencing

the alleged violation, where feasible. A copy of each notice of violation served shall be filed and retained by the department, and shall be deemed a record kept in the ordinary course of business, and shall be prima facie evidence of the facts contained therein.

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

Referred to the Committee on Sanitation and Solid Waste Management.

Int. No. 411

By Council Members Menin, Nurse, Brewer and Louis.

A Local Law to amend the administrative code of the city of New York, in relation to requiring rulemaking to register community gardens on privately-owned lots

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 18-158 to read as follows:

§ 18-158 *Urban gardening program. a. Definitions. For purposes of this section, the following terms have the following meanings:*

Greenthumb garden. The term “greenthumb garden” means a community garden that is registered with greenthumb.

Greenthumb. The term “greenthumb” means the division within the department responsible for the city’s urban gardening program, including the implementation of chapter 6 of title 56 of the rules of the city of New York.

b. Rules. The commissioner shall make rules to register greenthumb gardens located on privately-owned real property. Such rules shall:

- 1. Include provisions for processing registration applications;*
- 2. Set forth the terms and conditions of registration, and*
- 3. Ensure that no garden is registered without the written consent of the owner of the real property where such garden will be located.*

c. The department shall administer the city’s urban gardening program in accordance with all applicable federal, state and local laws, rules and regulations.

§ 2. This local law takes effect immediately.

Referred to the Committee on Parks and Recreation.

Res. No. 166

Resolution calling upon the New York State Legislature to pass, and the Governor to sign, a temporary tax holiday suspending sales tax to boost sales for small businesses across New York City.

By Council Members Menin, Brannan, Abreu, Yeger, Brewer and Louis.

Whereas, The outbreak and spread of COVID-19 has devastated the small business economy; and

Whereas, As New Yorkers sheltered in place to stop the spread of the virus, businesses in New York City (NYC) experienced massive declines in revenue; and

Whereas, According to State Comptroller DiNapoli, the restaurant industry in NYC still employs around 54,000 fewer workers than it did in February 2020; and

Whereas, The retail industry in NYC still employs around 39,000 fewer workers than it did in February 2020; and

Whereas, As small businesses across the City have experienced decreases in revenue, thousands of businesses have been forced to close; and

Whereas, Since the start of the pandemic over 26,300 businesses have closed permanently; and

Whereas, Nearly 90 percent of those closures were businesses with fewer than ten employees; and

Whereas, The closure of small businesses has hampered the City's recovery from the pandemic; and

Whereas, While small businesses in NYC have completely reopened since their closure, many business owners are still dealing with the economic impact of the pandemic; and

Whereas, Unless specifically exempted, the state and local sales tax applies to retail sales of tangible personal property and to certain services; and

Whereas, In New York City, a local sales tax has been imposed with a total sales tax rate of 8.875 percent, which includes the City local sales tax rate of 4.5 percent, the state sales tax rate of 4 percent and the Metropolitan Commuter Transportation District surcharge of 0.375 percent; and

Whereas, The Urban-Brookings Tax Policy Center has recognized tax holidays as an effective tool in stimulating short-term sales by providing relief to taxpayers; and

Whereas, The New York State (NYS) Legislature has previously recognized the usefulness of suspending certain taxes to provide relief to NYS residents; and

Whereas, As part of the passage of the NYS budget, a gas break from June 1 through December 31 was implemented to temporarily remove 16 cents per gallon in state taxes; and

Whereas, Small businesses in NYC are the cornerstone of neighborhoods across the five boroughs, employing over half of NYC's private sector workforce and beautifying commercial corridors; and

Whereas, Given small businesses continue to face a difficult financial environment, NYS must take action to support the welfare of small businesses; and

Whereas, The suspension of sales tax for a period of time would increase small business revenues by decreasing the price consumers pay for certain products; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to pass, and the Governor to sign, a temporary tax holiday suspending sales tax to boost sales for small businesses across New York City.

Referred to the Committee on Small Business.

Int. No. 412

By Council Members Moya, Hanif, Louis, Ung, Nurse and Krishnan.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of education to report the number of individualized education programs that are translated

Be it enacted by the Council as follows:

Section 1. Paragraph 15 of subdivision b of section 21-955 of the administrative code of the city of New York, as renumbered by local law number 16 for the year 2020, is amended and a new paragraph 16 is added to read as follows:

15. the number and percentage of students with IEPs who are recommended for participation in the general education curriculum for:

(i) 80% or more of the day;

(ii) 40-79% of the day; and

(iii) less than 40% of the day[.];

16. the number and percentage of students with IEPs who requested translation services and the number and percentage of students with IEPs who received such requested translation services by the end of the academic period, disaggregated by district, race/ethnicity, gender, English Language Learner status, recommended language of instruction, requested language of translation, and grade level.

§ 2. This local law takes effect immediately.

Referred to the Committee on Education.

Int. No. 413

By Council Members Nurse, Farías, Bottcher, Menin, Williams, Velázquez, Richardson Jordan, Ossé, Brewer, Louis and Krishnan (by request of the Queens and Brooklyn Borough Presidents).

A Local Law to amend the administrative code of the city of New York, in relation to establishing a tracking system concerning the disposal of yellow and brown grease

Be it enacted by the Council as follows:

Section 1. Subdivision c of section 16-515 of the administrative code of the city of New York, as amended by local law 80 for the year 2020, is amended to read as follows:

c. (i) Any person who violates subdivision b of section 16-505 of this chapter or any rule pertaining thereto shall, upon conviction thereof, be punished by a civil penalty not to exceed [one thousand] 1,000 dollars for each such violation to be recovered in a civil action or returnable to the office of administrative trials and hearings or otherwise consistent with orders of the mayor issued in accordance with section 1048 of the charter[.];

(ii) *Any person that violates section 16-529 shall be liable for a civil penalty in the amount of 500 dollars for the first violation and 1,000 dollars for a second or subsequent violation to be recovered in a civil action or returnable the office of administrative trials and hearings or otherwise consistent with orders of the mayor issued in accordance with section 1048 of the charter.*

§ 2. Chapter 1 of title 16-a of the administrative code of the city of New York is amended by adding a new section 16-529 to read as follows:

§16-529 Grease tracking system. a. The commission shall establish a program for documenting and tracking the collection, transportation and disposal of yellow and brown grease utilizing an industry standard manifesting sheet.

b. In addition to any other records required by this title, every transporter of yellow or brown grease shall report to the commission quarterly and maintain for not less than two years the following:

- 1. The name and address of each location from which the transporter obtained the yellow or brown grease;*
- 2. The quantity of yellow or brown grease received from each location;*
- 3. The dates on which the yellow or brown grease was obtained from each location; and*
- 4. The name and address of the facility where the yellow or brown grease was ultimately disposed.*

c. In addition to any records required by this title, a commercial establishment that has on its premises a grease interceptor shall report to the commission annually and maintain for not less than two years the name and address of the company or other entity that collects material from the grease interceptor and the dates during the immediately preceding 12 months on which the yellow or brown grease was retrieved from the commercial establishment.

§ 3. This local law takes effect 180 days after it becomes law, except that the commissioner shall take such steps as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

Referred to the Committee on Sanitation and Solid Waste Management.

Res. No. 167

Resolution calling upon the New York State Legislature to pass, and the Governor to sign, A10184, legislation to amend the environmental conservation law, in relation to returnable bottles.

By Council Members Nurse, Gutiérrez, Joseph, Bottcher, Abreu and Restler.

Whereas, Originally enacted on June 15, 1982, The New York State Returnable Container Act, also known as The Bottle Bill, requiring refundable deposits to be placed on eligible beverage containers, has proven to be an exceptionally effective tool for reducing litter and increasing recycling rates in New York State; and

Whereas, According to recycling industry estimates, over the course of its existence, The Bottle Bill has helped reduce New York State's roadside container litter by 70%, with 5.5 billion containers recycled statewide in 2020, a redemption rate of approximately 64%; and

Whereas, The law requires retailers who sell covered beverages to accept returns of empty containers and refund the deposits, and requires beverage distributors to reimburse retailers for the cost of collecting and recycling empty containers via a small handling fee per container; and

Whereas, The Bottle Bill originally only covered beer, malt beverages, carbonated soft drinks, mineral water, and wine coolers, when packaged in airtight metal, glass, paper, or plastic containers, under 1 gallon in volume, and sold in New York, but was amended to also include plastic water bottles in 2009; and

Whereas, June 15, 2022 will mark the 40th anniversary of the enactment of this law, which has not been updated in over a decade, and would represent an opportunity to revisit and improve the legislation; and

Whereas, According to a study published by the World Economic Forum, worldwide use of plastic has grown 20-fold over the past 50 years, and is expected to double again in the next two decades, to the point where it is estimated that the planet's oceans will contain more plastic by weight than fish by 2050; and

Whereas, In 2022, a study analyzing blood samples from 22 anonymous donors found the presence of microplastics in 80% of the individuals tested, with half the samples containing polyethylene terephthalate (PET) plastic, commonly used in beverage containers; and

Whereas, The health ramifications of microplastics being present in our bodies are still unclear, but recent studies have shown that microplastic particles can latch onto red blood cells, potentially limiting their ability to transport oxygen, can accumulate in the placentas of pregnant individuals, and can collect in the hearts, brains, and organs of rat fetuses; and

Whereas, Considering the many negative environmental impacts and potentially negative health effects of widespread plastic pollution, The Bottle Bill should be updated to ensure the greatest possible diversion, and beneficial reuse rate, of these items from New York's waste stream; and

Whereas, An expansion of The Bottle Bill would not only increase recycling rates and make New York's environment and communities cleaner, it would also assist municipal recycling programs to address the issue of broken glass containers in their recycling streams, which can contaminate other materials, rendering them unrecyclable for the municipality; and

Whereas, Even when recyclable materials are not contaminated by broken glass, the costs of recycling containers not covered under the The Bottle Bill are prohibitively high for many municipalities, with the costs associated with collecting and processing a ton of PET plastic bottles or glass bottles higher than the revenues received per ton for scrap material; and

Whereas, The expansion of the Bottle Bill to include containers for wine, spirits, and hard cider would take a significant amount of the containers that municipalities are struggling with off their hands, and defray costs for municipal programs by creating a financial incentive for consumers to return these containers, as well as an obligation for retailers to accept these containers, relieving the burden on municipal recycling programs; and

Whereas, An expansion of The Bottle Bill to broaden the scope of containers and increase the deposit amount could also result in increased economic opportunities for New Yorkers, as many low-income New Yorkers, often within immigrant, elderly, or homeless communities, rely upon the practice of "canning" to supplement income; and

Whereas, States with higher deposit fees have been shown to have higher redemption rates, with Michigan's 10 cent deposit fee leading to a redemption rate of 89% in 2019, and Vermont's 15 cent deposit fee on liquor bottles leading to a redemption rate of 83% for liquor containers in 2020; and

Whereas, Since a portion of unclaimed deposits must be remitted to the state, increasing the deposit would generate more revenues to address issues pertaining to the lack of redemption options in low-income communities, and funds to address other litter and solid waste problems in such communities, and bring deposit fees more in line with inflation, which would make a 5 cent deposit in 1982 deposit worth nearly fifteen cents in 2022; and

Whereas, Assembly Member Steve Englebright’s Assembly Bill A10184, the “Bigger Better Bottle Bill,” would expand New York’s 40-year-old container deposit law to include non-carbonated beverages, wine and liquor and raise the deposit from 5 cents to 10 cents, further incentivizing the removal of recyclable plastic and glass bottles from New York’s waste stream; 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, A10184, legislation to amend the environmental conservation law, in relation to returnable bottles.

Referred to the Committee on Environmental Protection.

Editor’s Note: this resolution was subsequently re-assigned to the Committee on Sanitation and Solid Waste Management.

Int. No. 414

By Council Members Ossé, Nurse, Bottcher, Menin, Farías, Williams, Richardson Jordan, Avilés, Hanif, Brewer, Cabán, Hudson, Gutiérrez, Dinowitz, Louis, Brooks-Powers, Schulman, Ung, Barron, Riley, Krishnan, Narcisse, Lee, Brannan, Sanchez, Moya, Ayala and Vernikov (by request of the Brooklyn Borough President).

A Local Law to amend the administrative code of the city of New York, in relation to rat mitigation progress in rat mitigation zones

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 17 of the administrative code of the city of New York is amended by adding a new section 17-133.3 to read as follows:

§ 17.133.3. *Rat mitigation reporting. No later than April 1 of each year, the department shall submit, and make publicly available online, a report to the mayor and the speaker of the council on the progress of rat mitigation in the rat mitigation zones designated by the department. Such report shall include, but not be limited to:*

- a. The metrics that the department is using to measure the efficacy of rat mitigation in such zones and the department’s performance with respect to those metrics;*
- b. An overview of current and planned rat mitigation measures, including goals and specific benchmarks and timelines, in each rat mitigation zone;*
- c. Explanations of the creation or elimination of rat mitigation zones, or any change of boundaries of a rat mitigation zone, since the last report; and*
- d. Explanations of the elimination or limitations of certain rat mitigation measures in the rat mitigation zones since the last report.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Sanitation and Solid Waste Management.

Int. No. 415

By Council Members Powers, Brooks-Powers, Brewer, Joseph, Nurse and Krishnan (in conjunction with the Brooklyn and Manhattan Borough Presidents).

A Local Law to amend the administrative code of the city of New York, in relation to requiring a study of dangerous driving

Be it enacted by the Council as follows:

Section 1. Subchapter 3 of chapter 1 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-199.8 to read as follows:

§ 19-199.8 Study of dangerous driving. The department, in collaboration with the police department and any other appropriate agencies identified by the mayor, shall conduct a study of driving behavior to identify specific behaviors indicating a pattern of dangerous driving associated with traffic crashes, injuries and fatalities. As part of such study the department shall analyze data including, but not limited to: hit-and-run police reports; convictions for traffic-related violations or crimes, including convictions pursuant to section 1212 of the vehicle and traffic law and section 19-190; MV104AN crash reports attributing dangerous conduct to the driver; driving activity of vehicles registered to people with suspended or revoked licenses; and, to the extent feasible, motor vehicle insurance information. Within one year of the submission of the report required by subdivision d of section 19-199.7, and on an annual basis thereafter, the department shall submit to the council and post on its official website a report on the indicators of dangerous driving identified by such study and the department's recommendations for reducing dangerous driving, and any interventions undertaken by any agency with respect to dangerous driving and any increases or decreases in patterns of dangerous driving in the prior year.

§ 2. This local law takes effect immediately.

Referred to the Committee on Transportation and Infrastructure.

Int. No. 416

By the Public Advocate (Mr. Williams) and Council Members Hanif, Louis, Nurse and Krishnan.

A Local Law to amend the administrative code of the city of New York, in relation to establishing an emergency student food plan

Be it enacted by the Council as follows:

Section 1. Title 30 of the administrative code of the city of New York is amended by adding a new section 30-104.1 to read as follows:

§ 30-104.1 Emergency student food plan. a. Definitions. For purposes of this section, the following terms have the following meanings:

Chancellor. The term "chancellor" means the chancellor of the city school district of the city of New York.

School. The term "school" means any elementary, middle or high school within the jurisdiction of the New York city department of education and in any educational facility owned or leased by the city of New York, holding some combination thereof, including, but not limited to, district 75 schools.

Student. The term "student" means any pupil under the age of 21 as of September first of the academic period being reported, who does not have a high school diploma and who is enrolled in a school as school is defined in this subdivision.

b. In consultation with the office of food policy and the department of education and any other city agency the commissioner deems appropriate, the commissioner shall develop or update, no later than December 31,

2022, a student food plan to be used when schools are ordered closed pursuant to an order by the governor, mayor or the chancellor, or when any form of remote learning is used by the department of education. Such plan shall include, but not be limited to the following features, provided that nothing herein shall be construed to interfere with the ability of agencies responding to an emergency to implement plans, modify plans, or take steps not described in any written plan, in a manner appropriate to circumstances particular to that emergency:

1. A description of how the city will provide students with access to breakfast, lunch and dinner, including but not limited to how and to what extent the city will disseminate information to the public about the availability of food; manage requests for support from emergency, not-for-profit entities that provide food and water; arrange for or coordinate disaster feeding for students; and coordinate food donations, food business and emergency food providers that may want to provide for feeding students;

2. A description of how the city personnel responsible for implementing such plan will be identified, including how a clear hierarchy and points of contact of such personnel will be established;

3. If used, criteria for how food distribution points are identified and how such distribution points will be publicized to ensure that the public is aware of the locations of such distribution points; and

4. A mechanism to provide that, to the extent practicable, all public communications, written or otherwise, are available in the most commonly spoken languages of affected communities; and

5. Any other contingencies the director deems appropriate.

c. The plan required pursuant to subdivision b of this section shall be publicly posted on the department of education website. Any modifications to the plan shall be posted within 30 days.

§ 2. This local law takes effect immediately.

Referred to the Committee on Fire and Emergency Management.

Res. No. 168

Resolution calling on the New York State Legislature to introduce and pass, and the Governor to sign, legislation requiring motor vehicles sold in New York State to be equipped with a functioning rear seat detection system that can detect the presence of an occupant in a rear designated seating position after the vehicle engine or motor is deactivated, and automatically provide the driver with a warning alert

By the Public Advocate (Mr. Williams).

Whereas, The National Highway Traffic Safety Administration (NHTSA) has confirmed that vehicular heatstroke poses a grave threat to public safety as, on average, a child dies from vehicular heatstroke once every ten days; and

Whereas, Heatstroke begins when body temperature reaches 104 degrees Fahrenheit, quickly overwhelming the thermoregulatory system, and becomes lethal when body temperature reaches or exceeds 107 degrees Fahrenheit; and

Whereas, Evidence has shown even a mild outside temperature of 60 degrees Fahrenheit can cause the inside temperature of a vehicle to rise above 110 degrees Fahrenheit within ten minutes; and

Whereas, The NHTSA has confirmed that vehicular heatstroke, which occurs when an individual is left in a hot vehicle, allowing their core body temperature to quickly elevate to dangerous levels, is one of the leading causes of non-crash-related fatalities among children; and

Whereas, 907 children have died as a result of vehicular heatstroke in the United States since 1998, including 23 children who succumbed to vehicular heatstroke in 2021; and

Whereas, While rear seat alert systems technology presently exists and can detect the presence of unattended children and animals in the rear seat of a vehicle once the driver gets out of the car, to date, installation of this technology is voluntary and not mandated on the part of automobile manufacturers or automobile owners; and

Whereas, The Association of Global Automakers and the Alliance of Automobile Manufacturers groups which represent the majority of carmakers serving the United States market have agreed to standardize rear seat occupant alert technology in their entire passenger fleets by the 2025 model year; and

Whereas, Skilled automobile industry suppliers who invested in detection and alert systems report the costs of installing such systems into existing cars to be relatively small when compared to the potentially incalculable life-saving benefits; and

Whereas, In August 2019, New York State Senator David Carlucci introduced the Heatstroke Elimination Awareness Technology Act (S.6642) and Assembly Member Ellen Jaffee introduced a companion bill (A.8537), which would require motor vehicles sold in New York State to be equipped with a functioning rear seat detection system to recognize the presence of an occupant in the rear seating position after the vehicle engine or motor is deactivated, and automatically provide the driver with a warning alert; and

Whereas, Although vitally important, S.6642/A.8537 was not passed and similar legislation has yet to be reintroduced and passed in the new legislative session; now, therefore, be it

Resolved, That the New York City Council calls on the New York State Legislature to introduce and pass, and the Governor to sign, legislation requiring motor vehicles sold in New York State to be equipped with a functioning rear seat detection system that can detect the presence of an occupant in a rear designated seating position after the vehicle engine or motor is deactivated, and automatically provide the driver with a warning alert.

Referred to the Committee on Transportation and Infrastructure.

Int. No. 417

By Council Members Restler, Krishnan, Ayala, Powers, Joseph, Dinowitz, Louis, Bottcher, Cabán, Marte, Won, Riley, Gutiérrez, Nurse, Sanchez, Ossé, Hanif, Menin, Hudson and Avilés (by request of the Brooklyn, Queens, Bronx and Manhattan Borough Presidents).

A Local Law to amend the administrative code of the city of New York, in relation to notice requirements for certain transportation projects and the repeal of section 19-187 in relation thereto

Be it enacted by the Council as follows:

Section 1. Subdivisions a and g of section 19-101.2 of the administrative code of the city of New York, as added by local law 90 for the year 2009, are amended to read as follows:

a. *Definitions.* For the purposes of this section, the following terms [shall be defined as follows] *have the following meanings:*

[1. “[Affected council member(s) and community board(s)”. *The term “affected council member(s) and community board(s)” [shall mean] means the council member(s) and community board(s) in whose districts a proposed major transportation project is to be located, in whole or in part.*

Bicycle lane. *The term “bicycle lane” shall mean a portion of the roadway that has been marked off or separated for the preferential or exclusive use of bicycles.*

[2. “[Major transportation project”. *The term “major transportation project” [shall mean] means any project, including a project to add or remove a bicycle lane, that[,] after construction will alter four or more consecutive blocks, or 1,000 consecutive feet of street, whichever is less, involving a major realignment of the roadway, including either removal of a vehicular lane(s) or full time removal of a parking lane(s) or addition of vehicular travel lane(s).*

g. The department may implement its plan [fourteen or more days] after it sends an amended plan or notice that it will proceed with its original plan to the affected council member(s) and community board(s).

§ 2. Section 19-187 of the administrative code of the city of New York is REPEALED.

§ 3. This local law takes effect immediately.

Referred to the Committee on Transportation and Infrastructure.

Res. No. 169

Resolution calling for the Climate Action Council to draft, and the Governor to implement, a final Climate Action Council Scoping Plan that commits to meeting CLCPA targets and bold climate & environmental justice action in New York.

By Council Members Restler, Hanif, De La Rosa, Gutiérrez, Riley, Gennaro, Hudson, Joseph, Avilés, Brewer, Louis, Dinowitz, Won, Krishnan, Nurse, Schulman, Menin, Williams, Ossé, Brannan, Cabán, Rivera, Powers, Bottcher, Marte, Hanks, Abreu, Sanchez, Velázquez, Narcisse, Farías, Brooks-Powers, Salamanca, Ung, Ayala and Moya (by request of the Queens Borough President).

Whereas, New Yorkers are experiencing the effects of the climate crisis, such as worsening storms, flooding, sea level rise and heat waves; and

Whereas, in 2019 the New York State Legislature passed the Climate Leadership and Community Protection Act, committing New York to a net-zero carbon economy by 2050, a 100% zero emission electric sector by 2040, a 40% reduction from 1990 levels in statewide greenhouse gas emissions by 2030, 70% renewable energy by 2030, and 40% of the benefits of spending on climate programs to disadvantaged communities; and

Whereas, The effects of climate change are often inequitably distributed, with communities of color, children, older people, and low income communities, who often lack the financial and community resources to adequately respond to weather-related disasters, more likely to experience the deleterious effects; and

Whereas, According to the International Panel on Climate Change, substantial reductions in greenhouse gas emissions will be required by mid-century in order to limit the global average increase in temperature to 1.5 degrees Celsius, and no more than 2 degrees Celsius, to minimize the worst impacts of climate change; and

Whereas, The IPCC's most recent report found that "without immediate and deep emissions reductions across all sectors, limiting global warming to 1.5°C is beyond reach," stating that no new fossil fuel infrastructure must be built; and

Whereas, The Climate Action Council is tasked with developing recommendations to achieve the requirements of the Climate Leadership and Community Protection Act; and

Whereas, The Climate Action Council's Draft Scoping Plan estimates that the benefits of implementing a robust Scoping Plan to meet the CLCPA will outweigh the costs by over \$90 billion dollars; and

Whereas, Buildings, transportation, and electricity generation account for 73% of New York's statewide greenhouse gas emissions, while the use of fossil fuels for heating and hot water production in the city's building stock accounts for approximately 42% of the City's total GHG emissions; and

Whereas, In 2019, NYC passed the Climate Mobilization Act, featuring Local Law 97, limiting emissions from new and existing buildings over 25,000 square feet, and Local Laws 92 and 94, requiring solar and green roofs for new building construction. Together, these laws are expected to reduce emissions from the city's largest buildings by 40% by 2030 and 80% by 2050; and

Whereas, Decarbonizing New York City's building stock will require an aggressive push toward large scale building electrification, and widespread equitable access to air source and geothermal heat pumps, and energy efficiency upgrades and retrofits; and

Whereas, The Scoping Plan should include recommendations in support of all newly constructed buildings being all-electric by 2024, full electrification of building stock statewide, and the cessation of marketing and incentives for gas and fuel oil;

Whereas, Over 69% of New York City's power is produced via fossil fuel combustion, and environmental justice communities in New York City bear an inequitable burden of pollution from local "peaker plants," which despite running infrequently, emit almost 2.7 million tons of carbon dioxide (CO₂) annually, and constituted almost 5 percent of New York City's CO₂ emissions in 2019; and

Whereas, It is imperative that New York City achieve a 100% zero-emissions electric grid, and to protect public health no new or repowered fossil fuel power plants should be permitted in New York; and

Whereas, Clean energy like offshore wind, rooftop solar, battery storage, transmission upgrades can provide power in New York, drive economic growth, and reduce New York City's reliance on dirty fossil fuel plants; and

Whereas, New York State’s Just Transition Working Group estimates that more than 211,000 green jobs could be created by 2030 as a result of climate policies, with New York City poised to become a major hub for the offshore wind industry, and growing local industries in energy efficiency, electrification retrofits and installations, and rooftop solar; and

Whereas, The recommendations of the State’s Climate and Just Transition Working Groups and frontline environmental justice leaders must be incorporated into the final recommendations for the Scoping Plan, including year by year targets for transitioning to zero emissions electricity, widespread transportation electrification, and enhancement of transit, smart growth, and reduced vehicle miles traveled (VMT) through bike and pedestrian infrastructure expansions; and

Whereas, It is imperative that the Governor ensure that these provisions are recommended in the final scoping plan, to protect the health and well-being of New Yorkers and meet the challenge of climate change while building a clean energy economy for all; now, therefore, be it

Resolved, That the Council of the City of New York calls for the Climate Action Council to draft, and the Governor to implement, a final Climate Action Council Scoping Plan that commits to meeting CLCPA targets and bold climate & environmental justice action in New York.

Referred to the Committee on Environmental Protection.

Int. No. 418

By Council Members Richardson Jordan, Hanif, Hudson, Nurse and Krishnan.

A Local Law in relation to the establishment of a drag laureate program

Be it enacted by the Council as follows:

Section 1. Definitions. For purposes of this local law, the following terms have the following meanings:
City. The term “city” means the city of New York.

LGBTQ plus. The term “LGBTQ plus” means lesbian, gay, bisexual, transgender, and questioning, and other non-heterosexual sexual orientations or non-cisgender gender identities.

§ 2. The commissioner of cultural affairs, in collaboration with the director of the office of nightlife, shall establish a drag laureate program. Pursuant to such program, the commissioner of cultural affairs, in collaboration with the director of the office of nightlife, shall appoint, no later than January 30 of each year, an individual to serve as a drag laureate. Such drag laureate shall:

- a. Serve as an ambassador to local businesses and LGBTQ plus spaces; and
- b. Promote arts and culture in the city.

§ 3. Subject to appropriation, the commissioner of cultural affairs shall provide the drag laureate with a fee and in-kind resources to facilitate the performance of the duties of the drag laureate.

§ 4. This local law takes effect immediately.

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

Int. No. 419

By Council Members Richardson Jordan and Nurse.

A Local Law to amend the administrative code of the city of New York, in relation to the division of AIDS services

Be it enacted by the Council as follows:

Section 1. Section 21-126 of the administrative code of the city of New York, as added by local law number 49 for the year 1997, is amended to read as follows:

§ 21-126 Division of AIDS services. There shall be a division of AIDS services within the New York city department of social services. Such division shall provide access to benefits and services as defined in section 21-128(a)(1) of this chapter to every person with clinical/symptomatic HIV illness, as determined by the New York state department of health AIDS institute, or with AIDS, as defined by the federal centers for disease control and prevention, who requests assistance, and shall ensure the provision of benefits and services to eligible persons as defined in section [21-128(a)(3)] *21-128(a)(4)* of this chapter with clinical/symptomatic HIV illness or with AIDS.

§ 2. Subdivision g of section 21-128 of the administrative code of the city of New York, as added by local law number 49 for the year 1997, is amended to read as follows:

g. Not later than sixty days from the effective date of the local law that added this section, the commissioner shall prepare a draft policy and procedures manual for division staff. Such policy and procedures manual shall include, but not be limited to, strict guidelines on maintaining the confidentiality of the identity of and information relating to all applicants and recipients, instructional materials relating to the medical and psychological needs of persons with clinical/symptomatic HIV illness or with AIDS, application procedures, eligibility standards, mandated time periods for the provision of each benefit and service available to applicants and recipients and advocacy resources available to persons with clinical/symptomatic HIV illness or with AIDS. Such list of advocacy resources shall be updated semi-annually. Within thirty days following the preparation of such draft policy and procedures manual and prior to the preparation of a final policy and procedures manual, the commissioner shall distribute such draft policy and procedure manual to all social service agencies and organizations that contract with the department to provide HIV-related services and to all others whom the commissioner deems appropriate, and hold no fewer than one noticed public hearing at a site accessible to [the disabled] *persons with disabilities*, at which advocates, service providers, persons [who have tested positive for] *with HIV infection*, and any other member of the public shall be given an opportunity to comment on such draft policy and procedures manual. The commissioner shall prepare a final policy and procedures manual within thirty days after the conclusion of such hearing and shall thereafter, *in consultation with the advisory board established pursuant to subdivision k of this section*, review[,] and, where appropriate, revise such policy and procedures manual on an annual basis. *Upon any proposed revision, and prior to the finalization of such revision, no fewer than one noticed public hearing shall be held at a site accessible to [the disabled] persons with disabilities at which advocates, service providers, persons [who have tested positive for] with HIV infection, and any other member of the public shall be given an opportunity to comment on such draft policy and procedures manual.* The commissioner shall provide for semi-annual training, using such policy and procedures manual, for all division staff.

§ 3. Subdivision h of section 21-128 of the administrative code of the city of New York, as added by local law number 49 for the year 1997, is amended to read as follows:

h. Not later than sixty days from the effective date of the local law that added this section, the commissioner shall publish a proposed rule establishing a bill of rights for persons with clinical/symptomatic HIV illness or with AIDS. Such draft bill of rights shall include, but not be limited to, an explanation of the benefits and services for which persons with clinical/symptomatic HIV illness or with AIDS may be eligible; timetables within which such benefits and services shall be provided to eligible persons; an explanation of an applicant's and recipient's right to examine his or her file and the procedure for disputing any information contained therein; an explanation of an applicant's and recipient's right to a home or hospital visit for the purpose of applying for or maintaining benefits or services; an explanation of the process for requesting a division conference or New York state fair hearing; and a summary of the rights and remedies for the redress of discrimination as provided for in title eight of this code. Within sixty days following the publication of such proposed rule *or any revision thereto*, and prior to the publication of a final rule, the commissioner shall hold no fewer than one noticed public hearing *as required by subdivision e of section 1043 of the charter* at a site accessible to [the disabled] *persons with disabilities* at which advocates, service providers, persons [who have tested positive for] *with HIV infection*, and any other member of the public shall be given an opportunity to comment on such draft bill of rights. The commissioner shall publish a final rule within thirty days after the conclusion of such hearing and shall thereafter,

in consultation with the advisory board established pursuant to subdivision k of this section, review[,] and, where appropriate, revise such bill of rights on an annual basis. Such bill of rights shall be conspicuously posted in all division offices that are open to the public [and], posted on the department's website, and provided to clients upon their first meeting with a caseworker and annually or upon any revision. Caseworkers shall review the provisions of such bill of rights with clients upon such first meeting and at any time a client requests. Such bill of rights shall be available [for distribution to the public] in English, Spanish and any other languages that the commissioner deems appropriate.

§ 4. Subdivision j of section 21-128 of the administrative code of the city of New York, as amended by local law number 32 for the year 2005, is amended to read as follows:

j. The commissioner shall submit [written, quarterly reports] to the mayor and the *speaker of the council and post on the department's website quarterly reports, with all tables and underlying data provided in a machine readable format*, that shall, at a minimum, provide the following information:

1. The number of persons with clinical/symptomatic HIV illness or with AIDS who requested benefits or services set forth in subdivision b of this section or any other benefits or services provided by the division.

2. The processing time for applications for benefits or services, disaggregated by field office, type of benefit and individual versus family case, specified as follows:

(i) for non-emergency applications for food stamps, medicaid and public assistance benefits, including separate determinations of eligibility for medicaid or food stamps:

(1) the number of days from completed application to the provision of the benefit or service; and

(2) in cases of denial, the number of days from the completed application to denial of the application.

(ii) for immediate needs grants and expedited food stamps:

(1) the number of days from the request date to the date of issuance of a grant; and

(2) in cases of denial, the number of days from the request date to the date of denial.

(iii) for all other non-emergency benefits or services provided by or through any division center or office, including but not limited to exceptions to policy for enhanced rental assistance and additional allowances:

(1) (a) the number of days from initial request to completed application; and

(b) the number of days from completed application to the provision of the benefit or service; and

(2) in cases of denial, the number of days from completed application to denial of the application.

(iv) for all other benefits or services provided on an emergency basis, including but not limited to exceptions to policy for enhanced rental assistance and additional allowances:

(1) the number of days from initial request to completed application;

(2) the number of days from completed application to approval or denial of the application; and

(3) the number of days from approval of an application to the provision of the benefit or service.

(v) for applications for non-emergency housing:

(1) the number of days from a request for housing to completed application;

(2) the number of days from completed application to approval or denial of the application;

(3) the number of days from approval of an application to the date on which the client takes occupancy of non-emergency housing; and

(4) with respect to applications that are approved, the number of days from completed application to the date on which the client takes occupancy of non-emergency housing.

3. The number of division staff, by job title, whose duties include providing benefits and services or access to benefits and services pursuant to this section, disaggregated by field office and family versus overall cases; the number of cases at each field office, disaggregated by family versus overall cases; and the ratio of case managers and supervisors to clients at each field office, disaggregated by family versus overall cases.

4. The number of cases closed, disaggregated by the reasons for closure.

5. The number of closed cases that were re-opened, the length of time required to re-open such closed cases, starting from the date on which the case was closed, and the total number of cases closed in error and the length of time required to reopen such closed cases, starting from the date on which the case was closed, disaggregated by field office and reported in the following categories: 0 to 15 days; 16 to 30 days; 31 to 45 days; 46 to 60 days; 61 to 75 days; 76 to 90 days; and more than 91 days.

6. The number of administrative fair hearings requested, the number of fair hearing decisions in favor of applicants and recipients and the length of time for compliance with such fair hearing decisions, disaggregated

by decisions where there was compliance within 30 days of the decision date and decisions where there was compliance after 30 days of the decision date[;].

7. The number of proceedings initiated pursuant to article 78 of the civil practice law and rules challenging fair hearing decisions, and the number of article 78 decisions rendered in favor of applicants or recipients[;].

8. The number of clients in emergency housing and the average length of stay, disaggregated on a monthly basis[;].

9. The number of facilities used to provide emergency shelter for clients and the number of units per facility, disaggregated by the type of facility[;].

10. The number of facilities used to provide emergency shelter placed on non-referral status for each month in the reporting period and the number of facilities placed on non-referral status that remedied the situation that led to non-referral status.

11. The number of facilities used to provide emergency shelter placed on discontinuance of use status and the number of facilities placed on discontinuance of use status that remedied the situation that led to discontinuance of use status.

12. The number of requests for emergency housing assistance, the number of persons referred to the department of homeless services; the number of persons referred to commercial single room occupancy hotels, the average length of stay in commercial single room occupancy hotels, the number of applications for non-emergency housing each month; and the number of persons placed in non-emergency housing each month.

13. The number of [inspections of]emergency housing *facilities inspected and the number of each such facility* conducted by the division.

14. Quarterly reports required by this subdivision shall be delivered no later than 60 days after the last day of the time period covered by the report. The first quarterly report required by this subdivision shall be delivered no later than August 31, 2005.

§ 5. Subdivision k of section 21-128 of the administrative code of the city of New York, as added by local law number 49 for the year 1997, is amended to read as follows:

k. There shall be an advisory board to advise the commissioner on the provision of benefits and services and access to benefits and services to persons with clinical/symptomatic HIV illness or with AIDS as required by this section. This advisory board shall consist of eleven members to be appointed for two-year terms as follows: five members, at least three of whom shall be eligible for benefits and services pursuant to this section, who shall be appointed by the speaker of the council and six members, including the chairperson of the advisory board, at least three of whom shall be eligible for benefits and services pursuant to this section, who shall be appointed by the mayor. The advisory board shall meet at least quarterly. *Such meetings shall be convened at the call of the chairperson, or upon the call of a majority of the members.* [and m embers] *Members* shall serve without compensation. Such advisory board [may] *shall* formulate *an annual report* and recommend to the commissioner [a policy or procedure] *policies or procedures* for overseeing, [and] monitoring, *and improving* the delivery of services to persons with clinical/symptomatic HIV illness or with AIDS which may include quality assurance measurements. Such advisory board shall submit [such recommended policy or procedure] *such report* to the mayor and the speaker of the council upon submission to the commissioner, *who shall post such report on the department's website.*

§ 6. This local law takes effect immediately.

Referred to the Committee on General Welfare.

Int. No. 420

By Council Members Richardson Jordan, Nurse and Louis.

A Local Law to amend the administrative code of the city of New York, in relation to fees for the installation of solar power energy systems

Be it enacted by the Council as follows:

Section 1. Article 112 of title 28 of the administrative code of the city of New York is amended by adding a new section 28-112.2.1 to read as follows:

§ 28-112.2.1 Fee exemption for solar installations. No fee shall be required in connection with an application for a street crane permit for the installation on a roof of solar thermal and solar electric (photovoltaic) collectors, panels and/or modules and their supporting equipment.

§ 2. This local law takes effect 120 days after it becomes law and shall be applicable to any construction documents pending before the department of buildings on such effective date and the commissioner of buildings shall take such measures as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

Referred to the Committee on Environmental Protection.

Int. No. 421

By Council Members Riley, Louis, Nurse and Krishnan.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of homeless services to report on families with children in shelter

Be it enacted by the Council as follows:

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

§ 21-328 Reporting on homeless families with children in shelter. a. Definitions. For the purposes of this section, the following terms have the following meanings:

Families with children. The term "families with children" means families comprised of: adults with children under the age of 21; a single pregnant woman; or families including at least one pregnant woman.

Cluster site. The term "cluster site" means individual apartments within private buildings or a group of private buildings in geographic proximity to each other, under the operation of a social services provider, and used by the department to shelter families with children.

Child care assistance voucher. The term "child care assistance voucher" means a subsidy provided by the administration for children's services to eligible low income families to help them pay for child care.

DYCD-administered crisis shelters. The term "DYCD-administered crisis shelters" means city-administered facilities that provide short term emergency housing for runaway and homeless youth and are managed by a provider under contract or similar agreement with the department of youth and community development.

Early Learn. The term "early learn" means affordable to no cost child care provided for eligible families, serving children from 6-weeks-old through 4-years-old.

Head Start. The term "head start" means federally funded affordable to no cost child care focused on providing free child development activities and educational programs in the community for eligible families.

Hotel. The term "hotel" means a building that historically operated as a hotel prior to its use as shelter and is currently used by the department as shelter or a building that continues to operate as a commercial hotel and also provides a number of units to the department to shelter residents.

Domestic violence shelter. The term "domestic violence shelter" means shelter directly managed by the department of social services or by a provider under contract or similar agreement with the department of social services, which provides temporary housing and supportive services to families with children who are victims of domestic violence.

HASA shelter. The term "HASA shelter" means congregate facilities managed by a provider under contract or similar agreement with the department of social services to provide emergency shelter for recipients of services from the HIV/AIDS administration.

Individualized education program. The term “individualized education program” means a written statement, developed, reviewed and revised in accordance with section 200.4 of title 8 of the New York codes, rules, and regulations, provided to meet the unique educational needs of a student with a disability.

Prevention assistance and temporary housing. The term “prevention assistance and temporary housing” means the intake facility where families with children must apply for shelter.

Preventative services. The term “preventative services” means services provided to families by the administration for children services that are designed to help families keep their children safely at home.

Shelter. The term “shelter” means a building, or individual units within a building, being utilized by the department or a provider under contract or similar agreement with the department to provide temporary emergency housing.

Tier II facility. The term “tier II facility” means a shelter facility subject to the provisions of part 900 of title 18 of the New York codes, rules, and regulations which provides shelter and services to 10 or more homeless families including, at a minimum, private rooms, access to three nutritional meals a day, supervision, assessment services, permanent housing preparation services, recreational services, information and referral services, health services, and child-care services.

b. Not later than July 1, 2023, and monthly thereafter, the department shall submit to the speaker of the council and post online a report regarding information on homeless families in shelter. Such report shall include, but is not limited to, the following information:

1. The total number of homeless families currently living in shelter disaggregated by shelter placement including but not limited to: (a) tier II facility; (b) domestic violence shelter; (c) HASA shelter; (d) DYCD-administered crisis shelter; (e) cluster site; and (f) hotels.

2. The total number of families with children who are new entries to the shelter system disaggregated by the total number of applications submitted prior to being found eligible.

3. The average length of stay for families with children in shelter.

4. The total number of families with children leaving shelter to permanent housing disaggregated by shelter placement including: (a) tier II facility; (b) domestic violence shelter; (c) HASA shelter; (d) DYCD-administered crisis shelter; (e) cluster site; and (f) hotels.

5. The percentage of families with children living in shelter in the same zip code where the family receives community based preventative services.

6. The percentage of families with children living in shelter in the same zip code as the head-of-household’s job.

7. The percentage of families with children placed in the school district where their youngest child attends school.

8. The percentage of families with children placed in the district where a child has an individualized education program.

9. The school transfer rate for children living in shelter.

10. The average school attendance rate for children in shelter.

11. The average number of days from prevention assistance and temporary housing intake to a child’s enrollment in a new school.

12. The average number of school days missed after prevention assistance and temporary housing intake, before a child’s return to their school of origin.

13. The average number of days from entry into a domestic violence shelter until a child is enrolled in a new school.

14. The average number of days from entry into the shelter system until school transportation is arranged for a child.

15. The number of children, ages 0-3, in child care, disaggregated by type including: (a) early learn; (b) head start; and (c) child care assistance voucher.

16. The number of children in the shelter system enrolled in pre-kindergarten,

17. The number of children, ages 0-3, in the shelter system screened for early intervention disaggregated by (a) number found eligible; and (b) number receiving services.

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 information, 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 any category requested contains between 1 and 5 youth in foster care, or allows another category to be narrowed to between 1 and 5 students, the number shall be replaced with a symbol.

§ 2. This local law takes effect immediately.

Referred to the Committee on General Welfare.

Int. No. 422

By Council Members Rivera, Hanif, Louis, Nurse and Krishnan.

A Local Law to amend the administrative code of the city of New York, in relation to requiring covered entities to maintain a record of requests from persons requesting a reasonable accommodation

Be it enacted by the Council as follows:

Section 1. Subdivision 28 of section 8-107 of the administrative code of the city of New York is amended by adding a new paragraph (g) to read as follows:

(g) Retention of request records. A covered entity shall maintain a written record of the initial written request for a reasonable accommodation and any update to the initial written request made pursuant to subdivisions 3, 15, 22 and 27 of this section. The record shall include, at a minimum, the date of the initial request and the date of any subsequent update to the request, and the information required pursuant to paragraph (d) of this subdivision. Covered entities shall maintain these records for a minimum period of three years from the date of the initial request. Covered entities shall allow the commission access to such records upon reasonable notice and at a time mutually agreed upon by the covered entity and the commission in accordance with applicable law. Nothing in this section shall be deemed to require the disclosure of information that is confidential or privileged or the disclosure of which would violate any other applicable provision of law.

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

Referred to the Committee on Civil and Human Rights.

Int. No. 423

By Council Members Rivera, Louis, Nurse and Krishnan.

A Local Law in relation to creating a pilot program providing freelance workers and domestic workers with safety training and information

Be it enacted by the Council as follows:

Section 1. Freelance worker and domestic worker safety program. a. Definitions. For the purposes of this section, the following terms have the following meanings:

Department. The term “department” means the department of consumer and worker protection.

Domestic worker. The term “domestic worker” means any natural person that is hired or retained as an independent contractor or as an employee by a hiring party to provide services in a home or residence in exchange for compensation.

Freelance worker. The term “freelance worker” means any freelance worker as defined in section 20-927 of the administrative code of the city of New York.

b. First aid and cardiopulmonary resuscitation (CPR) training. 1. The department shall establish a pilot program to allow freelance workers and domestic workers to receive first aid and CPR training free of charge.

2. The department shall share information regarding the availability of such first aid and CPR trainings electronically on its website and social media accounts, and in hard copy to advocacy groups, employment organizations and community business organizations that collaborate with freelance workers and domestic workers. Such information shall be made available in English and in each of the designated citywide languages, as defined in section 23-1101 of the administrative code of the city of New York.

c. Chemical cleaning product safety information. 1. The department shall share on its website and social media accounts, and in hard copy to advocacy groups, employment organizations and community business organizations that collaborate with domestic workers who specialize in housekeeping or cleaning services, for distribution to any such domestic workers, information regarding:

(a) Commonly used cleaning products, any potential dangers associated with such products and less hazardous alternatives; and

(b) Best practices for the use of protective equipment such as gloves, goggles and face masks, the cost of such equipment and where such equipment may be purchased.

2. The information required pursuant to this subdivision shall be made available in English and in each of the designated citywide languages, as defined in section 23-1101 of the administrative code of the city of New York.

d. On or before the first anniversary of the effective date of this local law, the department shall post on its website and provide to the speaker of the council a report containing information regarding the freelance worker and domestic worker safety program established pursuant to this local law, including:

1. The total cost of such pilot program;
2. The number of individuals who attended the trainings provided pursuant to subdivision b of this section;
3. Analysis of the impact and effectiveness of such pilot program;
4. Recommendations with respect to expanding or making such pilot program permanent; and
5. Any other information regarding such pilot program.

§ 2. This local law takes effect 120 days after it becomes law and remains in effect for 1 year thereafter, at which time it shall expire and be deemed repealed.

Referred to the Committee on Civil Service and Labor.

Int. No. 424

By Council Members Rivera, Hanif, Louis, Nurse and Krishnan.

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 humane animal treatment instruction

Be it enacted by the Council as follows:

Section 1. Title 21-A of the administrative code of the city of New York is amended by adding a new chapter 29 to read as follows:

*CHAPTER 29
REPORTING ON HUMANE ANIMAL TREATMENT INSTRUCTION*

§ 21-1000 *Reporting on humane animal treatment instruction. a. Definitions. As used in this section, the following terms have the following meanings:*

School. The term "school" means any elementary school within the jurisdiction of the New York city department of education.

Student. The term "student" means any pupil who is enrolled in a school as defined in this subdivision.

b. No later than November 1, 2023, and on or before November 1 of every year thereafter, the department shall submit to the speaker of the council and post on its website a report regarding instruction on humane

animal treatment as required by section 809 of the education law. Such report shall include, but need not be limited to, the following information:

- 1. The number of schools that have a finalized plan for implementing humane animal treatment instruction as required by section 809 of the education law;*
 - 2. The number of schools that have implemented instruction on humane animal treatment as required by section 809 of the education law;*
 - 3. The average frequency and average total minutes per week of humane treatment of animals instruction provided to students in each grade level in each school;*
 - 4. The number of designated instructors providing such instruction at each school;*
 - 5. The topics of instruction on humane animal treatment provided in each school, including whether such instruction covers the following topics:*
 - i. The humane treatment and protection of animals;*
 - ii. The importance of the part animals play in the economy of nature;*
 - iii. The necessity of controlling the proliferation of animals which are subsequently abandoned and caused to suffer extreme cruelty; and*
 - 6. The educational resources used to instruct on humane animal treatment in each school.*
- § 2. This local law takes effect 120 days after it becomes law.

Referred to the Committee on Education.

Int. No. 425

By Council Members Rivera, Hanif, Nurse and Krishnan.

A Local Law to amend the administrative code of the city of New York, in relation to a campaign by the department of health and mental hygiene to increase awareness of and enrollment in health insurance by low-wage workers, and reporting in relation thereto

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 17 of the administrative code of the city of New York is amended by adding a new section 17-199.18 to read as follows:

§ 17-199.18 *Campaign on low-wage workers and health insurance. a. Definitions. For the purposes of this section, the following terms have the following meanings:*

Low-wage worker. The term “low-wage worker” means an individual who works in the city of New York whose annual gross household income is not in excess of 300 percent of the federal poverty guidelines as updated periodically in the federal register by the United States department of health and human services pursuant to subsection (2) of section 9902 of title 42 of the United States code.

Low-wage industries. The term “low-wage industries” means the 10 industries in the city of New York that employ the most low-wage workers, based on data from the United States census bureau.

Relevant agencies. The term “relevant agencies” means the department of consumer and worker protection, the New York city health and hospitals corporation, the office of immigrant affairs and any other agency the commissioner deems to be a relevant agency.

b. Campaign required. Within 90 days of the effective date of the local law that added this section, the commissioner, in collaboration with relevant agencies, shall implement a public information and awareness campaign to increase low-wage workers’ awareness of and enrollment in health insurance plans available to them. In carrying out the campaign, the commissioner shall:

- 1. Dialogue with low-wage workers, low-wage industries and stakeholders to gather information about the barriers such workers face in obtaining health insurance, including, but not limited to, the high cost of many health insurance plans, such workers’ low wages and, where applicable, such workers’ immigration status;*
- 2. Develop strategies that the department may use to provide information to and increase the enrollment of low-*

wage workers, which address any such barriers;

3. Create and disseminate materials for low-wage workers regarding the health insurance plans and access programs available to such workers, which address such barriers and are in each of the designated citywide languages, as defined in section 23-1101; and

4. Publish such materials on the websites of the relevant agencies.

c. Reporting. No later than 180 days after the effective date of the local law that added this section, and annually thereafter, the commissioner shall submit a report on the campaign to the mayor and the speaker of the council and shall post such report on the department's website. Such report shall be anonymized and shall include the following:

1. The number and percentage of low-wage workers who lacked health insurance at any time during the current reporting period, disaggregated by borough of employment, ethnicity, gender, household income, industry, occupation and race;

2. The change, from the prior reporting period to the current reporting period, in the number and percentage of low-wage workers who lacked health insurance;

3. A description of the campaign's efforts during the current reporting period; and

4. A description of the campaign's challenges during the current reporting period and the efforts made to address such challenges.

§ 2. This local law takes effect immediately.

Referred to the Committee on Health.

Int. No. 426

By Council Members Rivera, Brewer, Louis and Nurse.

A Local Law to amend the administrative code of the city of New York, in relation to visitation policy guidelines for hospitals during public health emergencies

Be it enacted by the Council as follows:

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

**CHAPTER 21
PUBLIC HEALTH EMERGENCY RESPONSE**

§ 17-2101 Definitions. For the purposes of this chapter, the following terms have the following meanings: COVID-19. The term "COVID-19" means the 2019 novel coronavirus or 2019-nCoV.

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

Public health emergency. The term "public health emergency" means any state of emergency declared by the state or the city in response to an outbreak of an infectious disease.

§ 17-2102 Hospital visitation policy guidelines. a. No later than 14 days after a declaration of a public health emergency, the department shall develop voluntary guidelines for hospital visitation policies. Such guidelines shall take into consideration federal, state and local laws and regulations regarding hospital visitation policies. Such guidelines shall include specific provisions regarding visitors of a patient giving birth.

b. The department shall immediately submit to the mayor and the speaker of the council and shall post conspicuously on the department's website the voluntary guidelines for hospital visitation policies developed pursuant to subdivision a. The department shall immediately distribute such guidelines to every hospital in the city.

c. No later than July 1, 2022, the department shall submit to the mayor and the speaker of the council and shall post conspicuously on the department's website voluntary guidelines for hospital visitation policies in response to COVID-19, in accordance with subdivisions a of this section. No later than July 1, 2022, the department shall distribute such guidelines to every hospital in the city.

§2. This local law takes effect immediately.

Referred to the Committee on Hospitals.

Int. No. 427

By Council Members Rivera, Hanif, Louis, Nurse and Krishnan.

A Local Law to amend the administrative code of the city of New York, in relation to requiring landlords of housing accommodations controlled, subsidized or both by the department of housing preservation and development to report rental payment data to consumer reporting agencies upon tenant request

Be it enacted by the Council as follows:

Section 1. Title 26 of the administrative code of the city of New York is amended by adding a new chapter 14 to read as follows:

**CHAPTER 14
RENT REPORTING**

§ 26-1401 *Rent reporting. a. Definitions. For purposes of this chapter, the following terms have the following meanings:*

Consumer reporting agency. The term “consumer reporting agency” has the same meaning as is set forth in subsection (f) of section 1681a of title 15 of the United States code.

Department. The term “department” means the department of housing preservation and development.

Landlord. The term “landlord” means an owner, lessor, sublessor, assignee or other person receiving or entitled to receive rent for the use or occupancy of any housing accommodation controlled, subsidized or both by the department, or an agent of any of the foregoing.

Nationwide consumer reporting agency. The term “nationwide consumer reporting agency” means a consumer reporting agency that provides consumer credit reports nationwide and that receives rental payment data from rent reporting services.

Tenant. The term “tenant” means a tenant, subtenant, lessee, sublessee or other person entitled to the possession or to the use or occupancy of a housing accommodation controlled, subsidized or both by the department.

b. At the time of a tenant lease signing, the landlord shall offer the tenant the option to have such landlord report such tenant’s future rental payment data in connection with such landlord, including but not limited to the name of the tenant, name of the entity to whom the tenant pays rent, rental payments and start and end dates of the lease, to all nationwide consumer reporting agencies that the department has listed by rule.

c. Upon such tenant choosing to have such landlord report future rental payment data, such landlord shall report such tenant’s rental payment data in connection with such landlord from that point forward to all nationwide consumer reporting agencies that the department has listed by rule.

d. The department shall promulgate, and update as necessary, a rule listing all nationwide consumer reporting agencies.

e. Every landlord that violates subdivisions b or c of this section shall be liable for a civil penalty of \$75 for each violation, provided that violations of subdivisions b and c of this section are considered separate violations.

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

Referred to the Committee on Housing and Buildings.

Int. No. 428

By Council Members Rivera, Louis, Joseph, Nurse and Krishnan.

A Local Law to amend the administrative code of the city of New York, in relation to providing tenants the option of paying a security deposit in six equal monthly installments

Be it enacted by the Council as follows:

Section 1. Title 26 of the administrative code of the city of New York is amended by adding a new chapter 23 to read as follows:

*CHAPTER 23
SECURITY DEPOSIT INSTALLMENT OPTION*

§ 26-2301 Definitions. As used in this chapter, the following terms have the following meanings:

Landlord. The term “landlord” has the same meaning as provided in section 27-2004.

Security deposit. The term “security deposit” means money, whether cash or otherwise, paid to an owner to be held for all or part of the term of a tenancy to secure performance of any obligation of the tenant under the lease or rental agreement.

Tenant. The term “tenant” has the same meaning as provided in section 26-1101.

§ 26-2302 Security deposit installments. a. For tenancies that are six months or longer, a security deposit may be paid at the option of the tenant in six, equal, consecutive, monthly installments.

b. For tenancies that are less than six months, a security deposit may be paid at the option of the tenant in equal, consecutive, monthly installments provided that the number of such installments match the number of months of the tenancy.

c. Nothing in this section shall prohibit a tenant from paying a security deposit in full, or an owner accepting such payment, provided that the owner has complied with the requirements of section 26-2303.

§ 26-2303 Notification. The owner shall notify a tenant of the security deposit installment option established pursuant to section 26-2302 prior to entering into a lease or rental agreement with the tenant.

§ 26-2304 Damages for noncompliance; attorney’s fees. Upon finding a violation of section 26-2303 in any action brought before a court of competent jurisdiction, the court may award damages to the tenant in the amount of one half of the security deposit, in addition to reasonable attorney’s fees and other costs.

§ 26-2305 Outreach and education. The department shall conduct outreach and education efforts to inform owners and tenants about the requirements of this chapter.

§ 2. Paragraph 1 of subdivision b of section 26-1102 of the administrative code, as added by local law number 45 for the year 2014, is amended to read as follows:

(1) owners’ responsibilities with respect to eviction, heat and hot water, pest management, repairs and maintenance, *security deposit installment options*, tenant organizations, rent-regulated leases, rental assistance for elderly or disabled tenants, and housing discrimination;

§ 3. Paragraph 1 of subdivision c of section 26-1103 of the administrative code, as added by local law number 45 for the year 2014, is amended to read as follows:

(1) owners’ responsibilities with respect to eviction, heat and hot water, pest management, repairs and maintenance, *security deposit installment options*, tenant organizations, rent-regulated leases, rental assistance for elderly or disabled tenants, and housing discrimination;

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

Referred to the Committee on Housing and Buildings.

Int. No. 429

By Council Members Rivera, Louis, Joseph and Nurse.

A Local Law in relation to requiring the police department to report on vehicles towed due to registration-related violations

Be it enacted by the Council as follows:

Section 1. Report on towed motor vehicles. a. Definitions. For the purposes of this section, the following terms have the following meanings:

Department. The term “department” means the New York city police department.

Registration-related violation. The term “registration-related violation” means a violation of section 4-08(j)(1), 4-08(j)(3), 4-08(j)(4), 4-08(j)(5) or 4-08(j)(8) of title 34 of the rules of the city of New York.

b. No later than August 1, 2022, the department shall develop and publish on the department’s website guidance for determining whether a motor vehicle with an alleged registration-related violation shall be towed. Such guidance shall be specific as to whether the motor vehicle is a car, motorcycle or other motor vehicle.

c. Nothing contained in subdivision b or in the administration or application hereof shall be construed as creating a right to be subject to civil or criminal enforcement or prosecution in connection with any alleged specified unlawful act or a private right of action on the part of any persons or entity against the city of New York, the department, or any official or employee thereof.

d. No later than August 1, 2022, and within 30 days of the beginning of each quarter thereafter, the department shall post on its website and deliver to the speaker of the council and mayor a report on vehicles that have been towed in the previous quarter due to a registration-related violation. The information contained in this report shall be disaggregated by the alleged registration-related violation, the precinct in which the vehicle was towed and whether the vehicle is a car, motorcycle or other motor vehicle.

§ 2. This local law takes effect immediately and expires and is deemed repealed three years after it becomes law.

Referred to the Committee on Public Safety.

Int. No. 430

By Council Members Rivera, Holden, Louis, Nurse and Krishnan.

A Local Law in relation to a study by the department of health and mental hygiene on the causes of rising wait times in emergency departments

Be it enacted by the Council as follows:

Section 1. a. The department of health and mental hygiene shall conduct a study analyzing the wait times in emergency departments in hospitals located within the 5 boroughs. Such study shall consist of a comprehensive analysis of the potential causes of delay and the effect such delays have on: (i) the delivery of health care services; and (ii) disparities in health care.

b. No later than June 1, 2023, the department shall submit to the mayor and the speaker of the city council a report summarizing the results of such study, disaggregated by each such hospital.

§ 2. This local law takes effect immediately and expires and is deemed repealed upon submission of the report required by subdivision b of section 1 of this local law.

Referred to the Committee on Hospitals.

Res. No. 170

Resolution calling on the United States Congress to pass, and the President to sign, legislation that would ensure that domestic workers receive the same protections and rights under the Occupational Safety and Health Act of 1970 as other workers.

By Council Members Rivera, Louis, Joseph and Nurse.

Whereas, According to the National Domestic Workers Alliance, domestic workers are the nannies that take care of our children, the housecleaners that bring order to our home, and the care workers that ensure that our loved ones can live with dignity and independently at home; and

Whereas, The Occupational Safety and Health Act of 1970 (OSH Act) is a federal law that was enacted to ensure worker safety and health by requiring employers to provide their workers a place of employment free from recognized hazards to safety and health, such as exposure to toxic chemicals, excessive noise levels, or unsanitary conditions, while also creating the Occupational Safety and Health Administration (OSHA), and its research institution, the National Institute for Occupational Safety and Health; and

Whereas, Although the OSH Act is an important piece of legislation affecting millions of workers within the United States, domestic workers, which, according to the National Domestic Workers Alliance, account for nearly two and a half million workers nationally, and includes over 202,000 in New York City based on estimates by the New York City Department of Consumer Affairs, have been excluded from its protections; and

Whereas, This exclusion is codified in OSHA Laws and Regulations stating that those who privately employ individuals performing “domestic household tasks, such as house cleaning, cooking, and caring for children,” commonly referred to as domestic workers, are not subject to the requirements of the OSH Act, and do not have to ensure certain worker and workplace safety standards that many other employers are required to ensure; and

Whereas, The exclusion of domestic workers from the OSH Act has had a serious impact on the way in which domestic workers work and live, being exacerbated by the general lack of enforcement of health, safety and labor laws within domestic households; and

Whereas, The effects of such exclusion, according to the International Alliance of Women, include alarming rates of wage exploitation, excessive work hours, lack of access to health care, arbitrary terminations, and exposure to health and safety hazards, which are in addition to the problems that women, specifically women of color and immigrants, experience on a daily basis, as the National Domestic Workers Alliance reports that 91.5 percent of domestic workers nationwide are women, who are mostly immigrants and women of color; and

Whereas, In terms of health and safety hazards domestic workers face, separate bodies of relevant research, including that of a Washington University in St. Louis law professor in 2011, and the National Domestic Workers Alliance in 2012, have found that domestic workers are commonly exposed to: harmful cleaning chemicals within the house, which lead to frequent exposure to respiratory irritants and an increased prevalence of contracting physical illnesses, including musculoskeletal disorders; verbal, emotional and physical abuse; and injuries caused by lifting or moving clients; and

Whereas, On top of these health and safety hazards, domestic workers rarely receive paid sick days, vacation days or employer-provided health insurance, according to the National Employment Law Project; and

Whereas, Thus, in an effort to reduce some of the challenges domestic workers face, some states, including New York, have enacted a Domestic Workers’ Bill of Rights; and

Whereas, New York’s Domestic Workers’ Bill of Rights provides domestic workers with, among other things: the right to overtime pay at time-and-a-half after 40 hours of work in a week, or 44 hours for workers who live in their employer’s home; a day of rest (24 hours) every seven days, or overtime pay if they agree to work on that day; three paid days of rest each year after one year of work for the same employer; and protection under New York State Human Rights Law, including the creation of a special cause of action for domestic workers who suffer sexual or racial harassment; and

Whereas, In addition to New York State’s protections for domestic workers, New York City’s Paid Safe and Sick Leave Law provides domestic workers with leave for sick and safe leave purposes each year, which is in addition to the three annual paid days of rest; and

Whereas, Although New York and a number of other states have laws and policies that provide domestic workers with certain protected rights, including the right to overtime pay and paid days off, domestic workers

nationwide, including in New York, still lack certain health and safety protections that other workers are guaranteed; and

Whereas, That is why federal legislation that would include domestic workers under the OSH Act is needed; and

Whereas, This would ensure that domestic workers throughout the United States are provided with necessary protections and rights many other workers receive, while employers are held accountable for maintaining a safe and healthy environment to work in; now, therefore, be it

Resolved, That the Council of the City of New York calls on the United States Congress to pass, and the President to sign, legislation that would ensure that domestic workers receive the same protections and rights under the Occupational Safety and Health Act of 1970 as other workers.

Referred to the Committee on Civil Service and Labor.

Res. No. 171

Resolution calling upon the New York State Legislature to pass, and the Governor to sign, an act to amend the insurance law in relation to requiring that provision be made for pregnancy termination procedures in every individual or group policy or contract which provides coverage or indemnity for hospital, surgical or medical care and which offers maternity care coverage.

By Council Members Rivera, Hudson, Louis and Nurse.

Whereas, Access to comprehensive reproductive health care includes abortion; and

Whereas, Barriers to abortion care are increasing at the local, regional and national levels via various institutional, legislative and regulatory restrictions; and

Whereas, States have the responsibility to regulate fully insured individual, small and large group health insurance policies issued in their state, and can choose to regulate whether abortion coverage is included or excluded in private plans that are not self-insured; and

Whereas, Part 52 of Title 11 of the Official Compilation of Codes, Rules and Regulations of the State of New York (NYCRR) requires all fully insured insurance policies that provide hospital, surgical, or medical expense coverage to cover “medically necessary” abortions without copayments, coinsurance, or annual deductibles; and

Whereas, While the codes, rules and regulations contained in the NYCRR have the force of law, an executive agency may take steps to change them at any time; and

Whereas, A.2807, sponsored by State Assembly Member Deborah Glick, would require every health insurance policy which provides coverage for hospital, surgical or medical care and which offers maternity care coverage, to include coverage for the cost of an abortion without any cost-sharing requirements, such as co-pays or deductibles; and

Whereas, A.2807 was active in the 2019-2020 Legislative Session, and the New York State Legislature should introduce and pass identical legislation; and

Whereas, If passed, such legislation will effectively codify Part 52 of Title 11 of the NYCRR, and ensure a birthing person’s right to comprehensive reproductive health care coverage in the state of New York; 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, an act to amend the insurance law in relation to requiring that provision be made for pregnancy termination procedures in every individual or group policy or contract which provides coverage or indemnity for hospital, surgical or medical care and which offers maternity care coverage.

Referred to the Committee on Health.

Int. No. 431

By Council Members Salamanca, Hanif, Louis and Krishnan.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of homeless services to provide customer service training

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 *Customer service training. a. Definitions. For the purposes of this section, the term “shelter” means a building, or individual units within a building, being utilized by the department or a provider under contract or similar agreement with the department to provide temporary emergency housing.*

b. The department shall conduct two trainings per year on best practices for improving interactions between department personnel and shelter residents.

c. Such training shall include techniques to improve professionalism, increase cultural sensitivity, implement a trauma-informed approach to interactions with shelter residents, and de-escalate conflict.

d. The department shall provide this training to all department employees, and all employees of a provider under contract or similar agreement with the department, who have direct contact with shelter residents.

§ 2. This local law takes effect 120 days after its enactment, except that the commissioner shall take all actions necessary for its implementation, including the promulgation of rules, prior to such effective date.

Referred to the Committee on General Welfare.

Int. No. 432

By Council Members Salamanca, Nurse and Krishnan.

A Local Law to amend the administrative code of the city of New York, in relation to remediating lead soil hazards in dwellings

Be it enacted by the Council as follows:

Section 1. Section 27-2056.1 of the administrative code of the city of New York is REPEALED and a new section 27-2056.1 is added to read as follows:

§ 27-2056.1 *Reserved.*

§ 2. Paragraph 11 of section 27-2056.2 of the administrative code of the city of New York, as added by local law number 1 for the year 2004, is amended to read as follows:

(11) “Remediation” or “Remediate” shall mean (i) *with respect to a lead-based paint hazard*, the reduction or elimination of a lead-based paint hazard through the wet scraping and repainting, removal, encapsulation, enclosure, or replacement of lead-based paint, or other method approved by the commissioner of health and mental hygiene or (ii) *with respect to other hazardous conditions concerning lead*, the reduction or elimination of such condition in a manner approved by such commissioner or specified by law or rule.

§ 3. Article 14 of subchapter 2 of chapter 2 of title 27 of the administrative code of the city of New York is amended by adding a new section 27-2056.3.1 to read as follows:

§ 27-2056.3.1 *Reserved.*

§ 4. Article 14 of subchapter 2 of chapter 2 of title 27 of the administrative code of the city of New York is amended by adding a new section 27-2056.3.2 to read as follows:

§ 27-2056.3.2 *Owners’ responsibility with respect to lead in soil. a. For the purposes of this section, the term “covered soil area” means area that is (i) on premises of a multiple dwelling, (ii) partially or wholly covered in bare soil and (iii) accessible to persons other than those employed to maintain such premises.*

b. The owner of a multiple dwelling shall at least once in each year (i) cause a lead test to be conducted, in a manner established by rule of the department of health and mental hygiene, on a sample of soil from each covered soil area on the premises of such multiple dwelling and (ii) provide a copy of the results of such test to the department of health and mental hygiene and a lawful occupant of each dwelling unit in such multiple dwelling.

c. If a test that is required by federal, state or local law or rule, or an order issued by a court or a federal, state or local agency having appropriate jurisdiction, indicates that a covered soil area on the premises of a multiple dwelling has a lead level at or above the soil lead reference level established by rule of the department of health and mental hygiene, the owner of such multiple dwelling shall:

1. Notify such department and a lawful occupant of each dwelling unit in such multiple dwelling in a time and manner established by such department; and

2. Cover, replace or otherwise remediate such area in a manner established by rule of such department.

d. The department of health and mental hygiene may reduce the frequency of sampling for a multiple dwelling under subdivision b of this section from once in each year to once in every three years upon submission of an application, in a form established by such department, showing that for each of the immediately preceding three years, the results of sampling in accordance with such paragraph have indicated that lead levels in such samples were below the soil lead reference levels established by rule of the department health and mental hygiene.

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

Referred to the Committee on Housing and Buildings.

Int. No. 433

By Council Members Salamanca, Yeger and Joseph.

A Local Law to amend the administrative code of the city of New York, in relation to requiring towed vehicle storage facilities to provide 24 hour access

Be it enacted by the Council as follows:

Section 1. Chapter one of title fourteen of the administrative code of the city of New York is amended by adding a new section 14-140.1 to read as follows:

§14-140.1 Redemption of Towed Vehicles. All storage facilities for towed vehicles operated by the department shall provide twenty-four hour access for redemption of vehicles stored in such facilities.

§2. Section 20-508 of title 20 of the administrative code of the city of New York is amended to read as follows:

§20-508 Storage facilities. Every licensee which stores vehicles shall do so only on premises which provide twenty-four hour access for redemption of such vehicles and meet such specifications as the commissioner shall establish by regulation for safeguarding property.

§2. This local law shall take effect 60 days after its enactment into law.

Referred to the Committee on Transportation and Infrastructure.

Res. No. 172

Resolution calling on New York State to increase the number of Commissioners on the Public Service Commission and permit New York City to appoint two of its Commissioners

By Council Members Salamanca, Yeger and Nurse.

Whereas, The New York Public Service Commission (PSC) regulates the State's electric, gas, steam, telecommunications and water utilities; and

Whereas, The Commission also oversees the cable industry; and

Whereas, The Commission is housed within the Department of Public Service (DPS) and the Chair, designated by the Governor, also serves as the Chief Executive Officer of the Department; and

Whereas, There may be up to seven commissioners on the PSC, all of which are appointed by the governor and approved by the state Senate; and

Whereas, A full term for a commissioner is six years; and

Whereas, A key responsibility of the PSC is approving rate increases, proposed by the various utility companies, and ensuring that New Yorkers are receiving adequate service; and

Whereas, In New York City, Consolidated Edison (Con Ed) holds a virtual monopoly over the electricity market, serving all parts of New York City (except for Rockaway, Queens), and Westchester County; and

Whereas, Although there are alternative electricity suppliers, all of these Energy Service Companies (ESCOs) still rely on existing utilities' infrastructure to deliver the electricity; and

Whereas, Therefore, most New York City residents are at the mercy of Con Ed's billing practices; and

Whereas, The PSC exists to offer some protection to consumers – being a check on superfluous rate increases and ensuring a consistent and reliable delivery of utilities; and

Whereas, However, over the past few years, the PSC has approved rate increases for Con Ed, and New Yorkers have had their electricity bills soar; and

Whereas, This is despite the fact that New York City residents have experienced numerous blackouts and decreased services, even during searing heatwaves; and

Whereas, In fact, while investigating Con Ed's preparation for tropical Storm Isaias and its ability to restore power after the storm hit, the DPS threatened to revoke its franchise; and

Whereas, In 2018, meanwhile, DPS reached a settlement agreement with Con Ed for \$9.5 million, after numerous violations were issued to Con Ed due to its failure to adequately prepare for winter storms earlier that year; and

Whereas, Despite these demonstrated failures in service, the PSC continues to approve rate increases; and

Whereas, According to advocates such as Susan Lerner from Common Cause NY, the PSC Commissioners are typically plucked from private industry and are more concerned with industry profit than consumer wellbeing; and

Whereas, Furthermore, unlike other states, New York's PSC does not require the body to include a member representing consumers; and

Whereas, New York City should be permitted to appoint at least two members to the board who represent the interests of our City's consumers; and

Whereas, The City's appointments should be made by the Mayor with the approval of the New York City Council; now, therefore, be it

Resolved, That the Council of the city of New York calls on New York State to increase the number of Commissioners on the Public Service Commission and permit New York City to appoint two of its Commissioners.

Referred to the Committee on Consumer and Worker Protection.

Int. No. 434

By Council Members Sanchez, Stevens, Farias, De La Rosa, Hudson, Louis, Nurse and Krishnan.

A Local Law to amend the administrative code of the city of New York, in relation to expanding the heat sensors program

Be it enacted by the Council as follows:

Section 1. Section 27-2033.1 of the administrative code of the city of New York, as added by local law number 18 for the year 2020, is amended to read as follows:

§ 27-2033.1 Heat inspections and installation of internet capable temperature reporting devices. a. Definitions. As used in this section, the following terms have the following meanings:

Heat season. The term “heat season” means the period from October 1 through May 31.

Internet capable temperature reporting device. The term “internet capable temperature reporting device” means a device that is capable of measuring the indoor air temperature not less than once per hour and recording such temperature, along with the date and time of such reading, for a period of time not less than the immediately preceding 90 days. Such device must be capable of making such information available through an ordinary internet connection or through other means when no such connection is present. Such information must be accessible to property owners and any tenant of the unit in which such device is placed.

b. 1. No later than July 1, [2020] 2023, and every two years thereafter, the department shall select 150 class A multiple dwellings *per borough* that shall be subject to the requirements of this subdivision. The department shall select such class A multiple dwellings pursuant to criteria set forth in rules of the department, which shall include, but need not be limited to: (i) the number of violations of subdivision a of section 27-2029 over the preceding two years, and (ii) whether the department has received heat complaints from more than one dwelling unit in such class A multiple dwelling.

2. Annually, for the duration of heat season, the department shall conduct inspections of each class A multiple dwelling selected pursuant to this subdivision at least once every two weeks, without receipt of complaints, for compliance with the requirements of this section, section 27-2028 and subdivision a of section 27-2029, consistent with applicable law and in accordance with rules of the department. If the department has not issued one or more notices of violation of paragraph [three] 3 of this subdivision, section 27-2028 or subdivision a of section 27-2029 to a class A multiple dwelling selected pursuant to paragraph [one] 1 of this subdivision by January 31 of such inspection period, the department may discontinue such inspections in such class A multiple dwelling.

3. For a period of no more than four years, beginning on the date a class A multiple dwelling was last selected pursuant to this subdivision, the owner of each such class A multiple dwelling shall:

(a) Notify all tenants, at a time and manner described in rules promulgated by the department, regarding the requirements of this section, including installation of such devices, instructions on how to access the information collected by such devices, [and] the tenant’s right of refusal, *and the tenant’s right to opt in to automatic data transmission*;

(b) Provide and install one internet capable temperature reporting device in one living room of each dwelling unit in such class A multiple dwelling by October 1 of the year in which such class A multiple dwelling was selected pursuant to this subdivision;

(c) Replace any such device that was stolen, removed, found missing or rendered inoperable during a prior occupancy of the dwelling unit and was not replaced prior to the commencement of the current occupancy of such dwelling unit;

(d) Replace such device within 30 days after the receipt of written notice provided by the tenant of the dwelling unit where such device is located that such device has become inoperable due to a defect in the manufacture or installation of such device and through no fault of the tenant;

(e) Maintain such records as the commissioner shall prescribe by rule relating to the installation and maintenance of such internet capable temperature reporting devices and collection of heat data from such

devices, and make such records available to the commissioner upon request, consistent with applicable law and in accordance with rules of the department;

(f) Maintain a record of reasonable efforts, in accordance with procedures prescribed by rule of the department, to gain access to a tenant's dwelling unit to install an internet capable temperature reporting device where the owner has been unable to gain such access and such tenant has not refused the installation of such device pursuant to paragraph [six] 6 of this subdivision; [and]

(g) Maintain a written record of the number of each dwelling unit for which the tenant has refused installation of an internet capable temperature reporting device pursuant to paragraph [six] 6 of this subdivision for not less than one year after such owner is no longer subject to the provisions of this section[.]; and

(h) *Maintain a written record of the number of each dwelling unit for which the tenant has affirmatively consented to automatic data transmission pursuant to paragraph 7 of this subdivision for not less than one year after such owner is no longer subject to the provisions of this section.*

4. The tenant of each dwelling unit in a class A multiple dwelling in which an internet capable temperature reporting device has been provided and installed by the owner pursuant to this section shall:

(a) Keep and maintain such device in good repair; and

(b) Replace any such device that is stolen, removed, found missing or rendered inoperable during such tenant's occupancy of such dwelling unit, except that the owner may make such replacement and charge such tenant a maximum of \$50 for the cost of each such replacement.

5. The owner may not charge the tenant of a dwelling unit for the acquisition or installation of an internet capable temperature reporting device, nor for the replacement of such device where the replacement is due to wear or malfunction or pursuant to subparagraph (c) or subparagraph (d) of paragraph [three] 3 of this subdivision, except as provided in subparagraph (b) of paragraph [four] 4 of this subdivision.

6. A tenant of a dwelling unit in a class A multiple dwelling selected pursuant to this subdivision shall have the option to refuse an internet capable temperature reporting device installed in such tenant's dwelling unit. The owner of such class A multiple dwelling shall receive from the tenant written confirmation of the tenant's decision to opt out of such installation.

7. A tenant of a dwelling unit in a class A multiple dwelling selected pursuant to this subdivision shall have the option to have the data obtained by the internet capable temperature reporting device installed in such tenant's dwelling unit transmitted in real-time to the department. The department shall not collect this data until it has obtained affirmative consent from the tenant that such tenant intends to opt in to automatic data transmission.

[7.] 8. An owner of a class A multiple dwelling who is required to install an internet capable temperature reporting device pursuant to this section may apply to the department for discharge from such obligation in less than four years if the department did not issue any violation of this section, section 27-2028, or subdivision a of section 27-2029 during the immediately preceding heat season, or if such owner has demonstrated to the satisfaction of the department that such owner has taken permanent action to address the provision of heat for the next heat season. The department may establish a discharge process by rule.

c. Where the department has received written confirmation of a tenant's intent to opt in to automatic data collection by an internet capable temperature reporting device pursuant to paragraph 7 of subdivision b of this section, the department shall prescribe rules to provide for automatic issuance of fines where the internet capable temperature reporting device in such tenant's unit has indicated that a violation of section 27-2028 or subdivision a of section 27-2029 has occurred.

d. On August 1, [2021] 2024, and annually thereafter, the department shall submit to the mayor and the speaker of the council a report containing, at a minimum:

1. Information about the implementation of the requirements of this section;

2. A list of the class A multiple dwellings selected in the most recent selection cycle pursuant to subdivision b of this section;

3. The number of heat complaints from each of the two immediately preceding heat seasons associated with each class A multiple dwelling on such list;

4. The number of violations of [sections] section 27-2028 and subdivision a of section 27-2029 issued in each of the two immediately preceding heat seasons to each class A multiple dwelling on such list;

5. Where such information is available to the department, whether the owner of a class A multiple dwelling on such list corrected the condition that resulted in any violation of [sections] *section 27-2028* [and] *or subdivision a of section 27-2029*;

6. An evaluation of information that was collected from internet capable temperature reporting devices installed pursuant to this section;

7. The number of complaints received and violations issued during the period of time that the internet capable temperature reporting device was installed pursuant to this section;

8. For the report due August 1, [2021] 2024, the report shall include the information required by paragraphs [two] 2 and [seven] 7 *of this subdivision*, provided that information required by paragraphs [one, three, four, five and six] 1, 3, 4, 5 and 6 *of this subdivision* shall be included to the extent available to the department; and

9. For the report due August 1, [2023] 2025, a recommendation based on the information required by paragraph [six] 6 *of this subdivision* as to whether the requirements of this section should remain in effect.

[d.] e. Failure to install an internet capable temperature reporting device pursuant to paragraph [three] 3 of subdivision b *of this section* may result in a hazardous violation.

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

Referred to the Committee on Housing and Buildings.

Int. No. 435

By Council Members Schulman, Narcisse, Hanif, Brewer, Louis, Ung, Nurse and Krishnan.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of parks and recreation to charge senior citizens, young adults, active members of the military, veterans and their minor children and persons with disabilities reduced admission fees to recreational facilities

Be it enacted by the Council as follows:

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

§ 18-149 Discounted recreation center fees. *a. For the purposes of this section, the following terms have the following meanings:*

Recreational facility. The term “recreational facility” means any land, building, structure or improvement maintained and operated by the department, including but not limited to existing community recreational centers, museums, zoos, wildlife sanctuaries, botanical gardens and conservation centers.

Veteran. The term “veteran” means a person:

1. Who served in the active military or naval service of the United States; in active duty in a force of any organized state militia in a full-time status; or in the reserve armed forces of the United States in active duty; and

2. Who was released from such service otherwise than by dishonorable discharge.

b. Annual membership and admissions fees for each recreation [center] facility under the jurisdiction of the department shall be reduced for:

[persons] *1. Persons 62 years of age or older[,];*

[persons] *2. Persons between 18 and 24 years of age[,];*

[veterans] *3. Veterans and active members of the United States military and their minor children; and*

[persons] *4. Persons with disabilities.*

b. Such reduced fees shall be no greater than 25 percent of the highest annual membership fee or admission fee charged at such recreation center or facility.

§ 2. This local law shall take effect 180 days after it becomes law, except that the department shall take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

Referred to the Committee on Parks and Recreation.

Int. No. 436

By Council Members Stevens, Williams, Riley, Louis and Nurse.

A Local Law to amend the New York city charter, in relation to creating a juvenile detention advisory board

Be it enacted by the Council as follows:

Section 1. Chapter 24-b of the New York city charter is amended by adding a new section 620 to read as follows:

§ 620. *Juvenile detention advisory board. a. There is hereby established a juvenile detention advisory board to advise the mayor, council, and administration for children's services on issues related to juvenile detention, including but not limited to:*

- 1. Factors that contribute to juvenile detention, including those related to pretrial detention decisions and inequities in law enforcement;*
- 2. Reducing juvenile detention and lowering violence in detention facilities;*
- 3. Promoting family connection and reunification while juveniles are detained, including actions taken by facility staff to promote and facilitate visits and communication;*
- 4. Ensuring that juveniles are given access to educational programming and schooling, including individualized education programs.*

b. The advisory board shall consist of seventeen members, as follows:

- 1. The speaker of the council, or their designee;*
- 2. The commissioner of the administration for children's services, or their designee;*
- 3. The chair of the board of correction, or their designee;*
- 4. The chancellor of the department of education, or their designee;*
- 5. The director of the mayor's office of criminal justice, or their designee;*
- 6. Twelve public members, six of whom shall be appointed by the mayor and six of whom shall be appointed by the speaker of the council. Appointees of the mayor shall include at least four representing advocates who specialize in defending juveniles in family or supreme court, and appointees of the speaker shall include at least four family members of currently or formerly incarcerated juveniles, or persons who have been previously incarcerated in a juvenile detention facility.*

c. 1. Advisory board members shall serve without compensation.

2. The initial appointment of advisory board members shall be completed by no later than 60 days after the effective date of the local law that added this section.

3. Advisory board members shall serve terms of three years.

4. Any vacancy on the advisory board shall be filled in the manner of original appointment.

d. The board shall meet at least biannually and choose a chairperson at the first such meeting. The board shall keep a record of its proceedings, and determine the rules of its own proceedings with special meetings to be called by the chairperson upon his or her own initiative or upon receipt of a written request signed by at least four members of the board. Written notice of the time and place of such special meetings shall be given to each member at least two weeks before the date fixed by the notice for such special meeting.

e. No later than December 1, 2022, and annually on December 1 thereafter, the board shall submit a report to the mayor and the speaker of the council, and post on the department's website, the results of its review and recommendations pursuant to this section.

§ 2. This local law takes effect immediately.

Referred to the Committee on Criminal Justice.

Int. No. 437

By Council Members Stevens, Hanif, Louis, Ung, Nurse and Krishnan.

A Local Law to amend the administrative code of the city of New York in relation to improving young adults' access to voter registration materials by requiring the department of education of the city of New York and the board of elections of the city of New York to provide students with registration materials in appropriate languages and to track and report on the efficacy of distributing registration materials to students

Be it enacted by the Council as follows:

Section 1. Section 3-209 of the administrative code of the city of New York is amended to read as follows:

§ 3-209 *Young Adult Voter Registration.*

a. Short title. This section shall be known and may be cited as the "Young Adult Voter Registration Act."

b. *Coded voter registration forms.* *The board of elections of the city of New York shall assign a code to each geographic school district and create voter registration materials that include these codes. Upon request by the department of education of the city of New York, the city board of elections shall provide voter registration forms, either in printed form or in a format suitable for printing, to each public or private high school within the city that are coded for the geographic school district in which that high school is physically located.*

c. *Provision of voter registration materials to students and graduates.* [Registration of voters.]

1. Each public or private high school within the city shall *distribute*[make available] during the school year to seniors such materials as may be published by the board of elections relating to voter registration and, where appropriate, shall provide [applications for registration and enrollment,]*students with voter registration forms that contain the appropriate code assigned by the city board of elections,* and may assist in the execution of such applications.

[c.]2. [Registration of graduating seniors.] The department of education of the city of New York shall provide a postage paid [board of elections of the city of New York] voter registration form *containing the appropriate code assigned by the city board of elections* to each graduating student who receives a high school diploma, including but not limited to a Regents, local, general equivalency or Individualized Education Program diploma. The department shall deliver such voter registration form to each graduating student at the same time and in the same manner as it delivers diplomas to each such student.

[d]3. [Forms to be available at school.] The *city* department of education [of the city of New York] shall ensure that postage paid [board of elections] voter registration forms *containing the appropriate code assigned by the city board of elections* are available in the main or central office of each high school under the jurisdiction of the department for students who wish to obtain one. The department shall also ensure that each such high school provides adequate notice to its students of the availability of such forms in its main or central office.

[e.]4. [Sufficient quantity of forms.] The *city* department of *education* shall request from the *city* board of elections *or otherwise obtain*[of the city of New York] a sufficient quantity of voter registration forms to meet the requirements of this subdivision, *including forms in any language authorized by the state or city board of elections that the city department of education deems appropriate for the students at each school.*

d. *Annual Reporting.*

1. *The city department of education shall report on what steps it has taken to comply with this section and to promote student voter registration as part of its annual report to the New York city council pursuant to subsection (b) of section 522 of the New York city charter. That report shall include, by borough and school, the*

number of students who were seventeen or eighteen years old during the relevant school year and the manner in which registration materials were distributed or made available to students.

2. Consistent with subsection four of section 3-212 of the New York state election law, which requires the city board of elections to include in its annual report to the local legislature a detailed description of existing programs to enhance voter registration, the city board of elections shall specify, by geographic school district: (a) in what form the registration forms were distributed, and if in printed form, how many such forms were distributed, (b) in which language(s) they were distributed, and (c) how many forms were completed and returned to the board.

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

Referred to the Committee on Governmental Operations.

Int. No. 438

By Council Members Stevens, Gutiérrez, Brewer, Feliz, Hanif, Louis, Ung, Nurse and Krishnan.

A Local Law to amend the administrative code of the city of New York, in relation to waiving parks permit fees for schools and child day care centers and providing an online system for school permit applications

Be it enacted by the Council as follows:

Section 1. Chapter one of title 18 of the administrative code of the city of New York is amended by adding a new section 18-158 to read as follows:

§18-158 Permit fee waiver for groups of children. a. Any school that provides educational instruction at or below the twelfth grade level or any child day care center that applies for a permit for the use of any park services under the jurisdiction of the commissioner shall not be required to pay any fee for such permit.

b. The commissioner shall provide a method for such schools and day care centers to apply for such permits through the department's website for no charge.

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

Referred to the Committee on Parks and Recreation.

Res. No. 173

Resolution calling upon the Governor and New York State Legislature to expand financial relief programs to assist City residents struggling to pay their utility bills.

By Council Members Ung, Yeger, Louis and Nurse.

Whereas, Consolidated Edison Company of New York (ConEd) supplies energy services to approximately 10 million people within New York City and Westchester County; and

Whereas, In 2020, ConEd reported \$10.647 billion in operating revenues, with total assets amounting to \$50.967 billion; and

Whereas, In January of 2022, City residents experienced dramatic and unexpected increases in their ConEd bills, caused by an increase in the cost of energy; and

Whereas, According to ConEd, the average energy price charged by power generators increased from \$50 per megawatts per hour (MWh) in December 2022 to \$140 per MWh in January of 2022; and

Whereas, This increase, coupled with the 10% increase in customer usage in January of 2022 due to cold weather, resulted in large monthly increases for some customers; and

Whereas, Many City residents are still dealing with the economic devastation caused by the pandemic; and

Whereas, As of February 2022, the City's unemployment rate was 7 percent, nearly twice the national rate, and the City had regained only 70 percent of its pandemic jobs deficit, in contrast to 91 percent nationally; and

Whereas, Accordingly, many City residents lack the financial resources to pay for such price increases; and

Whereas, Across NYS, almost 1.3 million residential gas and electric customers are 60 or more days behind on their bills, totaling over \$1.7 billion; and

Whereas, The current outstanding debt owed to utilities is over double the debt owed before the pandemic; and

Whereas, Over 411,500 City and Westchester residents are 60 or more days behind on their ConEd bills, totaling over \$819 million owed; and

Whereas, According to Richard Berkley, executive director of the Public Utility Project, the problem of unpaid utility debt has reached a new high, may result in multi-generational debt and is a "massive crisis"; and

Whereas, As the statewide moratorium on utility shut-offs for nonpayment expired on December 21, 2021, people behind on their utility bills have received termination notices; and

Whereas, According to David Springe, Executive Director of the National Association of State Utility Consumer Advocates, "People end up unable to keep their home or apartment or dwelling because they lose electricity or they lose water, they end up homeless"; and

Whereas, Numerous financial relief programs exist for City residents unable to pay their utility bills; and

Whereas, The Home Energy Assistance Program (HEAP) is a NYS administered relief program to help low-income residents pay the cost of heating their homes; and

Whereas, Qualifying applicants to HEAP can receive up to \$751 in heating assistance, but eligible customers must be receiving SNAP, Temporary Assistance for Needy Families, or Supplementary Security Income; and

Whereas, From October 1, 2021 through February 23, 2022, over 1.4 million regular benefits totaling \$212 million have been issued through HEAP; and

Whereas, NYS also developed an Emergency HEAP program to provide financial relief to residents facing the risk of a utility shut-off; and

Whereas, The HEAP Regular Arrears Supplement is a benefit for residents that have gas and electric utility arrears; and

Whereas, The Regular Arrears Supplement is a one-time benefit funded by the Federal American Rescue Plan Act of 2021; and

Whereas, The supplement is a benefit based on the actual amount of a customer's current utility arrears, up to a maximum of \$10,000 per applicant; and

Whereas, Despite the existence of these programs, however, qualifying for aid can be difficult; and

Whereas, According to Megan Sergi, program director at the Center for Urban Community Services, "We've seen some people who have been given a lot of assistance if they fit in all the right buckets and checkmarks... You have to meet a lot of criteria to fit the right profile"; and

Whereas, The AARP and Public Utility Law Project wrote a letter to Governor Hochul requesting \$1.25 billion be allocated to address energy utility arrears; and

Whereas, On April 9, 2022, Governor Hochul announced the allocation of \$250 million in utility arrears assistance in the NYS budget; and

Whereas, According to AARP New York State Director Beth Finkel, "any amount short of \$500 million to address utility arrears will leave New Yorkers in the dark"; and

Whereas, Outstanding utility debt will impair City residents' credit; and

Whereas, New Yorkers in utility arrears will have to choose between housing, medical needs, food or paying off their arrears; and

Whereas, Low to moderate income New Yorkers not in utility arrears may also have difficulty affording ConEd's high and unexpected January 2022 utility bills; and

Whereas, The communities experiencing the most significant impact of rising utility prices are low-income communities and communities of color, who have been hit hardest by the pandemic; and

Whereas, With reduced economic spending, the City's recovery from the pandemic will be hampered; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the Governor and New York State Legislature to expand financial relief programs to assist City residents struggling to pay their utility bills

Referred to the Committee on Consumer and Worker Protection.

Res. No. 174

Resolution calling upon Consolidated Edison to improve communication with City residents about increases in utility costs.

By Council Members Velázquez, Yeger, Ung and Nurse.

Whereas, Consolidated Edison Company of New York (ConEd) supplies energy services to around 10 million people within New York City and Westchester County; and

Whereas, In 2020, ConEd reported \$10.647 billion in operating revenues, with total assets amounting to \$50.967 billion; and

Whereas, In January of 2022, City residents experienced dramatic and unexpected increases in their ConEd bills, caused by an increase in the cost of energy; and

Whereas, According to ConEd, the average energy price charged by power generators increased from \$50 per megawatts per hour (MWh) in December 2022 to \$140 per MWh in January of 2022; and

Whereas, This increase, coupled with the 10% increase in customer usage in January of 2022 due to cold weather, resulted in large monthly increases for City residents; and

Whereas, City residents reported increases of up to 300 percent in their gas and electric bills, a staggering surge that many New Yorkers cannot afford; and

Whereas, The financial impact of the COVID-19 pandemic is still affecting New Yorkers across the five boroughs; and

Whereas, The NYC Independent Budget Office predicts that New York City will not recover all of the jobs lost in 2020 until 2025; and

Whereas, Families in New York City who are struggling to pay rent should not have to choose between buying groceries and staying warm in their homes during the winter; and

Whereas, The unexpected increase of hundreds of dollars in gas and electric bills will further devastate households and force New Yorkers into greater debt; and

Whereas, ConEd has a robust notification system to alert City residents before major storms of the possibility of power outages; and

Whereas, City residents can sign up for ConEd's text alert system, which updates residents on the expected severity of impending storms; and

Whereas, The purpose of this notification system is to equip City residents with the necessary time and information to prepare for potential outages; and

Whereas, Many City residents were shocked in February when they saw their gas and electric bills; and

Whereas, Had residents been made aware of the expected increases, they would have had more time to limit their utility usage, decreasing their January utility bills; and

Whereas, As soon as ConEd was aware of the increase in energy costs, they should have made it a priority to develop a comprehensive notification system to alert all New Yorkers about the impending price increases; now, therefore, be it,

Resolved, That the Council of the City of New York calls upon Consolidated Edison to improve communication with City residents about increases in utility costs.

Referred to the Committee on Consumer and Worker Protection.

Int. No. 439

By Council Members Williams, Narcisse, Kagan, Hanks, Riley, Stevens and Hudson.

A Local Law to amend the New York city charter, in relation to requiring the mayor's office of criminal justice to evaluate the effectiveness of criminal justice programs that receive funding from the city

Be it enacted by the Council as follows:

Section 1. Section 13 of chapter 1 of the New York city charter is amended by adding a new subsection (4) to read as follows:

(4) evaluate the performance of the vendor of any contract with the coordinator's office for the provision of criminal justice related services. For purposes of this subsection, "criminal justice related services" include but are not limited to: (i) providing alternatives to incarceration; (ii) re-entry or diversion programs; and (iii) pretrial supervised release services. Beginning on January 1, 2023 and annually thereafter, the coordinator shall submit a summary of each evaluation to the Mayor and the Council. This summary shall include criteria determined by the coordinator, which shall include, but not be limited to, information related to the following for each such organization: (i) the amount of funding received; (ii) the number of individuals served; (iii) a brief description of the services provided; and (iv) recidivism and compliance rates, if applicable.

§ 2. This local law takes effect immediately.

Referred to the Committee on Public Safety.

Int. No. 440

By Council Members Won, Menin, Gutiérrez, Hanif, Brewer, Louis, Joseph, Ung, Nurse, Schulman, Velázquez, Krishnan and Sanchez.

A Local Law to amend the New York city charter, in relation to a program to provide public access to wireless networks

Be it enacted by the Council as follows:

Section 1. Section 15 of the New York city charter, as amended by local law number 14 for the year 2022, is amended by adding a new subdivision 1 to read as follows:

1. 1. The office of operations shall coordinate with the department of citywide administrative services, the office of cyber command and the department of information technology and telecommunications to establish a program whereby city agencies provide wireless network access for the public to utilize the internet.

2. No later than October 1, 2022, and annually thereafter, the office of operations shall coordinate with the department of citywide administrative services, the office of cyber command and the department of information technology and telecommunications, to submit a report to the mayor and the speaker of the council on wireless networks used by city agencies. Such report shall include, but need not be limited to, the following information:

(a) A list of the city agencies that are capable of providing secure wireless network access to the public, according to the most recent wireless network security standards established by the office of cyber command;

(b) A list of the city agencies that are capable of providing secure wireless network access to the public, according to the most recent wireless network security standards established by the office of cyber command, and are able to provide space in a publicly accessible area for individuals to use such secure wireless network access;

(c) The locations of the buildings or areas where such space in a publicly accessible area can be provided; and

(d) Any updates to wireless network security standards established by the office of cyber command.

3. No later than December 1, 2022, and annually thereafter, each agency that has been identified as capable of providing secure wireless network access to the public, and is able to provide space in a publicly accessible area for individuals to use such secure wireless network access pursuant to subparagraph (b) of paragraph 2, shall submit a plan to the office of operations to provide public access to such agency's secure wireless network. Such plan shall include the following information:

- (a) At least one location in a publicly accessible area that can be used by individuals to access the agency's secure wireless network;
- (b) The steps the agency will take to ensure the wireless network connection is secure and accessible;
- (c) Any changes or updates that have been or will be made to the agency's wireless network that could impact its security or accessibility; and
- (d) Any obstacles to providing public access to the wireless network used by the agency.

4. The office of operations, in coordination with the department of citywide administrative services, the office of cyber command and the department of information technology and telecommunications, shall review each plan submitted by an agency, and shall submit a finalized plan to each such agency including any modifications that such offices or department deems necessary. No later than 60 days after receiving such a finalized plan, each agency shall implement such plan to provide wireless network access to the public.

5. Each agency that has been identified as capable of providing secure wireless network access to the public, and is able to provide space in a publicly accessible area for individuals to use such secure wireless network access pursuant to subparagraph (b) of paragraph 2, shall provide public access to such agency wireless network, free of charge, provided that such network meets the most recent wireless security standards established by the office of cyber command. Each agency shall make such space available for public use in accordance with the rules promulgated by the office of operations.

6. The following information shall be posted to the office of operations website and on the city's official website:

- (a) A list of the locations of city agencies that provide wireless network access to the public;
- (b) Information on how to properly and safely connect to a secure wireless network;
- (c) Information on how to address common technical issues that may arise when trying to connect to a wireless network; and
- (d) Rules and regulations for individuals to connect to a wireless network provided by an agency.

7. The city shall not be liable for any damages resulting from connection to any agency's wireless network, including, but not limited to, damage to equipment, breach of security, or loss of data.

§ 2. This local law takes effect 30 days after it becomes law, except that the director of the office of operations shall take such actions as are necessary to implement this local law, including the promulgation of rules, before such date.

Referred to the Committee on Technology.

Int. No. 441

By Council Members Won, Williams, Menin, Gutiérrez, Brewer, Louis, Joseph, Ung, Nurse, Velázquez, Krishnan, Hanif and Sanchez.

A Local Law to amend the New York city charter, in relation to a public review of electronic services developed by city agencies

Be it enacted by the Council as follows:

Section 1. The New York city charter is amended by adding a new chapter 78 to read as follows:

**CHAPTER 78
ELECTRONIC SERVICES**

§ 3400. *Definitions. As used in this chapter, the following terms have the following meanings:*

Agency. The term “agency” means any agency, the head of which holds office upon appointment of the mayor and those units within the executive office of the mayor designated by the mayor to be covered by the provisions of chapter 16 of the charter. Such term does not include agencies headed by boards, commissions, or other multi-member bodies, whether appointed by the mayor or otherwise, nor to elected officials, nor to other agencies the heads of which are appointed by officials other than the mayor or by multi-member bodies.

Electronic service. The term “electronic service” means any mobile application, website or digital platform used by an agency that facilitates interaction from the general public for the purpose of providing services or benefits. Such term shall not include publications or websites made available by an agency for informational purposes only.

Program participant. The term “program participant” means an individual who has been selected by an agency to participate in a public review of such agency’s electronic service.

Relevant communities. The term “relevant communities” means the intended users of a particular electronic service or individuals who would benefit from the use of such electronic service, which may be a subset or subsets of New York city residents or owners of businesses located in the city.

§ 3401. *Public review of electronic services. a. Each agency, prior to operating for public use any electronic service, shall conduct a review of such electronic service by members of relevant communities, in order to provide such service’s intended users the opportunity to recommend improvements relating to the accessibility, operation and functionality of such electronic service. No agency may implement an electronic service unless such agency conducts a public review of such service pursuant to this chapter, except as permitted by subdivision e of this section. An agency shall consider the language access and digital literacy needs of relevant communities when developing an electronic service. Electronic services already in use on or before the effective date of the local law that added this chapter shall not be required to undergo a public review pursuant to this chapter. The director of the office of operations shall promulgate rules governing the procedure for agencies to conduct a public review of an electronic service.*

b. Website. The mayor’s office of operations, in collaboration with the department of citywide administrative services and the department of information technology and telecommunications, shall maintain a website to provide the public with information about any public review of an electronic service conducted by an agency. Such website shall allow individuals to submit an application electronically to participate in any such public review.

c. Outreach. An agency implementing an electronic service shall conduct outreach about the public review of such electronic service no later than 60 days before the public review occurs.

1. Such outreach shall include, but not be limited to:

(a) Publishing a notice of such public review on the agency’s website;

(b) Sending a notice of such public review to the mayor’s office of operations who shall post such notice on the website required by subdivision b of this section; and

(c) Sending a notice of such public review by mail and electronically to any community boards and community organizations that work with the relevant communities.

2. Any notice of public review required by this subdivision shall include, but need not be limited to, the following information:

(a) Contact information for the agency, including a mailing address or e-mail address;

(b) Information on how to access the public review website where applications may be submitted to participate in the public review;

(c) A brief description of the proposed electronic service;

(d) The dates that the public review will take place;

(e) The means by which the agency will conduct the public review, including whether the review will be held in-person or remotely;

(f) Qualifications for participation in the public review, including any relevant communities from which the agency will select program participants, and the reasons why the agency selected such relevant communities; and

(g) Any other information the agency deems useful.

d. Application for participation. Applications to participate in a public review of an electronic service shall be submitted through the website required by subdivision b of this section. Such application shall include the

applicant's name, contact information, and a description of why such applicant should participate in the public review.

e. Participant selection. 1. An agency shall select 200 program participants for each public review of an electronic service required by subdivision a of this section. If the agency cannot obtain the required number of program participants, such agency shall conduct the review with as many program participants as possible.

2. If an agency obtains fewer than 10 program participants, the agency may operate the electronic service for public use without conducting the public review required by this chapter. In such event, the agency shall report to the mayor's office of operations a summary of the outreach such agency conducted, including a plan to increase outreach and improve participation in subsequent public reviews. The mayor's office of operations shall post such summary and plan on the website required by subdivision b of this section.

f. Recommendations. An agency shall consider comments and recommendations made by program participants regarding the accessibility, operation and functionality of a proposed electronic service. After consideration of the comments and recommendations presented by program participants, an agency may operate the electronic service for public use. Upon making an electronic service available for public use, the agency shall submit to the mayor's office of operations, who shall post on the website required by subdivision b of this section, a report including, but not limited to, the following information:

1. Any modifications made to a proposed electronic service in response to comments and recommendations made by program participants, and the reasons the agency made such modifications; and

2. If no modifications are made, the reasons why an agency did not make modifications to an electronic service, including the reasons why the electronic service will meet the needs of relevant communities without any modifications.

g. Exception. An agency may submit a request to the mayor's office of operations to operate an electronic service for public use without conducting the public review required by this chapter, if such electronic service is needed for immediate public use. The mayor's office of operations shall approve or deny an agency's request within five days of receiving such request. An agency shall not be required to conduct the public review required by this chapter if such agency can demonstrate an immediate public need for an electronic service, including but not limited to, public access to an electronic service developed pursuant to an emergency executive order.

§ 3402. Private right of action. Nothing in this chapter shall be construed to create a private right of action.

§ 2. This local law takes effect 180 days after it becomes law, except that the director of the office of operations shall take such actions as are necessary to implement this local law, including the promulgation of rules, before such date.

Referred to the Committee on Technology.

Preconsidered L.U. No. 60

By Council Member Brannan:

788 Fox Street; Block 2720, Lot 69; Bronx, Council District No. 8.

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

L.U. No. 61

By Council Member Salamanca:

Application number C 210293 PSX (EMS Station 17 New Facility) submitted by the New York City Fire Department (NYFD) and the Department of Citywide Administrative Services (DCAS), pursuant to Section 197-c of the New York City Charter, for the site selection of property located at 1257 Morris Avenue (Block 2450, Lot 42) for use as an ambulance station EMS facility, Borough of the Bronx, Community District 4, Council District 16.

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

L.U. No. 62

By Council Member Salamanca:

Application number C 210294 ZSX (EMS Station 17 New Facility) submitted by the New York City Fire Department (FDNY) and the Department of Citywide Administrative Services (DCAS), pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-67 of the Zoning Resolution to allow a FDNY Emergency Medical Service (EMS) Station use to be located in a residence district, in connection with a proposed 2-story EMS station building, on property located at 1257 Morris Avenue (Block 2450, Lot 42), in an R7-1 District, Borough of the Bronx, Community District 4, Council District 16.

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

L.U. No. 63

By Council Member Salamanca:

Application number C 200228 ZMX (4541 Furman Avenue Rezoning) submitted by Markland 4551, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 2a, changing from an M1-1 District to an R7D District and establishing within the proposed R7D District a C2-4 District, Borough of the Bronx, Community District 12, Council District 11.

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

L.U. No. 64

By Council Member Salamanca:

Application number N 200229 ZRX (4541 Furman Avenue Rezoning) submitted by Markland 4551, 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 and Appendix I for the purpose of modifying the existing Transit Zone, Borough of the Bronx, Community District 12, Council District 11.

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

L.U. No. 65

By Council Member Salamanca:

Application number C 200335 ZMK (98 Third Avenue) submitted by 98 Third Avenue Realty, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 16c, changing from an M1-2 District to an R6B District, changing from an M1-2 District to an R7D District, and establishing within the proposed R7D District a C2-4 District, Borough of Brooklyn, Community District 2, Council District 33.

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

L.U. No. 66

By Council Member Salamanca:

Application number N 200336 ZRK (98 Third Avenue) submitted by 98 Third Avenue Realty, LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of Brooklyn, Community District 2, Council District 33.

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**

**DUE TO THE EXIGENCIES OF THE BUDGET ADOPTION,
THE STATED MEETING OF THE COUNCIL IS RECESSED
AND SUBJECT TO CALL AND THE MEETINGS OF ANY UPCOMING
FINANCE AND STATE AND FEDERAL LEGISLATION COMMITTEES MAY
BE RECESSED AND SUBJECT TO CALL AS WELL.
WE WILL KEEP YOU ADVISED ACCORDINGLY**

Friday, May 20, 2022

Time / Virtual Room 1	Agency Testifying	Finance Committee jointly with Council Committee
9:00-12:00	Human Resources Administration/DSS and Department of Homeless Services	General Welfare
12:00 – 1:30	Administration for Children’s Services	General Welfare

Monday, May 23, 2022

Time / Virtual Room 1	Agency Testifying	Finance Committee
10:00 -11:30	Small Business Services	Small Business
12:00-2:00	NYCHA	Public Housing
2:30-4:00	Department of Correction	Criminal Justice
4:00-4:30	Board of Correction	Criminal Justice

Tuesday, May 24, 2022

Time / Virtual Room 1	Agency Testifying	Finance Committee jointly with Council Committee
10:00-1:00	Office of Management & Budget	Finance
1:00-2:00	Comptroller	Finance
2:00-3:00	Independent Budget Office	Finance

Wednesday, May 25, 2022

Time / Virtual Room 1	Agency Testifying	Finance Committee
Begins 10:00*	Public*	Finance

Thursday, May 26, 2022

[Committee on Consumer and Worker Protection](#)

Marjorie Velázquez, Chairperson

Oversight – Con Edison Price Increases.

Int 372 - By The Speaker (Council Member Adams) (by request of the Manhattan Borough President) - **A Local Law** to amend the New York city charter, in relation to the creation of an office of the utility advocate within the department of consumer and worker protection.

Res 162 - By Council Member Lee - **Resolution** calling on the New York State Legislature to pass, and the Governor to sign, amendments to article 4 of the Public Service Law to prevent a utility’s rate case from exceeding a certain percentage each year.

Res 172 - By Council Member Salamanca - **Resolution** calling on New York State to increase the number of Commissioners on the Public Service Commission and permit New York City to appoint two of its Commissioners.

Res 173 - By Council Member Ung - **Resolution** calling upon the Governor and New York State Legislature to expand financial relief programs to assist City residents struggling to pay their utility bills.

Res 174 - By Council Member Velázquez - **Resolution** calling upon Consolidated Edison to improve communication with City residents about increases in utility costs.

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

[Committee on Mental Health, Disabilities & Addiction](#)

Linda Lee, Chairperson

Oversight – Tracking the Opioid Settlement Fund and its Related Programs.

Int 404 - By Council Member Lee - **A Local Law** in relation to a report tracking the opioid settlement fund.

Remote Hearing (Virtual Room 3).....12:00 p.m.

Tuesday, May 31, 2022

[Subcommittee on Zoning & Franchises](#)

Kevin C. Riley, Chairperson

See Land Use Calendar

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

Wednesday, June 1, 2022

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

Farah N. Louis, Chairperson

See Land Use Calendar

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

Committee on Land Use

Rafael Salamanca, Jr., Chairperson

All items reported out of the Subcommittees

AND SUCH OTHER BUSINESS AS MAY BE NECESSARY

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

Thursday, June 2, 2022

Stated Council Meeting

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

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

In addition to her earlier comments on the May 14, 2022 mass shooting in Buffalo, the Speaker (Council Member Adams) pointed out that social media and online gaming platforms also had a responsibility to do more to stop the dissemination of hate to children and youth and that these industries must be held accountable. She reiterated that the nation must address the proliferation of guns which fuels the violence harming our communities. The Speaker (Council Member Adams) noted that the overwhelming access and presence of guns in our society made this violence deadlier whether it was interpersonal or hate driven. She spoke of how Council Member Sanchez and her staff were forced to run for cover as shots were fired near her Bronx district office recently -- they were not physically harmed but a member of the community was shot and the neighbors and parents who lived through this incident were traumatized. She emphasized that the Federal government, in partnership with the state and city, must take stronger action to enact sensible laws to curb such violence and protect public safety.

The Speaker (Council Member Adams) acknowledged a number of holidays and celebrations that were taking place during the month of May including: Haitian Flag Day, when the culture and heritage of Haiti was celebrated; Mental Health Awareness Month, which serves as a reminder that support and resources should continue to be provided to people with mental health challenges and their families; Lupus Awareness Month, when awareness is raised regarding the physical and emotional toll of this disease; and National Foster Care Month, when it is the time to thank all of the foster parents, mentors, childcare professionals, and others who assist more than 407,000 foster youth in this country find permanent homes and stability. The Speaker (Council Member Adams) thanked Council Member Hanif for her work in informing New Yorkers about the impact of the chronic disease lupus. She also thanked Council Member Brewer for her role in helping foster youth. She additionally thanked the Deputy Speaker (Council Member Ayala) for partnering with Children’s Aid and the Speaker’s staff to host Foster Youth Shadow Day when foster youth meet with Council Members and learn about the importance of local government.

The Speaker (Council Member Adams) again congratulated Council Member Restler on his wedding earlier in the month. She also congratulated Special Counsel Carlos Beato on his wedding to his partner Zoe as well.

The Speaker (Council Member Adams) acknowledged the departure of Deputy Chief of Staff and Director of the Land Use Division Raju Mann after eight years of service to the Council. She noted that Mr. Mann was only the second person ever to serve as the Land Use Director since the Division's inception in 1990. She pointed out that Mr. Mann had guided members through countless negotiations on neighborhood rezonings and private development proposals. He also helped push administrations to advance and improve crucial citywide policies on affordable housing, economic development, infrastructure, and planning. She praised his service as a rare combination of policy brilliance and political savvy. The Speaker (Council Member Adams) noted that Mr. Mann would be greatly missed.

Whereupon on motion of the Speaker (Council Member Adams), the Majority Leader and Acting President Pro Tempore (Council Member Powers) recessed these hybrid proceedings subject to call.

THE COUNCIL

Minutes of the Proceedings for the

RECESSED MEETING

of

Thursday, May 19, 2022

held on

Thursday, May 26, 2022, 10:16 a.m.

(held remotely via video-conference)

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

Council Members

Adrienne E. Adams, *Speaker*

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

The Majority Leader (Council Member Powers) assumed the chair as the Acting President Pro Tempore and Presiding Officer for these remote proceedings. Following the gaveling-in of the Recessed Meeting, 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).

The following Council Members did not answer the Roll Call for these brief remote proceedings held on May 26, 2022 and are not listed in the above Roll Call: Council Members Bottcher, Krishnan, Narcisse, and Rivera.

*There were 47 Council Members marked present for this remote Recessed Meeting held on May 26, 2022 (**but see Editor's Note: re: Attendance below).*

***Editor's Note re: Attendance for the Stated Meeting held on May 19, 2022 and the brief Recessed Meeting held on May 26, 2022: This Recessed Meeting held on May 26, 2022 is considered to be the continuation and conclusion of the Stated Meeting that opened on May 19, 2022. For attendance purposes, therefore, any Council Member who was present at any one of these two Meetings will be considered present for all of the proceedings known collectively as the Stated Meeting of May 19, 2022. In this case, Council Members Bottcher, Krishnan, Narcisse, and Rivera did not answer the Roll Call for this remote Recessed Meeting held on May 26, 2022. These same Council Members, however, are considered "present, not voting" for these brief May 26th proceedings due to their presence at the earlier hybrid Stated Meeting held on May 19, 2022.*

(On a separate note: although not listed as present in the Roll Call above, it should be acknowledged that the following Council Members were marked present for the subsequent Stated Meeting of May 26, 2022 which opened immediately following the adjournment of these brief remote proceedings: Council Members Bottcher, Krishnan, and Rivera. Council Member Narcisse, however, was not present at the subsequent remote Stated Meeting held on May 26, 2022 and was marked as absent)

Whereupon on motion of the Speaker (Council Member Adams), the Majority Leader and Acting President Pro Tempore (Council Member Powers) adjourned these brief remote proceedings to meet immediately again for the Stated Meeting of Thursday, May 26, 2022.

MICHAEL M. McSWEENEY, City Clerk
Clerk of the Council

Editor's Local Law Note: Int. Nos. 47, 73, and 134-A, all adopted by the Council at the April 28, 2022 Stated Meeting, were signed into law by the Mayor on May 12, 2022 as, respectively, Local Law Nos. 57, 58, and 59 of 2022.

Preconsidered Int. No. 205-A, adopted at the April 14, 2022 Stated Meeting, was returned unsigned by the Mayor on May 16, 2022. This item had become law on May 15, 2022 due to the lack of Mayoral action within the Charter-prescribed thirty day time period. This bill was assigned subsequently as Local Law No. 60 of 2022.