

## THE COUNCIL

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*Minutes of the Proceedings for the*

### CHARTER MEETING

*of*

Wednesday, January 9, 2019, 12:32 p.m.

*The Majority Leader (Council Member Cumbo)*

*presiding as the Acting President Pro Tempore*

#### Council Members

Corey D. Johnson, *Speaker*

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

Absent: Council Members Gibson, King, and Richards.

The Majority Leader (Council Member Cumbo) assumed the chair as the Acting President Pro Tempore and Presiding Officer for these proceedings.

There is a vacancy in the office of Public Advocate pending the swearing-in of the certified winner of the scheduled Tuesday, February 26, 2019 citywide non-partisan Special Election. Pursuant to the City Charter, The Speaker (Council Member Johnson) assumed the role of Acting Public Advocate until the new Public Advocate was ready to officially take office.

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

*There were 48 Council Members marked present at this Charter Meeting held in the Council Chambers of City Hall, New York, N.Y.*

### INVOCATION

The Invocation was delivered by Rabbi Scott N. Bolton of Congregation Or Zarua, 127 E. 82nd Street, New York, New York 10028.

Happy New Year.

That was my microphone test. [*laughter*]

*L'Chaim.*

This Hebrew word means, "to life".

We first are connected through the bonds of sacred life,  
to life and the life of this city

and the life of each and every individual in this room.

We turn to the Master Mixer of stardust and light from infinity.

We turn to the greater maker of purposes

and ask for blessings, triumphs, achievements for our city,  
for this Council in the Year 2019.

May this leadership cadre of unique souls come together

in a unity of purpose to accomplish towering achievements for our city.

May their every endeavor to enhance neighborhoods, districts, boroughs, our city,  
their individual lives or others lead to blessing and be guided by your light.

Oseh Shalom Maker of Peace pour out your blessing on the officials  
who occupy themselves in good faith with the public needs.

May the pursuit of peace among brothers and sisters

and members of all races, faiths and creed

lead us to realize inspired chapters in our city's life.

Instruct these leaders from your deepest wells of wisdom.

Spark their souls, reveal your presence to inspire.

Enable them to understand principles of justice  
so that peace and tranquility, happiness and freedom  
might never turn away from our city.

Wise One, Source of Life Breath,

plant among us the answer to [*speaking Hebrew*].

What are our lives? How have we merited to be alive at this moment?

Know that we are your faithful servants proving  
that justice and peace will prevail.

Fulfill the yearning of all people of our city

who wish to speak proudly of its honor.

Let us work together to find solutions

to strife, and systems breakdowns.

Make us instruments who repair injustice.

We are blessed this day to stand together to ask the one

who capacitates leaders to help us realize our greatest potentials for our lives  
and for the inhabitants of our dear city

cause to dwell among all her citizens friendship and freedom.

Our destinies are intertwined, and our hopes are aligned.

God give us strength and let us say  
Amen.

Council Member Powers moved to spread the Invocation upon the record.

At this point, the Speaker (Council Member Johnson) asked for a Moment of Silence in memory of the following individuals:

Probationary Firefighter Steven Pollard, 30, died while responding to a car accident in Brooklyn on January 6, 2019. He fell while crossing the Bely Parkway's Mill Basin Bridge as he was trying to reach two injured drivers. He had just cleared his FDNY probationary status. The Speaker (Council Member Johnson) noted that this was a tragedy for his family and the city and that we had lost a good man at the start of his career.

NYPD Detective Thomas Lyons, 51, a 9/11 first responder, passed away on December 31, 2018. Detective Lyons died from pancreatic cancer that he developed while working at Ground Zero.

Luis Garden Acosta, 73, President and Founder of the Brooklyn neighborhood organization *El Puente*, died on January 6, 2019. The Speaker (Council Member Johnson) noted that Mr. Acosta was a champion for the Latino and African-American communities as well as a pioneer in human rights activism who made lives better for many people.

William Thompson, Sr., 94, life-long dedicated public servant and trailblazer, died on December 24, 2018. Mr. Thompson served as the first African-American State Senator from Brooklyn, a member of the New York City Council, and as a long-time New York State Supreme Court justice. He also served in the U.S. Army during World War II. The Speaker (Council Member Johnson) sent his deepest condolences to his friends and family, including son Bill, Jr and daughter Gail, and all of his loved ones.

Retired New York Supreme Court Justice Seymour Boyers, 92, passed away at his home on January 7, 2019. Justice Boyers served in the City Council as a Council Member-at-Large representing the borough of Queens in the 1960s. His life was dedicated to advocacy and education. The Speaker (Council Member Johnson) sent his best wishes, condolences, and gratitude for Justice Boyers's service to his wife, four children, and eleven grandchildren.

#### **ADOPTION OF MINUTES**

Council Member Constantinides moved that the Minutes of the Stated Meeting of November 28, 2018 be adopted as printed.

**LAND USE CALL-UPS**

M-124

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

**Pursuant to Rule 11.20(b) 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 No. C 190051 PPX (Belmont Cove Rezoning) shall be subject to Council review. This application is related to Application Nos. C 190049 ZMX and N 190050 ZRX.**

Coupled on Call-Up Vote.

M-125

By the Speaker (Council Member Johnson):

**Pursuant to Rule 11.20b of the Council and Section 197-d(b)(3) of the New York City Charter, the Council resolves that the action of the City Planning Commission on Uniform Land Use Review Procedure Application No. C 190070 ZSM (59 Greenwich) shall be subject to review by the Council.**

Coupled on Call-Up Vote.

M-126

By Council Member Chin:

**Pursuant to Rule 11.20(b) 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 Uniform Land Use Review Procedure Application No. C 180439 ZSM (51-53 White Street) shall be subject to Council review.**

Coupled on Call-Up Vote.

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

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

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

## REPORTS OF THE STANDING COMMITTEES

### Report of the Committee on Education

Report for Int. No. 89-C

**Report of the Committee on Education in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to requiring the department of education to report the duration of school bus routes.**

The Committee on Education, to which the annexed proposed amended local law was referred on January 31, 2018 (Minutes, page 236), respectfully

#### REPORTS:

#### I. INTRODUCTION

On January 9, 2019, the Committee on Education, chaired by Council Member Mark Treyger, will consider Proposed Introduction Number 89-C (“Prop. Int. 89-C”), sponsored by Council Member Andy King; Proposed Introduction Number 45-B (“Prop. Int. 451-B”), sponsored by Council Member Daniel Dromm; Proposed Introduction Number 926-B (“Prop. Int. 926-B”), sponsored by the Speaker, Council Member Corey Johnson; Proposed Introduction Number 929-B (“Prop. Int. 929-B”), sponsored by Council Member Joseph Borelli; Proposed Introduction Number 1099-A (“Prop. Int. 1099-A”); Proposed Introduction Number 1148-B (“Prop. Int. 1148-B”), sponsored by Council Member Ben Kallos; Proposed Introduction Number 1173-B (“Prop. Int. 1173-B”), sponsored by Council Member Mark Treyger; and Resolution Number 540 (“Res. 540”), sponsored by Council Member Diana Ayala, which all relate to school bus services. The Committee previously heard this legislation on October 16, 2018. Representatives from the New York City Department of Education (“DOE”), parents, advocates, and other members of the public testified at that hearing.

#### II. BACKGROUND

According to its website, DOE’s Office of Pupil Transportation (“OPT”) is the largest school transportation department in the country, serving over 600,000 New York City students attending both public and non-public schools within the five boroughs and neighboring counties in New York, New Jersey and Connecticut.<sup>1</sup> OPT also provides bus service for more than 160,000 field trips every year.<sup>2</sup> OPT offers four services for students to get to and from school: 1) General Education yellow bus transportation; 2) Specialized yellow bus transportation; 3) full- and half-fare student MetroCards for use on public transportation; and 4) Pre-K and Early Intervention yellow bus transportation.<sup>3</sup>

OPT’s website describes eligibility for transportation services as prescribed by Chancellor’s Regulation A-801.<sup>4</sup> Based on grade level and distance between residence and school, general education students may receive full- or half-fare MetroCard or stop-to-school yellow bus transportation. In order for a student to receive yellow bus service, each of the following criteria must be met: 1) the student must be eligible for full fare transportation; 2) the student must be in grades K-6; 3) the student's residence must be in the same district as the school (if attending a public school) or the same borough (if attending a charter or non-public school); 4) the student's school must have yellow bus service available for all eligible students; and, 5) a bus stop within the student’s grade/distance eligibility exists or can be added to accommodate the student.<sup>5</sup>

<sup>1</sup> OPT website, “Parents,” accessed 10/9/18 at <http://www.optnyc.org/parents/information.htm>.

<sup>2</sup> *Id.*

<sup>3</sup> OPT website, “Services & Eligibility,” accessed 10/9/18 at <http://www.optnyc.org/ServicesAndEligibility/information.htm>.

<sup>4</sup> OPT website, “General Education Transportation,” accessed 10/9/18 at <http://www.optnyc.org/ServicesAndEligibility/gettransportation.htm>.

<sup>5</sup> *Id.*

Specialized yellow bus transportation is door-to-door busing for students receiving special education services that are mandated to receive specialized transportation on their most recent Individualized Education Program (IEP).<sup>6</sup>

Pre-K and Early Intervention yellow bus transportation is for children under the age of five enrolled in special education Pre-K or Early Intervention programs, who are eligible for curb-to-curb (door-to-door) yellow bus service as indicated by an IEP or Individualized Family Service Plan (IFSP).<sup>7</sup>

OPT is responsible for determining the mode of transportation, yellow school bus (contract carrier) or public transit bus or subway (common carrier), to be provided to each student.<sup>8</sup> OPT also provides extensive information for parents on its webpages, including links to applicable regulations and information regarding school bus safety and eligibility for transportation services.<sup>9</sup> There is also a “Transportation Search Page,”<sup>10</sup> where parents can find out details about their child’s assigned bus stop or route as well as a link to a site to check whether a bus has been delayed due to traffic congestion, mechanical failure, or other problem.<sup>11</sup> Parents can also call OPT’s Customer Service Hotline for further information between 5:00 a.m. and 7:00 p.m.<sup>12</sup>

### **III. RECENT ISSUES AND CONCERNS**

Unfortunately, DOE’s school bus services, and the operations of OPT, have a history of scandals and mismanagement.<sup>13</sup> According to recent press reports, corruption within DOE, and in the school bus industry, continues as does the failure to provide students with safe, secure and reliable school busing services. *The Daily News* reported in October 2018 that in the first month of the current school year the New York City school bus helpline received 129,827 complaints, an increase from the already high number of 109,548 complaints, during the same period in the prior school year.<sup>14</sup> Many of these complaints involve no-show school buses or significant delays.<sup>15</sup> For example, according to these reports, Grandpa’s Bus, a company that operates in Queens and has a \$55.1 million contract with DOE,<sup>16</sup> has recently received a high number of complaints from parents and advocates for delays as long as four hours, drivers who were lost on routes and sought directions from students, letting a kindergartner off at the wrong location, and simply failing to show up.<sup>17</sup>

#### **i. September 2018 School Bus Delays**

Students experienced 27,082 school bus related delays in September 2018.<sup>18</sup> When school buses were

<sup>6</sup> OPT website, “Specialized Transportation,” accessed 10/9/18 at <http://www.optnyc.org/ServicesAndEligibility/setransportation.htm>.

<sup>7</sup> OPT website, “Pre-K and Early Intervention Transportation,” accessed 10/9/18 at <http://www.optnyc.org/ServicesAndEligibility/prekeitransportation.htm>.

<sup>8</sup> DOE, Chancellor’s Regulation A-801 §1.1, 9/5/00, accessed 10/9/18 at <https://www.schools.nyc.gov/docs/default-source/default-document-library/a-801-english>.

<sup>9</sup> OPT website, “Parents,” accessed 10/9/18 at <http://www.optnyc.org/parents/information.htm>.

<sup>10</sup> OPT website, “Basic Student Transportation Search,” accessed 10/9/18 at <https://www.opt-osfns.org/opt/Resources/SchoolRouteStSearch/SearchResult.aspx?display=StudentOnly>.

<sup>11</sup> OPT website, “OPT Bus break downs,” accessed 10/9/18 at <http://www.opt-osfns.org/opt/vendors/busbreakdowns/default.aspx?search=YES>.

<sup>12</sup> *Id.*

<sup>13</sup> Beth Fertig, “Why New York City School Busing is So Expensive,” *WNYC*, January 22, 2013. Accessed at <https://www.wnyc.org/story/284319-why-new-york-city-school-busing-is-so-expensive/>

<sup>14</sup> Ben Chapman and Graham Rayman, “City Council committee to hold hearing on school bus fiasco following Daily News series,” *New York Daily News*, October 4, 2018, accessed at <http://www.nydailynews.com/new-york/ny-metro-council-hearing-school-bus-scandal-20181003-story.html>.

<sup>15</sup> Ben Chapman, “This boy’s school bus didn’t come for two days; when it did, the ride lasted 4 hours and his ordeal was one of thousands during schools’ opening days,” *New York Daily News*, September 8, 2018, accessed at <http://www.nydailynews.com/new-york/education/ny-metro-city-school-bus-nightmare-20180907-story.html>.

<sup>16</sup> Post Editorial Board, “Another year, another set of NYC school bus fiascos,” *New York Post*, September 18, 2018, accessed at <https://nypost.com/2018/09/18/another-year-another-set-of-nyc-school-bus-fiascos/>

<sup>17</sup> Beenish Ahmed, “School Bus Drivers are Late and Lost in Queens,” *WNYC News*, September 19, 2018, accessed at <https://www.wnyc.org/story/school-bus-drivers-are-late-and-lost-queens/>.

<sup>18</sup> Data provided by the New York City Department of Education on <https://opendata.cityofnewyork.us/>

delayed it was for an average of 28.1 minutes, which is an increase from September 2017, when the average delay time was 24.8 minutes.<sup>19</sup> Students in Queens and Brooklyn experienced the most significant delays, with an average of 29.3 and 29.1 minutes respectively, followed by students in Manhattan with an average of 26.9 minutes, then the Bronx with an average of 20.7 minutes, and finally, Staten Island at 18.2 minutes.<sup>20</sup>

**ii. Bus Company Employees Not Properly Disciplined**

DOE has received increasing scrutiny for protecting drivers' and attendants' jobs over the safety of students.<sup>21</sup> In addition to the delays and no-shows, there have been a number of other serious incidents involving school bus drivers and attendants. According to the *New York Post*, from 2015-2017, DOE reprimanded bus drivers and attendants in 281 incidents that endangered students, including incidents related to a driver taking cellphone photos up a student's skirt and an attendant sharing "animated pornography" with a 13-year-old student.<sup>22</sup> While these incidents resulted in discipline, only 32 of the reported incidents resulted in a driver's loss of ability to work with students.<sup>23</sup> Bus vendor employees who were not decertified by DOE include individuals who had been arrested for off-duty drinking and driving, and a driver who drove so quickly that "children got off the bus crying and hysterical because they feared the bus would get into an accident."<sup>24</sup> According to the *New York Post*, former Deputy Chancellor for Operations Elizabeth Rose overturned firings and decreased suspensions of numerous drivers, including a case in which an attendant and driver left a student with special needs with an unauthorized adult twice.<sup>25</sup>

**iii. Bus Drivers and Attendants Hired Without Proper Background Checks**

In September 2018, Eric Reynolds, a retired NYPD detective who screens prospective school bus drivers for OPT, alleged that his electronic signature was used by DOE without his knowledge to approve driver applications between May 2018 and September 2018.<sup>26</sup> Reynolds reported that he refused to recommend questionable applicants without personal interviews and a thorough criminal history investigation,<sup>27</sup> and that investigators were urged by DOE supervisors to ease their standards.<sup>28</sup> Notably, in January 2018, the *New York Post* reported that the Education Department investigations unit, which investigates abuse and neglect of students on school buses, decreased from twelve investigators to five, and as a result, the number of complaints managed by one investigator doubled from 500 in 2016 to 1,100 in 2017.<sup>29</sup>

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<sup>19</sup> *Id.*

<sup>20</sup> *Id.*

<sup>21</sup> Susan Edelman, "School-bus drivers, attendants accused of endangering kids had penalties slashed by top DoE official: sources," *New York Post*, April 8, 2018, accessed at <https://nypost.com/2018/04/08/school-bus-drivers-attendants-accused-of-endangering-kids-had-penalties-slashed-by-top-doe-official-sources/>.

<sup>22</sup> Sara Dorn and Susan Edelman, "Hundreds of school bus drivers disciplined, but few canned," *New York Post*, January 20, 2018, accessed at <https://nypost.com/2018/01/20/hundreds-of-school-bus-drivers-disciplined-but-few-canned/>.

<sup>23</sup> *Id.*

<sup>24</sup> Sara Dorn and Susan Edelman, "Hundreds of school bus drivers disciplined, but few canned," *New York Post*, January 20, 2018, accessed at <https://nypost.com/2018/01/20/hundreds-of-school-bus-drivers-disciplined-but-few-canned/>.

<sup>25</sup> Susan Edelman, "School-bus drivers, attendants accused of endangering kids had penalties slashed by top DoE official: sources," *New York Post*, April 8, 2018, accessed at <https://nypost.com/2018/04/08/school-bus-drivers-attendants-accused-of-endangering-kids-had-penalties-slashed-by-top-doe-official-sources/>.

<sup>26</sup> Selim Aglar and Bruce Golding, "DOE probing alleged school bus driver approval fraud," *New York Post*, September 18, 2018, accessed at <https://nypost.com/2018/09/18/doe-probing-alleged-school-bus-driver-approval-fraud/>.

<sup>27</sup> Selim Aglar, "DOE switches school bus driver oversight amid fiascoes," *New York Post*, September 19, 2018, accessed at <https://nypost.com/2018/09/19/doe-switches-school-bus-driver-oversight-amid-fiascoes/>.

<sup>28</sup> Selim Aglar and Bruce Golding, "DOE probing alleged school bus driver approval fraud," *New York Post*, September 18, 2018, accessed at <https://nypost.com/2018/09/18/doe-probing-alleged-school-bus-driver-approval-fraud/>.

<sup>29</sup> Susan Edelman and Sara Dorm, "Small team probing bus drivers swamped by surge in complaints," *New York Post*, January 20, 2018, accessed at <https://nypost.com/2018/01/20/small-team-probing-bus-drivers-swamped-by-surge-in-complaints/>.

*iv. DOE Employees Receiving Excessive Benefits*

OPT employees have also recently been accused of using taxpayer-funded city cars for personal transportation. According to a September 2018 *New York Post* article, 25 employees were using city cars to travel to and from their homes.<sup>30</sup> New York City rules prohibits the use of city cars for personal purposes.<sup>31</sup> City employees can only take cars home if they complete frequent field work, respond to emergencies during non-business hours, or if there is nowhere to park the car overnight.<sup>32</sup> According to the *New York Post*, many of these employees completed little to no fieldwork.<sup>33</sup>

*i. Recent Changes by DOE*

This fall, in response to the recent news reports, DOE made several operational changes. DOE reassigned four of Grandpa's Bus routes to another firm.<sup>34</sup> School bus driver background checks were transferred from OPT's investigations unit, where retired police officers held oversight, to DOE's Human Resources division.<sup>35</sup> Bus driver applicants will now undergo a similar background check and fingerprinting procedure as all DOE employees.<sup>36</sup> And, OPT employees are no longer allowed to use city cars.<sup>37</sup>

There were also staff changes within DOE's Office of School Support. In September 2018, Chancellor Richard Carranza fired Chief Executive Officer Eric Goldstein, who supervised school busing, and assigned Kevin Moran, former Staten Island Field Support Executive Director, to head OPT.<sup>38</sup> The Chancellor also reassigned Elizabeth Rose, former operations executive, to senior transportation contracts advisor.<sup>39</sup> On October 5, 2018, Elizabeth Rose resigned from the DOE.<sup>40</sup>

**IV. BILL ANALYSIS**

**Prop. Int. 89-C** - 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 duration of school bus routes

This bill would require DOE to report twice a year on the number of school bus routes scheduled to take less than an hour, between one and two hours, and over two hours, and the average length of time scheduled for

<sup>30</sup> Susan Edelman, "Scandal-plagued school bus system sends taxpayer-funded cars for employees," *New York Post*, September 23, 2018, accessed at <https://nypost.com/2018/09/23/scandal-plagued-school-bus-system-sends-private-cars-for-employees/>.

<sup>31</sup> Susan Edelman, "Scandal-plagued school bus system sends taxpayer-funded cars for employees," *New York Post*, September 23, 2018, accessed at <https://nypost.com/2018/09/23/scandal-plagued-school-bus-system-sends-private-cars-for-employees/>.

<sup>32</sup> *Id.*

<sup>33</sup> *Id.*

<sup>34</sup> Ben Chapman, "Controversial Grandpa's Bus Company booted from four routes in Queens," *New York Daily News*, September 17, 2018, accessed at <http://www.nydailynews.com/new-york/education/ny-metro-school-bus-co-booted-as-crisis-persists-20180917-story.html>.

<sup>35</sup> Ben Chapman and Graham Rayman, "City Council committee to hold hearing on school bus fiasco following Daily News series," *New York Daily News*, October 4, 2018, accessed at <http://www.nydailynews.com/new-york/ny-metro-council-hearing-school-bus-scandal-20181003-story.html>.

<sup>36</sup> Selim Algar, "DOE switches school bus driver oversight amid fiascoes," *New York Post*, September 19, 2018, accessed at <https://nypost.com/2018/09/19/doe-switches-school-bus-driver-oversight-amid-fiascoes/>.

<sup>37</sup> Post Editorial, "Carranza mission to make school buses run on time," *New York Post*, September 24, 2018, accessed at <https://nypost.com/2018/09/24/carranza-mission-to-make-school-buses-run-on-time/>.

<sup>38</sup> Beenish Ahmed, "Chancellor Says He's Aggressively Taking on School Bus Issues," *WNYC News*, September 25, 2018, accessed at <https://www.wnyc.org/story/schools-chancellor-says-hes-aggressively-taking-school-bus-issues/>.

<sup>39</sup> *Id.*

<sup>40</sup> Ben Chapman, "City's yellow-bus contracts boss pushed out as companies say routes go unstaffed," *New York Daily News*, October 8, 2018, accessed at <http://www.nydailynews.com/new-york/education/ny-metro-yellow-bus-contracts-boss-pushed-out-as-routes-go-unstaffed-20181008-story.html>.



school bus routes in each community school district. This was amended since it was heard by the Committee as proposed Introduction 89-A. The prior version of the bill required DOE to report once a year on average, maximum, and minimum transportation times for all school bus routes, and the average, maximum, and minimum times for each community school district.

Prop. Int. 89-C would also require DOE to share actual school bus transportation times, as recorded by GPS trackers, with the Council twice a year. This was also amended from the original version of the bill, which required DOE to post actual pick up and drop off times for each stop on each school bus route each day on the City's open data web portal. Prop. Int. 89-C would require DOE to share the start and end time of each school bus route each day with the Council twice a year.

As with the original version of the bill, the first section of the law, relating to scheduled school bus route times, would take effect immediately. The second section of the law, relating to sharing actual school bus route start and end times, would take effect on the first day of the 2019-2020 School Year.

**Prop. Int. 451-B** - A Local Law to amend the administrative code of the city of New York, in relation to the creation and distribution of a school bus ridership guide

This bill would require the DOE to distribute a school bus ridership guide in hard copy and electronically no later than 15 days before the start of each school year to all students and parents. Such ridership guide shall include a description of eligibility for school bus services, what the services entail, and the responsibilities of students and parents using DOE's school bus services. The guide would also include information for parents and students living in temporary housing and students in foster care as it relates to eligibility and use of DOE's school bus services, and answers to common questions from all parents and guardians relating to school bus services. Finally, the bill would require such materials to be posted on the department's website in English and in the top six limited English proficiency languages spoken by the population of New York City as determined by the Department of City Planning.

Prop. Int. 451-B has been amended since it was heard by the Committee as Introduction 451. The original version of the bill required DOE to develop a school bus bill of rights. This requirement was amended to call the distributed materials a school bus ridership guide, and to include more information for special education and general education transportation services, as well as students in temporary housing and foster care. The bill was also amended to take effect immediately after it becomes law.

**Prop. Int. 926-B** - 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 procedures following receipt of a notice of misconduct about an employee of a school bus vendor

This bill would require DOE to share with parents and post on its website how parents can file a complaint about a school bus employee, the process by which the department investigates such a complaint, and the possible results of such an investigation. Prop. Int. 926-B was amended since it was heard by the Committee as Introduction 926. The bill now requires DOE to share the protocols for school bus services in inclement weather emergencies. As with the original version of the bill, this law would take effect immediately.

**Prop. Int. 929-B** - A Local Law to amend the administrative code of the city of New York, in relation to reporting by the department of education of complaints and investigations relating to school bus transportation services

This bill would require DOE to report twice a year on all of the calls received from parents and guardians about school bus services, the complaints received from parents and guardians about school bus services, the investigations DOE opened into school bus employees, the number of those investigations that were substantiated, and a description of outcomes taken by DOE in the event of a substantiated investigation.

Prop Int. 929-B has been amended since it was heard by the Committee as Introduction 929. The original version of the bill required DOE to provide quarterly reports to the mayor, council and borough presidents on

the department's oversight of the qualifications of school bus drivers and attendants employed by school bus company contractors, including the number of times the DMV has notified the department of a status change of a school bus worker's license, the number of times the New York State Division of Criminal Justice Services has notified the department about the arrest of a school bus attendant, and the number of times those notifications were substantiated by OPT investigations. This was amended to require DOE to report twice a year on all parent calls and all DOE investigations of school bus employees, including descriptions of actions taken in the event of substantiated misconduct. As with the original version of the bill, the law would take effect immediately.

**Prop. Int. 1099-A** - A Local Law to amend the administrative code of the city of New York, in relation to requiring the placement of communication devices and tracking devices on school buses

This bill would require each school bus used to transport students pursuant to a contract with the DOE to be equipped with a two-way radio or other communication device allowing communication with the operator of the school bus. This bill would also require each bus used to transport students pursuant to a contract with the DOE to be equipped with a GPS tracking device, and would require authorized parents and guardians to have access to the real time location of their child's school bus whenever it is in use.

Prop. Int. 1099-A has been amended since it was heard by the Committee as Introduction 1099. This version of the bill would take effect on the first day of the 2019-2020 School Year.

**Prop. Int. 1148-B** - A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of education to report policies and goals relating to the provision of school bus transportation services

This bill would require the Department of Education (DOE) to report twice a year on how school bus routes are determined, goals for time limits for bus routes, and any other goals relating to school bus services. This bill would also require DOE to report twice a year a list of school bus vendors who completed a dry run of their route as required by their contract, and those bus vendors who are not in compliance with their contractual obligations to complete dry runs. The bill would also require DOE to share with parents and guardians before the start of the school year their child's bus route, scheduled arrival and departure times, the vendor assigned to such route, how a parent can appeal or make a request about the route, and information that relates to pre-k students receiving school bus services. The bill would also require DOE to let parents know daily if their child's bus is late arriving or departing school.

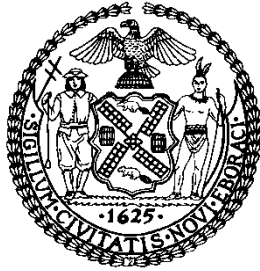
Prop. Int. 1148-B has been amended since it was heard by the Committee as Preconsidered Introduction T2018-3003. The original version of the bill required DOE to report annually on how school bus routes are determined, and to make bus routes public at least one month before school starts. This was amended to require DOE to report how school bus routes are determined twice a year, and to make school bus routes public at least 15 days before the start of the school year. As with the original version of the bill, this law would take effect immediately.

**Prop. Int. 1173-B** - A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of education to report on school bus transportation services

This bill would require DOE to report twice a year on the department's school bus services, including the vendors providing school bus transportation to students, the number of vehicles and employees used by such vendors, the number of bus routes and transportation sites in use, the number of students using school bus transportation including the type of students, the number of students in foster care who applied for transportation service, the school bus transportation services provided to prekindergarten students, and the categories of students who are eligible for DOE transportation services. This bill would also require DOE to twice a year share reports on school bus delays with the Council and post on the department's website the number of school bus delays and no-shows disaggregated by vendor.

Prop. Int. 1173-B has been amended since it was originally heard by the Committee as Preconsidered Introduction T2018-2962. The original version of the bill required DOE to report annually on the various aspects of the department’s school bus transportation services. This was amended to require DOE to report twice a year. As with the original version of the bill, the law would take effect immediately.

**(The following is the text of the Fiscal Impact Statement for Int. No. 89-C:)**



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

**PROPOSED INTRO. NO: 89-C  
COMMITTEE: Education**

**TITLE:** 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 duration of school bus routes

**SPONSORS:** Council Members King, Rivera, and Kallos

**SUMMARY OF LEGISLATION:** Proposed Intro. 89-C would require the Department of Education (DOE) to issue a report on school bus routes twice a year. Section 1 of the bill would require a report to provide the number of school bus routes scheduled to take less than an hour to complete, between one and two hours to complete, and over two hours to complete, as well as the average length of time scheduled for school bus routes in each community school district, disaggregated between general education and special education bus routes. This report would be provided beginning October 31, 2019 and on or by each April 30th and October 31th thereafter. Section 2 of the bill would require DOE to report school bus arrival and departure times for every route and other relevant data points. This report would begin April 30, 2020 and on or by each October 31th and April 30th thereafter.

**EFFECTIVE DATE:** Section 1 takes effect on the same date as a local law amending the administrative code of the city of New York, relating to requiring the department of education to report on school bus transportation services, as proposed in introduction number 1173-B for the year 2018, takes effect. Section 2 takes effect on the same date as a local law amending the administrative code of the city of New York, relating to requiring the placement of communication devices and tracking devices on school buses, as proposed in introduction number 1099-A for the year 2018, takes effect.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2020

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY19</b>	<b>FY Succeeding Effective FY20</b>	<b>Full Fiscal Impact FY20</b>
<b>Revenues</b>	\$0	\$0	\$0
<b>Expenditures</b>	\$0	\$0	\$0
<b>Net</b>	\$0	\$0	\$0

**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 anticipated that this legislation, in conjunction with reporting requirements in Proposed Intro. 929-B, Proposed Intro. 1148-B, and Proposed Intro. 1173-B, would necessitate the hiring of an additional two staff persons in the Office of Pupil Transportation to handle the reporting requirements. These four bills are being considered as a package, so the fiscal impact is estimated for the entire package and reflected in the fiscal impact statement for Proposed Intro. 1173-B. Please see the fiscal impact statement for Proposed Intro. 1173-B for further details.

**SOURCE OF FUNDS TO COVER ESTIMATED COSTS:** N/A

**SOURCE OF INFORMATION:** City Council Finance Division

**ESTIMATE PREPARED BY:** Kaitlyn O'Hagan, Senior Financial Analyst

**ESTIMATE REVIEWED BY:** Regina Poreda Ryan, Deputy Director  
Stephanie Ruiz, Assistant Counsel

**LEGISLATIVE HISTORY:** This legislation was introduced to the Council on January 31, 2018 as Intro. No. 89 and referred to the Committee on Education. The legislation was subsequently amended and on October 16, 2018 a hearing was held on the amended version, Proposed Intro. No. 89-A and the bill was laid over. The legislation was subsequently amended and the last amended version, Proposed Intro. No. 89-C, will be voted on by the Committee on Education on January 9, 2019. Upon successful vote by the Committee on Education, Proposed Intro. No. 89-C will be submitted to the full Council for a vote on January 9, 2019.

**DATE PREPARED:** January 8, 2019.

**(For text of Int. No. 89-C, please see below; for text of the remaining bills with their Fiscal Impact Statements, please see the Report of the Committee on Education for Int. Nos. 451-B, 926-B, 929-B, 1099-A, 1148-B, and 1173-B, respectively, printed in these Minutes)**

*Accordingly, this Committee recommends of Int. Nos. 89-C, 451-B, 926-B, 929-B, 1099-A, 1148-B, and 1173-B.*

**(The following is the text of Int. No. 89-C:)**

Int. No. 89-C

By Council Members King, Rivera, Kallos, Barron, Levin, Rose, Ampry-Samuel, Brannan, Ayala, Holden, Van Bramer and Miller.

**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 duration of school bus routes**

*Be it enacted by the Council as follows:*

Section 1. Chapter 26 of the administrative code of the city of New York, as added by a local law for the year 2019 amending the administrative code of the city of New York in relation to requiring the department of education to report on school bus transportation services, as proposed in introduction number 1173-B, is amended by adding a new section 21-996 to read as follows:

*§ 21-996 Reporting on school bus routes. a. Beginning October 31, 2019, and on or before each April 30 and October 31 thereafter, the department shall submit to the speaker of the council and post on the department's website a report for the relevant reporting period, including*

1. *The number of general education school bus routes scheduled to take less than one hour to complete, the number scheduled to take between one and two hours to complete, and the number scheduled to take over two hours to complete;*

2. *The number of special education school bus routes scheduled to take less than one hour to complete, the number scheduled to take between one and two hours to complete, and the number scheduled to take over two hours to complete; and*

3. *For each community school district, the average length of time scheduled for general education school bus routes and for special education school bus routes.*

§ 2. Section 19-609 of the administrative code of the city of New York, as added by a local law for the year 2019 amending the administrative code of the city of New York in relation to requiring the placement of communication devices and tracking devices on school buses, as proposed in introduction number 1099-A, is amended by adding a new subdivision g to read as follows:

*g. Beginning April 30, 2020, and on or before each October 31 and April 30 thereafter, the department shall submit to the speaker of the council for the relevant reporting period, as defined in section 21-993, the scheduled arrival and departure times for each transportation site, and data points, including the time of day corresponding with the actual arrival at the first and last transportation site of each special education school bus route and general education school bus route for each day of the reporting period. Such information shall also include the school bus vendor.*

§ 3. Section 1 of this local law takes effect on the same date as a local law amending the administrative code of the city of New York, relating to requiring the department of education to report on school bus transportation services, as proposed in introduction number 1173-B for the year 2018, takes effect. Section 2 of this local law takes effect on the same date as a local law amending the administrative code of the city of New York, relating to requiring the placement of communication devices and tracking devices on school buses, as proposed in introduction number 1099-A for the year 2018, takes effect.

MARK TREYGER, *Chairperson*; DANIEL DROMM, BRADFORD S. LANDER, Jr., STEPHEN L. LEVIN, DEBORAH L. ROSE, INEZ D. BARRON, ANDREW COHEN, ROBERT E. CORNEGY CHAIM M. DEUTSCH, BEN KALLOS, MARK D. LEVINE, BARRY S. GRODENCHIK, RAFAEL SALAMANCA, Jr., ALICKA AMPRY-SAMUEL, JUSTIN L. BRANNAN, JOSEPH C. BORELLI; Committee on Education, January 9, 2019.

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

Report for Int. No. 451-B

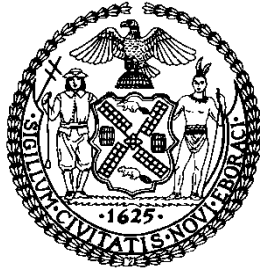
**Report of the Committee on Education in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to the creation and distribution of a school bus ridership guide.**

The Committee on Education, to which the annexed proposed amended local law was referred on February 14, 2018 (Minutes, page 669), respectfully

**REPORTS:**

**(For text of report, please see the Report of the Committee on Education for Int. No. 89-C printed in these Minutes)**

*The following is the text of the Fiscal Impact Statement for Int. No. 451-B:*



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

**PROPOSED INTRO. NO: 451-B**  
**COMMITTEE: Education**

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to the creation and distribution of a school bus ridership guide

**SPONSORS:** Council Members Dromm, Rivera and Kallos.

**SUMMARY OF LEGISLATION:** Proposed Intro. No. 451-B would require the Department of Education (DOE) to issue a school bus ridership guide to students and authorized parents and guardians no later than 15 days before the start of each school year, in hard copy and electronically, as well as posted on the DOE’s website. This guide would include information on eligibility for school bus transportation services for general education and special education students, as well as students in temporary housing and students in foster care. It would also include what the services entail and the responsibilities of students and parents using the services.

**EFFECTIVE DATE:** This local law would take effect immediately.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2020

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY19</b>	<b>FY Succeeding Effective FY20</b>	<b>Full Fiscal Impact FY20</b>
<b>Revenues</b>	\$0	\$0	\$0
<b>Expenditures</b>	\$0	\$0	\$0
<b>Net</b>	\$0	\$0	\$0

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

**IMPACT ON EXPENDITURES:** It is estimated that there would be no impact on expenditures resulting from the enactment of this legislation. DOE would be able to use existing resources to implement the requirements of this legislation.

**SOURCE OF FUNDS TO COVER ESTIMATED COSTS:** N/A

**SOURCE OF INFORMATION:** City Council Finance Division

**ESTIMATE PREPARED BY:** Kaitlyn O’Hagan, Senior Financial Analyst

**ESTIMATE REVIEWED BY:** Regina Poreda Ryan, Deputy Director

Noah Brick, Assistant Counsel

**LEGISLATIVE HISTORY:** This legislation was introduced to the Council as Intro. No. 451 on February 14, 2018 and referred to the Committee on Education (the “Committee”). The Committee heard the legislation on October 16, 2018 and the legislation was laid over. The legislation was subsequently amended and the amended legislation, Proposed Intro. No. 451-B, will be considered by the Committee on January 9, 2019. Upon a successful vote by the Committee, Proposed Intro. No. 451-B will be submitted to the full Council for a vote on January 9, 2019.

**DATE PREPARED:** January 8, 2019.

*Accordingly, this Committee recommends its adoption, as amended.*

**(The following is the text of Int. No. 451-B:)**

Int. No. 451-B

By Council Members Dromm, Rivera, Kallos, Barron, Levin, Rose, Ampry-Samuel, Brannan, Ayala, Holden, Van Bramer and Miller.

**A Local Law to amend the administrative code of the city of New York, in relation to the creation and distribution of a school bus ridership guide**

*Be it enacted by the Council as follows:*

Section 1. Chapter 26 of the administrative code of the city of New York, as added by a local law for the year 2019 amending the administrative code of the city of New York in relation to requiring the department of education to report on school bus transportation services, as proposed in introduction number 1173-B, is amended by adding a new section 21-997 to read as follows:

*§ 21-997 School bus ridership guide. a. No later than 15 days before the start of each school year, the department shall provide to students and authorized parents and guardians, in hard copy and electronically, plain language information relating to:*

*1. The eligibility for school bus transportation services for general education students, the services to be expected by general education students who receive school bus transportation services and such students' authorized parents and guardians, and the responsibilities of students who receive general education school bus transportation services and such students' authorized parents and guardians;*

*2. The eligibility for school bus transportation services for special education students, the services to be expected by special education students who receive school bus transportation services and such students' authorized parents and guardians, and the responsibilities of students who receive special education school bus transportation services and such students' authorized parents and guardians;*

*3. The eligibility for school bus transportation services for students in temporary housing living in shelters, students in temporary housing living anywhere other than shelters, and students in foster care, the expectations of such students and such students' authorized parents and guardians, and the responsibilities of such students and such students' authorized parents and guardians; and*

*4. Responses to common questions of authorized parents and guardians relating to school bus transportation services.*

*b. Such materials shall be made available on the department's website in English and in each of the designated citywide languages as defined in section 23-1101.*

§ 2. This local law takes effect on the same date as a local law amending the administrative code of the city of New York, relating to requiring the department of education to report on school bus transportation services, as proposed in introduction number 1173-B for the year 2018, takes effect.

MARK TREYGER, *Chairperson*; DANIEL DROMM, BRADFORD S. LANDER, Jr., STEPHEN L. LEVIN, DEBORAH L. ROSE, INEZ D. BARRON, ANDREW COHEN, ROBERT E. CORNEGY CHAIM M. DEUTSCH, BEN KALLOS, MARK D. LEVINE, BARRY S. GRODENCHIK, RAFAEL SALAMANCA, Jr., ALICKA AMPRY-SAMUEL, JUSTIN L. BRANNAN, JOSEPH C. BORELLI; Committee on Education, January 9, 2019.

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

Report for Int. No. 926-B

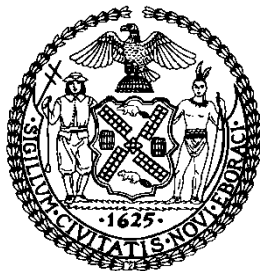
**Report of the Committee on Education in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to requiring the department of education to report on procedures following receipt of a notice of misconduct about an employee of a school bus vendor.**

The Committee on Education, to which the annexed proposed amended local law was referred on May 23, 2018 (Minutes, page 1963), respectfully

**REPORTS:**

**(For text of report, please see the Report of the Committee on Education for Int. No. 89-C printed in these Minutes)**

*The following is the text of the Fiscal Impact Statement for Int. No. 926-B:*



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

**PROPOSED INTRO. NO: 926-B  
COMMITTEE: Education**

**TITLE:** 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 procedures following receipt of a notice of misconduct about an employee of a school bus vendor

**SPONSORS:** The Speaker (Council Member Johnson) and Council Members Rivera and Kallos.

**SUMMARY OF LEGISLATION:** Proposed Intro. No. 926-B would require the Department of Education (DOE) to include its school bus ridership guide information on the procedures DOE follows when it receives notice of misconduct about an employee of a school bus vendor, including how parents can file a complaint about a school



bus employee, the process by which DOE investigates such a complaint, and the possible results of such an investigation, and on the procedures DOE follows for school bus routes in the event of weather emergencies.

**EFFECTIVE DATE:** This local law would take effect immediately.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2020

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY19</b>	<b>FY Succeeding Effective FY20</b>	<b>Full Fiscal Impact FY20</b>
<b>Revenues</b>	\$0	\$0	\$0
<b>Expenditures</b>	\$0	\$0	\$0
<b>Net</b>	\$0	\$0	\$0

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

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

**SOURCE OF FUNDS TO COVER ESTIMATED COSTS:** N/A

**SOURCE OF INFORMATION:** City Council Finance Division

**ESTIMATE PREPARED BY:** Kaitlyn O’Hagan, Senior Financial Analyst

**ESTIMATE REVIEWED BY:** Regina Poreda Ryan, Deputy Director  
Noah Brick, Assistant Counsel

**LEGISLATIVE HISTORY:** This legislation was introduced to the Council as Intro. No. 926 on May 23, 2018 and referred to the Committee on Education (the “Committee”). The Committee heard the legislation on October 16, 2018 and the legislation was laid over. The legislation was subsequently amended and the amended legislation, Proposed Intro. No. 926-B, will be considered by the Committee on January 9, 2019. Upon a successful vote by the Committee, Proposed Intro. No. 926-B will be submitted to the full Council for a vote on January 9, 2019.

**DATE PREPARED:** January 8, 2019.

*Accordingly, this Committee recommends its adoption, as amended.*

**(The following is the text of Int. No. 926-B:)**

Int. No. 926-B

By The Speaker (Council Member Johnson) and Council Members Rivera, Kallos, Barron, Levin, Rose, Ampry-Samuel, Brannan, Ayala, Holden, Van Bramer and Miller.

**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 procedures following receipt of a notice of misconduct about an employee of a school bus vendor**

*Be it enacted by the Council as follows:*

Section 1. Section 21-997 of the administrative code of the city of New York, as added by a local law for the year 2019 amending the administrative code of the city of New York in relation to the creation and distribution of a school bus ridership guide, as proposed in introduction number 451-B, is amended by adding a new paragraph 5 to subdivision a to read as follows:

*5. The procedure followed by the department when it receives notice of misconduct about an employee of a school bus vendor, including but not limited to, how authorized parents and guardians can file a complaint to the department relating to such employee, the steps taken by the department to investigate such notice and the average time frame associated with each such step, what outcomes may result from a substantiated complaint, and any opportunities for an employee of a school bus vendor to appeal.*

*6. The procedure followed by the department for general education school bus routes and special education school bus routes in the event of an inclement weather emergency.*

§ 2. This local law takes effect on the same date as a local law amending the administrative code of the city of New York, relating to the creation and distribution of a school bus ridership guide, as proposed in introduction number 451-B for the year 2018, takes effect.

MARK TREYGER, *Chairperson*; DANIEL DROMM, BRADFORD S. LANDER, Jr., STEPHEN L. LEVIN, DEBORAH L. ROSE, INEZ D. BARRON, ANDREW COHEN, ROBERT E. CORNEGY CHAIM M. DEUTSCH, BEN KALLOS, MARK D. LEVINE, BARRY S. GRODENCHIK, RAFAEL SALAMANCA, Jr., ALICKA AMPRY-SAMUEL, JUSTIN L. BRANNAN, JOSEPH C. BORELLI; Committee on Education, January 9, 2019.

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

Report for Int. No. 929-B

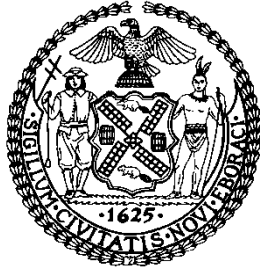
**Report of the Committee on Education in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to reporting by the department of education of complaints and investigations relating to school bus transportation services.**

The Committee on Education, to which the annexed proposed amended local law was referred on May 23, 2018 (Minutes, page 1964), respectfully

**REPORTS:**

**(For text of report, please see the Report of the Committee on Education for Int. No. 89-C printed in these Minutes)**

*The following is the text of the Fiscal Impact Statement for Int. No. 929-B:*



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

**PROPOSED INTRO. NO: 929-B**  
**COMMITTEE:** Education

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to reporting by the department of education of complaints and investigations relating to school bus transportation services

**SPONSORS:** Council Members Borelli, Holden, Rivera, Kallos and Yeger.

**SUMMARY OF LEGISLATION:** Proposed Intro. 929-B would require the Department of Education (DOE) to report on office of pupil transportation investigations beginning October 31, 2019 and on or by April 30th and October 31th thereafter. This report would include the total number of calls from parents and guardians regarding school bus transportation services, disaggregated by the type of call. It would also include the total number of complaints from parents and guardians about school bus vendor employees, actions taken in response to the complaints, as well as the total number of investigations into school bus vendor employees, the number of investigations that were substantiated, and their outcomes. This data would be disaggregated by school bus vendor and borough.

**EFFECTIVE DATE:** This local law would take effect on the same date as a local law amending the administrative code of the city of New York, relating to requiring the department of education to report on school bus transportation services, as proposed in introduction number 1173-B for the year 2018, takes effect.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2020

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY19</b>	<b>FY Succeeding Effective FY20</b>	<b>Full Fiscal Impact FY20</b>
<b>Revenues</b>	\$0	\$0	\$0
<b>Expenditures</b>	\$0	\$0	\$0
<b>Net</b>	\$0	\$0	\$0

**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 anticipated that this legislation, in conjunction with reporting requirements in Proposed Intro. 89-C, Proposed Intro. 1148-B, and Proposed Intro. 1173-B, would necessitate the hiring of an additional two staff persons in the Office of Pupil Transportation to handle the reporting requirements. These four bills are being considered as a package, so the fiscal impact is estimated for the entire package and reflected in the fiscal impact statement for Proposed Intro. 1173-B. Please see the fiscal impact statement for Proposed Intro. 1173-B for further details.

**SOURCE OF FUNDS TO COVER ESTIMATED COSTS:** N/A

**SOURCE OF INFORMATION:** City Council Finance Division

**ESTIMATE PREPARED BY:** Kaitlyn O’Hagan, Senior Financial Analyst

**ESTIMATE REVIEWED BY:** Regina Poreda Ryan, Deputy Director  
Stephanie Ruiz, Assistant Counsel

**LEGISLATIVE HISTORY:** This legislation was introduced to the Council on May 23, 2018 as Intro. No. 929 and referred to the Committee on Education. A hearing was held by the Committee on Education on October 16, 2018 and the bill was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. No. 929-B, will be voted on by the Committee on Education on January 9, 2019. Upon successful vote by the Committee, Proposed Intro. No. 929-B will be submitted to the full Council for a vote on January 9, 2019.

**DATE PREPARED:** January 8, 2019.

*Accordingly, this Committee recommends its adoption, as amended.*

**(The following is the text of Int. No. 929-B:)**

Int. No. 929-B

By Council Members Borelli, Holden, Rivera, Kallos, Yeger, Barron, Levin, Rose, Ampry-Samuel, Brannan, Ayala, Van Bramer and Miller.

**A Local Law to amend the administrative code of the city of New York, in relation to reporting by the department of education of complaints and investigations relating to school bus transportation services**

*Be it enacted by the Council as follows:*

Section 1. Chapter 26 of the administrative code of the city of New York, as added by a local law for the year 2019 amending the administrative code of the city of New York in relation to requiring the department of education to report on school bus transportation services, as proposed in introduction number 1173-B, is amended by adding a new section 21-995 to read as follows:

*§ 21-995 Reporting on office of pupil transportation investigations. a. Beginning October 31, 2019, and on or before each April 30 and October 31 thereafter, the department shall submit to the speaker of the council and post on the department's website a report for the relevant reporting period, including:*

*1. The total number of calls from authorized parents and guardians received by the department about school bus transportation services, disaggregated by the nature of such calls;*

*2. The total number of complaints from authorized parents and guardians received by the department about an employee of a school bus vendor, disaggregated by vendor, the nature of such complaint, whether such complaint led to a departmental determination of misconduct, and a description of the actions taken by the department for each complaint; and*

*3. The total number of investigations of employees of school bus vendors opened by the department, including following a complaint by an authorized parent or guardian and any other source of information that may lead to such investigation; the number of investigations in which the department found that an employee of a school bus vendor engaged in misconduct; and descriptions of outcomes relating to any investigations in which the department found that an employee of a school bus vendor engaged in misconduct.*

*b. The data provided pursuant to subdivision a of this section shall be aggregated citywide, as well as disaggregated by school bus vendor and borough.*

*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 related to the privacy of information or that would interfere with law enforcement investigations or otherwise conflict with the interests of law enforcement. Where necessary, the department may use preliminary data to prepare such reports and may include an acknowledgment that such preliminary data is non-final and subject to change.*

§ 2. This local law takes effect on the same date as a local law amending the administrative code of the city of New York, relating to requiring the department of education to report on school bus transportation services, as proposed in introduction number 1173-B for the year 2018, takes effect.

MARK TREYGER, *Chairperson*; DANIEL DROMM, BRADFORD S. LANDER, Jr., STEPHEN L. LEVIN, DEBORAH L. ROSE, INEZ D. BARRON, ANDREW COHEN, ROBERT E. CORNEGY CHAIM M. DEUTSCH, BEN KALLOS, MARK D. LEVINE, BARRY S. GRODENCHIK, RAFAEL SALAMANCA, Jr., ALICKA AMPRY-SAMUEL, JUSTIN L. BRANNAN, JOSEPH C. BORELLI; Committee on Education, January 9, 2019.

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

Report for Int. No. 1099-A

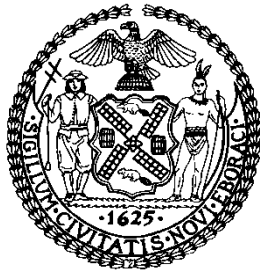
**Report of the Committee on Education in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to requiring the placement of communication devices and tracking devices on school buses**

The Committee on Education, to which the annexed proposed amended local law was referred on September 12, 2018 (Minutes, page 3471), respectfully

**REPORTS:**

(For text of report, please see the Report of the Committee on Education for Int. No. 89-C printed in these Minutes)

*The following is the text of the Fiscal Impact Statement for Int. No. 1099-B:*



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

PROPOSED INTRO. NO: 1099-A  
COMMITTEE: Education

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to requiring the placement of communication devices and tracking devices on school buses

**SPONSORS:** Council Members Kallos, Treyger, Deutsch, Brannan, Yeger, Dromm, Cabrera, Cumbo, Rivera, Constantinides, Koslowtiz, Holden, Rose, Koo, Chin, Gibson, and Ulrich

**SUMMARY OF LEGISLATION:** Proposed Intro. 1099-A would require all school buses used to transport students pursuant to a contract with the Department of Education (DOE) to have an operational two-way radio or other communication device allowing communication with the driver, as well as require these school buses have GPS

or comparable location tracking technology. The bill would require GPS data regarding the real time location and velocity of school buses be made available to the DOE and authorized parents or guardians of students being transported.

**EFFECTIVE DATE:** This local law would take effect on the first day of the 2019-2020 school year.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2021

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY20</b>	<b>FY Succeeding Effective FY21</b>	<b>Full Fiscal Impact FY21</b>
<b>Revenues</b>	\$0	\$0	\$0
<b>Expenditures</b>	\$3,674,000	\$1,858,000	\$1,858,00
<b>Net</b>	\$3,674,000	\$1,858,000	\$1,858,00

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

**IMPACT ON EXPENDITURES:** Approximately 6,000 out of the approximately 10,000 buses used for pupil transportation are already equipped with GPS technology that meets the requirement of this legislation, and funding for the maintenance of these GPS devices is already in DOE's budget. This legislation would require the installation of GPS technology on approximately 4,000 additional buses. This will result in a one-time cost of approximately \$1.8 million. This cost is assumed to be incurred in the year the legislation becomes effective, Fiscal 2020. There will be an annual maintenance cost associated with these additional 4,000 GPS devices of approximately \$1.7 million, beginning in the same year the GPS devices are installed. Finally, it is anticipated that the DOE is would need to hire one additional staff member to maintain the GPS system at a cost of \$130,000 annually.

**SOURCE OF FUNDS TO COVER ESTIMATED COSTS:** General Fund

**SOURCE OF INFORMATION:** City Council Finance Division

**ESTIMATE PREPARED BY:** Kaitlyn O'Hagan, Senior Financial Analyst

**ESTIMATE REVIEWED BY:** Regina Poreda Ryan, Deputy Director  
Rebecca Chasan, Senior Counsel

**LEGISLATIVE HISTORY:** This legislation was introduced to the Council on September 12, 2018 as Intro. No. 1099 and referred to the Committee on Transportation. This legislation was re-referred to the Committee on Education on September 18, 2018. A hearing was held by the Committee on Education on October 16, 2018 and the bill was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. No. 1099-A, will be voted on by the Committee on Education on January 9, 2019. Upon successful vote by the Committee, Proposed Intro. No. 1099-A will be submitted to the full Council for a vote on January 9, 2019.

**DATE PREPARED:** January 8, 2019.

*Accordingly, this Committee recommends its adoption, as amended.*

**(The following is the text of Int. No. 1099-A:)**

## Int. No. 1099-A

By Council Members Kallos, Treyger, Deutsch, Brannan, Yeager, Dromm, Cabrera, Cumbo, Rivera, Constantinides, Koslowitz, Holden, Rose, Koo, Chin, Gibson, Barron, Levin, Ampry-Samuel, Ayala, Van Bramer, Miller and Ulrich.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the placement of communication devices and tracking devices on school buses**

*Be it enacted by the Council as follows:*

Section 1. Chapter 6 of title 19 of the administrative code of the city of New York is amended by adding new sections 19-608 and 19-609 to read as follows:

*§ 19-608 Communication devices on school buses. a. Any bus or other motor vehicle used to transport students to or from schools pursuant to a contract between a school bus vendor and the department of education shall, at all times that students are present on such vehicle, be equipped with an operational two-way radio or other authorized communication device capable of allowing communication with the driver of such vehicle.*

*b. The department of education shall promulgate rules regarding the safe usage of such communication devices.*

*§ 19-609 Global positioning systems on school buses. a. For purposes of this section, the term “GPS” means a global positioning system, or a comparable location tracking technology, that uses navigational satellites to determine a user’s location and velocity in real time.*

*b. Any bus or other motor vehicle used to transport students to or from schools pursuant to a contract between a school bus vendor and the department of education shall, at all times that students are present on such vehicle, be equipped with a GPS tracking device.*

*c. A GPS tracking device installed on any bus or other motor vehicle used to transport students to or from schools shall be operational at all times such vehicle is in use pursuant to the contract.*

*d. GPS data regarding the real time location and velocity of the bus or other motor vehicle used to transport students to or from schools shall be made available electronically to the department, as well as to authorized parents or guardians of students who are being transported by such bus or other motor vehicle.*

*e. Records created by any such GPS tracking devices shall be maintained in an electronic database.*

*f. No information that is otherwise required to be reported or be made available electronically pursuant to this section shall be reported or be made available electronically in a manner that would violate any applicable provision of federal, state or local law related to the privacy of information or that would interfere with law enforcement investigations or otherwise conflict with the interests of law enforcement.*

*§ 2. This local law takes effect the first day of the 2019-2020 school year.*

MARK TREYGER, *Chairperson*; DANIEL DROMM, BRADFORD S. LANDER, Jr., STEPHEN L. LEVIN, DEBORAH L. ROSE, INEZ D. BARRON, ANDREW COHEN, ROBERT E. CORNEGY CHAIM M. DEUTSCH, BEN KALLOS, MARK D. LEVINE, BARRY S. GRODENCHIK, RAFAEL SALAMANCA, Jr., ALICKA AMPRY-SAMUEL, JUSTIN L. BRANNAN, JOSEPH C. BORELLI; Committee on Education, January 9, 2019.

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

## Report for Int. No. 1148-A

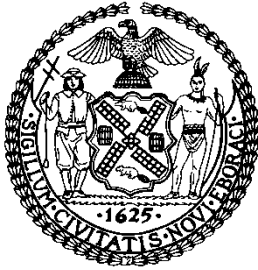
**Report of the Committee on Education in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to requiring the department of education to report policies and goals relating to the provision of school bus transportation services.**

The Committee on Education, to which the annexed proposed amended local law was referred on September 12, 2018 (Minutes, page 3897), respectfully

**REPORTS:**

(For text of report, please see the Report of the Committee on Education for Int. No. 89-C printed in these Minutes)

*The following is the text of the Fiscal Impact Statement for Int. No. 1148-B:*



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

LATONIA MCKINNEY, DIRECTOR

**FISCAL IMPACT STATEMENT**

**PROPOSED INTRO. NO: 1148-B**

**COMMITTEE: Education**

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**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of education to report policies and goals relating to the provision of school bus transportation services

**SPONSORS:** Council Members Kallos and Rivera.

**SUMMARY OF LEGISLATION:** Proposed Intro. 1148-B would require the Department of Education (DOE) to report on policies related to providing school bus transportation services beginning October 31, 2019 and on or by each April 30th and October 31st thereafter. The bill would include the criteria used to create school bus routes, goals for the length of time for a school bus route, and any additional goals for the provision of school bus transportation. The bill would also require DOE to provide a list of vendors who comply with their contractual requirements to do dry runs prior to the first day of school, and a list of vendors who are assessed with liquidated damages for the failure to have not performed dry runs as required by contract. The bill would also require DOE to share with parents and guardians before the start of the school year their child's bus route, scheduled arrival and departure times, the vendor assigned to such route, how a parent can appeal or make a request about the route, and information that relates to pre-k students receiving school bus services. Finally, the bill would require DOE to provide daily to parents or guardians the scheduled arrival and departure time to and from school, the school session time for their child, and actual arrival and departure time to and from school.

**EFFECTIVE DATE:** This local law would take effect on the same date as section one of a local law amending the administrative code of the city of New York, relating to requiring the department of education to report the duration of school bus routes, as proposed in introduction number 89-C for the year 2018, takes effect.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2020



**FISCAL IMPACT STATEMENT:**

	<b>Effective FY19</b>	<b>FY Succeeding Effective FY20</b>	<b>Full Fiscal Impact FY20</b>
<b>Revenues</b>	\$0	\$0	\$0
<b>Expenditures</b>	\$0	\$0	\$0
<b>Net</b>	\$0	\$0	\$0

**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 anticipated that this legislation, in conjunction with reporting requirements in Proposed Intro. 89-C, Proposed Intro. 929-B, and Proposed Intro. 1173-B, would necessitate the hiring of an additional two staff persons in the Office of Pupil Transportation to handle the reporting requirements. These four bills are being considered as a package, so the fiscal impact is estimated for the entire package and reflected in the fiscal impact statement for Proposed Intro. 1173-B. Please see the fiscal impact statement for Proposed Intro. 1173-B for further details.

**SOURCE OF FUNDS TO COVER ESTIMATED COSTS:** N/A

**SOURCE OF INFORMATION:** City Council Finance Division

**ESTIMATE PREPARED BY:** Kaitlyn O’Hagan, Senior Financial Analyst

**ESTIMATE REVIEWED BY:** Regina Poreda Ryan, Deputy Director  
Stephanie Ruiz, Assistant Counsel

**LEGISLATIVE HISTORY:** This legislation was heard as a Preconsidered Intro. at a hearing held by the Committee of Education on October 16, 2018 and the legislation was laid over. The legislation was introduced to the full Council as Intro. No. 1148 on October 17, 2018, and was referred to the Committee on Education. The legislation was subsequently amended and the amended version, Proposed Intro. No. 1148-B, will be considered by the Committee on Education on January 9, 2019. Upon successful vote by the Committee on Education, Proposed Intro. No. 1148-B will be submitted to the full Council for a vote on January 9, 2019.

**DATE PREPARED:** January 8, 2019

**(The following is the text of Int. No. 1148-B:)**

Int. No. 1148-B

By Council Members Kallos, Rivera, Deutsch, Barron, Levin, Rose, Ampry-Samuel, Brannan, Ayala, Holden, Van Bramer and Miller.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of education to report policies and goals relating to the provision of school bus transportation services**

*Be it enacted by the Council as follows:*

Section 1. Section 21-996 of the administrative code of the city of New York, as added by a local law for the year 2019 amending the administrative code of the city of New York in relation to requiring the department of education to report the duration of school bus routes, as proposed in introduction number 89-C, is amended by adding new subdivisions b, c, d, e and f to read as follows:

*b. Beginning October 31, 2019, and on or before each October 31 and April 30 thereafter, the department shall submit to the speaker of the council and post on the department's website a report for the relevant reporting period, including:*

- 1. The criteria used to design school bus routes;*
- 2. A description of the department's goals for the time it should take a vehicle to complete a school bus route, including any particular goals for special education school bus routes and general education school bus routes;*
- 3. A description of any additional goals and priorities of the department in its provision of school bus transportation services for all eligible students, including but not limited to any goals and priorities relating to students in temporary housing and students in foster care; and*
- 4. A summary of the requirements in each school bus vendor's contract with the department relating to the performance of dry runs prior to the first day of school, a list of school bus vendors who are in compliance with such requirements, a list of school bus vendors who have been assessed with liquidated damages and have no further right of appeal for the failure to have performed dry runs as required by contract, and a list of any vendors who do not fall on either of the aforementioned lists and a description of why not.*

*c. No later than 15 days before the start of the school year, the department shall provide, by electronic means, to authorized parents and guardians of students who receive school bus transportation services the following information with respect to the students of whom they are parents or guardians:*

- 1. The school bus route for such students for the current school year;*
- 2. The scheduled arrival time at school for each school bus route and the school session time for such students;*
- 3. The scheduled departure time from school for each school bus route and the school session time for such students;*
- 4. The school bus vendor assigned to transport such students;*
- 5. Any process by which authorized parents and guardians, and relevant department personnel can provide feedback on, or make a request regarding, a school bus route; or*
- 6. If such student shall receive school bus transportation services from a pre-k vendor, the contact information for such vendor and any other relevant information.*

*d. The information required by subdivision c of this section shall be provided to authorized parents or guardians by regular mail if any such authorized parent or guardian does not provide the department with an electronic mail address.*

*e. The department shall make available to authorized parents or guardians of students who receive school bus transportation services on general education school bus routes or special education school bus routes, on a daily basis, the following information with respect to the students of whom they are parents or guardians:*

- 1. The scheduled arrival time at school for each school bus route and the school session time for such students and the actual arrival time at school for each school bus route if later than the school session time for such students;*
- 2. The scheduled departure time from school for each school bus route and the school session time for such students and the actual departure time from school for each school bus route if earlier than the school session time or later than the scheduled departure time for such students; and*
- 3. The school bus vendor assigned to each such school bus route.*

*f. 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 related to the privacy of information or that would interfere with law enforcement investigations or otherwise conflict with the interests of law enforcement.*

§ 2. This local law takes effect on the same date as section one of a local law amending the administrative code of the city of New York, relating to requiring the department of education to report the duration of school bus routes, as proposed in introduction number 89-C for the year 2018, takes effect.

MARK TREYGER, *Chairperson*; DANIEL DROMM, BRADFORD S. LANDER, Jr., STEPHEN L. LEVIN, DEBORAH L. ROSE, INEZ D. BARRON, ANDREW COHEN, ROBERT E. CORNEGY CHAIM M. DEUTSCH, BEN KALLOS, MARK D. LEVINE, BARRY S. GRODENCHIK, RAFAEL SALAMANCA, Jr.,

ALICKA AMPRY-SAMUEL, JUSTIN L. BRANNAN, JOSEPH C. BORELLI; Committee on Education, January 9, 2019.

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

Report for Int. No. 1173-B

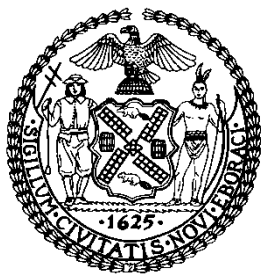
**Report of the Committee on Education in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to requiring the department of education to report on school bus transportation services.**

The Committee on Education, to which the annexed proposed amended local law was referred on September 12, 2018 (Minutes, page 3902), respectfully

**REPORTS:**

**(For text of report, please see the Report of the Committee on Education for Int. No. 89-C printed in these Minutes)**

*The following is the text of the Fiscal Impact Statement for Int. No. 1173-B:*



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

LATONIA MCKINNEY, DIRECTOR

**FISCAL IMPACT STATEMENT**

**PROPOSED INTRO. NO: 1173-B**

**COMMITTEE: Education**

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

**SPONSORS:** Council Members Treyger, Rivera, Chin and Kallos.

**SUMMARY OF LEGISLATION:** Proposed Intro. 1173-B would require the Department of Education (DOE) to report on school bus transportation services beginning October 31, 2019 and on or by each April 30th and October 31th thereafter. The bill would also require DOE to report on the number of school bus routes assigned to each school bus vendor, the number of students transported by each vendor, the total number of vehicles used by each vendor, the total number of employees of each vendor, and the total number of transportation sites to or from which students are transported. The bill would also require DOE to include the total number of school age students to whom DOE provided transportation, disaggregated by those receiving school bus services and passes for public transportation, and further disaggregated by type of student. In addition, the bill would require DOE to report on the number of students in foster care who applied for transportation service, the school bus transportation services provided to pre-Kindergarten students, and the categories of students who are eligible for DOE transportation services. Finally, the bill would require DOE to report on school bus delays and no-shows, disaggregated by vendor.

**EFFECTIVE DATE:** This local law would take effect immediately.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2020

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**FISCAL IMPACT STATEMENT:**

	<b>Effective FY19</b>	<b>FY Succeeding Effective FY20</b>	<b>Full Fiscal Impact FY20</b>
<b>Revenues</b>	\$0	\$0	\$0
<b>Expenditures</b>	\$100,000	\$240,000	\$240,000
<b>Net</b>	\$100,000	\$240,000	\$240,000

**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 anticipated that this legislation, in conjunction with reporting requirements in Proposed Intro. 89-C, Proposed Intro. 929-B, and Proposed Intro 1148-B, would necessitate the hiring of an additional two staff persons in the Office of Pupil Transportation to handle the reporting requirements. This is estimated to cost approximately \$240,000 annually, including fringe benefits. Costs in Fiscal 2019 are pro-rated given the legislation would be in effect for less than half of the year and it would take time to hire staff.

**SOURCE OF FUNDS TO COVER ESTIMATED COSTS:** General Fund

**SOURCE OF INFORMATION:** City Council Finance Division

**ESTIMATE PREPARED BY:** Kaitlyn O’Hagan, Senior Financial Analyst

**ESTIMATE REVIEWED BY:** Regina Poreda Ryan, Deputy Director  
Stephanie Ruiz, Assistant Counsel

**LEGISLATIVE HISTORY:** This legislation was heard as a Preconsidered Intro. at a hearing held by the Committee of Education on October 16, 2018 and the legislation was laid over. The legislation was introduced to the full Council as Intro. No. 1173 on October 17, 2018, and was referred to the Committee on Education. The legislation was subsequently amended and the amended version, Proposed Intro. No. 1173-B, will be considered by the Committee on Education on January 9, 2019. Upon successful vote by the Committee on Education, Proposed Intro. No. 1173-B will be submitted to the full Council for a vote on January 9, 2019.

**DATE PREPARED:** January 8, 2019.

*Accordingly, this Committee recommends its adoption, as amended.*

**(The following is the text of Int. No. 1173-B:)**

Int. No. 1173-B

By Council Members Treyger, Rivera, Chin, Kallos, Barron, Levin, Rose, Ampry-Samuel, Brannan, Ayala, Holden, Van Bramer and Miller.

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

*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 26 to read as follows:

*Chapter 26. Office of pupil transportation reports*

*§ 21-993 Reporting on school bus transportation services. a. Definitions. For the purposes of this chapter, the following terms have the following meanings:*

*General education school bus route. The term “general education school bus route” means a school bus route for buses transporting solely school age students who do not have education plans designating specific requirements for their transportation.*

*Pre-kindergarten and early intervention students. The term “pre-kindergarten and early intervention students” means children who participate in pre-kindergarten programs, early intervention programs pursuant to their individualized education programs or individualized family service plans, and any other students under the age of five who may be eligible for school bus transportation services.*

*Pre-kindergarten and early intervention programs. The term “pre-kindergarten and early intervention programs” means pre-kindergarten, early intervention programs attended by children whose individualized education program or individualized family service plans specify attendance at such programs, and any other early childhood programs for students under the age of five who may be eligible for school bus transportation services.*

*Pre-k vendor. The term “pre-k vendor” means a company providing transportation services to pre-kindergarten students, early intervention program students, and any other students under the age of five who may be eligible for school bus transportation services, pursuant to contracts with the department.*

*Reporting period. The term “reporting period” means the preceding January 1 through June 30 for a report due on October 31, and the preceding July 1 through December 31 for a report due on April 30.*

*School age student. The term “school age student” means a student in kindergarten through grade 12.*

*School bus route. The term “school bus route” means any route traveled by a vehicle transporting a school age student to and from a transportation site pursuant to a contract with the department.*

*School bus transportation services. The term “school bus transportation services” means the transportation of students on school buses pursuant to a contract with the department.*

*School bus vendor. The term “school bus vendor” means a company providing school bus transportation services to school age students pursuant to one or more contracts with the department.*

*Special education school bus route. The term “special education school bus route” means a school bus route for buses transporting school age students with disabilities whose individualized education programs designate specific requirements for their transportation, which buses may also transport children who have disabilities but do not have education plans designating special transportation requirements or non-disabled children.*

*Students in temporary housing. The term “students in temporary housing” has the same meaning as that of the term “homeless children and youths” as defined in subsection 2 of section 11434a of title 42 of the United States code, provided that such individuals are enrolled in a school.*

*Transportation site. The term “transportation site” means any location to which the department provides school bus transportation services, including but not limited to public schools, nonpublic schools, charter schools, an office or other site that may be part of a special education plan, a student’s home pickup site, and a student’s home drop-off site.*

*b. Beginning October 31, 2019, and on or before each April 30 and October 31 thereafter, the department shall submit to the speaker of the council and post on the department’s website a report for the relevant reporting period, including:*

*1. The school bus vendors providing school bus transportation services, disaggregated by the number of school bus routes assigned to such vendor, and the number of students transported by each vendor and further disaggregated by students who are transported on special education school bus routes and students who are transported on general education school bus routes;*

2. *The total number of vehicles owned or ready to be used by each school bus vendor, disaggregated by vehicles for general education school bus routes and vehicles for special education school bus routes;*

3. *The total number of employees known to the department employed by each school bus vendor, disaggregated by type, including but not limited to drivers, attendants, and other;*

4. *The total number of school bus routes, disaggregated by school bus vendor, and further disaggregated by general education school bus routes and special education school bus routes;*

5. *The total number of transportation sites to or from which school age students are transported, disaggregated by type, borough, and sites outside of the city school district of the city of New York;*

6. *The total number of school age students for whom the department provided transportation, disaggregated by school bus transportation services and passes for public transportation, and further disaggregated by type of student, which shall include but not be limited to, students who are transported on special education school bus routes, students who are transported on general education school bus routes, students in temporary housing, disaggregated by students living in shelter and students living in any other location if available, students in foster care, grade level, public school students, and nonpublic school students;*

7. *The total number of students in foster care that applied to the department for transportation;*

8. *The total number of pre-k vendors providing transportation services, disaggregated by the number of students transported by each vendor and further disaggregated by the type of program attended by such students if known to the department, including but not limited to prekindergarten programs and early intervention programs;*

9. *The total number of transportation sites to or from which pre-kindergarten and early intervention students are transported, disaggregated by type, borough, and sites outside of the city school district of the city of New York; and*

10. *The total number of prekindergarten and early intervention students receiving school bus transportation services, disaggregated by type of student, which shall include but not be limited to, students who are transported to prekindergarten programs and students who are transported to early intervention programs if known by the department, students in temporary housing, disaggregated by students living in shelter and students living in any other location if available, students in foster care, grade level, public school students, and nonpublic school students; and*

11. *A list of the categories of students who are eligible for school bus transportation services and a list of the categories of students who are eligible for public transportation passes.*

§ 21-994 Reporting on school bus delays. a. *Beginning October 31, 2019, and on or before each April 30 and October 31 thereafter, the department shall submit to the speaker of the council for the relevant reporting period information relating to each school bus route delay reported by school bus vendors, which shall include but not be limited to the length in minutes, cause, vendor, school, and whether or not the delay resulted in the failure to arrive at school.*

b. *Beginning October 31, 2019, and on or before each April 30 and October 31 thereafter, the department shall post on the department's website a report for the reporting period including:*

1. *The number of delays in school bus transportation services, disaggregated by school bus vendor; and*

2. *The number of times a bus failed to arrive at a transportation site, disaggregated by type of transportation site, and school bus vendor.*

§ 2. *This local law takes effect immediately.*

MARK TREYGER, *Chairperson*; DANIEL DROMM, BRADFORD S. LANDER, Jr., STEPHEN L. LEVIN, DEBORAH L. ROSE, INEZ D. BARRON, ANDREW COHEN, ROBERT E. CORNEGY CHAIM M. DEUTSCH, BEN KALLOS, MARK D. LEVINE, BARRY S. GRODENCHIK, RAFAEL SALAMANCA, Jr., ALICKA AMPRY-SAMUEL, JUSTIN L. BRANNAN, JOSEPH C. BORELLI; Committee on Education, January 9, 2019.

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

## **Report of the Committee on Finance**

Report for Int. No. 1226

### **Report of the Committee on Finance in favor of approving and adopting, a Local Law to amend the administrative code of the city of New York, in relation to the establishment of the Throggs Neck business improvement district.**

The Committee on Finance, to which the annexed proposed local law was referred on November 14, 2018 (Minutes, page 4372), respectfully

#### **REPORTS:**

#### **BACKGROUND**

Under Local Law 82 of 1990, the City Council assumed responsibility for adopting the legislation that would establish individual business improvement districts (“BIDs”).

BIDs are specifically defined areas of designated properties. They use the City’s real property tax collection mechanism to collect a special tax assessment that the BID District Management Association uses to pay for additional services beyond those that the City provides. The additional services would be designed to enhance the area and to improve local business. Normally, a BID’s additional services would be in the areas of security, sanitation, physical/capital improvements (lighting, landscaping, sidewalks etc.), seasonal activities (Christmas lighting) and related business services (marketing and advertising).

Under the process established by the Law, the City Council has adopted Resolution No. 615, which set a public hearing date of Wednesday, November 28, 2018 for the legislation that would authorize the establishment of the Throggs Neck BID.

Prior to the Council’s action, the Community Board for the district in which the proposed BID is located -- Community Board 10 of the Bronx -- voted to approve the establishment of the proposed BID on June 27, 2018. The City Planning Commission (“CPC”) also reviewed the proposed BID and held a public hearing on July 25, 2018. The CPC approved a resolution on August 22, 2018 (Calendar No. 13), which certified the CPC’s unqualified approval of the establishment of the BID.

Resolution No. 615 also directed that all notice provisions contained in the law be complied with. Therefore, the Department of Small Business Services was directed to publish the Resolution or its summary in the City Record or a newspaper of general circulation not less than 10 nor more than 30 days before the public hearing. The Throggs Neck BID Steering Committee was directed to mail the Resolution or its summary to each owner of real property within the proposed extended district at the address shown on the latest City assessment roll, to such other persons as are registered with the City to receive tax bills for property within the BID, and to occupants of each building within the proposed extended district, also not less than 10 nor more than 30 days before the public hearing. Finally, the Throggs Neck BID Steering Committee was also directed to publish in the City Record or a newspaper of general circulation a notice stating the time and place of the hearing and stating the increase in the amount to be expended annually in the District not less than 10 days prior to the hearing.

The public hearing to consider both the plan itself and the enacting legislation, according to the provisions of the law, is to be closed without a vote. The Committee then must wait at least 30 days before it can again consider and possibly vote to approve this legislation. The 30-day period immediately after this public hearing serves as an objection period. Any property owner may, during this time period, formally object to the plan by filing such objection in the Office of the City Clerk, on forms provided by the City Clerk. In the event that either at least 51 percent of the total number of property owners or owners with at least 51 percent of the assessed valuation of all the benefited real property within the district object to the plan, then the City Council is prohibited, by law, from approving such plan.

When the Committee considers this legislation after the conclusion of the objection period, it must answer the following four questions:

1. Were all notices of hearing for all hearings required to be held published and mailed as so required?;

2. Does all the real property within the district's boundaries benefit from the establishment of the district, except as otherwise provided by the law?;
3. Is all real property benefited by the district included within the district?; and
4. Is the establishment of the district in the best interests of the public?

If the Committee finds in the affirmative on these four questions and the number of objections required to prevent the creation of such district are not filed, then the legislation can be adopted.

This local law takes effect after the requirements contained in Section 25-408 of the Administrative Code are complied with.

### **THROGGS NECK BID DETAILS**

The proposed Throggs Neck BID (also referred to as the "District") is located in South East portion of the borough of the Bronx, in the neighborhood of Throggs Neck, and in Bronx Community Board 10. The proposed District extends along both sides of East Tremont Avenue from Bruckner Boulevard to Miles Avenue. The proposed District is a low-density residential area of 180 properties with substantial commercial overlay: 141 of the 180 properties are partially or wholly commercial. The businesses include a range of food service establishments, such as: health care facilities, cosmetic services, medical offices, insurance businesses, law services, financial services, supermarkets, laundromats, apparel establishments, florists, and entertainment.

The District will be managed by the Throggs Neck BID District Management Association. Services to be provided within the District include: maintenance/sanitation; marketing/retail attraction; and administration and advocacy. The BID's proposed first year budget is \$340,000, which is also its maximum legal assessment.

<b>SERVICES</b>	<b>AMOUNT</b>
Maintenance/Sanitation	\$112,500
Marketing/Retail Attraction	\$103,000
Administration and Advocacy	\$124,500
<b>TOTAL FIRST CONTRACT YEAR BUDGET</b>	<b>\$340,000</b>

The District's assessment will be based on linear front footage. All properties within the District devoted in whole or in part to retail, commercial use, will be assessed \$36 per front foot per year, plus an additional \$300 if the parcel occupies a corner and an additional \$300 for each floor of commercial usage above the first floor. Government and not-for-profit owned property are exempt from assessment. Residential properties will be assessed \$1 per year. All vacant parcels zoned for commercial or mixed-use shall be assessed at \$300/year, doubled for corner parcels.

The average annual assessment for the District would be approximately \$2,411, the median assessment would be approximately \$1,855, the minimum assessment would be approximately \$37, and the highest assessment would be approximately \$12,912.

### **NOVEMBER 28, 2018 HEARING**

On November 28, 2018, as set forth in Resolution 615, the Finance Committee held a public hearing to consider the legislation (Int. No. 1226) that would establish the Throggs Neck BID. Representatives of the Department of Small Business Services and Throggs Neck BID testified in support of the proposed BID's establishment. As required by law, the hearing closed without a vote and the 30-day period for property owners to file objections to the amended district plan with the Office of the City Clerk began. Copies of objection forms were made available at the Office of the City Clerk which is located at 1 Centre Street in Manhattan.



**JANUARY 9, 2019 HEARING**

The objection period for the establishment of the BID closed thirty days after the public hearing. According to the City Clerk, out of the 180 property owners located in the proposed BID, one filed a valid objection to the establishment of the BID.

Since the number of objections required to prevent the creation of the BID have not been filed with the City Clerk, at today’s hearing, if the Committee and the full Council finds in the affirmative on the four questions outlined above, then the legislation can be adopted, and the BID will be established.

**(The following is the text of the Fiscal Impact Statement for Int. No. 1226:)**



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

**INTRO. NO: 1226  
COMMITTEE: Finance**

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**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to the establishment of the Throggs Neck business improvement district  
**Sponsor:** By Council Member Daniel Dromm (by request of the Mayor)

**SUMMARY OF LEGISLATION:** Intro. No. 1226 would establish a Business Improvement District (“BID”) in the borough of the Bronx to be known as the Throggs Neck BID (the “District”).

**EFFECTIVE DATE:** This local law would take effect upon compliance with section 25-408 of chapter 4 of title 25 of the administrative code of the city of New York, which requires that the New York State Comptroller conduct a review to determine that the relevant tax and debt limitations will not be exceeded by the establishment of the District.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2020

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**FISCAL IMPACT STATEMENT:**

	<b>Effective FY19</b>	<b>FY Succeeding Effective FY20</b>	<b>Full Fiscal Impact FY20</b>
<b>Revenues (+)</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Expenditures (-)</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**IMPACT ON REVENUES AND EXPENDITURES:** This local law would result in no fiscal impact upon the City's revenues or expenditures. Under the Administrative Code, proceeds authorized to be assessed by the District are collected by the City on behalf of the District. None of these proceeds are those of the City and they may not be used for any purpose other than those set forth in the BID's District Plan. The Throggs Neck BID will be funded through a self-assessment by property owners within the district. The anticipated revenues from this self-assessment in the first year of the BID will be \$340,000. This amount will cover the BID's expenses, as proposed by its first year budget. Subsequent budgets will be determined on a yearly basis with a maximum annual expenditure thereafter to operate the District of \$3,400,000.

**SOURCE OF FUNDS TO COVER ESTIMATED COSTS:** N/A

**SOURCE OF INFORMATION:** New York City Council Finance Division  
Department of Small Business Services

**ESTIMATE PREPARED BY:** Stephanie Ruiz, Assistant Counsel, Finance Division

**LEGISLATIVE HISTORY:** This legislation was introduced by the Council as Intro. No. 1226 on November 14, 2018 and referred to the Committee on Finance ("Committee"). A hearing was held by the Committee on November 28, 2018 and the legislation was laid over to allow for the statutory 30-day objection period. Intro. No. 1226 will be considered again by the Committee on January 9, 2019. Upon successful vote by the Committee, Intro. No. 1226 will be submitted to the full Council for a vote on January 9, 2019.

**DATE PREPARED:** December 28, 2018.

*Accordingly, this Committee recommends its adoption.*

**(The following is the text of Int. No. 1226:)**

Int. No. 1226

By Council Member Dromm (by request of the Mayor).

**A Local Law to amend the administrative code of the city of New York, in relation to the establishment of the Throggs Neck business improvement district**

*Be it enacted by the Council as follows:*

Section 1. Chapter 5 of title 25 of the administrative code of the city of New York is amended by adding a new section 25-492 to read as follows:

*§ 25-492 Throggs Neck business improvement district. a. The city council having determined, pursuant to section 25-407 of chapter four of this title: that notice of hearing for all hearings required to be held was published and mailed as required by law and was otherwise sufficient; that, except as otherwise provided in section 25-403 of chapter four of this title, all the real property within the boundaries of the district will benefit from the establishment of the district; that all the real property benefited is included within the limits of the district; and that the establishment of the district is in the public interest; and the council having determined further that the requisite number of owners have not objected as provided in section 25-406 of chapter four of this title, there is hereby established in the borough of the Bronx, the Throggs Neck business improvement district. Such district is established in accordance with the district plan required to be filed with the city clerk pursuant to subdivision b of this section.*

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

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

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

DANIEL DROMM, *Chairperson*; JAMES VAN BRAMER, ANDREW COHEN, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, HELEN K. ROSENTHAL, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, FRANCISCO P. MOYA, KEITH POWERS, STEVEN MATTEO; Committee on Finance, January 9, 2019.

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

Report for Int. No. 1227

**Report of the Committee on Finance in favor of approving and adopting, a Local Law to amend the administrative code of the city of New York, in relation to authorizing an increase in the amount to be expended annually in the Hudson Square business improvement district and an extension of the Hudson Square business improvement district boundaries**

The Committee on Finance, to which the annexed proposed local law was referred on November 14, 2019 (Minutes, page 4372), respectfully

**REPORTS:**

**BACKGROUND**

Under Local Law 82 of 1990, the City Council assumed responsibility for adopting the legislation that would establish individual business improvement districts (“BIDs”).

BIDs are specifically defined areas of designated properties. They use the City’s real property tax collection mechanism to collect a special tax assessment that the BID District Management Association uses to pay for additional services beyond those that the City provides. The additional services would be designed to enhance the area and to improve local business. Normally, a BID’s additional services would be in the areas of security, sanitation, physical/capital improvements (lighting, landscaping, sidewalks, etc.), seasonal activities (Christmas lighting) and related business services (marketing and advertising).

Under the process established by the Law, the City Council has adopted Resolution 616, which set a public hearing date of Wednesday, November 28, 2018 for the legislation that would authorize an increase in the amount to be expended annually in the Hudson Square BID, and an extension of the Hudson Square BID boundaries.

Prior to the Council’s action, the Community Board for the district in which the proposed BID is located -- Community Board 3 of Manhattan -- voted to approve the extended district on June 21, 2018. The City Planning Commission (“CPC”) also reviewed the BIDs amended district plan and held a public hearing on July 25, 2018. The CPC approved a resolution on August 22, 2018 (Calendar No. 14), which certified the CPC’s unqualified approval of the amended district plan for the Hudson Square BID.

Resolution 616 also directed that all notice provisions contained in the law be complied with. Therefore, the Department of Small Business Services was directed to publish the Resolution or its summary in the City Record or a newspaper of general circulation not less than 10 nor more than 30 days before the public hearing. The Hudson Square District Management Association was directed to mail the Resolution or its summary to each owner of real property within the proposed extended district at the address shown on the latest City assessment roll, to such other persons as are registered with the City to receive tax bills for property within the BID, and to occupants of each building within the proposed extended district, also not less than 10 nor more than 30 days

before the public hearing. Finally, the Hudson Square District Management Association was also directed to publish in a newspaper of general circulation a notice stating the time and place of the hearing and stating the increase in the amount to be expended annually in the District not less than 10 days prior to the hearing.

The public hearing to consider both the amended district plan and the enacting legislation, according to the provisions of the law, is to be closed without a vote. The Committee then must wait at least 30 days before it can again consider and possibly vote to approve this legislation. The 30-day period immediately after this public hearing serves as an objection period. Any property owner may, during this time period, formally object to the plan by filing such objection in the Office of the City Clerk, on forms provided by the City Clerk. In the event that either at least 51 percent of the total number of property owners or owners with at least 51 percent of the assessed valuation of all the benefited real property within the district object to the plan, then the City Council is prohibited, by law, from approving such the amended district plan.

When the Committee considers this legislation after the conclusion of the objection period, it must answer the following four questions:

1. Were all notices of hearing for all hearings required to be held published and mailed as so required?;
2. Does all the real property within the district's boundaries benefit from the establishment of the district, except as otherwise provided by the law?;
3. Is all real property benefited by the district included within the district?; and
4. Is the establishment of the district in the best interests of the public?

If the Committee and the full Council finds in the affirmative on these four questions and the number of objections required to prevent the creation of such district are not filed, then the legislation can be adopted.

In addition, pursuant to Section 25-410(b) of the Administrative Code, a BID may obtain an increase in its budget (i.e. the total amount allowed to be expended annually by the BID or improvements, services, maintenance and operation) by means of the adoption of a local law amending the BID's district plan. So, in addition to the four questions outlined above, the Committee and the full Council must also determine that it is in the public interest to authorize such an increase in the maximum annual amount and that the tax and debt limits prescribed in section 25-412 of the Administrative Code will not be exceeded.

This local law takes effect after the requirements contained in Section 25-408 of the Administrative Code are complied with.

### **HUDSON SQUARE BID DETAILS**

The Hudson Square BID was first established in 2008 and is bounded by Canal Street to the south, West Houston Street to the north, and 6<sup>th</sup> Avenue to the east, and Greenwich Street to the west in Speaker Corey Johnson's district in Manhattan. The Hudson Square BID was established primarily to address issues presented by the area's increased commercial and residential popularity with its proximity to the Holland Tunnel. In October 2013, the District Plan was amended for the establishment of the Special Hudson Square Zoning District to create a new assessment class (Class F) for residential properties developed under the new special zoning district.

The BID is currently requesting that the Council approve the following changes to the District Plan:

- 1) an extension of the BID boundaries further west along Canal Street to West Street and further north from West Houston to Clarkson Street; and
- 2) a \$1,400,000 increase in its annual assessment from \$2,500,000 to \$3,900,000.

#### *Boundary Expansion*

The proposed boundary expansion would expand the existing BID to include an additional 58 buildings, 392 tax lots with 64 commercial and mix-use properties, 86 commercial tenants, 318 residential properties, and eight government/not-for-profit properties.

According to the Hudson Square BID Steering Committee, the purpose of the BID expansion is to conform to the boundaries of the larger Hudson Square neighborhood. By doing so, it is anticipated to increase foot traffic in the western part of the neighborhood, as well as throughout the entire BID area, during the weekend and evening hours. Additionally, it is anticipated that the expansion will address the unique challenges posed by the Holland Tunnel and the West Side Highway, which have demanded for the BID's traffic management and pedestrian safety services within the expansion area.

#### *Increase in Annual Expenditures*

The Hudson Square BID is proposing to increase its annual expenditures from \$2,500,000 to \$3,900,000, a \$1,400,000 increase in its annual assessment. This budget would support the full range of services provided by the BID which includes, but is not limited, to the following: the traffic management and pedestrian safety program comprises 22% of the first-year budget with the expansion; streetscape planning and design comprises 29% of the extended first-year budget; retail and marketing services comprise of 18% of the extended first-year budget; and administration and advocacy comprises of 11% of the extended first-year budget and includes a salaried staff, including an executive director, a community liaison, clerical and booking support, and other special staff or consultants. Additionally, the BID maintains capital improvements that it installs in public spaces and employs either in-house or contract workers and specialized equipment to complete the work. The following is a breakdown of the high, low, median, and average assessments expected to be paid by fully assessed properties under the proposed assessment:

	<b>Expansion</b>	<b>Max</b>
High	\$275,548	\$335,833
Low	\$64	\$78
Median	\$899	\$1,096
Average	\$19,423	\$23,673

#### **NOVEMBER 28, 2018 HEARING**

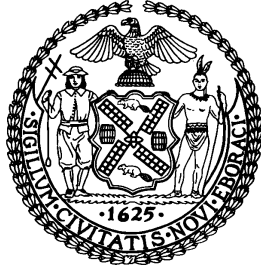
On November 28, 2018, as set forth in Resolution 616, the Finance Committee held a public hearing to consider the legislation (Int. No. 1227) that would amend the district plan of the Hudson Square BID to expand its boundaries, and increase its annual assessment. Representatives of the Department of Small Business Services, the Hudson Square BID and the Hudson Square BID Expansion Steering Committee testified in support of the BID's district plan amendment. As required by law, the hearing closed without a vote and the 30-day period for property owners to file objections to the amended district plan with the Office of the City Clerk began. Copies of objection forms were made available at the Office of the City Clerk which is located at 1 Centre Street in Manhattan.

#### **JANUARY 9, 2019 HEARING**

The objection period for the establishment of the BID closed thirty days after the public hearing. According to the City Clerk, out of the 392 property owners located in the BID, none filed a valid objection to the establishment of the BID.

Since the number of objections required to prevent the expansion of the BID have not been filed with the City Clerk, at today's hearing, if the Committee and the full Council finds in the affirmative on the four questions outlined above, then the legislation can be adopted, and the BID will be extended and the district plan will be amended.

(The following is the text of the Fiscal Impact Statement for Int. No. 1227:)



THE COUNCIL OF THE CITY OF NEW YORK

FINANCE DIVISION

LATONIA MCKINNEY, DIRECTOR

FISCAL IMPACT STATEMENT

INTRO. NO: 1227

COMMITTEE: Finance

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to authorizing an increase in the amount to be expended annually in the Hudson Square business improvement district and an extension of the Hudson Square business improvement district boundaries

**Sponsor:** By Council Member Daniel Dromm (by request of the Mayor)

**SUMMARY OF LEGISLATION:** Intro. No. 1227 would increase the amount to be expended annually in the Hudson Square Business Improvement District (the “BID” or “District”) in Manhattan, and extend the boundaries of the BID. The legislation would increase the maximum annual expenditures from \$2,500,000 to \$3,900,000. The \$1,400,000 increase in its annual assessment would be used to support a full range of services, such as traffic management and pedestrian safety program services; streetscape planning and design services; retail and marketing services; administration and advocacy services; maintenance services and for contingency. The legislation would also expand the boundary lines of the BID to include an additional 58 buildings, 392 tax lots with 64 commercial and mix-use properties, 86 commercial tenants, 318 residential properties, and eight government/not-for-profit properties.

**EFFECTIVE DATE:** The section of the local law authorizing the assessment increase would take effect July 1, 2019 and the section of the local law extending the boundaries of the BID would take effect upon compliance with section 25-408 of chapter 4 of title 25 of the administrative code of the city of New York, which requires that the New York State Comptroller conduct a review to determine that the City is in full compliance with applicable laws.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2019

**FISCAL IMPACT STATEMENT:**

	Effective FY19	FY Succeeding Effective FY20	Full Fiscal Impact FY19
Revenues (+)	\$0	\$0	\$0
Expenditures (-)	\$0	\$0	\$0
Net	\$0	\$0	\$0

**IMPACT ON REVENUES AND EXPENDITURES:** This local law would result in no fiscal impact upon the City's revenues or expenditures. Under the Administrative Code, proceeds authorized to be assessed by the District are collected by the City on behalf of the District. None of these proceeds are those of the City and they may not be used for any purpose other than those set forth in the BID's District Plan. The Hudson Square BID will continue to be funded through a self-assessment by property owners within the district. The anticipated revenues from this self-assessment in Fiscal 2019 will be \$3,200,000. This amount will cover the BID's expenses, as proposed by its amended budget. Subsequent budgets will be determined on a yearly basis with a maximum annual expenditure thereafter to operate the District of \$3,900,000.

**SOURCE OF FUNDS TO COVER ESTIMATED COSTS:** N/A

**SOURCE OF INFORMATION:** New York City Council Finance Division  
Department of Small Business Services

**ESTIMATE PREPARED BY:** Stephanie Ruiz, Assistant Counsel, Finance Division

**LEGISLATIVE HISTORY:** This legislation was introduced by the Council as Intro. No. 1227 on November 14, 2018 and referred to the Committee on Finance ("Committee"). A hearing was held by the Committee on November 28, 2018 and the legislation was laid over to allow for the statutory 30-day objection period. Intro. No. 1227 will be considered again by the Committee on January 9, 2019. Upon successful vote by the Committee, Intro. No. 1227 will be submitted to the full Council for a vote on January 9, 2019.

**DATE PREPARED:** January 2, 2019.

*Accordingly, this Committee recommends its adoption.*

**(The following is the text of Int. No. 1227:)**

Int. No. 1227

By Council Member Dromm (by request of the Mayor).

**A Local Law to amend the administrative code of the city of New York, in relation to authorizing an increase in the amount to be expended annually in the Hudson Square business improvement district and an extension of the Hudson Square business improvement district boundaries**

*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 25-479.2 to read as follows:

*§ 25-479.2 Hudson Square business improvement district; increase in amount to be expended annually. a. The city council having determined, pursuant to subdivision b of section 25-410 of chapter four of this title, that it is in the public interest to authorize an increase in the amount to be expended annually in the Hudson Square business improvement district beginning on July 1, 2019, and the council having determined further that the tax and debt limits prescribed in section 25-412 of chapter four of this title will not be exceeded by such increased expenditure, there is hereby authorized in such district an annual expenditure of three million nine hundred thousand dollars (\$3,900,000).*

*b. The amount of such expenditure to be levied upon each property in the district shall be determined in accordance with the method of assessment set forth in the Hudson Square business improvement district plan.*

§ 2. The administrative code of the city of New York is amended by adding a new section 25-479.3 to read as follows:

*§ 25-479.3 Hudson Square business improvement district; extension of district. a. The city council having determined, pursuant to section 25-407 of chapter four of this title: that notice of hearing for all hearings required to be held was published and mailed as required by law and was otherwise sufficient; that, except as otherwise provided in section 25-403 of chapter four of this title, all the real property within the boundaries of the district will benefit from the extension of the district; that all the real property benefited is included within the limits of the district; and that the extension of the district is in the public interest; and the council having determined further that the requisite number of owners have not objected as provided in section 25-406 of chapter four of this title, the Hudson Square business improvement district in the borough of Manhattan is hereby extended. Such district is extended in accordance with the amended district plan of 2018 required to be filed with the city clerk pursuant to subdivision b of this section.*

*b. Immediately upon adoption of this local law by the council, the council shall file with the city clerk the amended district plan of 2018 upon which the Hudson Square business improvement district, and the extension thereof, is based.*

*c. The amended district plan of 2018 shall not be further amended except in accordance with chapter four of this title.*

§ 3. Section 1 of this local law takes effect July 1, 2019, and section 2 of this local law takes effect upon compliance with section 25-408 of chapter 4 of title 25 of the administrative code of the city of New York.

DANIEL DROMM, *Chairperson*; JAMES VAN BRAMER, ANDREW COHEN, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, HELEN K. ROSENTHAL, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, FRANCISCO P. MOYA, KEITH POWERS, STEVEN MATTEO; Committee on Finance, January 9, 2019.

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

### **Report of the Committee on Fire-Hire Vehicles**

Report for Int. No. 1299-A

### **Report of the Committee on For-Hire Vehicles 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 enforcement of prohibitions against unauthorized commuter vans**

The Committee on For-Hire Vehicles, to which the annexed proposed amended local law was referred on December 11, 2018 (Minutes, page 4848), respectfully

### **REPORTS:**

#### **INTRODUCTION**

On January 8, 2019, the Committee on For-Hire Vehicles, chaired by Council Member Ruben Diaz, Sr., will hold a hearing on Proposed Int. No. 1299-A, a local law in relation to enforcement of prohibitions against unauthorized commuter vans. This is the second hearing on this item. The first hearing was held on December 10, 2018.



## **BACKGROUND**

### **Commuter Vans**

Commuter vans (sometimes referred to as “dollar vans”) provide an inexpensive means of transportation for residents in areas of New York City that are underserved by traditional for-hire vehicles and mass transit.”<sup>1</sup> The City’s Administrative Code (the Code) defines commuter vans as “having a seating capacity of at least nine but not more than twenty passengers.”<sup>2</sup>

The Code requires commuter van services to gain approval from the Taxi and Limousine Commission (TLC) in order to operate legally in the City.<sup>3</sup> Before TLC can approve an application to operate a commuter van service, the Department of Transportation (DOT) must determine that the service proposed “will be required by the present or future public convenience and necessity,” and must “specify the geographic area where service is authorized and the number of commuter vans authorized to be used in providing such service.”<sup>4</sup> DOT must notify all affected Council Members and Community Boards of the application for the purposes of obtaining their feedback.<sup>5</sup>

Although commuter vans are technically required to conduct service by prearrangement, and are not allowed to respond to street hails or to pick up passengers at bus stops, in many ways these rules do not align with the way commuter vans conduct their business in practice.<sup>6</sup> Over the years, commuter vans have been the source of various community complaints related to passengers littering while waiting to be picked up, traffic congestion, and double parking.<sup>7</sup> Community leaders have also claimed that the City does not regularly consult with community boards regarding commuter van service applications, despite the requirement that they do so.<sup>8</sup> However, vans continue to be popular with riders, who largely see them as a cost effective and convenient alternative form of transportation. As of 2017, there were 55 authorized commuter van service providers, which together operate 317 licensed vehicles with 238 licensed commuter van drivers.<sup>9</sup> Their authorized geographic service areas cover neighborhoods throughout Brooklyn, Queens, and Manhattan, as well as a few areas in the Bronx and Staten Island.

In 2017, the City Council passed a package of legislation that removed unnecessary burdens from commuter van industry operations while increasing the penalties for illegal operators. This legislative package required TLC to conduct a study on safety in the commuter van industry,<sup>10</sup> implement a cap on the number of commuter van licenses at 735,<sup>11</sup> and increase the penalties for operating a commuter van without a license.<sup>12</sup> The penalty for the first offense is between \$1,000 and \$3,000, and imposes a penalty of \$1,000 to \$4,000 if a second offense occurs in within 24 months of the first offense.<sup>13</sup>

In addition to licensed commuter vans, unlicensed commuter vans are also widely prevalent in many parts of the City. Unlicensed vans provide similar services as licensed vans, but they operate without the safety and consumer protection safeguards that TLC-licensed commuter vans are bound by such as insurance and inspection requirements, as well as driver licensing requirements including background checks and drug testing.<sup>14</sup>

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<sup>1</sup> N.Y.C. Taxi and Limousine Commission, Commuter Van Decal Rule, Jul. 16, 2015, available at [http://www.nyc.gov/html/tlc/downloads/pdf/newly\\_passed\\_rule\\_commuter\\_van\\_decal.pdf](http://www.nyc.gov/html/tlc/downloads/pdf/newly_passed_rule_commuter_van_decal.pdf).

<sup>2</sup> N.Y.C. Admin. Code § 19-502(p).

<sup>3</sup> N.Y.C. Admin. Code § 19-504.2.

<sup>4</sup> *Id.*

<sup>5</sup> N.Y.C. Ad. Code §19-504.2(e)(3)

<sup>6</sup> Dino Grandoni, *The high-speed, anything-goes, sort-of-legal world of dollar vans*, Apr. 3, 2014, BKLYNR, available at <http://bklynr.com/brooklyns-dollar-vans-will-not-yield/>

<sup>7</sup> *Id.*

<sup>8</sup> Holly Tsang, *Commuter van industry growing in Maspeth*, Apr. 22, 2010, FOREST HILLS TIMES, available at [http://www.foresthillstimes.com/view/full\\_story/7167066/article-Commuter-van-industry-growing-in-Maspeth](http://www.foresthillstimes.com/view/full_story/7167066/article-Commuter-van-industry-growing-in-Maspeth)

<sup>9</sup> N.Y.C. Taxi and Limousine Commission, 2016 Annual Report, available at [http://www.nyc.gov/html/tlc/downloads/pdf/annual\\_report\\_2016.pdf](http://www.nyc.gov/html/tlc/downloads/pdf/annual_report_2016.pdf).

<sup>10</sup> Local Law 7 of 2017.

<sup>11</sup> *Id.*

<sup>12</sup> Local Law 8 of 2017

<sup>13</sup> N.Y.C. Administrative Code 19-506 subdivision (i)

<sup>14</sup> 35 R.N.Y.C § 57-04

On October 31, the Council passed Int. No. 925-A which became Local Law 197 of 2018. The law amended the definition of “for-hire vehicle” to include vehicles that seat more than 20 passengers for the purposes of the enforcement authority of the TLC. It also clarified that for enforcement purposes, the definition of “commuter van” also includes vehicles that seat more than 20 passengers.

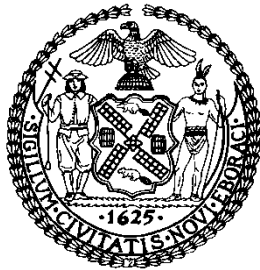
**ANALYSIS OF PROPOSED INT. NO. 1299-A**

Section one amends the definition of “for-hire vehicle” in subdivision g of section 19-502 of the Code to clarify that for the purposes of prohibitions against the operation of an unauthorized for-hire vehicle and the enforcement of such prohibitions, the term does not include a public or private bus transit service operating pursuant to a contract with the city, any county within the state of New York, the state of New York or any other state or local government.

Section two amends the definition of “commuter van” in subdivision p of section 19-502 of the Code to clarify that for the purposes of prohibitions against the operation of an unauthorized commuter van service and the enforcement of such prohibitions, the term does not include a public or private bus transit service operating pursuant to a contract with the city, any county within the state of New York, the state of New York or any other state or local government.

Section three provides that the legislation would take effect immediately.

**(The following is the text of the Fiscal Impact Statement for Int. No. 1299-A:)**



**THE COUNCIL OF THE CITY OF NEW YORK**  
**FINANCE DIVISION**  
**LATONIA MCKINNEY, DIRECTOR**  
**FISCAL IMPACT STATEMENT**  
**PROPOSED INTRO. NO: 1299-A**  
**COMMITTEE: For-Hire Vehicles**

**TITLE:** A local law to amend the administrative code of the city of New York, in relation to enforcement of prohibitions against unauthorized commuter vans

**SPONSORS:** Council Member Williams

**SUMMARY OF LEGISLATION:** Proposed Intro. 1299-A would clarify that for the purposes of enforcing prohibitions against unauthorized commuter van services the definitions of “for-hire vehicle” and “commuter van” do not include a public or private bus service operating pursuant to a contract with the City, any county within the state of New York, or any other state or local government.

**EFFECTIVE DATE:** This local law would take effect immediately.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2020

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY19</b>	<b>FY Succeeding Effective FY20</b>	<b>Full Fiscal Impact FY20</b>
<b>Revenues</b>	\$0	\$0	\$0
<b>Expenditures</b>	\$0	\$0	\$0
<b>Net</b>	\$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 estimated that this legislation would have no impact on expenditures since existing resources would be used by the administering agency to comply with this local law.

**SOURCE OF FUNDS TO COVER ESTIMATED COSTS:** N/A

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

**ESTIMATE PREPARED BY:** John Basile, Financial Analyst

**ESTIMATE REVIEWED BY:** Nathan Toth, Deputy Director  
Chima Obichere, Unit Head  
Stephanie Ruiz, Assistant Counsel

**LEGISLATIVE HISTORY:** This legislation was heard as a Preconsidered Intro. at a hearing held by the Committee on For-Hire Vehicles ("Committee") on December 10, 2018, and the legislation was laid over. The legislation was introduced to the full Council as Intro. No. 1299 on December 11, 2018, and was referred to the Committee. The legislation was subsequently amended and the amended version, Proposed Intro. 1299-A will be considered by the Committee at a hearing on January 8, 2019. Upon a successful vote by the Committee, Proposed Intro. No. 1299-A will be submitted to the full Council for a vote on January 9, 2019.

**DATE PREPARED:** January 7, 2019.

*Accordingly, this Committee recommends its adoption, as amended.*

**(The following is the text of Int. No. 1299-A)**

Int. No. 1299-A

By Council Members Williams, Kallos, Yeger and Miller.

**A Local Law to amend the administrative code of the city of New York, in relation to enforcement of prohibitions against unauthorized commuter vans**

*Be it enacted by the Council as follows:*

Section 1. Subdivision g of section 19-502 of the administrative code of the city of New York, as amended by a local law amending the administrative code of the city of New York, relating to for-hire vehicles and commuter vans with a seating capacity greater than 20, as proposed in introduction number 925-A for the year 2018, is amended to read as follows:

g. "For-hire vehicle" means a motor vehicle carrying passengers for hire in the city, with a seating capacity of twenty passengers or less, not including the driver, other than a taxicab, coach, wheelchair accessible van, commuter van or an authorized bus operating pursuant to applicable provisions of law. For the purpose of this subdivision, "seating capacity" shall include any plain view location which is capable of accommodating a normal adult is as part of an overall seat configuration and design and is likely to be used as a seating position while the vehicle is in motion. For purposes of the provisions of this chapter relating to prohibitions against the operation of an unauthorized for-hire vehicle, [and to] the enforcement of such prohibitions and [to] the imposition of penalties for violations of such prohibitions and to the seizure and forfeiture of for-hire vehicles, the term shall also include any common carrier of passengers by motor vehicle not subject to licensure as a taxicab, commuter van, or wheelchair accessible van and not operating as [an authorized bus line pursuant to applicable provisions of law] *a public or private bus transit service operated pursuant to a contract with the*

*city, any county within the state of New York, the state of New York or any other state or local government that follows the applicable procurement rules and regulations of such jurisdiction regardless of the seating capacity of any such vehicle.*

§ 2. Subdivision p of section 19-502 of the administrative code of the city of New York, as amended by a local law amending the administrative code of the city of New York, relating to for-hire vehicles and commuter vans with a seating capacity greater than 20, as proposed in introduction number 925-A for the year 2018, is amended to read as follows:

p. “Commuter van” means a commuter van service having a seating capacity of at least nine passengers but not more than twenty passengers or such greater capacity as the commission may establish by rule and carrying passengers for hire in the city duly licensed as a commuter van by the commission and not permitted to accept hails from prospective passengers in the street. For purposes of the provisions of this chapter relating to prohibitions against the operation of an unauthorized commuter van service or an unlicensed commuter van, [and to] the enforcement of such prohibitions and [to] the imposition of penalties for violations of such prohibitions and to the seizure and forfeiture of commuter vans, the term shall also include any common carrier of passengers by motor vehicle not subject to licensure as a taxicab, for-hire vehicle, or wheelchair accessible van and not operating as [an authorized bus line pursuant to applicable provisions of law] *a public or private bus transit service operated pursuant to a contract with the city, any county within the state of New York, the state of New York or any other state or local government that follows the applicable procurement rules and regulations of such jurisdiction* regardless of the seating capacity of any such vehicle. The commission shall submit to the council the text of any proposed rule relating to the maximum capacity of commuter vans at the time such proposed rule is published in the City Record.

§ 3. This local law takes effect immediately.

RUBEN DIAZ, *Chairperson*; YDANIS A. RODRIGUEZ, DEBORAH L. ROSE, PAUL A. VALLONE, FRANCISCO P. MOYA; Committee on Fire-Hire Vehicles, January 8, 2019. *Other Council Members Attending: Council Member Rosenthal.*

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

## **Report of the Committee on Governmental Operations**

Report for Int. No. 828-A

### **Report of the Committee on Governmental Operations in favor of approving and adopting, as amended, a Local Law to amend the New York city charter, in relation to an online list of required reports.**

The Committee on Governmental Operations, to which the annexed proposed amended local law was referred on April 25, 2018 (Minutes, page 1609), respectfully

#### **REPORTS:**

##### **I. INTRODUCTION**

On January 7, 2019, the Committee on Governmental Operations, chaired by Council Member Fernando Cabrera, held a second hearing and a vote on Int. No. 828-A, in relation to an online list of required reports. The committee previously heard testimony from the Department of Records and Information Services (‘DORIS’), advocates and members of the public when the bill was first heard on April 26, 2018. The bill was unanimously approved by the Committee.

## II. BACKGROUND

The New York City Charter requires the head of each agency to transmit to DORIS an electronic copy of each report, document, study or publication required by local law, executive order or mayoral directive to be published, issued or transmitted to the Council or Mayor. Such transmittal is to occur within ten business days of publication, issuance or transmittal and then made available to the public through DORIS's website.<sup>1</sup>

The DORIS website includes a 'Publications Portal,' containing reports and other materials produced by New York City agencies, as required under the Charter.<sup>2</sup> The site does, however, seem to require a keyword search and does not provide a full list of such reports. Additionally, the completeness of the collection of reports is not clear, but when searching by agency there were several agencies from which recent reports seemed to be missing. For example, the Department of Information Technology and Telecommunications ('DOITT') maintains a list of recent reports on its own website (along with links to such reports), including an annual report on the implementation on Next Generation 9-1-1, a report on the Open Data Law, and a report on the accessibility of New York City websites.<sup>3</sup> No current version of these reports seemed to be present on the DORIS website, and, in fact, no DOITT report since 2015 was seemingly available. Similarly, for the Department of Buildings ('DOB') no report after 2015 is seemingly available through the DORIS Publications Portal. Recent reports on topics such as gas utility risks, construction safety and elevators, all of which are available on the DOB website, were missing from the portal.<sup>4</sup> Searches of a sampling of other agencies yielded similar results for all but a few agencies.

## III. LEGISLATIVE ANALYSIS

### Int. No. 828-A

Int. No. 828-A would require DORIS, which is currently required to receive and post all reports required to be produced by local law or executive order on its website, to list all required reports, when they were last received and the frequency with which they are due. In addition, this bill would require a request for transmission be sent to any agency that does not transmit a required report within ten business days of the report due date, and would require the posting of such request on the website in lieu of the required report. The bill would take effect 120 days after it becomes law.

Since introduction, Int. No. 828-A has been amended to require the head of each agency to transmit metadata identified by DORIS along with each report, document, study or any publication it transmits to DORIS within ten business days of the due date. Any report, document or study prepared by consultants or independent contractors falls under this requirement as well, as would all other published material. Agency heads are no longer required to transmit each report, document, study or publication in hard copy; they are required to transmit them in electronic format only.

The bill places requirements on the content of the list of required reports, amended since introduction to require: effective July 1, 2019, the title of the report (document, study or publication, etc), the issuing agency or agencies, the date last published, and, effective January 1, 2020, a link to the location of each antecedent report of the same type. If the link to the prior reports is to be provided by a link to a searchable portal, such as the DORIS publication portal, then the bill requires that such link automatically execute the relevant search for the user, such that no additional action by the user or information from the user would be necessary in order to access the reports. The requirement to report the due date of next publication has been removed from this version of the bill, although the requirement to provide the frequency of reporting should make this ascertainable and has been retained, as mentioned above.

The bill places new requirements on DORIS for each report (document, study, or publication, etc.) it posts on its website: DORIS must provide access to a copy of such report, a citation of the Local Law, Charter section, Administrative Code, or section of any other law related to such report, the agency or agencies responsible for report issuance, and the reporting period or date for which such report is intended to be responsive..

<sup>1</sup> NYC Charter §1133(a)

<sup>2</sup> See: <http://www1.nyc.gov/site/records/nyc-government-reports/publications-portal.page>

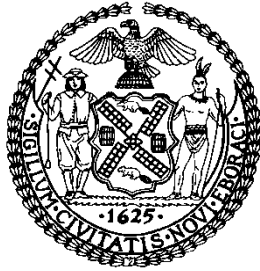
<sup>3</sup> See: <https://www1.nyc.gov/site/doitt/about/reports-presentations.page> (accessed on April 23, 2017)

<sup>4</sup> See: <https://www1.nyc.gov/site/buildings/about/metrics-reports.page> (accessed on April 23, 2017)

The bill requires that by January 31 of each calendar year, DORIS notify each agency of the reports expected to be received from the agency during the upcoming calendar year.

Finally, the bill is amended to require that each report (document, study, or publication, etc.) conspicuously list the section of the Charter, Administrative Code, or Local Law number and year if unconsolidated, that it fulfills.

**(The following is the text of the Fiscal Impact Statement for Int. No. 828-A:)**



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

**PROPOSED INTRO. NO. 828-A**

**COMMITTEE: Governmental Operations**

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**TITLE:** A Local Law to amend the New York city charter, in relation to an online list of required reports. **SPONSORS:** Council Members Cabrera and Kallos

**SUMMARY OF LEGISLATION:** The Department of Records and Information Services (DORIS) is currently required to receive and post on its website all reports required by local law, executive order or mayoral directive to be published, issued or transmitted to the City Council or Mayor. This bill would require DORIS to list on its website all such reports, including relevant information such as their frequency, the law to which they are responsive and the agency or agencies primarily responsible. Such list would also provide users with access to every instance of each such report that is received by DORIS. For any report not received, DORIS would be required to request such report from the relevant agency and post such request in lieu of such report until such report is received. Finally, this bill would require copies of reports to be sent to DORIS electronically, rather than by paper.

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

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2020

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY19</b>	<b>FY Succeeding Effective FY20</b>	<b>Full Fiscal Impact FY20</b>
<b>Revenues (+)</b>	\$0	\$0	\$0
<b>Expenditures (-)</b>	\$148,000	\$295,000	\$295,000
<b>Net</b>	\$148,000	\$295,000	\$295,000

**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 there would be a fiscal impact of \$148,000 in Fiscal 2019 and \$295,000 in Fiscal 2020 and the outyears from the impact of this legislation. This funding would cover the PS costs that the Department of Records and Information Services would require to hire new staff to produce and

maintain the list of required reports on its website, as well as liaise with City agencies in requesting and receiving required reports.

**SOURCE OF FUNDS TO COVER ESTIMATED COSTS:** General Fund

**SOURCES OF INFORMATION:** New York City Council Finance Division

**ESTIMATE PREPARED BY:** Zachary Harris, Financial Analyst

**ESTIMATE REVIEWED BY:** Nathan Toth, Deputy Director  
John Russell, Unit Head  
Stephanie Ruiz, Assistant Counsel

**LEGISLATIVE HISTORY:** This legislation was introduced to the Council as Intro. No. 828 on April 25, 2018 and referred to the Committee on Governmental Operations. A hearing was held by the Committee on Governmental Operations on April 26, 2018 and the legislation was laid over. The legislation was subsequently amended and the amended legislation, Proposed Intro. No. 828-A, will be considered by the Committee on Governmental Operations on January 7, 2019. Upon a successful vote by the Committee, Proposed Intro. No. 828-A will be submitted to the full Council for a vote on January 9, 2019.

**DATE PREPARED:** January 4, 2019.

*Accordingly, this Committee recommends its adoption, as amended.*

**(The following is the text of Int. No. 828-A:)**

Int. No. 828-A

By Council Members Cabrera, Kallos, Holden, Vallone, Levin and Rivera.

**A Local Law to amend the New York city charter, in relation to an online list of required reports**

*Be it enacted by the Council as follows:*

Section 1. Subdivisions b, c and d of section 1133 of the New York city charter are relettered subdivision f, g and h, respectively.

§ 2. Subdivision a of section 1133 of the New York city charter is amended, and new subdivisions b, c, d and e are added, to read as follows:

a. The head of each agency shall transmit to the municipal reference and research library [at least four copies of each report, document, study or publication of such agency immediately after the same shall have been published or issued. The head of each agency shall also transmit to the department of records and information services or its successor agency], in electronic format each report, document, study and publication required by local law, executive order, or mayoral directive to be published, issued or transmitted to the council or mayor, *together with metadata identified by the department of records and information services*, within ten business days of such publication, issuance or transmittal to the council or mayor, which materials shall be made available to the public on or through the department's website, or its successor agency's website, within ten business days of such publication, issuance or transmittal to the council or mayor. The agency shall further transmit [to the municipal reference and research center four copies of each report, document, study or publication prepared by consultants, or other independent contractors, as soon as such report or study is released, and shall further transmit] within ten business days of release by the agency, in electronic format, to the department of records and information services each [such] report, document or study prepared by consultants or other independent

contractors, *together with metadata identified by the department of records and information services*. Such materials shall further be made available to the public on or through the department's website, or its successor's website, within ten business days of release by the agency. Where practicable, each agency shall also transmit, in electronic format, to the department of records and information services or its successor agency *all other published material and any report, document, study and publication required to be published by any state or federal law, rule or regulation, together with metadata identified by the department of records and information services*. Such materials shall further be made available to the public on or through the department's website, or its successor's website, within ten business days of such publication.

*b. Effective July 1, 2019, the department of records and information services, or its successor agency, shall maintain a list on its website of all reports, documents, studies and publications required by local law, executive order, or mayoral directive to be published, issued, or transmitted to the council or mayor. Such list shall provide:*

- 1. the title of each such report, document, study or publication;*
- 2. the agency or agencies primarily responsible for preparing such report, document, study or publication;*
- 3. the frequency with which such report, document, study or publication is required to be published, issued or transmitted;*
- 4. the date on which the last such report, document, study or publication was published by the agency; and*
- 5. effective January 1, 2020, for each such report, document, study or publication listed pursuant to this subdivision, a link to the location of every instance of such report, document, study or publication, as received and posted pursuant to subdivisions a and c, and every request for such report, document, study or publication, as posted pursuant to subdivision d, provided that if such link is to a searchable portal then such link shall automatically execute the relevant search for the user.*

*c. For every instance of a report, document, study or publication listed pursuant to subdivision b and received by the department of records and information services, such website shall provide:*

- 1. access to a copy of such report, document, study or publication;*
- 2. a citation to any local law number, section of the charter, section of the administrative code, or section of any other law to which such report, document, study or publication is intended to be responsive, as provided pursuant to section 1134, if any;*
- 3. the agency or agencies that prepared such report, document, study or publication; and*
- 4. the date or reporting period for which such report, document, study or publication is intended to be responsive, if any.*

*d. The department of records and information services, or its successor agency, shall request the transmission pursuant to the requirements of this section of any report, document, study or publication required by local law, executive order, or mayoral directive to be published, issued, or transmitted to the council or mayor that is not received by the department, or its successor agency, within ten business days of the due date for such report, document, study or publication pursuant to the local law, executive order, or mayoral directive that requires the publishing, issuance or transmittal of such report, document, study or publication. The department, or its successor agency, shall make such request available on or through its website in place of the report, document, study or publication that has not been received.*

*e. By January 31 of each calendar year, the department of records and information services or its successor agency shall notify each agency of the reports that the department expects to receive from the agency during that calendar year.*

§ 3. Section 1134 of the New York city charter, as amended by a local law amending the administrative code of the city of New York in relation to the format of data in agency reports, is amended to read as follows:

§ 1134. The head of each agency shall promptly transmit to the council copies of all final reports or studies which the charter or other law requires the agency or any official thereof to prepare. After July 1, 2019, for every such report or study that contains data in a list, table, graph, chart or other non-narrative form, the head of each agency shall also transmit such data to the council in a non-proprietary format that permits automated processing. The head of each agency shall also promptly transmit to the council copies of all final audits, audit reports and evaluations of such agency prepared by state or federal officials or by private parties. *For every report, study, audit or evaluation that the charter, code or other local law requires an agency or official to prepare there shall be included in a conspicuous location a list of the sections of the charter or code, or the local law number and year if unconsolidated, whose requirements are fulfilled by such report, study, audit or evaluation, whether in*



*full or in part, provided that if such section or local law contains requirements to be fulfilled by different reports then the relevant subdivision or other part of such law shall be included, and further provided that this requirement shall not apply if such report, study, audit or evaluation was placed in the charter or code by a state law and is required to be provided solely to a state agency.*

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

FERNANDO CABRERA, *Chairperson*; YDANIS A. RODRIGUEZ, BEN KALLOS, ALAN N. MAISEL, BILL PERKINS, KEITH POWERS, KALMAN YEGER; Committee on Governmental Operations, January 7, 2019.

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

### **Report of the Committee on Housing and Buildings**

Report for Int. No. 728-B

**Report of the Committee on Housing and Buildings in favor of approving and adopting, as amended, a Local Law in relation to establishing temporary programs, conducting education, establishing a task force related to accessory sign violations and waiving penalties for violations for signs that are accessory to a use on the same zoning lot.**

The Committee on Housing and Buildings, to which the annexed proposed amended local law was referred on March 22, 2018 (Minutes, page 1287), respectfully

#### **REPORTS:**

#### **Introduction**

On January 8, 2019, the Committee on Housing and Buildings, chaired by Council Member Robert E. Cornegy, Jr., held a hearing on Int. No. 728-B.

The Committee originally heard this bill on June 12, 2018 and received testimony from representatives of the administration, members of the real estate industry, business owners and other interested members of the public. More information about this bill is available with the materials for that hearing, which can be accessed online at <https://on.nyc.gov/2PxeadG>.

#### **Int. No. 728-B**

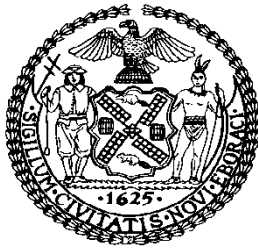
Int. No. 728-B would establish a temporary program for the resolution of outstanding judgments resulting from accessory sign (awning) violations. It would also establish a two-year moratorium on the issuance of additional accessory sign violations, as well as a temporary assistance program to facilitate the re-installation of accessory signs for respondents who have already paid related penalties. The Department of Buildings (DOB) and the Department of Finance would be required to notify the public of the existence of such programs, and DOB and the Department of City Planning would be required to develop an education program to educate the business community about accessory signs and related regulations. This bill would also establish an interagency task force to explore issues related to accessory signs, and requires DOB to provide a report to the Council that contains information about accessory sign violations. Finally, this bill would establish a waiver of all work without a permit penalties issued in relation to the hanging of an accessory sign after December 28, 2017.

Section 3, which establishes a 2-year moratorium on the issuance of violations relating to accessory signs, section 9, which requires DOB to submit to the Council a report on accessory sign violations, and section 10, which establishes a waiver of work without a permit penalties imposed in relation to accessory signs after December 28, 2017, would take effect immediately. The remaining sections would take effect 180 days after becoming law.

### Update

On January 8, 2019, the Committee passed this legislation. Accordingly, the Committee recommends its adoption.

### **The following is the text of the Fiscal Impact Statement for Int. No. 728-B:**



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

**PROPOSED INTRO. NO: 728-B**

**COMMITTEE: Housing and Buildings**

**TITLE:** A Local Law in relation to establishing temporary programs, conducting education, establishing a task force related to accessory sign violations and waiving penalties for violations for signs that are accessory to a use on the same zoning lot.

**SPONSORS:** Council Members Espinal, Gjonaj, Yeger, Holden, Cornegy, Deutsch, Menchaca, Cumbo, Brannan, Koo, Williams, Lander, Kallos, Constantinides, Treyger, Rivera and Ulrich

**SUMMARY OF LEGISLATION:** Proposed Intro. No. 728-B would establish a temporary program for the resolution of outstanding judgments resulting from accessory sign (awning) violations. It would also establish a two-year moratorium on the issuance of additional accessory sign violations, as well as a temporary assistance program to facilitate the re-installation of accessory signs for respondents who have already paid related penalties. The Department of Buildings (DOB) and the Department of Finance (DOF) would be required to notify the public of the existence of such programs. In addition, DOB and the Department of City Planning (DCP), in consultation with the Department of Small Business Services (SBS), would be required to establish a program to educate the business community about accessory signs, related regulations and mechanisms for bringing existing non-compliant signs into compliance with related regulations. The bill would also establish an interagency task force to explore issues related to accessory signs, and would require DOB to submit a report of its findings and recommendations to the Mayor and the Council. Finally, this bill would establish a waiver of all work without a permit penalties issued on or after December 28, 2017 in relation to the hanging of an accessory sign and amend licensing requirements to allow general contractors to hang accessory signs.

**EFFECTIVE DATE:** This local law would take effect 180 days after it becomes law, except that sections three, nine and ten of this local law would take effect immediately after it becomes law, and the Commissioner of Finance and the Commissioner of Buildings may promulgate rules necessary to implement the programs established by sections two, four, five, six and seven of this local law prior to the effective date.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2020

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY19</b>	<b>FY Succeeding Effective FY20</b>	<b>Full Fiscal Impact FY20</b>
<b>Revenues</b>	(\$1,243,188)	(\$1,646,929)	(\$1,646,929)
<b>Expenditures</b>	\$0	\$0	\$0
<b>Net</b>	(\$1,243,188)	(\$1,646,929)	(\$1,646,929)

**IMPACT ON REVENUES:** DOB collects revenue from penalties and fees associated with signage violations through complaint-based enforcement. According to testimony provided by DOB, the Department received 1,167 complaints and conducted 883 inspections related to signage regulations in 2016 and received about 1,000 complaints and conducted 837 inspections in 2017. These inspections resulted in the issuance of about 1,000 Office of Administrative Trials and Hearings/Environmental Control Board (OATH/ECB) violations over the same two-year period. According to information available on NYC Open Data, from January 2016 to December 2017, the City imposed \$3,671,150 in penalties for violations related to signage regulations, while collecting \$1,614,965 in fines from business owners. Assuming the number of violations and the collection rate remains relatively constant, it is estimated that foregone revenue from qualifying businesses pursuant to a two-year moratorium after the passage of this legislation would be about \$403,741 in Fiscal 2019, prorated for one half of the fiscal year and \$807,482 in Fiscal 2020. The temporary waiver of fines for applicable violations would be a one-time event, thus the fiscal impact will not be forecasted into DOB's Revenue Plan for Fiscal 2019 and the out years.

In addition, the proposed legislation would waive all outstanding penalties imposed for work performed without a permit in relation to the hanging of smaller accessory signs beginning on or after December 28, 2017. According to information available on NYC Open Data, there are 220 active violations resulting from work performed without a permit relating to accessory signs under the corresponding time period, with an outstanding balance of \$839,447 in penalties. Collectively, it is estimated that the net fiscal impact resulting from a two-year moratorium on the issuance of violations related to signage regulations and the waiver of work without a permit penalties is expected to reduce revenue by \$1,243,188 in Fiscal 2019 and by approximately \$1,646,929 in Fiscal 2020 and by \$839,447 annually thereafter and in the out years.

Lastly, DOB estimates that revenue generated from permit fees of accessory signs is projected to total \$300,000 in Fiscal 2019. While the legislation authorizes DOB to waive 75 percent of fees in connection with permits relevant to the installation of accessory signs, such action is not mandated, and thus not included in this estimate.

**IMPACT ON EXPENDITURES:** It is anticipated that there would be no impact on expenditures resulting from the enactment of this legislation because existing resources would be used by DOB, SBS, DCP and DOF to implement the provisions of this local law.

**SOURCE OF FUNDS TO COVER ESTIMATED COSTS:** General Fund

**SOURCE OF INFORMATION:** New York City Council Finance Division  
New York City Department of Buildings  
NYC Open Data

**ESTIMATE PREPARED BY:** Sarah Gastelum, Principal Financial Analyst

**ESTIMATED REVIEWED BY:** Rebecca Chasan, Senior Counsel  
Chima Obichere, Unit Head

**LEGISLATIVE HISTORY:** This legislation was introduced to the full Council on March 22, 2018 as Intro. No. 728 and was referred to the Committee on Housing and Buildings (Committee). A hearing was held by the

Committee on June 12, 2018, and the bill was laid over. The legislation was subsequently amended, and then amended a second time, and this version, Proposed Intro. No. 728-B will be considered by the Committee on January 8, 2019. Following a successful Committee vote, the bill will be submitted to the full Council for a vote on January 9, 2019.

**DATE PREPARED:** January 3, 2019.

*Accordingly, this Committee recommends its adoption, as amended.*

**(The following is the text of Int. No. 728-B:)**

Int. No. 728-B

By Council Members Espinal, Gjonaj, Yeger, Holden, Cornegy, Deutsch, Menchaca, Cumbo, Brannan, Koo, Williams, Lander, Kallos, Constantinides, Treyger, Rivera, Levin, Ayala, Miller and Ulrich.

**A Local Law in relation to establishing temporary programs, conducting education, establishing a task force related to accessory sign violations and waiving penalties for violations for signs that are accessory to a use on the same zoning lot**

*Be it enacted by the Council as follows:*

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

Administrative tribunal. The term “administrative tribunal” means the office of administrative trials and hearings (OATH), or any other tribunal authorized to adjudicate applicable violations.

Applicable violations. The term “applicable violations” means any violation with respect to a sign that is accessory to a use on the same zoning lot, as defined in section 12-10 of the New York city zoning resolution, alleged in a summons returnable to the administrative tribunal, as determined by the department of buildings.

Base penalty. The term “base penalty” means, with respect to any summons returnable to the administrative tribunal the penalty that would be imposed upon a timely admission by the respondent or finding of liability after an adjudication, pursuant to the department of buildings penalty schedule, without regard to reductions of penalty in cases of mitigation or involving stipulations.

Default decision and order. The term “default decision and order” means a decision and order of the administrative tribunal, pursuant to subparagraph (d) of paragraph one of subdivision d of section 1049-a of the charter of the city of New York, determining a respondent’s liability for a violation charged based upon that respondent’s failure to plead within the time allowed by the rules of the administrative tribunal or failure to appear before the administrative tribunal on a designated adjudication date or on a subsequent date following an adjournment.

Default penalty. The term “default penalty” means, with respect to any summons returnable to the administrative tribunal, the penalty imposed by the administrative tribunal, pursuant to subparagraph (d) of paragraph one of subdivision d of section 1049-a of the charter of the city of New York, in an amount up to the maximum amount prescribed by law for the violation charged.

Imposed penalty. The term “imposed penalty” means, with respect to any summons returnable to the administrative tribunal, the penalty imposed by the administrative tribunal after an adjudication, pursuant to subparagraph (a) of paragraph one of subdivision d of section 1049-a of the charter of the city of New York.

Judgment. The term “judgment” means monies owed to the city of New York as a result of a final order of the administrative tribunal imposing a civil penalty, either as a result of a default decision and order or after a hearing and finding of violation, that was entered in the civil court of the city of New York or any other place provided for the entry of civil judgments within the state, pursuant to subparagraph (g) of paragraph one of subdivision d of section 1049-a of the charter of the city of New York, no later than ninety days prior to the commencement of the temporary program to resolve outstanding judgments pursuant to subdivision b of this local law and determining a respondent’s liability for a violation charged in accordance with the administrative tribunal penalty schedule.

Resolve. The term “resolve” means, with respect to an outstanding judgment of the administrative tribunal to conclude all legal proceedings in connection with a summons returnable to the administrative tribunal. Respondent. The term “respondent” means a person or entity named as the subject of a summons returnable to, or a judgment issued by, the administrative tribunal.

§ 2. Temporary program to resolve outstanding judgments for applicable violations. a. Notwithstanding any other provision of law to the contrary, the commissioner of finance shall establish a temporary program to resolve outstanding judgments imposed by the administrative tribunal, for a 180 day period, that permits respondents who are subject to:

1. Judgments resulting from a default decision and order to resolve such judgments by payment of base penalties without payment of default penalties and accrued interest; and

2. Judgments entered after an adjudication and finding of violation to resolve such judgments by payment of 50 percent of the imposed penalties without payment of accrued interest.

b. Resolution of outstanding judgments. 1. A judgment resulting from a default decision and order may not be resolved under the temporary program to resolve outstanding judgments pursuant to paragraph one of subdivision a of this section unless the base penalty of the violation that is the subject of the default decision and order can be determined from the summons returnable to the administrative tribunal, default decision and order, and the department of buildings penalty schedule alone.

2. A judgment may not be resolved under the temporary program to resolve outstanding judgments pursuant to subdivision a of this section if the judgment had previously been the subject of a settlement agreement with the department of finance or the department of law.

3. A judgment arising out of a summons returnable to the administrative tribunal that includes an order requiring the correction of the violation may not be resolved under the temporary program to resolve outstanding judgments pursuant to subdivision a of this section unless the respondent or other payor:

(i) Verifies with the department of buildings that such judgment violation is an applicable violation pursuant to section 1 of this law;

(ii) Enters into an agreement with the department of finance in a format established by the department, which may include an electronic format;

(iii) Makes a payment to the department of finance in the applicable amount established pursuant to subdivision a of this section, provided that the violation has been corrected pursuant to subparagraph (iv) of this paragraph; and

(iv) Demonstrates to the satisfaction of the department of buildings that the condition cited in the summons returnable to the administrative tribunal has been corrected and such respondent or payor provides to the department of finance any requested documentation concerning such correction, including an acceptable certificate of correction.

4. If a violation that is the subject of an agreement with the department of finance pursuant to paragraph three of this subdivision is not corrected to the satisfaction of the department of buildings within the 180 day period established by subdivision a, or after the expiration of an extension period specifically granted by department of buildings for the purpose of complying if any such extension is granted, judgment in the amount of the default penalty plus accrued interest less the deposit, or judgment in the amount of the imposed penalty plus accrued interest less the deposit, as applicable, shall continue to have full legal effectiveness and enforceability and there shall be no refund of any amount paid.

c. Conditions for participation in the temporary program to resolve outstanding judgments. 1. A respondent seeking resolution of a judgment resulting from a default decision and order under the temporary program to resolve outstanding judgments pursuant to paragraph one of subdivision a of this section shall admit liability for the violation that resulted in the default decision and order. A judgment resulting from a default decision and order may not be resolved under the temporary program to resolve outstanding judgments pursuant to paragraph one of subdivision a of this section if the respondent seeking resolution of the judgment fails or refuses to admit liability; and further participation in this temporary program and payment by either a respondent or a payor encompasses and includes the respondent’s admission of liability. 2. A judgment shall not be resolved under the temporary program to resolve outstanding judgments pursuant to subdivision a of this section if a respondent

or payor fails to pay the amounts described in subdivision a of this section to the department of finance within the period of such temporary program.

3. A respondent who is the subject of a criminal investigation relating to a violation that is the subject of the judgment shall not be eligible to participate in the temporary program to resolve outstanding judgments.

4. A resolution of a judgment under the temporary program to resolve outstanding judgments operated pursuant to this section shall constitute a waiver of all legal and factual defenses to liability for the judgment.

d. Program expiration. After the temporary program to resolve outstanding judgments operated pursuant to this section has concluded, any judgment that remains outstanding and has not been resolved by this program shall have full legal effectiveness and enforceability regardless of whether it could have been resolved under this program.

e. Exception. The provisions of the temporary program to resolve outstanding judgments operated pursuant to this section shall not apply where the applicable violation creates an imminent threat to public health or safety.

f. Nothing in this section creates a private right of action for any respondent.

§ 3. Violations for existing accessory signs. Notwithstanding any other provision of law, no applicable violations shall be issued on or after the effective date of this section for an accessory sign in existence on or before the effective date of this section for a period of two years commencing on the effective date of this section, unless such accessory sign creates an imminent threat to public health or safety or the commissioner of buildings determines that such sign is otherwise not eligible for the temporary waiver created under this section.

§ 4. Temporary assistance for respondents. a. Notwithstanding any other provision of law to the contrary, the commissioner of buildings shall establish a temporary program to provide assistance to respondents of judgments resulting from applicable violations resolved by payment by the respondent or other payor between June 1, 2006 and the effective date of this legislation for a 180 day period. The assistance provided by such program shall include, but not be limited to:

1. Technical assistance in acquiring the permit or permits required to install an accessory sign;
2. Review of all permit applications relevant to the installation of an accessory sign including a preliminary review of compliance with paragraph (a) of section 32-653 or paragraph (a) of section 42-542 of the zoning resolution, or any provision amending, replacing or supplementing such sections of the zoning resolution within seven days of receiving such application;
3. A waiver of 75 percent of fees in connection with permits relevant to the installation of an accessory sign; and

§ 5. Business assistance for respondents. Respondents of judgments resulting from applicable violations resolved by payment by the respondent or other payor between June 1, 2006 and the effective date of this legislation shall be directed by the department of buildings to the department of small business services for additional business assistance, financial or otherwise.

§ 6. Notification of public. The commissioner of buildings and the commissioner of finance shall publicize the temporary programs created pursuant to sections two, three and four with the goal of enhancing public awareness of, and participation in, such programs.

§ 7. Educational program. a. The department of buildings and the department of city planning, in consultation with the department of small business services, shall develop a program to educate the business community about accessory signs, related regulations and mechanisms for bringing existing non-compliant signs into compliance, including, but not limited to:

1. The issuance of a permit where an existing sign was installed without a permit;
2. The issuance of a zoning variance where an existing sign is non-compliant with relevant zoning regulations; and
3. Information about what persons are qualified to conduct work to bring signs into compliance.

b. Such program shall, at a minimum, consist of written educational materials in the top ten most commonly spoken languages in the city, provided, however, that the department of small business services may expand the number of languages to meet the needs of business communities. All written educational materials must also be available on the websites of the department of buildings and the department of small business services. Such program shall, at a minimum, begin 90 days before the expiration of the temporary program to resolve applicable violations created pursuant to section three and continue for a minimum period of 180 days following the expiration of the program created pursuant to section three.

§ 8. Interagency Task Force. a. There shall be an interagency task force to explore issues related to accessory sign regulations in the building code and zoning resolution.

b. The task force shall consist of the following 17 members:

1. The commissioner of buildings, or their designee, who shall serve as co-director of the task force;
2. The chair of city planning, or their designee, who shall serve as co-director of the task force;
3. The chair of the landmarks preservation commission, or their designee;
4. The commissioner of small business services, or their designee;
5. The commissioner of citywide administrative services, or their designee;
6. The president of the Manhattan chamber of commerce, or their designee;
7. The president of the Staten Island chamber of commerce, or their designee;
8. The president of the Brooklyn chamber of commerce, or their designee;
9. The president of the Queens chamber of commerce, or their designee;
10. The president of the Bronx chamber of commerce, or their designee;
11. Two members appointed by the chair of the council's committee on small business, one of whom must be a small business owner and one of whom must have experience in advocacy work for the small business community;

12. Three members appointed by the speaker of the council, one of whom must represent labor unions or labor organizations that engage in work related to signs that are accessory to a use on the same zoning lot, as defined in section 12-10 of the New York city zoning resolution, one of whom must be the holder of a sign hanger license required pursuant to section 28-415.1 of the administrative code and one of whom must be a small business owner; and

13. Two members appointed by the mayor, one of whom must be a small business owner and one of whom must have experience in advocacy work for the small business community.

c. The task force shall consult, on an ongoing basis, with businesses across the city to determine the common issues and potential solutions for businesses that have or want to install accessory signs, analyzing the effectiveness of other provisions in this local law, analyzing outreach practices and investigating whether predatory practices contribute to areas of concentrated applicable violations.

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

e. Within 12 months of the enactment of this local law, the task force must complete an evaluation of the relevance and appropriateness of current regulatory practices for accessory signs in the zoning resolution and building code and the issues faced by businesses, especially small businesses, in complying with these regulations. By such date, the task force shall also evaluate the special sign hanger qualifications established in section 28-415.4.2 of the administrative code and make recommendations as to (i) whether such qualifications should be changed and (ii) the feasibility and implications of amending such qualifications to allow certain general contractors as defined in section 28-401.3 of the administrative code to hang or attach accessory signs. The task force shall issue a report to the mayor and the council including its findings and recommendations.

f. This task force shall dissolve upon submission of its report as required by subdivision e of this section.

§ 9. The commissioner of buildings shall no later than thirty days after this legislation takes effect, provide to the council a report containing the following information for each applicable violation issued after June 1, 2006 and before the effective date of this legislation:

1. The location of each applicable violation;
2. A description of the provisions of the administrative code, zoning resolution, agency rules or combination thereof associated with the applicable violation and the associated fine; and
3. The status of each applicable violation.

§ 10. Section 28-213.1 of the administrative code of the city of New York, as added by local law number 33 for the year 2007, is amended to read as follows:

**§ 28-213.1 Department penalty for work without a permit.** In addition to any penalties otherwise authorized by law pursuant to article 202 and the rules of the department, whenever any work for which a permit is required pursuant to this code has been performed without a permit, a penalty shall be imposed by the department as provided in this article.

*Exception: No such penalty shall be imposed for work performed without a permit to hang or attach upon or on the outside of any building a sign that is accessory to a use on the same zoning lot, as defined in section 12-10 of the zoning resolution that does not exceed one hundred fifty square feet in area, measured on one face only, or exceed one thousand two hundred pounds in weight. All such outstanding penalties imposed on or after December 28, 2017 shall be waived.*

§ 11. This local law takes effect 180 days after it becomes law, except that sections three, nine and ten of this local law take effect immediately after it becomes law, and the commissioner of finance and the commissioner of buildings may promulgate rules necessary to implement the programs established by sections two, four, five, six and seven of this local law prior to the effective date.

ROBERT E. CORNEGY, Jr., *Chairperson*; FERNANDO CABRERA, HELEN K. ROSENTHAL, RITCHIE J. TORRES, BARRY S. GRODENCHIK, MARK GJONAJ, CARLINA RIVERA; Committee on Housing and Buildings, January 8, 2019. Other Council Members Attending: Council Member Diaz.

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

## GENERAL ORDER CALENDAR

Report for Int. No. 720

**Report of the Committee on Housing and Buildings in favor of approving and adopting, a Local Law to amend the New York city building code, in relation to clarifying the requirements for site safety training providers.**

The Committee on Housing and Buildings, to which the annexed preconsidered proposed local law was referred on March 7, 2018 (Minutes, page 1092), and which same item has been laid over by the Council since the March 7, 2018 Stated Meeting (Minutes, page 924), respectfully

### REPORTS:

**(For text of report, please see the Report of the Committee on Housing and Buildings for Int. No. 720 printed in the Minutes of March 7, 2018, page 1092)**

*Accordingly, this Committee recommends its adoption.*

ROBERT E. CORNEGY, Jr., *Chairperson*; FERNANDO CABRERA, MARGARET S. CHIN, JUMAANE D. WILLIAMS, RAFAEL L. ESPINAL, Jr., HELEN K. ROSENTHAL, RITCHIE J. TORRES, BARRY S.



GRODENCHIK, BILL PERKINS, MARK GJONAJ, CARLINA RIVERA; Committee on Housing and Buildings, March 6, 2018.

Laid Over by the Council.

**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:

*Approved New Applicants*

<i>Name</i>	<i>Address</i>	<i>District #</i>
Charis Jones	99 Claremont Ave #402 New York, New York 10027	7
Simon Wang	1085 Neill Avenue Bronx, New York 10461	13
Emily Devaney	31-75 29th St #D2 Queens, New York 11106	22
Kevin Patrick Dunlevy	241 South 2nd St #5A Brooklyn, New York 11211	34
Laura Strauss	282 20th St #2 Brooklyn, New York 11215	38
Kimberly Jones	334 Chester St Brooklyn, New York 11212	41
Tonimarie Barrile	1624 E 24th St Brooklyn, New York 11229	48

*Approved Reapplicants*

<i>Name</i>	<i>Address</i>	<i>District #</i>
Hilda Garcia	309 West 54th Street #2B New York, New York 10019	3
Marilyn Bree	330 East 46th Street #7J New York, New York 10017	4
Timmy Adams	40 West 90th Street #BB New York, New York 10024	6
Eva Foggie	156-20 Riverside Drive West #11H New York, New York 10032	7
Denisse Paulino	946 Anderson Avenue Bsmt Bronx, New York 10452	8
Ellen Chambers	2110 First Avenue #2201 New York, New York 10029	8
Michael C. Ortiz	524 Southern Blvd Bronx, New York 10455	8
Tanja E. Boynes	2541 7th Ave #10J New York, New York 10039	8
Ambar C. Ventura	457 West 166th Street #2A New York, New York 10032	10
Carrie Marable	900 Co-Op City Blvd #10F Bronx, New York 10475	12
Dawn Stephens	801 Tilden Street #5D Bronx, New York 10467	12
Ana M. Maldonado	3289 Ampere Avenue Bronx, New York 10465	13
Laura Acosta	1315 Kearney Avenue #1 Bronx, New York 10465	13
Charlene Patrick	775 Concourse Village East #15G Bronx, New York 10451	16
Diana Scott	775 Concourse Village East #23G Bronx, New York 10451	16
Crystal Ferguson	1475 Sheridan Ave #5D Bronx, New York 10457	18

John D. Givens	1710 Seward Ave #2A Bronx, New York 10473	18
Mark H. Winnegrad	1450 Parkchester Road #5A Bronx, New York 10462	18
Dolores Kushel	18-15 215th Street #48 Bayside, New York 11360	19
Jeong Hwa Lee	36-22A Frances Lewis Blvd #201 Flushing, New York 11358	19
Patricia McHugh	23-20 128 Street College Point, New York 11356	19
Lyudmila Safiyeva	83-38 Smedley Street Briarwood, New York 11435	24
Theodore H. Johnson	92-15 50th Avenue Elmhurst, New York 11373	25
Patricia Tucker	109-43 164th Street Jamaica, New York 11433	27
Cynthia Crawford	170-24 130th Ave #6D Jamaica, New York 11434	28
Kevin Hopkins	120-23 Inwood Street Queens, New York 11436	28
Natasha Davis	134-35 166th Place #8A Queens, New York 11434	28
David Abramov	104-70 Queens Blvd #502 Forest Hills, New York 11375	29
Melody V. Ruiz	86-77 76th Street Woodhaven, New York 11421	30
Beverly A. Austin	146-41 230th Street Rosedale, New York 11413	31
Joan Ingrid Daniels	184 Beach 62nd Street #46 Far Rockaway, New York 11692	31
Pamela D. Jeter	433 Beach 40th Street #10A Far Rockaway, New York 11691	31
Antoinette Levy	103-29 91st Street Queens, New York 11417	32
Claudia Jurgens	87-01 85th Road Woodhaven, New York 11421	32

Frances Cuadrado	163-37 96th Street Howard Beach, New York 11414	32
Kathleen Dibble	1824 Putnam Avenue #3L Ridgewood, New York 11385	34
Duke Saunders	208 St. Marks Avenue Brooklyn, New York 11238	35
Angela Yancy-Foster	118 McKinley Avenue #26 Brooklyn, New York 11208	37
Joanne Rizzuto	347 Smith Street Brooklyn, New York 11231	39
Karen Moye	31 Kane Place Brooklyn, New York 11233	41
Franka R. Duncan	390 Georgia Avenue #1J5 Brooklyn, New York 11207	42
Valerie Woodford	225 Conklin Avenue Brooklyn, New York 11236	42
Kathleen Johnson	31 87th Street Brooklyn, New York 11209	43
Joan T. La Pierre	792 East 51st Street Brooklyn, New York 11203	45
Judith Posniack	1566 East 29th Street Brooklyn, New York 11229	45
Latasha Richardson	3714 Avenue J Brooklyn, New York 11210	45
Stuart Rimmer	3018 Avenue M Brooklyn, New York 11210	45
Anna Maria Walsh	189 Bay 43rd Street Brooklyn, New York 11214	47
Margarita Bogolyubova	2018 Voorhies Avenue #1324 Brooklyn, New York 11235	48
Lisa Turman	24 Bailey Place Staten Island, New York 10303	49
Nadezhda Kravchenko	104 Brook Avenue Staten Island, New York 10306	50

Elvira Tkach	44 Gunton Place Staten Island, New York 10309	51
Roberta Balber	65 Hooper Avenue Staten Island, New York 10306	51

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

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

- |      |                                                                     |                                                                                                                                                                                                  |
|------|---------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (1)  | <b>Int. 89-C -</b>                                                  | Department of education to report the duration of school bus routes.                                                                                                                             |
| (2)  | <b>Int. 451-B -</b>                                                 | Distribution of a school bus ridership guide.                                                                                                                                                    |
| (3)  | <b>Int. 728-B -</b>                                                 | A task force related to accessory sign violations and waiving penalties for violations for signs that are accessory to a use on the same zoning lot.                                             |
| (4)  | <b>Int. 828-A -</b>                                                 | Online list of required reports.                                                                                                                                                                 |
| (5)  | <b>Int. 926-B -</b>                                                 | Procedures following receipt of a notice of misconduct about an employee of a school bus vendor.                                                                                                 |
| (6)  | <b>Int. 929-B -</b>                                                 | Complaints and investigations relating to school bus transportation services.                                                                                                                    |
| (7)  | <b>Int. 1099-A -</b>                                                | Placement of communication devices and tracking devices on school buses.                                                                                                                         |
| (8)  | <b>Int. 1148-B -</b>                                                | Policies and goals relating to the provision of school bus transportation services.                                                                                                              |
| (9)  | <b>Int. 1173-B -</b>                                                | School bus transportation services.                                                                                                                                                              |
| (10) | <b>Int. 1226 -</b>                                                  | Establishment of the Throggs Neck business improvement district.                                                                                                                                 |
| (11) | <b>Int. 1227 -</b>                                                  | Authorizing an increase in the amount to be expended annually in the Hudson Square business improvement district and an extension of the Hudson Square business improvement district boundaries. |
| (12) | <b>Int. 1299-A -</b>                                                | Enforcement of prohibitions against unauthorized commuter vans.                                                                                                                                  |
| (13) | <b>Resolution approving various persons Commissioners of Deeds.</b> |                                                                                                                                                                                                  |

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

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

**The General Order vote recorded for this Stated Meeting was 48-0-0 as shown above with the exception of the votes for the following legislative items:**

The following was the vote recorded for **Int. No. 728-B**:

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

**Negative** – Dromm – **1**.

**Abstention** – Yeger – **1**.

*The following Introductions were sent to the Mayor for his consideration and approval: Int. Nos. 89-C, 451-B, 728-B, 828-A, 926-B, 929-B, 1099-A, 1148-B, 1173-B, 1226, 1227, and 1299-A.*

## RESOLUTIONS

*Presented for voice-vote*

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

Report for voice-vote item Res. No. 540

**Report of the Committee on Education in favor of approving a Resolution calling upon the New York State Education Department to require, implement and enforce more extensive training and tracking of the training of school bus drivers and attendants who transport students with disabilities.**

The Committee on Education, to which the annexed resolution was referred on September 26, 2018 (Minutes, page 3761), respectfully

### REPORTS:

**(For text of report, please see the Report of the Committee on Education for Int. No. 189-C printed in the Reports of the Standing Committees portion of these Minutes)**

*Accordingly, this Committee recommends its adoption.*

**(The following is the text of Res. No. 540:)**

Res. No. 540

**Resolution calling upon the New York State Education Department to require, implement and enforce more extensive training and tracking of the training of school bus drivers and attendants who transport students with disabilities.**

By Council Members Ayala, Rivera, Holden, Kallos, Barron, Levin, Rose, Ampry-Samuel, Brannan and Van Bramer.

**Whereas**, Multiple incidents have raised concerns about the safety of children with special needs while in transport to and from schools in the city of New York; and

**Whereas**, In September 2018, Bertram Ford, a sixth grader who has autism, endured a four hour school bus ride to school, which occurred after two days of his school bus not showing up to transport him to school; and

**Whereas**, As reported in a September 2018 New York Post article, a Queens mother is suing the Department of Education and the bus company First Steps Transportation Inc. alleging that her 13-year-old daughter, who has a developmental disability, was left on her school bus for three hours; and

**Whereas**, The New York State Education Department mandates the safety standards and requirements for school bus drivers and attendants in the city of New York, pursuant to title 8, chapter II, subchapter J, part 156 of the state's official compilation of codes, rules and regulations; and

**Whereas**, Pursuant to the state regulations, school bus drivers and attendants must receive training concerning children with special needs through the Department of Education's Office of Pupil Transportation; and

**Whereas**, Providing drivers and attendants with more in-depth instruction about the needs, safety concerns, supervision and safety techniques relating to students with disabilities could help ensure their safe transport; and

**Whereas**, A systematic recording protocol to track driver and attendant attendance at these trainings could ensure that every bus driver and attendant receives the required training; and



**Whereas,** More extensive training and tracking of this training could help ensure that children are safely transported in the city of New York; and

**Whereas,** It is of great importance to the city of New York to ensure that children are transported in a safe manner within the city; now, therefore, be it

**Resolved,** That the Council of the City of New York calls upon the New York State Education Department to require, implement and enforce more extensive training and tracking of the training of school bus drivers and attendants who transport students with disabilities.

MARK TREYGER, *Chairperson*; DANIEL DROMM, BRADFORD S. LANDER, Jr., STEPHEN L. LEVIN, DEBORAH L. ROSE, INEZ D. BARRON, ANDREW COHEN, ROBERT E. CORNEGY CHAIM M. DEUTSCH, BEN KALLOS, MARK D. LEVINE, BARRY S. GRODENCHIK, RAFAEL SALAMANCA, Jr., ALICKA AMPRY-SAMUEL, JUSTIN L. BRANNAN, JOSEPH C. BORELLI; Committee on Education, January 9, 2019.

Pursuant to Rule 8.50 of the Council, the called for a voice-vote. Hearing no objections, the Majority Leader and the Acting President Pro Tempore (Council Member Cumbo) declared the Resolution to be adopted.

Adopted unanimously by the Council by voice-vote.

## INTRODUCTION AND READING OF BILLS

Int. No. 1316

By Council Member Cabrera.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of correction to offer inmates civics education**

*Be it enacted by the Council as follows:*

Section 1. Title 9 of the administrative code of the city of New York is amended by adding a new section 9-155 to read as follows:

*§ 9-155 Civics education. The department shall offer all inmates access to in-person programming related to civics education. Such programming shall include, but need not be limited to, the following topics: the structure of local, state and federal government, information on the value of civic engagement, and voting rights and the ability to vote while incarcerated.*

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

Referred to the Committee on Criminal Justice.

Res. No. 714

**Resolution calling upon the United States Congress to re-introduce and the President to sign S. 443 and H.R. 2650, the Protecting Older Workers Against Discrimination Act.**

By Council Members Chin and Rosenthal.

**Whereas**, The Age Discrimination in Employment Act of 1967 (ADEA), enforced by the United States (U.S.) Equal Employment Opportunity Commission (EEOC), protects individuals aged 40 and older from age discrimination in the workforce, including discrimination involving promotion, hiring, compensation, discharge, and privileges of employment; and

**Whereas**, Advocates argue that protections put forth by ADEA was weakened by the 2009 U.S. Supreme Court's decision in *Gross v. FBL Financial Services, Inc.*, which requires that plaintiffs seeking to prove age discrimination in the workforce prove that age was the only motivating factor for the employer's action; and

**Whereas**, In 2017, U.S. Senator Robert P. Casey Jr. and Congressman Robert Scott introduced S.443 and H.R. 2650, respectively, also known as the Protecting Older Workers Against Discrimination Act (POWADA); and

**Whereas**, POWADA would reverse the Supreme Court's decision in *Gross v. FBL Financial Services Inc.*, by reinstating the "mixed-motive" claim, which permitted employees to only prove that age was one of the factors of an employer's actions; and

**Whereas**, The American Association of Retired Persons reported that 78 percent of older voters support legislation that protects against age discrimination; and

**Whereas**, In Fiscal Year 2017, age discrimination accounted for 21.8 percent of complaints made to the U.S. EEOC, with more than 18,000 complaints filed; and

**Whereas**, While recent research on age discrimination in New York City (NYC) is limited, advocates argue that age discrimination is largely prevalent in NYC; and

**Whereas**, As reported by the NYC Commission on Human Rights (CCHR), of the 193 queries CCHR received about age discrimination in 2017, 119 of them were related to age discrimination in employment; and

**Whereas**, According to the U.S Senate’s Special Committee on Aging, remaining in the workforce is beneficial for many aging adults, and studies show that working improves emotional, physical and cognitive health, financial stability and security, and quality of life; and

**Whereas**, Advocates argue that the government should make discrimination laws stronger, not weaker; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the United States Congress to re-introduce and the President to sign S. 443 and H.R. 2650, the Protecting Older Workers Against Discrimination Act.

Referred to the Committee on Aging.

Int. No. 1317

By Council Members Constantinides and Rosenthal.

**A Local Law to amend the New York city noise control code, the administrative code of the city of New York and the New York city building code, in relation to large wind turbines**

*Be it enacted by the Council as follows:*

Section 1. Subchapter 5 of the New York city noise control code is amended by adding a new section 24-232.2 to read as follows:

*§ 24-232.2 Large wind turbines. No person shall cause or permit operation of a large wind turbine, as such term is defined in section 3114.2 of the New York city building code, so as to create a sound level in excess of 5 db(A) above the ambient sound level, as measured at the property line of the property containing the nearest dwelling unit.*

§ 2. Chapter 3 of title 28 of the administrative code of the city of New York is amended by adding a new article 320 to read as follows:

**ARTICLE 320  
MAINTENANCE AND REMOVAL OF LARGE WIND TURBINES**

*§ 28-320.1 Maintenance. The owner of a large wind turbine or large wind turbine tower, as such terms are defined in section 3114.2 of the New York city building code, shall maintain such turbine and tower in good condition.*

*§ 28-320.2 Removal. The owner of a large wind turbine, as such term is defined in section 3114.2 of the New York city building code, shall remove such turbine when (i) the time elapsed since installation exceeds the manufacturer’s suggested useful life of such turbine or (ii) such turbine has been continuously inoperable for 12 months or more, whichever occurs sooner, provided that the commissioner shall by rule establish a timeframe for removing large wind turbines that do not have manufacturer’s suggested useful lives.*

§ 3. Chapter 4 of the New York city building code is amended by adding a new section BC 3114 to read as follows:

**SECTION BC 3114  
LARGE WIND TURBINES**

*3114.1 General. In addition to other applicable requirements in this code, other law or rule, and established by the commissioner, large wind turbines shall be designed and constructed in accordance with this section.*

**3114.2 Definitions.** *The following words and terms shall for the purposes of this section have the meanings shown herein.*

**LARGE WIND TURBINE.** *A turbine that is designed to use wind to generate greater than 100 kW (105 Btu/h) of electricity.*

**LARGE WIND TURBINE TOWER.** *A structure that supports a large wind turbine.*

**3114.3 Design standards.** *A large wind turbine shall be designed in accordance with standards adopted by rules of the commissioner. Such standards shall include but need not be limited to standards relating to the design of large wind turbines that are developed by the American Wind Energy Association, the New York State Energy Research and Development Authority, the California Energy Commission, the European Wind Turbine Certification, the British Wind Energy Association, the International Electrotechnical Commission 61400-1, 61400-22, the National Renewable Energy Laboratory, or the Underwriters Laboratory.*

**3114.4 Wind speed.** *A large wind turbine shall be designed to withstand winds of up to and including 130 mph (58.1 m/s) or such higher wind load as may be specified in this code or the design standard for such turbine pursuant to Section 426.3.*

**3114.5 Brakes and locks.** *Where deemed necessary by the commissioner, a large wind turbine shall be equipped with a redundant braking system and a passive lock, including aerodynamic overspeed controls and mechanical brakes.*

**3114.5.1 Locking before hurricane or strong wind conditions.** *If a hurricane or strong wind conditions are expected, the commissioner may order that large turbines equipped with passive locks be stopped and locked.*

**3114.6 Visual appearance.** *A large wind turbine shall be white, off-white, grey, or another non-obtrusive color specified by the commissioner.*

**3114.7 Lighting.** *A large wind turbine shall not be artificially lighted.*

**Exception:** *Lighting that is required by this code or other applicable laws or rules, provided that such lighting is shielded in accordance with rules promulgated by the commissioner.*

**3114.8 Access.** *Access to a large wind turbine shall be limited as follows:*

- 1. Access to electrical components of a large wind turbine shall be prevented by a lock.*
- 2. A large wind turbine tower shall not be climbable, except by authorized personnel, up to a height of 10 feet (3048 mm) measured from the base of such tower.*

**3114.9 Noise.** *A large wind turbine shall be designed so that, at wind speeds of less than or equal to 25 mph (11.2 m/s), such turbine will not cause a sound level that is more than 5 dB(A) above the ambient sound level, as measured at the property line of the property containing the nearest dwelling unit.*

**3114.10 Shadow flicker.** *The commissioner shall by rule establish shadow flicker limitations for large wind turbines for the purpose of limiting, to the extent practicable, such flicker on buildings adjacent to such turbines.*

**3114.11 Signal interference.** *The commissioner shall establish rules governing large wind turbines for purpose of minimizing, to the extent practicable, interference by such turbines with radio, telephone, television, cellular or other similar signals.*

**3114.12 Setback.** *No part of a large wind turbine tower shall be located within a horizontal distance of a property line that is equal or less than one-half the height of such turbine, including such tower, measured from the base of such tower or, if there is no such tower, the base of such turbine.*

**Exception:** *Each owner of property adjacent to such property line has entered into a written agreement providing that such turbine or tower or a part thereof may be located closer to such property line than this section allows.*

§ 4. This local law takes effect 90 days after it becomes law, except that the commissioner of buildings and the commissioner of environmental protection may take such measures as are necessary for its implementation, including the promulgation of rules, before such date.

Referred to the Committee on Environmental Protection.

Int. No. 1318

By Council Members Constantinides, Cabrera, Rosenthal, Cohen, Rodriguez, Menchaca and Dromm.

**A Local Law to amend the administrative code of the city of New York, in relation to replacement of gas-fired power plants.**

*Be it enacted by the Council as follows:*

Section 1. Section 803 of title 24 of the administrative code, as amended by local law number 22 for the year 2008, is amended by adding a new subdivision e to read as follows:

*e. Report on the feasibility of utilization of renewables with battery storage to replace in-city gas fired power plants. By December 30, 2019, an office or agency designated by the mayor or the mayor's office of sustainability shall prepare and submit a report to the mayor, the speaker of the council and the New York state public service commission on the feasibility of replacing existing in-city gas-fired power plants with renewables that use battery storage in a manner that is consistent with the public service commission energy storage deployment policy developed pursuant to public service law section 74. Such report shall include:*

- 1. Expedited time frames indicating when such replacement can take place if the replacement of existing in city power plants with renewables battery storage is found feasible;*
- 2. A review of the battery storage potential of lithium ion batteries;*
- 3. The battery storage potential of liquid air energy storage batteries;*
- 4. The battery storage potential sodium sulfur batteries;*
- 5. The battery storage potential of flow based batteries;*
- 6. The battery storage potential of lead-acid batteries; and*
- 7. The battery storage potential of zinc batteries.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Environmental Protection.

Int. No. 1319

By Council Members Cumbo, Rivera and Ayala.

**A Local Law to amend the administrative code of the city of New York, in relation to distress signals for passengers in taxicabs, street hail liveries, and for-hire vehicles**

*Be it enacted by the Council as follows:*

Section 1. Section 19-508 of the administrative code of the city of New York is amended by adding a new subdivision d to read as follows:

*d. 1. For purposes of this section, the term "panic button" shall mean a help or distress signaling system as designated by the rules of the commission that connects a passenger in distress with the police department.*

*2. Every taxicab, HAIL vehicle, and for-hire vehicle shall have a panic button in the rear passenger compartment of such vehicle.*

§ 2. This local law takes effect 120 days after it becomes a law, except that the taxi and limousine commission shall take such measures as are necessary for the implementation of this local law, including the promulgation of rules, prior to such date.

Referred to the Committee on For-Hire Vehicles.

Int. No. 1320

By Council Member Diaz.

**A Local Law to amend the administrative code of the city of New York, in relation to limitations on the removal of leased vehicles for purposes of satisfying parking violation judgements**

*Be it enacted by the Council as follows:*

Section 1. Section 19-212 of the administrative code of the city of New York, as amended by local law number 65 for the year 2005, is amended to read as follows:

§ 19-212 Limitation on removal of motor vehicles for purposes of satisfying parking violation judgments.

*a. Notwithstanding any other provision of law, a motor vehicle shall not be removed from any street or other public area solely for the purpose of satisfying an outstanding judgment or judgments for parking violations against the owner unless the total amount of such judgment or judgments, including interest, is greater than three hundred fifty dollars. The provisions of this [section] subdivision shall not be construed to prohibit the removal of a motor vehicle which is illegally parked, stopped or standing.*

*b. Notwithstanding any other provision of law, a motor vehicle under an existing lease agreement shall not be removed from any street or other public area by any agency of the city solely for the purpose of satisfying an outstanding judgment or judgments for parking violations issued against any other vehicle owned by the lessor of such motor vehicle. If such a vehicle is removed from any street or other public area, the lessee of such vehicle shall be entitled to immediate possession of the vehicle upon presentation of the valid lease agreement to the agency responsible for such removal. The provisions of this subdivision shall not be construed to prohibit the removal of a motor vehicle which is illegally parked, stopped or standing.*

§2. This local law takes effect immediately.

Referred to the Committee on Transportation.

Int. No. 1321

By Council Members Espinal, Cumbo, Salamanca, Brannan, Adams, Moya, Lancman, Kallos, Treyger, Rose, Menchaca, Ampry-Samuel, Levine, Ayala, Grodenchik, Rodriguez, Powers, Van Bramer, Lander, Levin, Eugene, Koslowitz, Miller, Chin and Cabrera.

**A Local Law to amend the administrative code of the city of New York, in relation to expanding the prevailing wage law for building service employees at city development projects**

*Be it enacted by the Council as follows:*

Section 1. Subdivision a of section 6-130 of the administrative code of the city of New York, as added by local law number 27 for the year 2012, is amended to read as follows:

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

(1) [“Affordable housing project” means a project where not less than fifty percent of the residential units are affordable for households earning up to one hundred thirty percent of the area median income or in which all residential units are affordable to households earning up to one hundred sixty five percent of the area median income provided that at least twenty percent of units are affordable to households earning no more than fifty percent of area median income and at least one-third of residential units are occupied at the time of execution of the financial assistance, and where no more than thirty percent of the total square footage of the project area is used for commercial activities, defined as the buying, selling or otherwise providing of goods or services, or other lawful business or commercial activities otherwise permitted in mixed-use property.

(2) [“Building service work” means work performed in connection with the care or maintenance of a building or property, and includes but is not limited to work performed by a watchperson, guard, doorperson, building cleaner, porter, handyperson, janitor, gardener, groundskeeper, stationary fireman, elevator operator and starter, or window cleaner.

(3) [“Building service employee” means any person, the majority of whose employment consists of performing building service work, including but not limited to a watchperson, guard, doorperson, building cleaner, porter, handyperson, janitor, gardener, groundskeeper, stationary fireman, elevator operator and starter, or window cleaner.

(4) [“City development project” means a project undertaken by a city agency or a city economic development entity for the purpose of improvement or development of real property, economic development, job retention or growth, or other similar purposes where the project: (a) is expected to be larger than 100,000 square feet, or, in the case of a residential project, larger than [100] 30 units; and (b) has received or is expected to receive financial assistance. [City development project shall not include an affordable housing project, nor shall it] *The term “city development project” does not include a project of the [Health and Hospitals Corporation] health and hospitals corporation.* A project will be considered a “city development project” for [ten] 10 years from the date the financially assisted project opens, or for the duration of any written agreement between a city agency or city economic development entity and a covered developer providing for financial assistance, whichever is longer.

(5) [“City economic development entity” means a not-for-profit organization, public benefit corporation, or other entity that provides or administers economic development benefits on behalf of the City pursuant to paragraph b of subdivision [one] 1 of section 1301 of the [New York city] charter.

(6) [“Comptroller” means the comptroller of the city [of New York].

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

(8) [“Covered developer” means any person receiving financial assistance in relation to a city development project, or any assignee or successor in interest of real property that qualifies as a city development project. [“Covered developer” shall] *The term “covered developer” does not include any not-for-profit organization, except where a not-for-profit organization receives financial assistance in relation to a residential city development project.* Further, [a covered developer shall] *such term does not include a business improvement district; a small business; nor [shall] does it include an otherwise covered developer whose industry conducted at the project location is manufacturing, as defined by the North American Industry Classification System.*

(9) [“Covered lessor” means any person entering into a lease with a contracting agency.

(10) [“Financial assistance” means assistance that is provided to a covered developer for the improvement or development of real property, economic development, job retention and growth, or other similar purposes, and that is provided either (a) directly by the city, or (b) indirectly by a city economic development entity and that is paid in whole or in part by the city, and that at the time the covered developer enters into a written agreement with the city or city economic development entity is expected to have a total present financial value of [one million dollars] \$1,000,000 or more. Financial assistance includes, but is not limited to, cash

payments or grants, bond financing, tax abatements or exemptions (including, but not limited to, abatements or exemptions from real property, mortgage recording, sales and uses taxes, or the difference between any payments in lieu of taxes and the amount of real property or other taxes that would have been due if the property were not exempted from the payment of such taxes), tax increment financing, filing fee waivers, energy cost reductions, environmental remediation costs, write-downs in the market value of building, land, or leases, or the cost of capital improvements related to real property that, under ordinary circumstances, the city would not pay for; provided, however, that any tax abatement, credit, reduction or exemption that is given to all persons who meet criteria set forth in the state or local legislation authorizing such tax abatement, credit, reduction or exemption, [shall be] is deemed to be as of right (or non-discretionary); and provided further that the fact that any such tax abatement, credit, reduction or exemption is limited solely by the availability of funds to applicants on a first come, first serve or other non-discretionary basis set forth in such state or local law [shall] does not render such abatement, credit, reduction or exemption discretionary. Financial assistance [shall include] includes only discretionary assistance that is negotiated or awarded by the city or by a city economic development entity, and [shall] does not include as-of-right assistance, tax abatements or benefits. Where assistance takes the form of leasing city property at below-market lease rates, the value of the assistance [shall] will be determined based on the total difference between the lease rate and a fair market lease rate over the duration of the lease. Where assistance takes the form of loans or bond financing, the value of the assistance [shall] will be determined based on the difference between the financing cost to a borrower and the cost to a similar borrower that does not receive financial assistance from a city economic development entity.

[(11)] (10) “Lease” means any agreement whereby a contracting agency contracts for, or leases or rents, commercial office space or commercial office facilities of 10,000 square feet or more from a non-governmental entity provided the [City] city, whether through a single agreement or multiple agreements, leases or rents no less than [fifty-one] 51 percent of the total square footage of the building to which the lease applies, or if such space or such facility is entirely located within the geographic area in the borough of Staten Island, or in an area not defined as an exclusion area pursuant to section 421-a of the real property tax law on the date of enactment of the local law that added this section, then no less than [eighty] 80 percent of the total square footage of the building to which the lease applies. Such agreements [shall] do not include agreements between not-for-profit organizations and a contracting agency.

[(12)] (11) “Not-for-profit organization” means an entity that is either incorporated as a not-for-profit corporation under the laws of the state of its incorporation or exempt from federal income tax pursuant to subdivision c of section [five hundred one] 501 of the United States internal revenue code.

[(13)] (12) “Prevailing wage” means the rate of wage and supplemental benefits paid in the locality to workers in the same trade or occupation and annually determined by the comptroller in accordance with the provisions of section 234 of the [New York state] labor law. As provided under section 231 of the [New York state] labor law, the obligation of an employer to pay prevailing supplements may be discharged by furnishing any equivalent combinations of fringe benefits or by making equivalent or differential payments under rules and regulations established by the comptroller.

[(14) Small business] (13) “*Small business*” means an entity that has annual reported gross revenues of less than [five million dollars] \$5,000,000. For purposes of determining whether an employer qualifies as a small business, the revenues of any parent entity, of any subsidiary entities, and of any entities owned or controlled by a common parent entity shall be aggregated.

§ 2. Paragraph (2) of subdivision b of section 6-130 of the administrative code of the city of New York, as added by local law number 27 for the year 2012, is amended to read as follows:

(2) Prior to entering into a lease, or extension, renewal, amendment or modification thereof, and annually thereafter for the term of the lease, the contracting agency shall obtain from the prospective covered lessor, and provide to the comptroller, a certification, executed under penalty of perjury, that all building service employees employed in the building to which the lease pertains or under contract with the covered [developer] lessor to perform building service work in such building will be and/or have been paid the prevailing wage for the term of the lease. Such certification shall include a record of the days and hours worked and the wages and benefits paid to each building service employee employed at such building which shall be available for inspection by the city. Such certification shall be certified by the chief executive or chief financial officer of the covered lessor, or the designee of any such person. The certification shall be annexed to a part of any prospective lease. A violation



of any provision of the certification or failure to provide such certification shall constitute a violation of this section by the party committing the violation of such provision.

§ 3. Paragraph (2) of subdivision c of section 6-130 of the administrative code of the city of New York, as added by local law number 27 for the year 2012, is amended to read as follows:

(2) Prior to commencing work at the city development project, and annually thereafter, every covered developer shall provide to the city economic development entity and the comptroller an annual certification executed under penalty of perjury that all building service employees employed at a city development project by the covered developer or under contract with the covered developer to perform building service work will be and/or have been paid the prevailing wage. Such certification shall include a record of the days and hours worked and the wages and benefits paid to each building service employee employed at the city development project or under contract with the covered developer. Such certification shall be certified by the chief executive or chief financial officer of the covered developer, or the designee of any such person. A violation of any provision of the certification, or failure to provide such certification, shall constitute a violation of this section by the party committing the violation of such provision.

§ 4. Paragraph (4) of subdivision c of section 6-130 of the administrative code of the city of New York, as added by local law number 27 for the year 2012, is amended to read as follows:

(4) No later than the day on which any work begins at any city economic development project subject to the requirements of this section, a covered developer shall post in a prominent and accessible place at every such city economic development project and provide each building service employee a copy of a written notice, prepared by the comptroller, detailing the wages, benefits, and other protections to which building service employees are entitled under this section. Such notice shall also provide the name, address and telephone number of the comptroller and a statement advising building service employees that if they have been paid less than the prevailing wage they may notify the comptroller and request an investigation. Such notice[s] shall be provided in English and Spanish. Such notice shall remain posted for the duration of the [lease] *applicable period as set forth in paragraph 6 of this subdivision* and shall be adjusted periodically to reflect the current prevailing wage for building service employees. The comptroller shall provide the city with sample written notices explaining the rights of building service employees and covered developers' obligations under this section, and the city shall in turn provide those written notices to covered developers.

§ 5. This local law does not apply to any written agreement between a city agency or city economic development entity and a covered developer providing for finance assistance executed prior to the effective date of this local law, except that extension, renewal, amendment or modification of such written agreement, occurring on or after the effective date of this local law, that results in the grant of any additional financial assistance to a covered developer shall make such covered developer subject to the requirements of this local law.

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

Referred to the Committee on Civil Service and Labor.

Int. No. 1322

By Council Members Kallos and Miller

**A Local Law to amend the administrative code of the city of New York, in relation to establishing a prevailing wage requirement for covered workers in financially assisted facilities**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 6 the administrative code of the city of New York is amended by adding a new section 6-143 to read as follows:

§ 6-143 *Prevailing wage for certain covered workers in financially assisted facilities. a. Definitions. For purposes of this section, the following terms have the following meanings:*

*City development project.* The term “city development project” means a project undertaken by a city agency or a city economic development entity for the purpose of improvement or development of real property, economic development, job retention or growth, or other similar purposes where the project: (i) is expected to be larger than 50,000 square feet, or, in the case of a residential project, larger than 50 units; (ii) has received or is expected to receive financial assistance; and (iii) is not covered by a project labor agreement. A project will be considered a city development project for one year from the date of completion of the city development project.

*City economic development entity.* The term “city economic development entity” means a not-for-profit organization, public benefit corporation or other entity that provides or administers economic development benefits on behalf of the city pursuant to paragraph b of subdivision 1 of section 1301 of the charter or pursuant to article 12 of the private housing finance law.

*Comptroller.* The term “comptroller” means the comptroller of the city of New York.

*Construction work.* The term “construction work” means work performed by a covered worker in connection with a city development project, and includes but is not limited to work performed by laborers, mechanics or other workers in the same trade or occupation as those classified in section 220 of the labor law.

*Covered developer.* The term “covered developer” means any person or entity receiving financial assistance in relation to a city development project, or any person or entity that contracts or subcontracts with a person or entity receiving financial assistance in relation to a city development project to perform construction work for a period of more than 90 days on the premises of the person or entity receiving financial assistance, or any assignee or successor in interest of real property that qualifies as a city development project. Such term does not include a small business.

*Covered worker.* The term “covered worker” means any person, the majority of whose employment consists of performing work in the same trade or occupation as those classified in section 220 of the labor law, performing construction work on a city development project.

*Financial assistance.* The term “financial assistance” means assistance that is provided to a covered developer for the improvement or development of real property, economic development, job retention and growth, or other similar purposes, and that is provided either (i) directly by the city, or (ii) indirectly by a city economic development entity and that is paid in whole or in part by the city, and that at the time the covered developer enters into a written agreement with the city or city economic development entity is expected to have a total present financial value of \$1,000,000 or more. Financial assistance includes, but is not limited to, cash payments or grants, bond financing, tax abatements or exemptions (including, but not limited to, abatements or exemptions from real property, mortgage recording, sales and uses taxes, or the difference between any payments in lieu of taxes and the amount of real property or other taxes that would have been due if the property were not exempted from the payment of such taxes), tax increment financing, filing fee waivers, energy cost reductions, environmental remediation costs, write-downs in the market value of building, land or leases, or the cost of capital improvements related to real property that, under ordinary circumstances, the city would not pay for; provided, however, that any tax abatement, credit, reduction or exemption that is given to all persons who meet criteria set forth in the state or local legislation authorizing such tax abatement, credit, reduction or exemption, shall be deemed to be as of right (or non-discretionary); and provided further that the fact that any such tax abatement, credit, reduction or exemption is limited solely by the availability of funds to applicants on a first come, first serve or other non-discretionary basis set forth in such state or local law shall not render such abatement, credit, reduction or exemption discretionary. Financial assistance includes only discretionary assistance that is negotiated or awarded by the city or by a city economic development entity, and does not include as-of-right assistance, tax abatements or benefits. Where assistance takes the form of leasing city property at below-market lease rates, the value of the assistance shall be determined based on the total difference between the lease rate and a fair market lease rate over the duration of the lease. Where assistance takes the form of loans or bond financing, the value of the assistance shall be determined based on the difference between the financing cost to a borrower and the cost to a similar borrower that does not receive financial assistance from a city economic development entity.

*Prevailing wage.* The term “prevailing wage” means the rate of wage and supplemental benefits paid in the locality to workers in the same trade or occupation and annually determined by the comptroller in accordance with the provisions of section 220 of the labor law.

*Project labor agreement.* The term “project labor agreement” means a pre-hire collective bargaining agreement between a covered developer and a labor organization that establishes the terms and conditions of employment for a city development project

*Small business.* The term “small business” means an entity that has annual reported gross revenues of less than \$3,000,000. For purposes of determining whether an employer qualifies as a small business, the revenues of any parent entity, of any subsidiary entities and of any entities owned or controlled by a common parent entity shall be aggregated.

b. *Prevailing wage in city development projects required.* (1) Covered developers shall ensure that all covered workers performing construction work in connection with a city development project are paid no less than the prevailing wage.

(2) Prior to commencing construction work at the city development project, and annually thereafter, every covered developer shall provide to the city economic development entity and the comptroller an annual certification executed under penalty of perjury that all covered workers employed at a city development project by the covered developer or under contract with the covered developer to perform construction work will be and/or have been paid the prevailing wage. Such certification shall include a record of the days and hours worked and the wages and benefits paid to each covered worker employed at the city development project or under contract with the covered developer. Such certification shall be certified by the chief executive or chief financial officer of the covered developer, or the designee of any such person. A violation of any provision of the certification or failure to provide such certification shall constitute a violation of this section by the party committing the violation of such provision.

(3) Each covered developer shall maintain original payroll records for each covered worker reflecting the days and hours worked, and the wages paid and benefits provided for such hours worked, and shall retain such records for at least six years after the construction work is performed. The covered developer may satisfy this requirement by obtaining copies of records from the employer or employers of such covered workers. Failure to maintain such records as required shall create a rebuttable presumption that the covered workers were not paid the wages and benefits required under this section. Upon the request of the comptroller or the city, the covered developer shall provide a certified original payroll record.

(4) No later than the day on which any construction work begins at any city development project subject to the requirements of this section, a covered developer shall post in a prominent and accessible place at every such city development project and provide each covered worker a copy of a written notice, prepared by the comptroller, detailing the wages, benefits and other protections to which covered workers are entitled under this section. Such notice shall also provide the name, address and telephone number of the comptroller and a statement advising covered workers that if they have been paid less than the prevailing wage they may notify the comptroller and request an investigation. Such notice shall be provided in English and Spanish. Such notice shall remain posted for the duration of the period as set forth in paragraph 6 of this subdivision and shall be adjusted periodically to reflect the current prevailing wage for covered workers. The comptroller shall provide the city with sample written notices explaining the rights of covered workers and covered developers’ obligations under this section, and the city shall in turn provide those written notices to covered developers.

(5) The comptroller, the city or the city economic development entity may inspect the records maintained pursuant to paragraph 3 of this subdivision to verify the certifications submitted pursuant to paragraph 2 of this subdivision.

(6) The requirements of this section shall apply for the duration of the construction, expansion, rehabilitation or renovation of the city development project and for one year from the date of completion of the city development project.

(7) The city shall maintain a list of covered developers that shall include, where a written agreement between a city agency or city economic development entity and a covered developer providing for financial assistance is targeted to particular real property, the address of each such property. Such list shall be updated and published as often as is necessary to keep it current.

d. *Enforcement.* (1) No later than October 1, 2018, the mayor or the mayor’s designee shall promulgate implementing rules and regulations as appropriate and consistent with this section and may delegate such authority to the comptroller. Beginning 12 months after the enactment of the local law that added this section, the comptroller shall submit annual reports to the mayor and the council summarizing and assessing the implementation and enforcement of this section during the preceding year.

(2) *In addition to failure to comply with subdivision b of this section, it shall be a violation of this section for any covered developer to discriminate or retaliate against any covered worker who makes a claim that such worker is owed wages due as provided under this section or otherwise seeks information regarding, or enforcement of, this section.*

(3) *The comptroller shall monitor covered employers' compliance with the requirements of this section. Whenever the comptroller has reason to believe there has been a violation of this section, or upon a verified complaint in writing from a covered worker, a former covered worker, or a covered worker's representative claiming a violation of this section, the comptroller shall conduct an investigation to determine the facts relating thereto. At the start of such investigation, the comptroller may, in a manner consistent with the withholding procedures established by section 220-b of the labor law, request that the city or city economic development entity that executed a written agreement with the city or city economic development entity providing for financial assistance withhold any payment due to the financial assistance recipient in order to safeguard the rights of the covered workers.*

(4) *The comptroller shall report the results of such investigation to the mayor or the mayor's designee, who shall, in accordance with the provisions of paragraph 6 of this subdivision and after providing the covered developer an opportunity to cure any violations, where appropriate issue an order, determination or other disposition, including, but not limited to, a stipulation of settlement. Such order, determination or disposition may at the discretion of the mayor, or the mayor's designee, impose the following on a covered developer committing the applicable violations: (i) direct payment of wages and/or the monetary equivalent of benefits wrongly denied, including interest from the date of the underpayment to the covered worker, based on the interest rate then in effect as prescribed by the superintendent of banks pursuant to section 14-a of the banking law, but in any event at a rate no less than six percent per year; (ii) direct payment of a further sum as a civil penalty in an amount not exceeding 25 percent of the total amount found to be due in violation of this section, except that in cases where a final disposition has been entered against a person in two instances within any consecutive six year period determining that such person has willfully failed to pay or to ensure the payment of the prevailing wages in accordance with the provisions of this section or to comply with the anti-retaliation, recordkeeping, notice or reporting requirements of this section, the mayor, or the mayor's designee, may impose a civil penalty in an amount not exceeding 50 percent of the total amount found to be due in violation of this section; (iii) direct the maintenance or disclosure of any records that were not maintained or disclosed as required by this section; (iv) direct the reinstatement of, or other appropriate relief for, any person found to have been subject to retaliation or discrimination in violation of this section; or (v) direct payment of the sums withheld at the commencement of the investigation and the interest that has accrued thereon to the covered developer. In assessing an appropriate remedy, due consideration shall be given to the gravity of the violation, the history of previous violations, the good faith of the covered developer, and the failure to comply with record-keeping, notice, reporting, or other non-wage requirements. Any civil penalty shall be deposited in the general fund.*

(5) *In addition to the provisions provided in paragraph 4 of this subdivision, based upon the investigation provided in this subdivision, the comptroller shall also report the results of such investigation to the city economic development entity, which may impose a remedy as such entity deems appropriate as within its statutorily prescribed authority, including rescindment of the award of financial assistance.*

(6) *Before issuing an order, determination or any other disposition, the mayor or the mayor's designee, as applicable, shall give notice thereof, together with a copy of the complaint, which notice shall be served personally or by mail on any person affected thereby. The mayor or the mayor's designee, as applicable, may negotiate an agreed upon stipulation of settlement or refer the matter to the office of administrative trials and hearings for a hearing and disposition. Such person or covered developer shall be notified of a hearing date by the office of administrative trials and hearings and shall have the opportunity to be heard in respect to such matters.*

(7) *When a final disposition has been made in favor of a covered worker and the person found violating this section has failed to comply with the payment or other terms of the remedial order of the mayor, or the mayor's designee, as applicable, and provided that no proceeding for judicial review shall then be pending and the time for initiation of such proceeding has expired, the mayor, or the mayor's designee, as applicable, shall file a copy of such order containing the amount found to be due with the clerk of the county of residence or place of business of the person found to have violated this section, or of any principal or officer thereof who knowingly participated in the violation of this section. The filing of such order shall have the full force and effect of a judgment duly*

docketed in the office of such clerk. The order may be enforced by and in the name of the mayor, or the mayor's designee, as applicable, in the same manner and with like effect as that prescribed by the civil practice law and rules for the enforcement of a money judgment.

(8) In an investigation conducted under the provisions of this section, the inquiry of the comptroller or mayor, or the mayor's designee, as applicable, shall not extend to work performed more than three years prior to the filing of the complaint, or the commencement of such investigation, whichever is earlier.

*e. Civil action.*

(1) Except as otherwise provided by law, any person claiming to be aggrieved by a violation of this section shall have a cause of action in any court of competent jurisdiction for damages, including punitive damages, and for injunctive relief and such other remedies as may be appropriate, unless such person has filed a complaint with the comptroller or the mayor with respect to such claim. In an action brought by a covered worker, if the court finds in favor of the covered worker, it shall award the covered worker, in addition to other relief, such covered worker's reasonable attorneys' fees and costs.

(2) Notwithstanding any inconsistent provision of paragraph 1 of this subdivision, where a complaint filed with the comptroller or the mayor is dismissed an aggrieved person shall maintain all rights to commence a civil action pursuant to this chapter as if no such complaint had been filed.

(3) A civil action commenced under this section shall be commenced in accordance with subdivision 2 of section 214 of the civil practice law and rules.

(4) No procedure or remedy set forth in this section is intended to be exclusive or a prerequisite for asserting a claim for relief to enforce any rights hereunder in a court of law. This section shall not be construed to limit an covered worker's right to bring a common law cause of action for wrongful termination.

(5) Notwithstanding any inconsistent provision of this section or of, any other general, special or local law, ordinance, city charter or administrative code, an covered worker affected by this law shall not be barred from the right to recover the difference between the amount paid to the covered worker and the amount which should have been paid to the covered worker under the provisions of this section because of the prior receipt by the covered worker without protest of wages or benefits paid, or on account of the covered worker's failure to state orally or in writing upon any payroll or receipt which the covered worker is required to sign that the wages or benefits received by the covered worker are received under protest, or on account of the covered worker's failure to indicate a protest against the amount, or that the amount so paid does not constitute payment in full of wages or benefits due the covered worker for the period covered by such payment.

*f. Application to existing city development projects.* The provisions of this section shall not apply to any written agreement between a city agency or city economic development entity and a covered developer providing for financial assistance executed prior to the enactment of the local law that added this section, except that extension, renewal, amendment or modification of such written agreement, occurring on or after the enactment of the local law that added this section that results in the grant of any additional financial assistance to the financial assistance recipient shall make the covered developer subject to the conditions specified in this section.

*g. Severability.* In the event that any requirement or provision of this section, or its application to any person or circumstance, should be held invalid or unenforceable by an court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other requirements or provisions of this section, or the application of the requirement or provision held unenforceable to any other person or circumstance.

*h. Competing laws.* This section shall be liberally construed in favor of its purposes. Nothing in this section shall be construed as prohibiting or conflicting with any other obligation or law, including any collective bargaining agreement, that mandates the provision of higher or superior wages, benefits or protections to covered workers. No requirement or provision of this section shall be construed as applying to any person or circumstance where such coverage would be preempted by federal or state law. However, in such circumstances, only those specific applications or provisions of this section for which coverage would be preempted shall be construed as not applying.

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

Referred to the Committee on Civil Service and Labor.

Int. No. 1323

By Council Members Kallos and Ampry-Samuel.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of housing preservation and development to submit to the council compliance packages related to housing development projects receiving city financial assistance**

*Be it enacted by the Council as follows:*

Section 1. Section 26-901 of the administrative code of the city of New York, as added by local law number 44 for the year 2012, is amended to read as follows:

§ 26-901 Definitions. For the purposes of this chapter [only], the following terms [shall be defined as follows] *have the following meanings:*

[a.] *City financial assistance.* The term “[City] city financial assistance” includes any loans, grants, tax credits, tax exemptions, tax abatements, subsidies, mortgages, debt forgiveness, land conveyances for less than appraised value, land value or other thing of value allocated, conveyed or expended by the city.

[b.] *Construction condition.* The term “[Construction] construction condition” means:

(1) a] 1. A violation of the New York city construction codes issued to a housing development project, a developer or a covered contractor of such housing development project, during the project work or within a five-year period following the completion of such project;

(2) a] 2. A complaint related to the construction quality of a housing development project received by the department during the project work or within a five-year period following the completion of such project; or

(3) a] 3. A determination by the department, during the project work or within a five-year period following completion of such project, that the construction quality of a housing development project does not comply with applicable law or does not conform to customary standards for construction in the city [of New York].

*Compliance package.* The term “compliance package” means a compliance package form, and any accompanying materials required by the form or by the department, that is submitted to the department as part of its integrity review process to verify the integrity and competence of individuals and entities seeking to do business with the department.

[c.] *Contractor.* The term “[Contractor] contractor” means an individual, sole proprietorship, partnership, joint venture, corporation or other entity that enters into a contract or other agreement with or is otherwise engaged by a developer or the department to perform project work.

[d.] *Covered contractor.* The term “[Covered] covered contractor” means a contractor or subcontractor whose annual gross revenue for the immediately preceding tax year is not less than [two million five hundred thousand dollars] \$2,500,000, calculated in accordance with section 779.266 of title 29 of the code of federal regulations; provided, however that where an entity is a principal owner of, serves as principal officer of, conducts or participates directly or indirectly in the conduct of the affairs of such contractor or subcontractor and any other contractor or subcontractor, the annual gross revenue for the immediately preceding tax year for each such contractor or subcontractor shall be aggregated and, if such aggregated value is not less than [two million five hundred thousand dollars] \$2,500,000, each such contractor or subcontractor shall be a covered contractor.

[e.] *Department.* The term “[Department] department” means the department of housing preservation and development.

[f.] *Developer.* The term “[Developer] developer” means an individual, sole proprietorship, partnership, joint venture, corporation or other entity that receives city financial assistance for a housing development project.

[g.] *Disqualified list.* The term “[Disqualified] disqualified list” means a list that identifies entities that are precluded by the department from being selected as developers where “disqualified” [shall mean] *means* debarred, suspended or otherwise prohibited for any length of time. Such term [shall] also [include] *includes* a list of entities that are ineligible to be included on a list of prequalified contractors or subcontractors.

[h.] *Housing development project.* The term “[Housing] housing development project” means construction, rehabilitation or alteration of any residential building, residential facility or residential structure by a developer:

(1) which] 1. Which creates or preserves at least one dwelling unit;

[(2) which] 2. *Which* is funded in whole or in part by city financial assistance other than non-discretionary tax abatements or benefits approved or administered in accordance with sections 421-a or 489 of the [New York state] real property tax law or other similar programs; and

[(3) where] 3. *Where* the developer of such project was not selected more than five years prior to the effective date of this chapter.

The term “housing development project” [shall] *does* not include emergency repairs performed by or on behalf of the department pursuant to section 27-2125 [of this code], work performed by or on behalf of the department pursuant to section 27-2153 [of this code], demolition work performed by or on behalf of the department pursuant to articles [two hundred fifteen] 215 or [two hundred sixteen] 216 of chapter [two] 2 of title [twenty-eight] 28 [of this code], or work funded by the department pursuant to article [seven-a] 7-a of the [New York state] real property actions and proceedings law.

[i.] *List identifier.* The term “[List] list identifier” means a description of the purpose for which a disqualified list or prequalified list is used by the department that [shall include] includes the types of housing development projects for which the list is used.

[j.] *Prequalified list.* The term “[Prequalified] prequalified list” means a list that identifies entities that are prequalified to be selected as developers and that was compiled, modified or used by the department to select developers within the immediately preceding five-year period; provided, however that the term “prequalified list” [shall] also [include] includes a list of entities that the department compiles and makes available to developers to assist in the selection of contractors and subcontractors to perform project work.

[k.] *Principal officer.* The term “[Principal] principal officer” means an individual who serves as or performs the functions of chief executive officer, chief financial officer or chief operating officer of an entity.

[l.] *Principal owner.* The term “[Principal] principal owner” means an individual, partnership, joint venture, corporation or other entity which holds a [ten] 10 percent or greater ownership interest in an entity or holds an ownership interest as a general partner, managing partner or other position conducting or participating directly in the conduct of the affairs of an entity. The term “principal owner” [shall] *does* not include a limited partner of a limited partnership or an equity investor in a limited liability company or a limited liability partnership where such equity investor does not conduct or participate directly in the conduct of the affairs of the limited liability company or limited liability partnership.

[m.] *Project identifier.* The term “[Project] project identifier” means a description of a housing development project sufficient to identify such project.

[n.] *Project work.* The term “[Project] project work” means construction, rehabilitation, alteration or demolition work performed in connection with a housing development project. Such term shall not include professional services including architectural, engineering, legal or accounting services or administrative, clerical or other similar office support services, or individuals solely engaged in managing, directing or supervising project work.

[o.] *Subcontractor.* The term “[Subcontractor] subcontractor” means an individual, sole proprietorship, partnership, joint venture, corporation or other entity that enters into a contract or other agreement with or is otherwise engaged by a contractor, the department or other entity to perform project work.

§ 2. Chapter 10 of title 26 of the administrative code of the city of New York is amended by adding a new section 26-906 to read as follows:

§ 26-906 *Compliance packages for housing development projects.* a. *Within 45 days of selecting a developer for a housing development project, the department shall submit to the council copies of all completed compliance packages filed with the department in connection with such housing development project.*

b. *No information that is otherwise required to be disclosed pursuant to this section shall be disclosed in a manner that would violate any applicable provision of federal, state or local law related to the privacy of information.*

§ 3. This local law takes effect immediately.

Referred to the Committee on Housing and Buildings.

## Int. No. 1324

By Council Members Lancman, Maisel, Cohen, Grodenchik, Rosenthal, Torres, Levin, Adams, Miller, Kallos, Koslowitz and Ampry-Samuel.

**A Local Law in relation to establishing a task force to develop strategies to prevent white supremacist violence**

*Be it enacted by the Council as follows:*

Section 1. As used in this local law, the term “hate crime” means a hate crime as described by section 485.05 of the penal law.

§ 2. There is hereby established a temporary task force to study white supremacist organizations and acts of violence committed or encouraged by such organizations, and to make recommendations to the mayor and the council for improving citywide safety procedures to prevent such acts of violence. The task force shall be composed of the following members:

1. The director of the mayor’s office of criminal justice or such director’s designee, who shall serve as chair;
2. The chief of crime control strategies of the police department or such chief’s designee;
3. The chief of counterterrorism of the police department or such chief’s designee;
4. The commissioner of the emergency management department or such commissioner’s designee;
5. Two members to be appointed by the mayor, chosen from individuals with relevant expertise in the area of preventing hate crimes and white supremacist violence; and
6. Two members to be appointed by the speaker of the council, chosen from individuals representing victim assistance programs specializing in hate crimes and crimes committed by white supremacists.

§ 3. In addition to these 8 members, the mayor shall invite the district attorney in each county within the city to appoint a representative to the task force.

§ 4. The members of such task force shall be appointed within 90 days after the effective date of this local law. Each member of the task force shall serve for a term of 2 years, to commence after the final member of the task force is appointed. All members of the task force shall serve without compensation.

§ 5. The task force shall issue a report of its findings and recommendations to the mayor and the council no later than 12 months after the final member of the task force is appointed. In formulating its recommendations, the task force shall consider the following:

1. Existing policies and procedures of the police department relating to hate crimes and violence committed by white supremacists and white supremacist organizations;
2. Existing policies of schools in the city school district of the city of New York relating to incidents motivated by race, religion, ethnicity, national origin or alienage or citizenship status;
3. Existing strategies of the mayor’s office of criminal justice relating to enhancing law enforcement’s ability to address hate crimes and violent crimes committed by white supremacists and white supremacist organizations; and
4. The level of coordination among appropriate city agencies and other relevant organizations with regards to efforts to prevent and address hate crimes and violence committed by white supremacists and white supremacist organizations.

§ 6. The task force shall meet at least quarterly and shall convene a public hearing in each borough prior to the submission of the report required pursuant to section five of this local law.

§ 7. No appointed member of the task force shall be removed except for cause by the appointing authority. In the event of a vacancy on the task force during the term of an appointed member, a successor shall be selected in the same manner as the original appointment to serve the balance of the unexpired term.

§ 8. Following the submission of the initial report, the task force shall continue to meet at least quarterly and shall make supplemental recommendations, as needed, to the mayor and the council.

§ 9. The task force shall dissolve 4 years after the submission of its initial report.

§ 10. This local law takes effect immediately and expires and is deemed repealed upon dissolution of the task force in accordance with section nine of this local law.

Referred to the Committee on Justice System.



## Int. No. 1325

By Council Members Levin, Cohen, Levine, Lander, Ayala and Ampry-Samuel.

**A Local Law to amend the administrative code of the city of New York, in relation to authorizing the creation of legal defense trusts**

*Be it enacted by the Council as follows:*

Section 1. Title 3 of the administrative code of the city of New York is amended by adding a new chapter 11 to read as follows:

*Chapter 11. Legal Defense Trusts*

*§ 3-1101 Definitions.*

*§ 3-1102 Establishment and management of legal defense trusts.*

*§ 3-1103 Reporting and disclosure by legal defense trusts.*

*§ 3-1104 Dissolution of legal defense trusts.*

*§ 3-1105 Enforcement.*

*§ 3-1106 Rulemaking.*

*§ 3-1107 Penalties.*

*§ 3-1101 Definitions. As used in this chapter, the following terms have the following meanings:*

*Appear. The term “appear” has the same meaning as set forth in subdivision 4 of section 2601 of the charter.*

*Associated. The term “associated” has the same meaning as set forth in subdivision 5 of section 2601 of the charter.*

*Beneficiary. The term “beneficiary” means (1) an individual who is or has been a city elected official or public servant who incurs expenses in relation to a governmental, administrative, criminal or civil investigation, audit, or action, or an entity, agent or other person acting on behalf of such elected official or public servant in relation to the underlying matter, for whom or which a legal defense trust spends money or (2) an individual who is not a city elected official or public servant and who incurs expenses in relation to such investigation, audit, or action.*

*Business dealings with the city. The term “person having business dealings with the city” means any person on the database established pursuant to section 3-702 including, but not limited to, a lobbyist as defined in section 3-211, and the domestic partner, spouse, or unemancipated child of a person listed in such database.*

*Donation. The term “donation” means any contribution from a non-governmental source, including an in-kind donation, pro bono assistance, loan, advance or deposit of money, or anything of value.*

*Legal defense trust. The term “legal defense trust” means a trust created pursuant to and in accordance with the New York estates, powers and trusts law for the benefit of a beneficiary as provided in this chapter.*

*Ministerial matter. The term “ministerial matter” has the same meaning as set forth in subdivision 15 of section 2601 of the charter.*

*Principal committees and political committees, as those terms are defined in section 3-702, shall not be deemed legal defense trusts as defined in this section.*

*Public servant. The term “public servant” has the same meaning as set forth in subdivision 19 of section 2601 of the charter.*

*§ 3-1102. Establishment and management of legal defense trusts.*

*a. Requirements for establishment. A legal defense trust may be established pursuant to this section only if the following conditions are met:*

*(1) (a) Each beneficiary has received a statement in writing from the corporation counsel stating that the corporation counsel has not represented and will not be representing such beneficiary in any applicable*

governmental, administrative, criminal or civil investigation, audit or action, or portion thereof, pursuant to section 50-k of the general municipal law or section 7-109;

(b) Where a legal defense trust has been established, if thereafter the essential nature of an investigation, audit or action changes so significantly that it can be deemed a new or different investigation, audit or action, the beneficiary of such trust shall obtain a new written statement from the corporation counsel asserting that the conditions set forth in subparagraph (a) of this paragraph have been met.

(2) At least one beneficiary is or was an elected official or public servant, as such term "beneficiary" is defined in section 3-1101 of this chapter, who incurs expenses in relation to the governmental, administrative, criminal or civil investigations, audits or actions for which a statement was received pursuant to paragraph (1) of this subdivision.

b. *Statement of organization.* The trustee of a legal defense trust shall file a statement of organization with the conflicts of interest board, in such form as specified by the board by rule, within 10 days after the earlier of the date the trust first receives a donation or first makes an expenditure. A statement of organization required by this subdivision shall include the following information and documentation:

(1) The name, street address, and telephone number of the legal defense trust and its trustee(s). The name of such trust shall include the words "legal defense trust".

(2) The full name of, and position held, if any, by each beneficiary of the legal defense trust.

(3) The name and address of the financial institution in which the funds of the legal defense trust are, or are intended to be, deposited.

(4) A description of the governmental, administrative, criminal or civil investigations, audits or actions in connection with which the legal defense trust was established and the purpose for which such trust was created.

(5) The statement described in subparagraph (a) of paragraph (1) of subdivision a of this section for each beneficiary of the legal defense trust.

(6) A copy of the executed trust agreement establishing the legal defense trust.

(7) A sworn statement by each beneficiary of the legal defense trust that he or she will comply with the provisions of this chapter and that the trustee is responsible for the proper administration of the trust.

c. Within 10 days of any material change in the information and documentation submitted in accordance with paragraphs (1) through (7) of this subdivision, the trustee shall submit a revised report to the conflicts of interest board identifying such changes. If the purpose for which the trust was created, as required to be identified by paragraph (4) of this section, is materially changed, the trustee shall submit such information to the board; provided, however, that any such changed purpose must be consistent with the requirements of this chapter.

d. *Trustee.*

(1) There shall be one or more trustees, who shall not be a city elected official or public servant, a beneficiary, or a subordinate of or person associated with a beneficiary. The trustee(s) shall be responsible for authorizing expenditures and disbursements from the trust, the filing of quarterly reports required by section 3-1103, and the performance of tasks incidental to the administration of the trust.

(2) The trustee(s) shall be responsible for a legal defense trust's financial administration as required by this chapter. Such trustee(s) shall establish an account, separate from any other bank account held by the trustee or any beneficiary of the trust, at a bank or other financial institution with an office or branch in the city of New York, for the deposit and expenditure of the trust's moneys.

(3) Where there is more than one beneficiary of a legal defense trust, the trustee(s) may, in their discretion, allocate donations and expenditures attributable to trust administration in accordance with their fiduciary duties to the trust.

(4) Trustee(s) appointed pursuant to this section may be suspended or removed in accordance with the provisions of section 7-2.6 of the estates, powers and trusts law.

e. *Donations.*

(1) A legal defense trust shall not accept a donation, and a city elected official or public servant may not raise funds for a legal defense trust, in an amount greater than \$5,000 per donor.

(2) A legal defense trust shall not accept a donation, and a city elected official or public servant may not solicit a donation, of any amount from (a) any person who is a subordinate of such city elected official or public servant, or any person who is a subordinate of the city elected official or public servant for whose benefit the trust was established; (b) any person such trust knows or should know is a person with business dealings with

*the city as of the date of such donation or solicitation; (c) any person who as of the date of such donation or solicitation is appearing before or otherwise has a non-ministerial matter pending with the city; (d) a corporation, limited liability company, limited liability partnership or partnership; (e) any anonymous source; or (f) any source that fails to submit the disclosure document required pursuant to paragraph (3) of this subdivision.*

*(3) Whenever a donation is made to a legal defense trust, the donor shall submit a signed disclosure document to such trust, in such form as specified by the conflicts of interest board by rule, stating that such donor (a) is not a subordinate of the city elected official or public servant for whose benefit the trust was established, nor is a subordinate of the city elected official or public servant who solicited such donation, if applicable; (b) is not a person currently having business dealings with the city of New York; (c) is not appearing before the city; (d) has no non-ministerial matter with the city; and (e) has acknowledged that such donation will not affect any future business dealings with or the disposition of other matters with the city.*

*(4) For purposes of this subdivision, a solicitation for, or a donation to, a legal defense trust permitted by this subdivision shall be presumed not to be made because of a solicitor's or beneficiary's city position.*

*(5) No public servant shall solicit a donation to a legal defense trust (a) in his or her official capacity or (b) in an amount or from a source that is not permitted by this subdivision.*

*(6) No public servant, other than an elected official, who is a deputy mayor, or head of an agency or who is charged with substantial policy discretion as defined by rule of the conflicts of interest board, shall directly or indirectly request any person to make a donation to a legal defense trust, except for a legal defense trust of which such public servant is a beneficiary; provided that nothing contained in this paragraph shall be construed to prohibit such public servant from speaking on behalf of any beneficiary of a legal defense trust at an occasion where a solicitation for a donation to a legal defense trust may be made by others.*

*(7) No public servant shall, directly or indirectly (a) compel, induce or request any person to make a donation to a legal defense trust, under threat of prejudice to or promise of or to secure advantage in rank, compensation or other job-related status or function; or (b) make or promise to make a donation to a legal defense trust in consideration of having been or being nominated, elected or employed as such public servant or to secure advantage in rank, compensation or other job-related status or function.*

*f. Expenditures.*

*(1) The funds of a legal defense trust may be used only to defray (a) legal expenses in connection with a governmental, administrative, criminal or civil investigation, audit or action described in a statement of organization filed pursuant to section 3-1102 that is related to (i) a political campaign; (ii) issue advocacy; or (iii) the holding of a civil office or appointment, public office or political party position, and (b) costs reasonably incurred in administering the trust, including but not limited to costs incident to the solicitation of donations, the hiring of service professionals, bank fees, and the creation and operation of the trust.*

*(2) The funds of a legal defense trust shall not be used for advertising expenses, political consultants, the payment of criminal fines or penalties imposed upon an individual beneficiary, or communications involving election or campaign activities.*

*(3) The funds of a legal defense trust shall not be used for the personal use of the trustee or beneficiary unrelated to the purposes of the trust.*

*(4) The funds of a legal defense trust shall not be used to defray legal expenses that have been paid for by the city. If the city pays any part of the legal expenses of a beneficiary after such beneficiary has received from the corporation counsel the letter required by subparagraph (a) of paragraph (1) of subdivision a of section 3-1102, such funds must be returned to the trust.*

*§ 3-1103 Reporting and disclosure by legal defense trusts.*

*a. Legal defense trusts shall report to the conflicts of interest board, in a manner specified by the board by rule, the following information:*

*(1) The names and addresses of all persons that made a donation having a reasonable value of \$100 or more to the trust during the previous quarter, if any; the dates of donation; and the value of any such donation.*

*(2) An itemized accounting of each expenditure made during the previous quarter, including the name and address of each payee and the amount and the purpose of the expenditure, in a manner and form determined by the conflicts of interest board.*

*(3) The reports required to be filed by this section shall be filed no later than April 15 for the accounting period beginning January 1 and ending March 31; no later than July 15 for the accounting period beginning*

April 1 and ending June 30; no later than October 15 for the accounting period beginning July 1 and ending September 30; and no later than January 15 of the following calendar year, for the accounting period beginning October 1 and ending December 31.

b. The conflicts of interest board shall maintain and regularly update a list on its website of all legal defense trusts that reported and all information disclosed to the board pursuant to this section; provided, however, that the board shall maintain the confidentiality of all information it receives pursuant to this section where required by applicable law.

c. Donor written disclosure submissions received by the legal defense trust pursuant to paragraph (3) of subdivision e of section 3-1102 shall be retained by the trust for at least three years from the date of receipt.

§ 3-1104. Dissolution of the legal defense trust.

a. The legal defense trust shall be terminated within 90 days of the date the last expenditure is made in relation to the governmental administrative, criminal or civil investigations, audits or actions, for which the trust is established.

b. Funds remaining in the legal defense trust account following payment of all attorney's fees and other related legal costs for which the trust was established shall be distributed in the following manner:

(1) returned to the donors on a last in, first out basis or in accordance with another reasonable method as determined by the trustee(s); or

(2) transferred to a charitable organization having tax exempt status under section 501(c)(3) of the internal revenue code, as determined by the trustee(s), or to the general fund of the city of New York; provided, however, that such funds shall not be transferred to an organization with which the trustee or a beneficiary is associated.

§ 3-1105 Enforcement.

a. The conflicts of interest board shall conduct quarterly audits of any legal defense trust established pursuant to this chapter. Such audits shall be conducted in accordance with generally accepted government auditing standards. The board shall promulgate rules regarding what documentation is sufficient for demonstrating financial activities of each such trust.

b. Complaints alleging violations of this chapter shall be made, received, investigated and adjudicated in a manner consistent with the procedures relating to investigations and adjudications of allegations of conflicts of interest as set forth in chapters 34 and 68 of the charter.

§ 3-1106 Rulemaking. The conflicts of interest board shall promulgate such rules as are necessary to ensure the implementation of this chapter.

§ 3-1107 Penalties.

a. Any legal defense trust required to file a statement of organization with the conflicts of interest board pursuant to the provisions of subdivision b of section 3-1102 that has not so filed at the end of one week after the date required for filing shall be subject to a civil penalty of not less than \$250 or more than \$10,000.

b. (1) Any legal defense trust that violates the provisions of paragraphs 1, 2, 5, 6 or 7 of subdivision e of section 3-1102 shall be required to return any donations and shall be subject to a civil penalty, which for the first offense shall be not more than \$5,000, for the second offense not more than \$15,000, and for the third and subsequent offenses not more than \$30,000.

(2) No violation shall issue and no penalty shall be imposed where any donation made pursuant to this subdivision is refunded within 20 days of receipt by the legal defense trust.

c. Any legal defense trust that violates any of the provisions of subdivision f of section 3-1102 shall be subject to a civil penalty, which for the first offense shall be not more than \$1,000, and for the second and subsequent offenses not more than \$10,000.

d. Any legal defense trust that violates the provisions of subdivision a of section 3-1103, relating to the reporting of donations and expenditures, shall be subject to a civil penalty of not less than \$250 or more than \$10,000.

e. Any legal defense trust that violates the provisions of section 3-1104, relating to the dissolution of such trust, shall be subject to a civil penalty of not less than \$250 nor more than \$10,000.

f. The conflicts of interest board may hold a trustee or beneficiary jointly and severally liable for any of the foregoing penalties if such person knew or reasonably should have known of the violation.

§ 2. The provisions of this local law shall be applicable to any legal defense trust, as defined in section 3-1101 of chapter 11 of the administrative code of the city of New York, as added by this local law, established

and in operation on and after the date of its enactment, including such trusts as may have been established prior to such date of enactment.

§ 3. Prior to the adoption of rules promulgated by the conflicts of interest board with respect to forms required pursuant to sections 3-1102 and 3-1103 of chapter 11 of the administrative code of the city of New York, as added by this local law, the board shall accept on an interim basis information and documents that are submitted in a form reflecting compliance with such provisions of such local law, on behalf of any legal defense trust as defined in section 3-1101 of such chapter.

§ 4. This local law takes effect immediately.

Referred to the Committee on Governmental Operations.

Res. No. 715

**Resolution calling upon the United States Congress to pass legislation in response to the “Reducing Poverty in America by Promoting Opportunity and Economic Mobility” Executive Order signed by the President in April 2018.**

By Council Members Levin and Grodenchik.

**Whereas**, On April 10, 2018 the President signed the “Reducing Poverty in America by Promoting Opportunity and Economic Mobility” Executive Order; and

**Whereas**, the Executive Order calls on federal agencies such as Treasury, Agriculture, Labor, Health and Human Services, Housing and Urban Development, Transportation, and Education to examine existing regulations regarding these programs and to make recommendations about additional work requirements, restricting eligibility and block granting programs to states; and

**Whereas**, the Executive Order comprises a series of “Principles of Economic Mobility” which call for adding these additional hurdles and weakening accesses to such programs including Medicaid, SNAP and public housing among others that service low-income Americans; and

**Whereas**, the Executive Order seeks to raise the age limit for those recipients who are currently exempt from work requirements and would restrict the ability of states to issue waivers for such requirements; and

**Whereas**, there are 1.5 million SNAP recipients and 1.6 million Medicaid enrollees in New York City as of October 2018; and

**Whereas**, many of the city’s vulnerable children, families, elderly and disabled people rely on these programs for their well-being and livelihood and this Executive Order puts their ability to receive such benefits at risk; and

**Resolved**, That the Council of the City of New York calls upon the United States Congress to enact legislation to protect safety net programs and oppose the expansion of work requirements as outlined in the Executive Order.

Referred to the Committee on General Welfare.

Res. No. 716

**Resolution calling upon the New York City Department of Education to adopt all of the policy recommendations of the Mayor’s Sexual Health Education Task Force and provide comprehensive sexual health education on a regular basis, across all grade levels.**

By Council Members Levin, Treyger, Cumbo, Levine, Rivera, Ampry-Samuel, Chin, Ayala, Salamanca, Rosenthal, Koslowitz, Lander, Cohen and Dromm.

**Whereas,** In 2011, the New York City Department of Education (“DOE”) made sexual health education a mandatory component of the comprehensive health education courses required in middle and high schools; and

**Whereas,** Nonetheless, data reveals troubling statistics regarding young people’s access to sexual health education, including a 2017 report released by New York City Comptroller Scott Stringer that showed only 43 percent of eighth graders had completed the one credit, or 54 hours, of health education required by New York State law; and

**Whereas,** According to the Centers for Disease Control and Prevention, from 2012 to 2016, primary and secondary syphilis cases in New York City increased 31.9 percent among 15- to 19-year-olds and 55.7 percent among 20- to 24-year-olds; and

**Whereas,** In 2016, nearly 39 percent (882 of 2,279) of new HIV diagnoses in New York City were among 13- to 29-year-olds; and

**Whereas,** Data from the New York City Department of Health and Mental Health (“DOHMH”) shows that in 2015, eight in 10 pregnancies among 15- to 19-year-olds were unintended; and

**Whereas,** Recognizing these significant statistics, the New York City Council (“the Council”) passed Local Law 90 of 2017 (“Local Law 90”), sponsored by Council Member Laurie Cumbo, to ensure students get a comprehensive sexual health education that includes medically-accurate and age-appropriate lessons on sexual health; and

**Whereas,** Local Law 90 created a Sexual Health Education Task Force (“the Task Force”), responsible for reviewing information about the current recommended sexual health education curricula and the implementation of sexual health education in New York City public schools, as well as issuing a report with findings and recommendations for the improvement and expansion of the curricula and implementation in grades kindergarten through twelve; and

**Whereas,** The Task Force was comprised of 28 members, including students, educators, parents, a principal, a school psychologist, sexual health education experts, LGBTQ health experts, representatives from DOE, representatives from DOHMH, and representatives from the Council; and

**Whereas,** The Task Force met over the course of six months, and published its findings and recommendations in July 2018; and

**Whereas,** The Task Force identified four broad strategies to bolster sexual health education in New York City, which included prioritizing a culture of sexual wellness and inclusivity in all schools; ensuring all students are served by well-equipped and supported health education instructors; improving the content, substance, and methods of sexual health education; and strengthening accountability and reporting; and

**Whereas,** The Task Force also developed 11 nonbinding recommendations within each of the above broad strategies to strengthen student, school, family, and community participation in implementing meaningful, culturally responsive, inclusive, and sustainable sexual health education; and

**Whereas,** The Task Force recommendations include expanding instruction so that sexual health education lessons covering healthy relationships, sexuality, consent, and bodily autonomy are taught at least once to students in kindergarten through second grade and at least once again in grades three through five; and

**Whereas,** The recommendations also include avoiding the use of, and actively dismantling, cisnormative, heteronormative, and ethnocentric frameworks; and

**Whereas,** The recommendations also call for health lessons in all city schools to be delivered by teachers who have received high-quality training in sexual health education, and the Task Force urges DOE to explore adding a required certification for all teachers on inclusivity and consent; and

**Whereas,** The Task Force report framed sexual health education as an essential element to developing and maintaining healthy relationships throughout life; now, therefore, be it

**Resolved,** That the Council of the City of New York calls upon the New York City Department of Education to adopt all of the policy recommendations of the Mayor’s Sexual Health Education Task Force and provide comprehensive sexual health education on a regular basis, across all grade levels.

Referred to the Committee on Education.

## Int. No. 1326

By Council Members Levine and Cornegy.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring added sugar notifications on menu boards and signs**

*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 17-199.11 to read as follows:

§ 17-199.11 *Added sugar notifications. a. Definitions. For the purposes of this section, the following terms have the following meanings:*

*Added sugar. The term “added sugar” means sugars and syrups put into foods during preparation or processing.*

*Covered establishment. The term “covered establishment” means any food service establishment inspected pursuant to the restaurant grading program established pursuant to subdivision a of section 81.51 of the health code of the city of New York, that is part of a chain with 15 or more locations doing business under the same name and offering for sale substantially the same menu items.*

*Food service establishment. The term “food service establishment” means a place where food is provided for individual portion service directly to the consumer whether such food is provided free of charge or sold, and whether consumption occurs on or off the premises pursuant to subdivision s of section 81.03 of the health code of the city of New York.*

*Icon. The term “icon” means a graphic or illustrated image designed by the department that denotes added sugar.*

*Warning statement. The term “warning statement” means a statement designed by the department to explain the consequences of excess added sugar consumption.*

*b. A covered establishment shall post a clearly visible icon and warning statement next to menu items that contain over 12 grams of added sugars.*

*c. A covered establishment shall post a clearly visible icon and warning statement on signs displaying menu items that contain over 12 grams of added sugars.*

*d. Any covered establishment that violates any of the provisions of this section shall be liable for a civil penalty of:*

*1. Not less than \$200 nor more than \$500 for a first violation thereof;*

*2. Not less than \$500 nor more than \$1,000 for a second violation thereof within any 12 month period; and*

*3. Not less than \$1,000 nor more than \$2,500 for a third or subsequent violation thereof within any 12 month period.*

§ 2. This local law takes effect 120 days after it becomes law, except that the commissioner of health and mental hygiene may take such actions as are necessary for its implementation, including the promulgation of rules, before such date.

Referred to the Committee on Health.

## Int. No. 1327

By Council Members Matteo and Brannan (by request of the Staten Island Borough President).

**A Local Law to amend the administrative code of the city of New York, in relation to restricting the use of bus lanes by sight-seeing buses**

*Be it enacted by the Council as follows:*

Section 1. Subdivision a of section 19-175.6 of the administrative code of the city of New York, as added by local law number 175 for the year 2018, is amended to read as follows:

a. The commissioner shall provide written authorization for on-street bus stops for sight-seeing bus companies pursuant to subdivision d of section 20-374 of this code on the basis of the following criteria: (i) traffic, bicycle and pedestrian flow, and public safety; (ii) preferences of the sight-seeing bus permit applicant; (iii) consultation with the local community board for the district encompassing the location to be authorized, including but not limited to a notice and comment period of 45 days prior to the authorization or permanent amendment thereto; (iv) the number of stops proposed and the viability of a proposed bus stop schedule as determined by the commissioner; (v) the availability and location of planned garage or other parking space for periods when buses picking up or discharging passengers at the authorized stops are not in use; and (vi) any other criteria deemed appropriate by the commissioner. *The commissioner shall not authorize any such bus stop in any lane in which bus lane restrictions are in effect for use between the hours of 7:00 am and 10:00 a.m. and between the hours of 4:00 p.m. and 7:00 p.m. on weekdays.* The commissioner shall approve or deny such authorizations no later than 180 days from the date of the application.

§ 2. Subchapter 2 of chapter 1 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-175.7 to read as follows:

§ 19-175.7 *Sightseeing buses in bus lanes. Except for the permissible uses allowed under subparagraphs (iii) through (vi) of paragraph (1) of subdivision (m) of section 4-12(m) of title 34 of the rules of the city of New York and section 19-175.4, no sight-seeing bus may use a lane in which bus lane restrictions are in effect between the hours of 7:00 am and 10:00 a.m. or between the hours of 4:00 p.m. and 7:00 p.m. on weekdays.*

§ 3. This local law takes effect 90 days after it becomes law, except that section one of this local law takes effect on the same date that local law number 175 for the year 2018 takes effect.

Referred to the Committee on Transportation.

Int. No. 1328

By Council Members Menchaca, Rosenthal, Ayala, Richards, Kallos, Levin, Rivera, Brannan, Adams and Levine.

**A Local Law to amend the administrative code of the city of New York, in relation to the identification of languages spoken by callers to the 311 customer service center**

*Be it enacted by the Council as follows:*

Section 1. Chapter 3 of title 23 of the administrative code of the city of New York is amended to add a new section 23-304 to read as follows:

§ 23-304 *Identification of spoken language. a. The 311 customer service center shall implement a protocol for identifying the language spoken by a telephone caller to the 311 customer service center.*

*b. Such protocol shall include the use of automated language recognition software to assist in the identification, either for an automated message system or for the call taker, of the language possibly spoken by the caller.*

*c. The 311 customer service center shall examine every call that disconnects during the process of identifying the caller's language without having completed such process, determine the cause of such disconnection, and implement remedies for such disconnections where appropriate to ensure that callers to the 311 system in any language are properly addressed. By January 30 of each year, the department of information technology and telecommunications shall submit to the council and post on its website a report summarizing such causes and remedies.*

§ 2. This local law takes effect 1 year after it becomes law.

Referred to the Committee on Technology.



## Int. No. 1329

By Council Members Reynoso, Lancman, Menchaca and Rosenthal.

**A Local Law to amend the administrative code of the city of New York, in relation to trade waste industry labor unions**

*Be it enacted by the Council as follows:*

Section 1. Section 16-503 of the administrative code of the city of New York, as added by local law number 42 for the year 1996, is amended to read as follows:

§ 16-503 Functions. The commission shall be responsible for the licensing, registration and regulation of businesses that remove, collect or dispose of trade waste [and], trade waste brokers, *and labor unions or labor organizations that represent or seek to represent employees directly involved in the collection, removal, transportation or disposal of trade waste.*

§ 2. Section 16-504 of the administrative code of the city of New York, as added by local law number 42 for the year 1996, is amended by adding a new subdivision j to read as follows:

*j. To issue and establish standards for the registration of labor unions or labor organizations representing or seeking to represent employees directly involved in the collection, removal, transportation or disposal of trade waste and for suspending or disqualifying officers of such unions or organizations.*

§ 3. Section 16-505 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 labor union or labor organization representing or seeking to represent employees directly involved in the collection, removal, transportation or disposal of waste shall, within the time period prescribed by the commission, register with the commission and shall disclose information to the commission as the commission may by rule require, including but not limited to the names of all officers and agents of such union or organization; provided, however, that this section shall not apply:*

*(i) to a labor union representing or seeking to represent clerical or other office workers;*

*(ii) to affiliated national or international labor unions of local labor unions required to register pursuant to this provision;*

*(iii) and provided, further, that no labor union or labor organization shall be required to furnish information pursuant to this section which is already included in a report filed by such labor union or labor organization with the secretary of labor pursuant to 29 U.S.C. § 431, et seq., or § 1001, et seq., if a copy of such report, or of the portion thereof containing such information, is furnished to the commission.*

*e. An officer of a labor union or labor organization required to register with the commission pursuant to subdivision d of this section shall inform the commission, on a form prescribed by the commission, of:*

*(i) all criminal convictions, in any jurisdiction, of such officer;*

*(ii) any pending civil or criminal actions to which such officer is a party; and*

*(iii) any criminal or civil investigation by a federal, state, or local prosecutorial agency, investigative agency or regulatory agency, in the five-year period preceding the date of registration pursuant to subdivision e of this section and at any time subsequent to such registration, wherein such officer has (A) been the subject of such investigation, or (B) received a subpoena requiring the production of documents or information in connection with such investigation. Any material change in the information reported pursuant to this subdivision shall be reported to the commission within 10 calendar days thereof. If the commission has reasonable cause to believe that such an officer lacks good character, honesty and integrity, it may require that such officer be fingerprinted by a person designated by the commission for such purpose and pay a fee to be submitted to the division of criminal justice services and/or the federal bureau of investigation for the purpose of obtaining criminal history records.*

§ 5. Section 16-506 of the administrative code of the city of New York, as added by local law number 42 for the year 1996, is amended to read as follows:

§ 16-506 Term and fee for license or registration. a. [A] *Except as provided in subdivision c of this section, a license or registration issued pursuant to this chapter shall be valid for a period of two years.*

b. The commission shall promulgate rules establishing the fee for any license or registration required by this chapter. Such rules may provide for a fee to be charged for each vehicle in excess of one that will *collect, remove, transport or dispose of* waste pursuant to such license and for each such vehicle operated pursuant to such registration.

*c. A labor union or labor organization registration issued pursuant to this chapter shall be valid for a period of five years.*

§ 6. Subdivision a of section 16-509 of the administrative code of the city of New York, as added by local law number 42 for the year 1996, is amended to read as follows:

a. The commission may, by majority vote of its entire membership and after notice and the opportunity to be heard, refuse to issue a license *or registration* to an applicant who lacks good character, honesty and integrity. Such notice shall specify the reasons for such refusal. In making such determination, the commission may consider, but is not limited to: (i) failure by such applicant to provide truthful information in connection with the application; (ii) a pending indictment or criminal action against such applicant for a crime which under this subdivision would provide a basis for the refusal of issuance of such license *or registration*, or a pending civil or administrative action to which such applicant is a party and which directly relates to the fitness to conduct the business or perform the work for which [the] *such license or registration* is sought, in which cases the commission may defer consideration of an application until a decision has been reached by the court or administrative tribunal before which such action is pending; (iii) conviction of such applicant for a crime which, considering the factors set forth in section seven hundred fifty-three of the correction law, would provide a basis under such law for the refusal of such license *or registration*; (iv) a finding of liability in a civil or administrative action that bears a direct relationship to the fitness of the applicant to conduct the business for which the license *or registration* is sought; (v) commission of a racketeering activity or knowing association with a person who has been convicted of a racketeering activity, including but not limited to the offenses listed in subdivision one of section nineteen hundred sixty-one of the Racketeer Influenced and Corrupt Organizations statute (18 U.S.C. § 1961 et seq.) or of an offense listed in subdivision one of section 460.10 of the penal law, as such statutes may be amended from time to time, or the equivalent offense under the laws of any other jurisdiction; (vi) association with any member or associate of an organized crime group as identified by a federal, state or city law enforcement or investigative agency when the applicant knew or should have known of the organized crime associations of such person; (vii) having been a principal in a predecessor trade waste business as such term is defined in subdivision a of section 16-508 of this chapter where the commission would be authorized to deny a license *or registration* to such predecessor business pursuant to this subdivision; (viii) current membership in a trade association where such membership would be prohibited to a licensee pursuant to subdivision j of section 16-520 of this chapter unless the commission has determined, pursuant to such subdivision, that such association does not operate in a manner inconsistent with the purposes of this chapter; (ix) the holding of a position in a trade association where membership or the holding of such position would be prohibited to a licensee pursuant to subdivision j of section 16-520 of this chapter; or (x) failure to pay any tax, fine, penalty[,] or fee related to the applicant's business for which liability has been admitted by the person liable therefor, or for which judgment has been entered by a court or administrative tribunal of competent jurisdiction. For purposes of determination of the character, honesty and integrity of a trade waste broker pursuant to subdivision c or subdivision d of section 16-507 of this chapter, the term "applicant" shall refer to the business of such trade waste broker and all the principals thereof; for purposes of determining the good character, honesty and integrity of employees or agents pursuant to section 16-510 of this chapter, the term "applicant" as used herein shall be deemed to apply to employees, agents or prospective employees or agents of an applicant for a license or a licensee.

§ 7. Section 16-509 of the administrative code of the city of New York, as added by local law number 42 for the year 1996 is amended by adding new subdivisions g, h and i to read as follows:

*g. The commission may, after notice and the opportunity to be heard, disqualify an officer of a labor union or labor organization from holding office when such person: (i) has failed, by the date prescribed by the commission, to be fingerprinted or to provide truthful information in connection with the reporting requirements of subdivisions e and f of section 16-505; (ii) is the subject of a pending indictment or criminal action against such officer for a crime which bears a direct relationship to the trade waste industry, in which case the commission may defer a determination until a decision has been reached by the court before which such action is pending; (iii) has been convicted of a crime which, under the standards set forth in article 23-A of the correction law, bears a direct relationship to the trade waste industry, in which case the commission shall also*

consider the bearing, if any, that the criminal offense or offenses will have on the fitness of the officer to perform his or her responsibilities, the time which has elapsed since the occurrence of the criminal offense or offenses; the seriousness of the offense or offenses, and any information produced by the person, or produced on his or her behalf, in regard to his or her rehabilitation or good conduct; (iv) has been convicted of a racketeering activity or associated with a person who has been convicted of a racketeering activity, including but not limited to the offenses listed in subdivision one of section nineteen hundred sixty-one of the Racketeer Influenced and Corrupt Organizations statute (18 U.S.C. § 1961, et seq.) or of an offense listed in subdivision one of section 460.10 of the penal law, as such statutes may be amended from time to time, when the officer knew or should have known of such conviction; or (v) has associated with any member or associate of an organized crime group, as identified by a federal, state or city law enforcement or investigative agency, when the officer knew or should have known of the organized crime associations of such person. An officer required to disclose information pursuant to subdivisions e and f of section 16-505 may submit to the commission any material or explanation which such officer believes demonstrates that such information does not reflect adversely upon the officer's good character, honesty and integrity. If the commission determines pursuant to this subdivision that there are sufficient grounds to disqualify a person from holding office in a labor union or labor organization, the commission shall suspend such person from holding office pending a final determination and, in the event such person is disqualified, such suspension shall continue pending resignation or vacatur of or removal from office. Upon written request of the suspended person within 10 days of the commission's determination, the director of the office of collective bargaining shall prepare a list of the names of the first fifteen arbitrators selected at random from the roster of arbitrators approved by the office of collective bargaining and present the first five names on such list to the suspended person and the commission. Within alternating periods of five business days the suspended person and then the commission shall each strike a name from the list of selected arbitrators. If the parties cannot within two additional business days jointly appoint an arbitrator from those remaining on the list, the suspended person and then the commission shall within alternating periods of two business days each strike an additional name from the list. The remaining arbitrator shall thereupon be appointed as the arbitrator for that proceeding and shall establish a schedule for such proceeding. In the event that such arbitrator declines the appointment or for any reason is unable to accept the appointment, then the director of the office of collective bargaining shall within five business days present to the suspended person and the commission the next five names on the list of arbitrators previously selected at random and the procedures set forth in this subdivision for appointing an arbitrator shall be applied to this second group. In the event that the arbitrator appointed from this second group declines the appointment or for any reason is unable to accept the appointment, then the director of the office of collective bargaining shall present the remaining five names from the list of arbitrators selected at random and the suspended person shall select an arbitrator from such group. Such arbitrator shall make a final report and recommendations in writing concerning the disqualification. The commission shall accept such report and recommendations and issue its final determination consistent with such report and recommendations. In the event that the suspended person does not make a request for arbitration within the ten-day period, he or she shall be disqualified from holding office. Upon receiving an order from the commission pursuant to this subdivision disqualifying a person from holding office in a labor union or labor organization, such person shall resign or vacate such office within fourteen days or, if such person fails to resign or vacate such office within such time period, such union or organization shall remove such person forthwith from such office. Failure of such a person to resign or vacate office within such time period shall subject such person to the penalties set forth in section 16-515. Nothing in this section shall be construed to authorize the commission to disqualify a labor union or labor organization from representing or seeking to represent employees of a business required to be licensed or registered pursuant to section 16-505.

h. In reaching a determination to fingerprint an officer of a labor union or labor organization pursuant to subdivision f of section 16-505 or to disqualify such an officer pursuant to subdivision h of this section, the commission shall give substantial weight to the results of any investigation conducted by an independent investigator, monitor, trustee or other person or body charged with the investigation or oversight of such labor union or labor organization, including whether such investigation has failed to return charges against such officer.

i. Notwithstanding any other provision of this chapter to the contrary, the provisions of this section shall apply to any labor union or labor organization representing or seeking to represent employees of businesses required to be licensed or registered pursuant to this chapter.

§ 8. This local law takes effect 120 days after it becomes law, except that the business integrity commission may 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 Sanitation and Solid Waste Management.

Int. No. 1330

By Council Members Salamanca, Koslowitz and Ampry-Samuel.

**A Local Law in relation to establishing a task force to study accessibility and compliance with the Americans with disabilities act in the city's public schools**

*Be it enacted by the Council as follows:*

Section 1. There is hereby established a task force to study accessibility and compliance with the Americans with disabilities act in the city's public schools, and to make recommendations as to how the city can achieve full accessibility in at least one elementary school, one middle school, and one high school in each community school district within five years.

§ 2. The task force shall include the following members:

1. The commissioner of the mayor's office for people with disabilities, or such commissioner's designee, who shall serve as chair of the task force;
  2. The chancellor of the city school district of the city of New York, or such chancellor's designee;
  3. The chairperson of the New York city commission on human rights, or such chairperson's designee;
  4. The speaker of the council, or such speaker's designee;
  5. At least one school principal from each borough, appointed by the mayor;
  6. At least one teacher employed by the department of education from each borough, appointed by the mayor;
- and
7. At least five advocates who specialize in working with students with disabilities, appointed by the speaker of the council.

§ 3. The task force shall:

1. Hold at least one meeting every three months;
2. Issue a report which shall include, but need not be limited to, the following:
  - (a) An analysis of the structural changes necessary to achieve full accessibility in at least one elementary school, one middle school, and one high school in each community school district within five years of the issuance of such report;
  - (b) A timeline for each community school district to achieve full accessibility in at least one elementary school, one middle school, and one high school, within five years;
  - (c) The costs associated with achieving full accessibility in at least one elementary school, one middle school, and one high school in each community school district within five years; and
  - (d) Recommendations on how the city can address the needs of students with disabilities, how the city can further assist students with disabilities, and any other recommendations that the task force deems appropriate; and
3. Make a good faith effort to procure relevant information from any state or city agency or organization that may possess such information, and, to the extent made available, to include such information in the report required by subdivision 2 of this section.

§ 4. The task force shall submit the report and accompanying recommendations required by section 3 of this local law to the mayor, the council, the chancellor of the city school district, and the commissioner of the mayor's office for people with disabilities no later than July 1, 2020.

§ 5. The task force shall dissolve upon submission of the report required by section 3.

§ 6. This local law takes effect immediately and expires and is deemed repealed upon the dissolution of the task force in accordance with section 5 of this local law.

Referred to the Committee on Mental Health, Disabilities and Addiction.

Int. No. 1331

By Council Members Torres and Ampry-Samuel.

**A Local Law to amend the New York city charter, in relation to New York city housing authority overtime reporting**

*Be it enacted by the Council as follows:*

Section 1. Section 803 of chapter 34 of the New York city charter is amended by adding a new subdivision h to read as follows:

*h. No later than 30 days after the enactment of this subdivision, and by the fifth day of the calendar month every other month thereafter, the commissioner shall submit to the council a report on total overtime hours recorded and total overtime paid to employees of the New York city housing authority for the prior calendar month. The data in the report shall be aggregated by borough and housing development and disaggregated by division, job title and supervisory status. Nothing within this subdivision shall prevent the commissioner from reporting on any additional relevant information not specifically identified herein.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Oversight and Investigations.

L.U. No. 313

By Council Member Salamanca:

**Application No. C 190026 HAX (4697 Third Avenue) submitted by the Department of Housing Preservation and Development pursuant to Article 16 of the General Municipal Law of New York State for the designation of properties located at 4697 Third Avenue (Block 3041, Lots 38 and 40) as an Urban Development Action Area; and an Urban Development Action Area Project for such area; and pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer to be selected by HPD, Borough of the Bronx, Community District 6, Council District 15.**

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions, and Concessions.

L.U. No. 314

By Council Member Salamanca:

**Application No. C 190049 ZMX (Belmont Cove Rezoning) submitted by the New York City Department of Housing Preservation and Development and Proxy Estate, Inc., pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 3d, changing from an M1-4 District to an R7X District property located at Block 2945, Lots 34, 65 and 66, Borough of the Bronx, Community Board 6. Council District 17.**

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions, and Concessions.

L.U. No. 315

By Council Member Salamanca:

**Application No. N 190050 ZRX (Belmont Cove Rezoning) submitted by the New York City Department of Housing Preservation and Development, 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 Housing Inclusionary area, Borough of the Bronx, Community Board 6. Council District 17.**

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions, and Concessions.

L.U. No. 316

By Council Member Salamanca:

**Application No. C 190051 PPX (Belmont Cove Rezoning) submitted by the New York City Department of Housing Preservation and Development, pursuant to Section 197-c of the New York City Charter, for the disposition of two city-owned properties located on the south side of East 176<sup>th</sup> Street between Belmont and Crotona avenues (Block 2945, Lots 65 and 66), Borough of the Bronx, Community Board 6. Council District 17.**

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions, and Concessions.

L.U. No. 317

By Council Member Salamanca:

**Application No. C 180083 ZMX (East 241<sup>st</sup> Street Rezoning) submitted by Enclave on 241st LLC pursuant to Sections 197-c and 201 of the New York City Charter for the 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 for property property bounded by East 241st Street, Furman Avenue, East 240th Street and White Plains Road (Block 5087), Borough of the Bronx, Council District 11, Community District 12.**

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

L.U. No. 318

By Council Member Salamanca:

**Application No. N 180084 ZRX (East 241st Street Rezoning) submitted by Enclave on 241st, 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 to Appendix I to extend Transit Zone 1, Borough of the Bronx, Council District 11, Community District 12.**

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

## L.U. No. 319

By Council Member Salamanca:

**Application No. C 180229 ZMK (895 Bedford Avenue Rezoning) submitted by 895 Bedford Avenue Realty, LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment to the Zoning Map, Section No. 17a changing from an M1-2 District to an R7A District and establishing within the proposed R7A District a C2-4 District for property bounded by a line 80 feet northerly of Willoughby Avenue, Spencer Street, Willoughby Avenue, and Bedford Avenue, Borough of Brooklyn, Council District 33, Community District 3.**

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

## L.U. No. 320

By Council Member Salamanca:

**Application No. N 180230 ZRK (895 Bedford Avenue Rezoning) submitted by 895 Bedford 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 in the Borough of Brooklyn, Council District 33, Community District 3.**

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

## L.U. No. 321

By Council Member Salamanca:

**Application No. C 170492 ZMQ (100-03 North Conduit Avenue) submitted by Cohancy Realty LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 18b, by establishing within an existing R3X District a C2-2 District bounded by Cohancy Street, a line 190 feet northerly of North Conduit Avenue, the northeasterly boundary of a Railroad Right-Of-Way (N.Y.C.T.A Rockaway Beach Division), and North Conduit Avenue, Borough of Queens, Council District 32, Community District 10,**

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

## L.U. No. 322

By Council Member Salamanca:

**Application No. C 180439 ZSM (51-53 White Street) submitted by 51 White Street LLC requesting a Special Permit pursuant to ZR section 74-711 to modify Sections 23-692, 23-622, 23-861, and 23-851(b) to facilitate a two-story enlargement for property in the Tribeca East Historic District located at 51-53 White Street (Block 175, Lot 24), Borough of Manhattan, Community District 1, Council District 1.**

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

L.U. No. 323

By Council Member Salamanca:

Application No. C 190070 ZSM (59 Greenwich) submitted by 59 Greenwich LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-711 of the Zoning Resolution to modify the use regulations of Section 32-421 (Limitation on floors occupied by commercial uses) to allow Use Group 6 uses (retail uses) and the minimum distance between legally required windows and lot lines regulations of Section 23-86 (Minimum Distance Between Legally Required Windows and Walls or Lot Lines) in connection with the re-construction and enlargement of an existing four-story mixed use building on property located at 59 Greenwich Avenue (Block 613, Lot 60), Borough of Manhattan, Community District 2, Council District 3.

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

NEW YORK CITY COUNCIL

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

**Thursday, January 10, 2019**

Deferred

~~Committee on Consumer Affairs & Business Licensing Rafael L. Espinal, Chairperson  
**Int 726**—By Council Members Espinal, Ampry Samuel, Ayala, Maisel, Constantinides and Rosenthal—**A Local Law** to amend the New York city charter and the administrative code of the city of New York, in relation to private employees disconnecting from electronic communications during non-work hours  
Committee Room—250 Broadway, 14<sup>th</sup> Floor.....10:00 a.m.~~

Deferred

~~Committee on Housing and Buildings Robert Cornegy, Jr., Chairperson  
**Int 249**—By Council Members Reynoso and Brannan—**A Local Law** to amend the administrative code of the city of New York, in relation to the marketing of affordable housing units.  
**Int 357**—By Council Member Rosenthal—**A Local Law** to amend the New York city charter and the administrative code of the city of New York, in relation to construction conditions in housing development projects.  
**Int 550**—By Council Member Levine—**A Local Law** in relation to the creation of an affordable housing lottery task force.  
**Int 564**—By Council Member Treyger—**A Local Law** to amend the administrative code of the city of New York, in relation to reporting on housing lottery outcomes.  
**Int 716**—By Council Members Williams and Reynoso—**A Local Law** to amend the administrative code of the city of New York, in relation to a report on the waiting lists of Mitchell Lama housing developments. **Int 1211**—By Council Members Salamanca, Levin, Cornegy, Brannan, Lander, Reynoso, Torres, Barron, Williams, Ayala, Diaz, Gibson, Levine, Cabrera, Laneman, Espinal, Adams, Moya, Rivera, Kallos, Rosenthal, Rodriguez, King, Ampry Samuel, Eugene, Menchaca and Chin—**A Local Law** to amend the administrative code of the city~~



~~of New York, in relation to requiring developers who receive city financial assistance for housing development projects to set aside a certain of created or preserved dwelling units for homeless individuals and families.  
 Council Chambers – City Hall.....10:00 a.m.~~

[Subcommittee on Zoning & Franchises](#) Francisco Moya, Chairperson  
**See Land Use Calendar**  
 Committee Room – City Hall.....1:00 p.m.

**Monday, January 14, 2019**

[Committee on Governmental Operations](#) Fernando Cabrera, Chairperson  
**Int 1325-** By Council Members Levin and Cohen - **A Local Law** to amend the administrative code of the city of New York, in relation to authorizing the creation of legal defense trusts.  
 Committee Room – City Hall ..... 10:00 a.m.

[Committee on Housing and Buildings](#) Robert Cornegy, Jr., Chairperson  
**Oversight** – Housing Lotteries.  
**Int 249** – By Council Members Reynoso and Brannan – **A Local Law** to amend the administrative code of the city of New York, in relation to the marketing of affordable housing units.  
**Int 357** – By Council Member Rosenthal – **A Local Law** to amend the New York city charter and the administrative code of the city of New York, in relation to construction conditions in housing development projects.  
**Int 550** – By Council Member Levine – **A Local Law** in relation to the creation of an affordable housing lottery task force.  
**Int 564** – By Council Member Treyger – **A Local Law** to amend the administrative code of the city of New York, in relation to reporting on housing lottery outcomes.  
**Int 716** – By Council Members Williams and Reynoso – **A Local Law** to amend the administrative code of the city of New York, in relation to a report on the waiting lists of Mitchell-Lama housing developments.  
**Int 1211** – By Council Members Salamanca, Levin, Cornegy, Brannan, Lander, Reynoso, Torres, Barron, Williams, Ayala, Diaz, Gibson, Levine, Cabrera, Lancman, Espinal, Adams, Moya, Rivera, Kallos, Rosenthal, Rodriguez, King, Ampry-Samuel, Eugene, Menchaca and Chin – **A Local Law** to amend the administrative code of the city of New York, in relation to requiring developers who receive city financial assistance for housing development projects to set aside a certain of created or preserved dwelling units for homeless individuals and families.  
 Council Chambers – City Hall.....10:00 a.m.

[Committee on Fire and Emergency Management](#) Joseph Borelli, Chairperson  
**Oversight** - Impact of New Development to Long Island City’s Emergency Services.  
 Council Chambers – City Hall ..... 1:00 p.m.

[Subcommittee on Planning, Dispositions & Concessions](#) Ben Kallos, Chairperson  
**See Land Use Calendar**  
 Committee Room – 250 Broadway, 16<sup>th</sup> Floor.....1:00 p.m.

**Tuesday, January 15, 2019**

Committee on Youth Services

Deborah Rose, Chairperson

**Oversight** - Interagency Coordinating Council (ICC).

Committee Room – 250 Broadway, 14<sup>th</sup> Floor.....1:00 p.m.

**Wednesday, January 16, 2019**

Committee on Juvenile Justice

Andy King, Chairperson

**Oversight** - Evaluating Programs that Aim to Reduce Recidivism Among Justice Involved Youth.

Committee Room – 250 Broadway, 16<sup>th</sup> Floor ..... 10:00 a.m.

Committee on Education

Mark Treyger, Chairperson

**Oversight** - Health & Wellness Instruction in NYC Schools.

**Int 365** - By Council Members Salamanca, Brannan, Levine, Levin, Deutsch, Yeger, Maisel, Menchaca, Cohen, Espinal, Cabrera, Diaz, Richards, Gjonaj, Lancman and Rivera - **A Local Law** to amend the administrative code of the city of New York in relation to requiring the department of education to stock opioid antagonists in all school buildings.

**Int 560** - By Council Member Treyger - **A Local Law** in relation to creating a task force to study the feasibility of starting middle schools and high schools after 8:30 am in order to reduce adolescent sleep deprivation.

**Int 1283** - By Council Members Treyger, Brannan and Ampry-Samuel (by request of the Manhattan Borough President) - **A Local Law** to amend the administrative code of the city of New York, in relation to reporting on food and nutrition education in New York city schools.

**Res 238** - By Council Members Cabrera, Rosenthal, Brannan, Vallone, Rivera, King, Menchaca, Maisel, Levine, Chin, Levin, Perkins, Deutsch, Cumbo, Reynoso, Cornegy, Torres, Ampry-Samuel, Koslowitz and Lander (by request of the Brooklyn Borough President) - **Resolution** calling upon the New York City Department of Education to ban processed meats from being served in New York City public schools..

**Res 632** - By Council Members Barron and Miller - **Resolution** calling upon the New York City Department of Education to create a diabetes and prediabetes health based curriculum.

Council Chambers – City Hall.....1:00 p.m.

Committee on Hospitals

Carlina Rivera, Chairperson

**Oversight** - Charity Care Funding for New York City Hospitals

Committee Room – City Hall.....1:00 p.m.

**Thursday, January 17, 2019**

Committee on Consumer Affairs & Business Licensing

Rafael L. Espinal, Chairperson

**Int 726** - By Council Members Espinal, Ampry-Samuel, Ayala, Maisel, Constantinides, Rosenthal and Levin - **A Local Law** to amend the New York city charter and the administrative code of the city of New York, in relation to private employees disconnecting from electronic communications during non-work hours.

Committee Room – 250 Broadway, 16<sup>th</sup> Floor.....10:00 a.m.

Committee on Higher Education

Inez Barron, Chairperson

**Oversight** – Pursuing a Career in Health Care at the City University of New York.

Committee Room – 250 Broadway, 14<sup>th</sup> Floor.....10:00 a.m.

[Committee on Governmental Operations](#) jointly with the  
[Committee on Technology](#)

Fernando Cabrera, Chairperson  
Peter Koo, Chairperson

**Oversight** – 311 Customer Experience and Operations.

**Int 188** – By Council Members Matteo, Brannan, Holden and Yeger – **A Local Law** to amend the administrative code of the city of New York, in relation to procedures to be adopted by the 311 call center for responding to certain repeat anonymous complaints against the same property.

**Int 1328** - By Council Member Menchaca - A Local Law to amend the administrative code of the city of New York, in relation to the identification of languages spoken by callers to the 311 customer service center.

Council Chambers – City Hall.....1:00 p.m.

**Tuesday, January 22, 2019**

[Subcommittee on Planning, Dispositions & Concessions](#)

Ben Kallos, Chairperson

**See Land Use Calendar**

Committee Room – City Hall.....10:30 a.m.

[Subcommittee on Zoning & Franchises](#)

Francisco Moya, Chairperson

**See Land Use Calendar**

Committee Room – City Hall.....10:45 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

Committee Room – City Hall.....11:00 a.m.

[Committee on Cultural Affairs, Libraries & International Intergroup Relations](#)

James Van Bramer, Chairperson

**Oversight** - Arts, Culture, and Stonewall50.

Council Chambers - City Hall.....1:00 p.m.

[Committee on Public Housing](#) jointly with the  
[Committee on Civil Service and Labor](#)

Alicka Ampry-Samuel, Chairperson  
I. Daneek Miller, Chairperson

**Oversight** – Section 3 Hiring Requirements.

Committee Room – 250 Broadway, 16<sup>th</sup> Floor.....1:00 p.m.

**Wednesday, January 23, 2019**

[Committee on Mental Health, Disabilities & Addition](#)

Diana Ayala, Chairperson

**Oversight** – ThriveNYC, a Three Year Update.

Committee Room – 250 Broadway, 16<sup>th</sup> Floor ..... 10:00 a.m.

[Committee on Women](#) jointly with the  
[Committee on Aging](#)

Helen Rosenthal, Chairperson  
Margaret Chin, Chairperson

**Oversight** – Women Aging into Poverty in New York City.

Council Chambers – City Hall.....10:00 a.m.

[Committee on Parks and Recreation](#) jointly with the  
[Committee on Environmental Protection](#)

Barry Grodenchik, Chairperson  
Costa Constantinides, Chairperson

**Oversight** – The Status of the East Side Coastal Resiliency Project.

Committee Room – City Hall.....1:00 p.m.

[Committee on Transportation](#)

Ydanis Rodriguez, Chairperson

**Int 1250** - By Council Members Cabrera, Espinal, Rodriguez, Salamanca, Ulrich, Levine, Koslowitz, Richards, Torres, Cornegy, Constantinides, Ampry-Samuel, Brannan, Maisel, Cumbo, Gjonaj, Williams, Rivera and Borelli - **A Local Law** to amend the administrative code of the city of New York, in relation to the operation of certain electric scooters.

**Int 1264** - By Council Members Espinal, Cabrera, Rodriguez, Salamanca, Chin, Rivera, Levine, Cumbo and Cornegy - **A Local Law** to amend the administrative code of the city of New York, in relation to the operation of certain electric bicycles.

**Int 1265** - By Council Members Espinal, Cabrera, Rodriguez, Salamanca, Chin, Rivera, Levine, Cumbo, Cornegy, Powers, Constantinides, Rose, Koo and Williams - **A Local Law** in relation to a conversion program for pedal-assist electric bicycles.

**Int 1266** - By Council Members Espinal, Cabrera, Rodriguez, Salamanca, Levine, Cumbo, Cornegy, Koslowitz, Ampry-Samuel, Vallone, Brannan, Maisel, Constantinides, Koo, Williams and Grodenchik - **A Local Law** to amend the administrative code of the city of New York, in relation to a pilot program for shared electric scooters.  
Council Chambers – City Hall.....1:00 p.m.

**Thursday, January 24, 2019**

[Stated Council Meeting](#).....*Ceremonial Tributes – 1:00 p.m.*  
.....*Agenda – 1:30 p.m.*

During the Communication from the Speaker segment of this Meeting, the Speaker (Council Member Johnson) recognized that January 9<sup>th</sup> was the birthday of cat-saver and champion of student and immigrant New Yorkers, Council Member Francisco Moya. He wished Council Member Moya a happy birthday as those assembled in the Chambers applauded and cheered.

Shortly before the adjournment, the Speaker (Council Member Johnson) wished everyone a Happy New Year.

Whereupon on motion of the Speaker (Council Member Johnson), the Majority Leader and Acting President Pro Tempore (Council Member Cumbo) adjourned these proceedings to meet again for the Stated Meeting on Thursday, January 24, 2019.

MICHAEL M. McSWEENEY, City Clerk  
Clerk of the Council

*Editor's Local Law Note: Int. No. 1288-A, adopted by the Council at the December 20, 2018 Stated Meeting, was signed into law by the Mayor on January 2, 2019 as Local Law No. 1 of 2019.*

*Editor's Local Law Note: Int. Nos. 367, 370-A 480-A, 497-A 514-A, 744-A, 746-A, 1054-A, 1069-A, and 1115-A, all adopted at the November 28, 2018 Stated Meeting, were returned unsigned by the Mayor on January 2, 2019. These items had become law on December 29, 2018 due to the lack of Mayoral action within the Charter-prescribed thirty day time period. These bills were assigned subsequently as Local Laws Nos. 2 to 11 of 2019, respectively,*

