

THE COUNCIL

Minutes of the Proceedings for the

STATED MEETING

of

Tuesday, November 26, 2019, 1:51 p.m.

The Majority Leader (Council Member Cumbo)

presiding as the Acting President Pro Tempore

Council Members

Corey D. Johnson, *Speaker*

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

Absent: Council Members Borelli, Constantinides, Diaz, Levin, Miller, and Salamanca.
Suspended: Council Member King.

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

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 44 Council Members marked present at this Stated Meeting held in the Council Chambers of City Hall, New York, N.Y.

INVOCATION

The Invocation was delivered by Rev. Thomas John Vencuss, President, Board of Directors, New York Disaster Interfaith Services & Coordinator of Disaster Recovery Ministries located at 4 W 43rd St Suite #407, New York, NY 10036.

Friends, in whatever manner we may worship
and by whatever name or understanding we may have of our Creator,
let us bow our heads in a moment of prayer and thanksgiving.

Holy and blessed God,
let our first words and thoughts be ones of thanksgiving.
We thank you for the gift of life itself.
We thank you for your many and abundant blessings,
the measure of health we enjoy, for family and friendship,
for love of country and community,
and the call to service we have heard and responded to.
Thank you for the ability to be involved in useful work
and for the honor of bearing appropriate responsibilities.
And, as always, we bless and thank you for loving us, all people,
from your boundless and gracious nature.
This day we pray for those who lead our city,
for our Mayor, for the various levels of city officials,
and in particular for this assembled Council.
We ask that you would graciously grant them
wisdom to govern amid the many interests and issues of our time.
A sense of the welfare and true needs of our people,
a thirst for justice and rightness,
confidence in what is good and fitting,
the ability to work together in harmony
even where there is honest disagreement,
personal peace in their lives, and joy in their task.
I pray for the agenda set before them this day
and for the work they will take on in the coming days and months.
Please give an assurance of what would please you
and what would benefit those who live and work
in and around this place we call home, New York.
It is your blessed Name we pray.
Amen and Amen.

Thank you, I appreciate it, thank you.

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

During the Communication from the Speaker segment of the Meeting, the Speaker (Council Member Johnson) acknowledged the deaths of New Yorkers Al Smith IV and Marilyn Saviola. Al Smith IV died on November 20, 2019 at the age of 68. Mr. Smith served as the Grand Marshall for the annual Al Smith Dinner where laughter was the best politics. Marilyn Saviola, a champion for disability rights, died on November 23, 2019 at the age of 74. She was an inaugural inductee at the New York State Disability Rights Hall of Fame. The Speaker (Council Member Johnson) described her as an amazing woman whom he had worked with while chair of the Committee on Health. She helped expand access to healthcare for people with disabilities and is remembered for her compassionate, razor-sharp intelligence and wit.

ADOPTION OF MINUTES

Council Member Lander moved that the Minutes of the Stated Meeting of October 17, 2019 be adopted as printed.

LAND USE CALL-UPS

M-195

By Council Member Van Bramer:

Pursuant to Rule 11.20(b) of the Council and §20-226 of the New York City Administrative Code, the Council resolves that the action of the Department of Consumer Affairs approving an unenclosed sidewalk café located at 4618 Vernon Blvd., Borough of Queens, Council District 26, Community District 2, Application No. 20205036 TCQ (Dai Hachi Sushi Corporation) shall be subject to review by the Council.

Coupled on Call-ups.

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

Affirmative – Adams, Ampry-Samuel, Ayala, Barron, Brannan, Cabrera, Chin, Cohen, Cornegy, Deutsch, Dromm, Espinal, Eugene, Gibson, Gjonaj, Grodenchik, Holden, Kallos, Koo, Koslowitz, Lancman, Lander, Levine, Louis, Maisel, Menchaca, Moya, Perkins, Powers, Reynoso, Richards, Rivera, Rodriguez, Rose, Rosenthal, Torres, Treyger, Ulrich, Vallone, Van Bramer, Yeger, the Minority Leader (Council Member Matteo), the Majority Leader (Council Member Cumbo), and The Speaker (Council Member Johnson) – **44**.

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

REPORT OF THE STANDING COMMITTEES

Report of the Committee of Finance

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

Report for L.U. No. 582

Report of the Committee on Finance in favor of a Resolution approving HCCI 2, Block 1718, Lot 69; Block 1903, Lot 29; Block 1904, Lots 33 and 59; Block 1906, Lot 64; Block 2026, Lots 20, 22, 23, 26, 27, and 29; Block 2031, Lot 18; Block 2032, Lot 43; Block 2036, Lot 61; Block 2045, Lots 96, 97, and 100; Block 2046, Lots 7 and 63; Manhattan, Community District No. 10, Council District No. 9.

The Committee on Finance, to which the annexed preconsidered Land Use item was referred on November 26, 2019 and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

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

November 26, 2019

TO: Hon. Daniel Dromm
Chair, Finance Committee
Members of the Finance Committee

FROM: Rebecca Chasan, Senior Counsel, Finance Division
Stephanie Ruiz, Assistant Counsel, Finance Division
Noah Brick, Assistant Counsel, Finance Division

RE: Finance Committee Agenda of November 26, 2019 – Resolutions approving a tax exemption for eight Land Use items (Council Districts 8, 9, 14, and 17)

Item 1: HCCI 2 (aka NME I)

HCCI 2 is a 20-building project comprised of 399 residential units and 17 commercial units in Harlem. The residential units include five studios, 61 one-bedroom units, 178 two-bedroom units, 115 three-bedroom units, 27 four-bedroom units, and six five-bedroom units (inclusive of seven superintendent units).

NME Housing Development Fund Company, Inc. (HDFC) acquired the properties in 2014. Northern Manhattan Equities LLC is the beneficial owner and operates the properties. The HDFC and the LLC financed the acquisition and rehabilitation of the properties with a loan from a private lending institution. On October 7, 2014, the City Council approved Resolution No. 441 providing the project with a 32-year Article XI tax exemption from the date of December 4, 2014, the date the project entered into a new regulatory agreement. The HDFC, LLC and the Department of Housing Preservation and Development (HPD) entered into an

amended and restated regulatory agreement on November 30, 2018, requiring that 40 units be leased only to households with incomes up to 40% of the Area Median Income (AMI), 60 units be leased only to households with incomes up to 60% AMI (all permanently), 56 units be leased only to households with incomes up to 90% AMI, 176 units be leased only to households with incomes up to 100% AMI and 67 units be leased only to households with incomes up to 120% AMI.

Subsequently, the project suffered delays in converting to permanent financing and was required to obtain a bridge loan with Merchants Bank of Indiana in November 2018. The project is also planning to obtain a 35-year permanent financing loan with Merchants Bank of Indiana.

HPD is requesting that the Council approve a full, 40-year Article XI tax exemption commencing on November 30, 2018 to replace the prior exemption which would be terminated. The exemption would be coterminous with the term of the permanent financing loan, satisfy the tax benefit conditions of the first position lender, help to leverage private financing, and assure the long-term viability of the project.

Summary:

- Borough – Manhattan
- Block 1718, Lot 69; Block 1903, Lot 29; Block 1904, Lots 33 and 59; Block 1906, Lot 64; Block 2026, Lots 20, 22, 23, 26, 27, and 29; Block 2031, Lot 18; Block 2032, Lot 43; Block 2036, Lot 61; Block 2045, Lots 96, 97, and 100; Block 2046, Lots 7 and 63
- Council District – 9
- Council Member – Perkins
- Council Member approval – Yes
- Number of buildings – 20
- Number of units – 399 (including 7 superintendent units)
- Type of exemption – Article XI, full, 40 years
- Population – affordable rental housing
- Sponsor – NME HDFC, Northern Manhattan Equities LLC, Exact Capital Group LLC
- Purpose – preservation
- Cost to the city - \$18.6 million
- Housing Code Violations
 - Class A – 117
 - Class B – 241
 - Class C – 63
- AMI target – 40 units at 40% AMI, 60 units at 60% AMI, 56 units at 90% AMI, 176 units at 100% AMI and 67 units at 120% AMI

Item 2: HCCI 2 Phase II (aka NME II)

HCCI 2 Phase II is a seven-building project comprised of 207 residential and five commercial units in Harlem. The residential units include 10 studio units, 10 one-bedroom units, 139 two-bedroom units, and 56 three-bedroom units (inclusive of two superintendent units).

NME II HDFC acquired the properties in 2015. Northern Manhattan Equities II LLC is the beneficial owner and operates the properties. The HDFC and the LLC financed the acquisition and rehabilitation of the properties with loans from HPD and a private lending institution. On April 16, 2015, the City Council approved Resolution No. 663 providing the project with a 31.5-year Article XI tax exemption from the date of July 2, 2015, the date the project entered into a new regulatory agreement. The HDFC, LLC and HPD entered into an amended and restated regulatory agreement on November 30, 2018, requiring that 21 units be leased

only to households with incomes up to 40% AMI, 111 units be leased only to households with incomes up to 60% AMI (31 permanently), 41 units be leased only to households with incomes up to 80% AMI, and 32 units be leased only to households with incomes up to 100% AMI.

Subsequently, the project suffered delays in converting to permanent financing and was required to obtain a bridge loan with Merchants Bank of Indiana in November 2018. The project is also planning to obtain a 35-year permanent financing loan with Merchants Bank of Indiana.

HPD is requesting that the Council approve a full, 40-year Article XI tax exemption commencing on November 30, 2018 to replace the prior exemption which would be terminated. The extension would be coterminous with the term of the permanent financing loan, satisfy the tax benefit conditions of the first position lender, help to leverage private financing, and assure the long-term viability of the project.

Summary:

- Borough – Manhattan
- Block 1823, Lot 18; Block 2025, Lots 44, 46, 47, and 49; Block 2031, Lots 7 and 12
- Council District – 9
- Council Member – Perkins
- Council Member approval – Yes
- Number of buildings – 7
- Number of units – 207 (including 2 superintendent units)
- Type of exemption – Article XI, full, 40 years
- Population – affordable rental housing
- Sponsor – NME II HDFC, Northern Manhattan Equities II LLC, Exact Capital Group LLC
- Purpose – preservation
- Cost to the city - \$8.4 million
- Housing Code Violations
 - Class A – 24
 - Class B – 45
 - Class C – 9
- AMI target – 21 units at 40% AMI, 111 units at 60% AMI, 41 units at 80% AMI and 32 units at 100% AMI

Item 3: Jamie’s Place Apartments

On June 14, 2018, the Council approved Resolution No. 411, which provided a 40-year Article XI tax exemption for Jamie’s Place Apartments in East Harlem. Jamie’s Place Apartments is a five-building development comprised of 126 units of affordable housing. HPD is requesting that the Council approve an amendment to the prior resolution to decrease the partial property tax payment that would be required by the HDFC in order to increased labor costs.

Summary:

- Borough – Manhattan
- Block 1645, Lots 12 and 59; Block 1768, Lots 1 and 7; Block 1767, Lot 60
- Council Districts – 8 and 9
- Council Members – Ayala and Perkins
- Council Member approval – Yes

- Number of buildings – 5
- Number of units – 126 (including 2 superintendent units)
- Type of exemption – Article XI, partial, 40 years
- Purpose – amendment of prior resolution
- Cost to the City – \$1.5 million

Item 4: 1415-1417 Wythe Place Pillars

1415-1417 Wythe Place Pillars is comprised of 58 residential units and a commercial space. The residential units include 35 one-bedroom units, 10 two-bedroom units, five three-bedroom units, and one four-bedroom unit (inclusive of one superintendent unit).

The building is owned and managed by 1415 Wythe HDFC. The HDFC will finance the rehabilitation of the property with loans from HPD and a private lending institution.

HPD is requesting that the Council approve a full, 40-year tax exemption to support affordability. The HDFC, the New York City Housing Development Corporation (HDC) and HPD would enter into a regulatory agreement that would require that seven units be leased only to households with incomes up to 60% AMI, 21 units be leased only to households with incomes up to 80% AMI, 25 units be leased only to households with incomes up to 90% AMI, three units be leased only to households with incomes up to 120% AMI, and one unit be leased only to households with incomes up to 125% AMI.

Summary:

- Borough – Bronx
- Block 2843, Lot 93
- Council District – 14
- Council Member – Cabrera
- Council Member approval – Yes
- Number of buildings – 1
- Number of units – 58 (including 1 superintendent unit)
- Type of exemption – Article XI, full, 40 years
- Population – affordable rental housing
- Sponsor – Wythe HDFC; Settlement Housing Fund, Inc.
- Purpose – preservation
- Cost to the city – \$3.9 million
- Housing Code Violations
 - Class A – 3
 - Class B – 20
 - Class C – 11
- AMI target – 7 units at 60% AMI, 21 units at 80% AMI, 25 units at 90% AMI, three units at 120% AMI, and one unit at 125% AMI.

Item 5: West 141 Street Cluster

The West 141st Street Cluster is located at 111 West 141st Street and 148 West 141st Street in Harlem. It is comprised of two buildings with 89 residential units, including 38 studio units, 35 one-bedroom units, 15 two-bedroom units, and one three-bedroom units (inclusive of one superintendent unit).

Under the proposed project, CLOTH Pillars I HDFC will acquire the properties and Monad Pillars I LLC will become the beneficial owner and will operate the buildings. The HDFC and LLC will finance the acquisition and rehabilitation of the buildings with loans from HPD and a private lending institution.

HPD is requesting that the Council approve a partial, 40-year tax exemption to support affordability. The HDFC, LLC, and HPD would enter into a regulatory agreement that would require that seven units be leased only to households with incomes up to 60% AMI, 33 units be leased only to households with incomes up to 85% AMI, 42 units be leased only to households with incomes up to 95% AMI, and six units be leased only to households with incomes up to 130% AMI.

Summary:

- Borough – Manhattan
- Block 2009, Lot 45; Block 2010, Lot 21
- Council District – 9
- Council Member – Perkins
- Council Member approval – Yes
- Number of buildings – 2
- Number of units – 89 (including one superintendent unit)
- Type of exemption – Article XI, partial, 40 years
- Population – affordable rental housing
- Sponsor – CLOTH Pillars I HDFC; Monad Pillars I LLC; Monadnock Development
- Purpose – preservation
- Cost to the city – \$6.6 million
- Housing Code Violations
 - Class A – 28
 - Class B – 64
 - Class C – 9
- AMI targets – 7 units at 60% AMI, 33 units at 85% AMI, 42 units at 95% AMI, and 6 units at 130% AMI.

Item 6: 1015 Anderson Avenue

1015 Anderson Avenue is a single-building limited equity HDFC located in Highbridge. Its 22 units include one one-bedroom unit, 16 two-bedroom units, and five three-bedroom units.

HPD is requesting that the Council approve a full, 40-year Article XI tax exemption. HPD would finance a moderate rehabilitation of the building and address the energy and water efficiency needs of the building. The HDFC would enter into a regulatory agreement with HPD that would require that the all units be sold only to households with incomes up to 120% AMI. The project currently receives a partial Article XI property tax exemption, which would terminate upon commencement of the new exemption.

Summary:

- Borough – Bronx
- Block 2508, Lot 41
- Council District – 8
- Council Member – Ayala
- Council Member approval – Yes

- Number of buildings – 1
- Number of units – 22
- Type of exemption – Article XI, full, 40 years
- Population – affordable homeownership
- Sponsor – 1015 Anderson Avenue HDFC
- Purpose – preservation
- Cost to the city – \$900,000
- Housing Code Violations
 - Class A – 6
 - Class B – 3
 - Class C – 9
- AMI targets – 22 units at 120% AMI

Item 7: 1045 Anderson Avenue

1045 Anderson Avenue is a single-building limited equity HDFC located in Highbridge. Its 49 units include two studio units, 34 one-bedroom units, and 13 two-bedroom units (inclusive of one superintendent unit).

HPD is requesting that the Council approve a full, 40-year tax exemption. Existing HPD debt would be modified and extended through a purchase and sale agreement with HDC. Other City arrears would be refinanced with two loans from Habitat for Humanity NYC and Leviticus Fund. The HDFC would use the savings to finance a moderate rehabilitation of the building and address the energy and water efficiency needs of the building. The HDFC would enter into a regulatory agreement with HPD that would require that the all units be sold only to households with incomes up to 120% AMI. The project currently receives a partial Article XI property tax exemption, which would terminate upon closing.

Summary:

- Borough – Bronx
- Block 2508, Lot 26
- Council District – 8
- Council Member – Ayala
- Council Member approval – Yes
- Number of buildings – 1
- Number of units – 49 (inclusive of one superintendent unit)
- Type of exemption – Article XI, full, 40 years
- Population – affordable homeownership
- Sponsor – 1045 Anderson Avenue HDFC
- Purpose – preservation
- Cost to the city – \$1.9 million
- Housing Code Violations
 - Class A – 27
 - Class B – 191
 - Class C – 9
- AMI targets – 48 units at 120% AMI

Item 8: Timpson

Timpson HDFC is a portfolio of four buildings comprised of 178 residential units and three commercial units located across four separate lots in the Woodstock neighborhood. Its residential units include two one-bedroom units, 101 two-bedroom units (inclusive of one superintendent unit), 68 three-bedroom units (inclusive of one superintendent unit), and seven four-bedroom units.

Timpson HDFC is a subsidiary of SEBCO Development, Inc., a not-for-profit organization formed in 1978 to create and rehabilitate low income housing in the South Bronx

HPD is requesting that Council approve a full, 32-year Article XI tax exemption. The HDFC would enter into a regulatory agreement with HPD requiring that 69 units be leased only to households with incomes up to 50% AMI, 66 units be leased only to households with incomes up to 60% AMI, and 41 units be leased only to households with incomes up to 105% AMI. HPD would provide subsidy to finance the moderate rehabilitation and energy and water efficiency needs of the buildings, and would extend and modify an existing loan through a Purchase and Sale Agreement with HDC.

Summary:

- Borough – Bronx
- Block 2573, Lots 49 and 71; Block 2603, Lot 35; Block 2691, Lot 67
- Council Districts – 8 and 17
- Council Member – Ayala and Salamanca
- Council Members approval – Yes
- Number of buildings – 4
- Number of units – 178 (inclusive of two superintendent units)
- Type of exemption – Article XI, full, 32 years
- Population – affordable rental housing
- Sponsor – Timpson HDFC, SEBCO Development, Inc.
- Purpose – preservation
- Cost to the city – \$9.1 million
- Housing Code Violations
 - Class A – 13
 - Class B – 14
 - Class C – 5
- AMI targets – 69 units at 50% AMI, 66 units at 60%, 41 units 105% AMI.

(For text of the coupled resolution for L.U. No. 582, please see below; for text of the remaining coupled resolutions, please see, respectively, the Reports of the Committee on Finance for L.U. Nos. 583, 584, 585, 586, 587, 588, and 589 printed in these Minutes),

Accordingly, the Committee recommends the adoption of L.U. Nos. 582, 583, 584, 585, 586, 587, 588, and 589.

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

Res. No. 1174

Resolution approving an exemption from real property taxes for property located at (Block 1718, Lot 69; Block 1903, Lot 29; Block 1904, Lots 33 and 59; Block 1906, Lot 64; Block 2026, Lots 20, 22, 23, 26, 27, and 29; Block 2031, Lot 18; Block 2032, Lot 43; Block 2036, Lot 61; Block 2045, Lots 96, 97, and 100; Block 2046, Lots 7 and 63) Manhattan, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 582).

By Council Member Dromm.

WHEREAS, The New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated October 28, 2019 that the Council take the following action regarding a housing project located at (Block 1718, Lot 69; Block 1903, Lot 29; Block 1904, Lots 33 and 59; Block 1906, Lot 64; Block 2026, Lots 20, 22, 23, 26, 27, and 29; Block 2031, Lot 18; Block 2032, Lot 43; Block 2036, Lot 61; Block 2045, Lots 96, 97, and 100; Block 2046, Lots 7 and 63) Manhattan (“Exemption Area”):

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

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

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

RESOLVED:

The Council hereby grants an exemption from real property taxes as follows:

1. For the purposes hereof, the following terms shall have the following meanings:
 - a. “Company” shall mean Northern Manhattan Equities LLC or any other entity that acquires the beneficial interest in the Exemption Area with the prior written consent of HPD.
 - b. “Effective Date” shall mean November 30, 2018.
 - c. “Exemption Area” shall mean the real property located in the Borough of Manhattan, City and State of New York, identified as Block 1718, Lot 69, Block 1903, Lot 29, Block 1904, Lots 33 and 59, Block 1906, Lot 64, Block 2026, Lots 20, 22, 23, 26, 27, and 29, Block 2031, Lot 18, Block 2032, Lot 43, Block 2036, Lot 61, Block 2045, Lots 96, 97, and 100, and Block 2046, Lots 7 and 63 on the Tax Map of the City of New York.
 - d. “Expiration Date” shall mean the earlier to occur of (i) a date which is forty (40) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
 - e. “HDFC” shall mean NME Housing Development Fund Company, Inc. or a housing development fund company that acquires the Exemption Area with the prior written consent of HPD.

- f. "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.
 - g. "J-51 Benefits" shall mean any tax benefits pursuant to Section 489 of the Real Property Tax Law which are in effect on the Effective Date.
 - h. "New Exemption" shall mean the exemption from real property taxation provided hereunder with respect to the Exemption Area.
 - i. "Owner" shall mean, collectively, the HDFC and the Company.
 - j. "Prior Exemption" shall mean the exemption from real property taxation for the Exemption Area approved by the New York City Council on October 7, 2014 (Resolution No. 441).
 - k. "Regulatory Agreement" shall mean the regulatory agreement between HPD and the Owner dated November 30, 2018 establishing certain controls upon the operation of the Exemption Area during the term of the New Exemption.
2. The Prior Exemption shall terminate upon the Effective Date.
 3. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business, commercial, or community facility use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
 4. Notwithstanding any provision hereof to the contrary:
 - a. The New Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (iv) any interest in the Exemption Area is conveyed or transferred to a new owner without the prior written approval of HPD, or (v) the construction or demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the New Exemption shall prospectively terminate.
 - b. The New Exemption shall apply to all land in the Exemption Area, but shall only apply to buildings on the Exemption Area that exist on the Effective Date.
 - c. Nothing herein shall entitle the HDFC, the Owner, or any other person or entity to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.
 - d. All previous resolutions, if any, providing an exemption from or abatement of real property taxation with respect to the Exemption Area are hereby revoked as of the Effective Date.
 5. In consideration of the New Exemption, the owner of the Exemption Area shall, for so long as the New Exemption shall remain in effect, waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future

local, state, or federal law, rule, or regulation. Notwithstanding the foregoing, (a) nothing herein shall prohibit the granting of any real property tax abatement pursuant to Sections 467-b or 467-c of the Real Property Tax Law to real property occupied by senior citizens or persons with disabilities, and (b) the J-51 Benefits shall remain in effect, but the New Exemption shall be reduced by the amount of such J-51 Benefits.

DANIEL DROMM, Chairperson; JAMES VAN BRAMER, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, HELEN K. ROSENTHAL, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, FRANCISCO P. MOYA, KEITH POWERS, FARAH N. LOUIS, STEVEN MATTEO; Committee on Finance, November 26, 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).

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

Report for L.U. No. 583

Report of the Committee on Finance in favor of a Resolution approving HCCI 2 Phase II, Block 1823, Lot 18; Block 2025, Lots 44, 46, 47, and 49; Block 2031, Lots 7 and 12; Manhattan, Community District No. 10, Council District No. 9.

The Committee on Finance, to which the annexed preconsidered Land Use item was referred on November 26, 2019 and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

(For text of Finance Memo, please see the Report of the Committee on Finance for L.U. No. 582 printed in these Minutes)

Accordingly, this Committee recommends its adoption.

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

Res. No. 1175

Resolution approving an exemption from real property taxes for property located at (Block 1823, Lot 18; Block 2025, Lots 44, 46, 47, and 49; Block 2031, Lots 7 and 12) Manhattan, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 583).

By Council Member Dromm

WHEREAS, The New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated October 28, 2019 that the Council take the following action regarding a housing project located at (Block 1823, Lot 18; Block 2025, Lots 44, 46, 47, and 49; Block 2031, Lots 7 and 12) Manhattan (“Exemption Area”):

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

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

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

RESOLVED:

The Council hereby grants an exemption from real property taxes as follows:

1. For the purposes hereof, the following terms shall have the following meanings:
 - a. “Company” shall mean Northern Manhattan Equities II LLC or any other entity that acquires the beneficial interest in the Exemption Area with the prior written consent of HPD.
 - b. “Effective Date” shall mean November 30, 2018.
 - c. “Exemption Area” shall mean the real property located in the Borough of Manhattan, City and State of New York, identified as Block 1823, Lot 18, Block 2025, Lots 44, 46, 47, and 49, and Block 2031, Lots 7 and 12 on the Tax Map of the City of New York.
 - d. “Expiration Date” shall mean the earlier to occur of (i) a date which is forty (40) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
 - e. “HDFC” shall mean NME II Housing Development Fund Company, Inc. or a housing development fund company that acquires the Exemption Area with the prior written consent of HPD.
 - f. “HPD” shall mean the Department of Housing Preservation and Development of the City of New York.
 - g. “New Exemption” shall mean the exemption from real property taxation provided hereunder with respect to the Exemption Area.
 - h. “Owner” shall mean, collectively, the HDFC and the Company.
 - i. “Prior Exemption” shall mean the exemption from real property taxation for the Exemption Area approved by the New York City Council on April 16, 2015 (Resolution No. 663).
 - j. “Regulatory Agreement” shall mean the regulatory agreement between HPD and the Owner dated November 30, 2018 establishing certain controls upon the operation of the Exemption Area during the term of the New Exemption.
2. The Prior Exemption shall terminate upon the Effective Date.
3. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business, commercial, or community facility use), shall

be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.

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

DANIEL DROMM, Chairperson; JAMES VAN BRAMER, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, HELEN K. ROSENTHAL, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, FRANCISCO P. MOYA, KEITH POWERS, FARAH N. LOUIS, STEVEN MATTEO; Committee on Finance, November 26, 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).

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

Report for L.U. No. 584

Report of the Committee on Finance in favor of a Resolution approving Jamie’s Place Apartments, Block 1645, Lots 12 and 59; Block 1768, Lots 1 and 7; Block 1767, Lot 60; Manhattan, Community District No. 11, Council District No. 8 and 9.

The Committee on Finance, to which the annexed preconsidered Land Use item was referred on November 26, 2019 and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

(For text of Finance Memo, please see the Report of the Committee on Finance for L.U. No. 582 printed in these Minutes)

Accordingly, this Committee recommends its adoption.

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

Res. No. 1176

Resolution approving an amendment to a previously approved real property tax exemption pursuant to Section 577 of the Private Housing Finance Law for property located at (Block 1645, Lots 12 and 59; Block 1768, Lots 1 and 7; Block 1767, Lot 60), Manhattan (Preconsidered L.U. No. 584).

By Council Member Dromm

WHEREAS, the New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated September 30, 2019 that the Council amend a previously approved tax exemption for real property located at (Block 1645, Lots 12 and 59; Block 1768, Lots 1 and 7; Block 1767, Lot 60), Manhattan (“Exemption Area”) pursuant to Section 577 of the Private Housing Finance Law;

WHEREAS, the HPD’s request for amendments is related to a previously Resolution adopted by City Council on June 14, 2018 (Resolution 411) (the “Prior Resolution”), attached hereto as Exhibit A, granting the Exemption Area a real property tax exemption pursuant to Section 577 of the Private Housing Finance Law;

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

RESOLVED:

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

Provisions 1.f and 1.j. of the Prior Resolution are deleted and replaced with the following:

1.f. “HDFC” shall mean Jamie’s Place Housing Development Fund Corporation or a housing development fund company that acquires the Exemption Area with the prior written consent of HPD.

1. j. “Partial Tax Payment” shall mean the sum of (i) \$207,107, plus (ii) an additional amount equal to twenty-five percent (25%) of the amount by which the total contract rents applicable to the Exemption Area for that year (as adjusted and established pursuant to Section 8 of the United States

Housing Act of 1937, as amended) exceed the total contract rents which are authorized as of the Effective Date.

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

ATTACHMENT: Exhibit A

Res. No. 411

Resolution approving an exemption from real property taxes for property located at (Block 1645, Lots 12 and 59, Block 1768, Lots 1 and 7, Block 1767, Lot 60) Manhattan, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 124).

By Council Member Dromm

WHEREAS, the New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated April 30, 2018 that the Council take the following action regarding a housing project located at (Block 1645, Lots 12 and 59, Block 1768, Lots 1 and 7, Block 1767, Lot 60) Manhattan (“Exemption Area”):

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

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

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

RESOLVED:

The Council hereby grants an exemption from real property taxes as follows:

1. For the purposes hereof, the following terms shall have the following meanings:
 - a. “Company” shall mean Jamies’ Place LLC or a limited liability company that acquires the beneficial interest in the Exemption Area with the approval of HPD.
 - b. “Effective Date” shall mean the later of (i) the date of conveyance of the Exemption Area to the HDFC, or (ii) the date that HPD and the Owner enter into the Regulatory Agreement.
 - c. “Exemption” shall mean the exemption from real property taxation provided hereunder.
 - d. “Exemption Area” shall mean the real property located in the Borough of Manhattan, City and State of New York, identified as Block 1645, Lots 12 and 59, Block 1768, Lots 1 and 7, and Block 1767, Lot 60 on the Tax Map of the City of New York.
 - e. “Expiration Date” shall mean the earlier to occur of (i) a date which is forty (40) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.

- f. "HDFC" shall mean Jamie's Place Apartments Housing Development Fund Corporation or a housing development fund company that acquires the Exemption Area with the prior written consent of HPD.
 - g. "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.
 - h. "J-51 Benefits" shall mean any tax benefits pursuant to Section 489 of the Real Property Tax Law which are in effect on the Effective Date.
 - i. "Owner" shall mean, collectively, the HDFC and the Company.
 - j. "Partial Tax Payment" shall mean the sum of (i) \$345,178, plus (ii) an additional amount equal to twenty-five percent (25%) of the amount by which the total contract rents applicable to the Exemption Area for that year (as adjusted and established pursuant to Section 8 of the United States Housing Act of 1937, as amended) exceed the total contract rents which are authorized as of the Effective Date.
 - k. "Regulatory Agreement" shall mean the regulatory agreement between HPD and the Owner establishing certain controls upon the operation of the Exemption Area during the term of the Exemption.
2. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business, commercial or community facility use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
 3. Commencing upon the Effective Date, and during each year thereafter until the Expiration Date, the Owner shall make real property tax payments in the sum of the Partial Tax Payment. Notwithstanding the foregoing, the total annual real property tax payment by the Owner shall not at any time exceed the lesser of either (a) the amount of real property taxes that would otherwise be due in the absence of any form of exemption from or abatement of real property taxation provided by an existing or future local, state, or federal law, rule or regulation, or (b) seventeen percent (17%) of the contract rents in the applicable year.
 4. Notwithstanding any provision hereof to the contrary:
 - a. The Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or

for the benefit of, the City of New York, (iv) any interest in the Exemption Area is conveyed or transferred to a new owner without the prior written approval of HPD, or (v) the construction or demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to the Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the Exemption shall prospectively terminate.

- b. The Exemption shall apply to all land in the Exemption Area, but shall only apply to buildings on the Exemption Area that exist on the Effective Date.
 - c. Nothing herein shall entitle the HDPC, the Owner, or any past owner to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.
5. In consideration of the Exemption, the owner of the Exemption Area, for so long as the Exemption shall remain in effect, shall waive the benefits, if any, of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state or federal law, rule or regulation. Notwithstanding the foregoing, the J-51 Benefits shall remain in effect, but (i) the Exemption shall be reduced by the amount of such J-51 Benefits, and (ii) the Partial Tax Payment shall not be reduced by such J-51 Benefits.

Office of the City Clerk, }
The City of New York } ss.:

I hereby certify that the foregoing is a true copy of a Resolution passed by The Council of the City of New York on June 14, 2018, on file in this office.



City Clerk, Clerk of Council

END OF ATTACHMENT

DANIEL DROMM, Chairperson; JAMES VAN BRAMER, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, HELEN K. ROSENTHAL, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, FRANCISCO P. MOYA, KEITH POWERS, FARAH N. LOUIS, STEVEN MATTEO; Committee on Finance, November 26, 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).

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

Report for L.U. No. 585

Report of the Committee on Finance in favor of a Resolution approving 1415-1417 Wythe Place Pillars, Block 2843, Lot 93; Bronx, Community District No. 4, Council District No. 14.

The Committee on Finance, to which the annexed preconsidered Land Use item was referred on November 26, 2019 and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

(For text of Finance Memo, please see the Report of the Committee on Finance for L.U. No. 582 printed in these Minutes)

Accordingly, this Committee recommends its adoption.

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

Res. No. 1177

Resolution approving an exemption from real property taxes for property located at (Block 2843, Lot 93) Bronx, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 585).

By Council Member Dromm

WHEREAS, The New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated October 28, 2019 that the Council take the following action regarding a housing project located at (Block 2843, Lot 93) Bronx (“Exemption Area”):

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

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

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

RESOLVED:

The Council hereby grants an exemption from real property taxes as follows:

1. For the purposes hereof, the following terms shall have the following meanings:
 - a. “Effective Date” shall mean June 26, 2019.
 - b. “Exemption” shall mean the exemption from real property taxation provided hereunder.
 - c. “Exemption Area” shall mean the real property located in the Borough of the Bronx, City and State of New York, identified as Block 2843, Lot 93 on the Tax Map of the City of New York.

- d. "Expiration Date" shall mean the earlier to occur of (i) a date which is forty (40) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
 - e. "HDC" shall mean the New York City Housing Development Corporation.
 - f. "HDFC" shall mean 1415 Wythe Housing Development Fund Corporation or a housing development fund company that acquires the Exemption Area with the prior written consent of HPD.
 - g. "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.
 - h. "Owner" shall mean the HDFC.
 - i. "Regulatory Agreement" shall mean the regulatory agreement between HDC, HPD and the Owner executed on or after October 1, 2019 establishing certain controls upon the operation of the Exemption Area on or after the date such Regulatory Agreement is executed.
2. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business, commercial, or community facility use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
 3. Notwithstanding any provision hereof to the contrary:
 - a. The Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (iv) any interest in the Exemption Area is conveyed or transferred to a new owner without the prior written approval of HPD, or (v) the construction or demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to the Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the Exemption shall prospectively terminate.
 - b. The Exemption shall apply to all land in the Exemption Area, but shall only apply to a building on the Exemption Area that exists on the Effective Date.
 - c. Nothing herein shall entitle the HDFC, the Owner, or any other person or entity to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.
 4. In consideration of the Exemption, the owner of the Exemption Area shall (a) execute and record the Regulatory Agreement, and (b) for so long as the Exemption shall remain in effect, waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state, or federal law, rule, or regulation. Notwithstanding the foregoing, nothing herein shall prohibit the granting of any real property tax abatement pursuant to

Sections 467-b or 467-c of the Real Property Tax Law to real property occupied by senior citizens or persons with disabilities.

DANIEL DROMM, Chairperson; JAMES VAN BRAMER, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, HELEN K. ROSENTHAL, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, FRANCISCO P. MOYA, KEITH POWERS, FARAH N. LOUIS, STEVEN MATTEO; Committee on Finance, November 26, 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).

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

Report for L.U. No. 586

Report of the Committee on Finance in favor of a Resolution approving West 141st Street Cluster, Block 2009, Lot 45; Block 2010, Lot 21; Manhattan, Community District No. 10, Council District No. 9.

The Committee on Finance, to which the annexed preconsidered Land Use item was referred on November 26, 2019 and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

(For text of Finance Memo, please see the Report of the Committee on Finance for L.U. No. 582 printed in these Minutes)

Accordingly, this Committee recommends its adoption.

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

Res No. 1178

Resolution approving an exemption from real property taxes for property located at (Block 2009, Lot 45; Block 2010, Lot 21) Manhattan, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 586).

By Council Member Dromm

WHEREAS, The New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated October 8, 2019 that the Council take the following action regarding a housing project located at (Block 2009, Lot 45; Block 2010, Lot 21) Manhattan (“Exemption Area”):

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

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

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

RESOLVED:

The Council hereby grants an exemption from real property taxes as follows:

1. For the purposes hereof, the following terms shall have the following meanings:
 - a. “Company” shall mean Monad Pillars I LLC or any other entity that acquires the beneficial interest in the Exemption Area with the prior written consent of HPD.
 - b. “Effective Date” shall mean the later of (i) the date of conveyance of the Exemption Area to the HDFC, or (ii) the date that HPD and the Owner enter into the Regulatory Agreement.
 - c. “Exemption” shall mean the exemption from real property taxation provided hereunder.
 - d. “Exemption Area” shall mean the real property located in the Borough of Manhattan, City and State of New York, identified as Block 2009, Lot 45 and Block 2010, Lot 21 on the Tax Map of the City of New York.
 - e. “Expiration Date” shall mean the earlier to occur of (i) a date which is forty (40) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
 - f. “HDFC” shall mean CLOTH Pillars I Housing Development Fund Company, Inc. or a housing development fund company that acquires the Exemption Area with the prior written consent of HPD.
 - g. “HPD” shall mean the Department of Housing Preservation and Development of the City of New York.
 - h. “Owner” shall mean, collectively, the HDFC and the Company.
 - i. “Regulatory Agreement” shall mean the regulatory agreement between HPD and the Owner establishing certain controls upon the operation of the Exemption Area during the term of the Exemption.
2. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business, commercial, or community facility use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
3. Notwithstanding any provision hereof to the contrary:
 - a. The Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (iv) any interest in the Exemption Area is conveyed or transferred to a new owner without the prior written approval of HPD, or (v) the construction or demolition of any

private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to the Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the Exemption shall prospectively terminate.

- b. The Exemption shall apply to all land in the Exemption Area, but shall only apply to buildings on the Exemption Area that exist on the Effective Date.
 - c. Nothing herein shall entitle the HDFC, the Owner, or any other person or entity to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.
4. In consideration of the Exemption, the owner of the Exemption Area shall, for so long as the Exemption shall remain in effect, waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state, or federal law, rule, or regulation. Notwithstanding the foregoing, nothing herein shall prohibit the granting of any real property tax abatement pursuant to Sections 467-b or 467-c of the Real Property Tax Law to real property occupied by senior citizens or persons with disabilities.

DANIEL DROMM, Chairperson; JAMES VAN BRAMER, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, HELEN K. ROSENTHAL, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, FRANCISCO P. MOYA, KEITH POWERS, FARAH N. LOUIS, STEVEN MATTEO; Committee on Finance, November 26, 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).

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

Report for L.U. No. 587

Report of the Committee on Finance in favor of a Resolution approving 1045 Anderson Ave HDFC.GHPP.FY20, Block 2508, Lot 26; Bronx, Community District No. 4, Council District No. 8.

The Committee on Finance, to which the annexed preconsidered Land Use item was referred on November 26, 2019 and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

(For text of Finance Memo, please see the Report of the Committee on Finance for L.U. No. 582 printed in these Minutes)

Accordingly, this Committee recommends its adoption.

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

Res. No. 1179

Resolution approving an exemption from real property taxes for property located at (Block 2508, Lot 26) Bronx, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 587).

By Council Member Dromm

WHEREAS, The New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated November 1, 2019 that the Council take the following action regarding a housing project located at (Block 2508, Lot 26) Bronx (“Exemption Area”):

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

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

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

RESOLVED:

The Council hereby grants an exemption from real property taxes as follows:

1. For the purposes hereof, the following terms shall have the following meanings:
 - a. “Effective Date” shall mean the date that HPD and the Owner enter into the Regulatory Agreement.
 - b. “Exemption Area” shall mean the real property located in the Borough of the Bronx, City and State of New York, identified as Block 2508, Lot 26 on the Tax Map of the City of New York.
 - c. “Expiration Date” shall mean the earlier to occur of (i) a date which is forty (40) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
 - d. “HDFC” shall mean 1045 Anderson Avenue Housing Development Fund Corporation or a housing development fund company that acquires the Exemption Area with the prior written consent of HPD.
 - e. “HPD” shall mean the Department of Housing Preservation and Development of the City of New York.
 - f. “New Exemption” shall mean the exemption from real property taxation provided hereunder with respect to the Exemption Area.
 - g. “Owner” shall mean the HDFC.
 - h. “Prior Exemption” shall mean any exemption from real property taxation for the Exemption Area pursuant to the Private Housing Finance Law that was in effect prior to the Effective Date.

- i. “Regulatory Agreement” shall mean the regulatory agreement between HPD and the Owner that is executed after November 1, 2019 establishing certain controls upon the operation of the Exemption Area during the term of the New Exemption.
2. The Prior Exemption shall terminate upon the Effective Date.
3. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business, commercial, or community facility use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
4. Notwithstanding any provision hereof to the contrary:
 - a. The New Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (iv) any interest in the Exemption Area is conveyed or transferred to a new owner without the prior written approval of HPD, or (v) the construction or demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the New Exemption shall prospectively terminate.
 - b. The New Exemption shall apply to all land in the Exemption Area, but shall only apply to a building on the Exemption Area that exists on the Effective Date.
 - c. Nothing herein shall entitle the HDFC, the Owner, or any other person or entity to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.
 - d. All previous resolutions, if any, providing an exemption from or abatement of real property taxation with respect to the Exemption Area are hereby revoked as of the Effective Date.
5. In consideration of the New Exemption, the owner of the Exemption Area shall, for so long as the New Exemption shall remain in effect, waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state, or federal law, rule, or regulation. Notwithstanding the foregoing, nothing herein shall prohibit the granting of any real property tax abatement pursuant to Sections 467-b or 467-c of the Real Property Tax Law to real property occupied by senior citizens or persons with disabilities.

DANIEL DROMM, Chairperson; JAMES VAN BRAMER, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, HELEN K. ROSENTHAL, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, FRANCISCO P. MOYA, KEITH POWERS, FARAH N. LOUIS, STEVEN MATTEO; Committee on Finance, November 26, 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).

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

Report for L.U. No. 588

Report of the Committee on Finance in favor of a Resolution approving 1015 Anderson Avenue HDFC.GHPP.FY20, Block 2508, Lot 41; Bronx, Community District No. 4, Council District No. 8.

The Committee on Finance, to which the annexed preconsidered Land Use item was referred on November 26, 2019 and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

(For text of Finance Memo, please see the Report of the Committee on Finance for L.U. No. 582 printed in these Minutes)

Accordingly, this Committee recommends its adoption.

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

Res. No. 1180

Resolution approving an exemption from real property taxes for property located at (Block 2508, Lot 41) Bronx, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 588).

By Council Member Dromm

WHEREAS, The New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated October 8, 2019 that the Council take the following action regarding a housing project located at (Block 2508, Lot 41) Bronx (“Exemption Area”):

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

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

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

RESOLVED:

The Council hereby grants an exemption from real property taxes as follows:

1. For the purposes hereof, the following terms shall have the following meanings:
 - a. “Effective Date” shall mean the date that HPD and the Owner enter into the Regulatory Agreement.
 - b. “Exemption Area” shall mean the real property located in the Borough of the Bronx, City and State of New York, identified as Block 2508, Lot 41 on the Tax Map of the City of New York.

- c. "Expiration Date" shall mean the earlier to occur of (i) a date which is forty (40) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
 - d. "HDFC" shall mean 1015 Anderson Avenue Housing Development Fund Corporation or a housing development fund company that acquires the Exemption Area with prior written consent of HPD.
 - e. "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.
 - f. "New Exemption" shall mean the exemption from real property taxation provided hereunder with respect to the Exemption Area.
 - g. "Owner" shall mean the HDFC.
 - h. "Prior Exemption" shall mean the exemption from real property taxation for the Exemption Area approved by the Board of Estimate on January 11, 1990 (Cal. No. 31).
 - i. "Regulatory Agreement" shall mean the regulatory agreement between HPD and the Owner establishing certain controls upon the operation of the Exemption Area during the term of the New Exemption.
2. The Prior Exemption shall terminate upon the Effective Date.
 3. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business, commercial, or community facility use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
 4. Notwithstanding any provision hereof to the contrary:
 - a. The New Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (iv) any interest in the Exemption Area is conveyed or transferred to a new owner without the prior written approval of HPD, or (v) the construction or demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the New Exemption shall prospectively terminate.
 - b. The New Exemption shall apply to all land in the Exemption Area, but shall only apply to a building on the Exemption Area that exists on the Effective Date.
 - c. Nothing herein shall entitle the HDFC, the Owner, or any other person or entity to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.

- d. All previous resolutions, if any, providing an exemption from or abatement of real property taxation with respect to the Exemption Area are hereby revoked as of the Effective Date.
5. In consideration of the New Exemption, the owner of the Exemption Area shall, for so long as the New Exemption shall remain in effect, waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state, or federal law, rule, or regulation. Notwithstanding the foregoing, nothing herein shall prohibit the granting of any real property tax abatement pursuant to Sections 467-b or 467-c of the Real Property Tax Law to real property occupied by senior citizens or persons with disabilities.

DANIEL DROMM, Chairperson; JAMES VAN BRAMER, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, HELEN K. ROSENTHAL, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, FRANCISCO P. MOYA, KEITH POWERS, FARAH N. LOUIS, STEVEN MATTEO; Committee on Finance, November 26, 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).

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

Report for L.U. No. 589

Report of the Committee on Finance in favor of a Resolution approving Timpson HDFC.HRP.FY20, Block 2573, Lots 49 and 71; Block 2603, Lot 35; Block 2691, Lot 67; Bronx, Community Districts Nos. 1 and 2, Council District Nos. 8 and 17.

The Committee on Finance, to which the annexed preconsidered Land Use item was referred on November 26, 2019 and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

(For text of Finance Memo, please see the Report of the Committee on Finance for L.U. No. 582 printed in these Minutes)

Accordingly, this Committee recommends its adoption.

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

Res. No. 1181

Resolution approving an exemption from real property taxes for property located at (Block 2573, Lots 49 and 71; Block 2603, Lot 35; Block 2691, Lot 67) Bronx, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 589).

By Council Member Dromm

WHEREAS, The New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated October 17, 2019 that the Council take the following action regarding a housing project located at (Block 2573, Lots 49 and 71; Block 2603, Lot 35; Block 2691, Lot 67) Bronx (“Exemption Area”):

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

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

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

RESOLVED:

The Council hereby grants an exemption from real property taxes as follows:

1. For the purposes hereof, the following terms shall have the following meanings:
 - a. “Effective Date” shall mean the date that HPD and the Owner enter into the Regulatory Agreement.
 - b. “Exemption Area” shall mean the real property located in the Borough of the Bronx, City and State of New York, identified as Block 2573, Lots 49 and 71, Block 2603, Lot 35, and Block 2691, Lot 67 on the Tax Map of the City of New York.
 - c. “Expiration Date” shall mean the earlier to occur of (i) a date which is thirty-two (32) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
 - d. “HDFC” shall mean Timpson Housing Development Fund Corporation or a housing development fund company that acquires the Exemption Area with the prior written consent of HPD.
 - e. “HPD” shall mean the Department of Housing Preservation and Development of the City of New York.
 - f. “J-51 Benefits” shall mean any tax benefits pursuant to Section 489 of the Real Property Tax Law which are in effect on the Effective Date.
 - g. “New Exemption” shall mean the exemption from real property taxation provided hereunder with respect to the Exemption Area.
 - h. “Owner” shall mean the HDFC.
 - i. “Prior Exemption” shall mean the exemption from real property taxation for portions of the Exemption Area approved by the New York City Council on September 19, 1995 (Resolution No. 1230 and No. 1231).

- j. “Regulatory Agreement” shall mean the regulatory agreement between HPD and the Owner that is executed after October 1, 2019 establishing certain controls upon the operation of the Exemption Area during the term of the New Exemption.
2. The Prior Exemption shall terminate upon the Effective Date.
3. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business, commercial, or community facility use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
4. Notwithstanding any provision hereof to the contrary:
 - a. The New Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (iv) any interest in the Exemption Area is conveyed or transferred to a new owner without the prior written approval of HPD, or (v) the construction or demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the New Exemption shall prospectively terminate.
 - b. The New Exemption shall apply to all land in the Exemption Area, but shall only apply to buildings on the Exemption Area that exist on the Effective Date.
 - c. Nothing herein shall entitle the HDFC, the Owner, or any other person or entity to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.
 - d. All previous resolutions, if any, providing an exemption from or abatement of real property taxation with respect to the Exemption Area are hereby revoked as of the Effective Date.
5. In consideration of the New Exemption, the owner of the Exemption Area shall, for so long as the New Exemption shall remain in effect, waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state, or federal law, rule, or regulation. Notwithstanding the foregoing, (a) nothing herein shall prohibit the granting of any real property tax abatement pursuant to Sections 467-b or 467-c of the Real Property Tax Law to real property occupied by senior citizens or persons with disabilities, and (b) the J-51 Benefits shall remain in effect, but the New Exemption shall be reduced by the amount of such J-51 Benefits.

DANIEL DROMM, Chairperson; JAMES VAN BRAMER, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, HELEN K. ROSENTHAL, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, FRANCISCO P. MOYA, KEITH POWERS, FARAH N. LOUIS, STEVEN MATTEO; Committee on Finance, November 26, 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 Health

Report for Int. No. 1362-A

Report of the Committee on Health 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 prohibiting the sale of flavored electronic cigarettes and flavored e-liquids and conducting outreach regarding the availability of smoking cessation services.

The Committee on Health, to which the annexed proposed amended local law was referred on January 24, 2019 (Minutes, page 282), respectfully

REPORTS:

INTRODUCTION

On November 25, 2019, the Committee on Health, chaired by Council Member Mark Levine, held a vote on Proposed Introduction Number 1362-A (Proposed Int. 1362-A), a Local Law to amend the administrative code of the city of New York, in relation to prohibiting the sale of flavored electronic cigarettes and flavored e-liquids and conducting outreach regarding the availability of smoking cessation services. This legislation was originally heard at a hearing of this Committee on January 30, 2019, at which the Committee received testimony from the New York City Department of Health and Mental Hygiene (DOHMH), advocates, and other interested parties. On November 25, 2019, the Committee passed this legislation by a vote of seven in the affirmative, zero in the negative, and zero abstentions.

BACKGROUND

Flavored Electronic Cigarettes

Electronic cigarettes (e-cigarettes) are electronic devices that deliver nicotine, flavor, and other chemicals through vaporization or aerosolization.¹ The use of electronic cigarettes in the U.S., commonly referred to as “vaping,” has grown at a rapid pace, with sales skyrocketing by 132 percent,² while prices fell substantially, between 2012 and 2016.³ Average monthly sales for rechargeable devices and accompanying cartridges, which have become the product of choice among individuals who vape, increased 154 percent between 2012 and 2016 according to the Centers for Disease Control (CDC), while their prices fell by nearly half.⁴

E-Cigarettes as Smoking Cessation Devices

Manufacturers and proponents of electronic cigarettes claim that the devices offer users a safer alternative to smoking cigarettes, as electronic cigarettes can deliver nicotine without combusting tobacco and producing smoke, and can also offer nicotine-free vapor.⁵ While the CDC acknowledges that e-cigarettes may have the

¹ U.S. Food and Drug Administration, Public Health Focus > Electronic Cigarettes (e-Cigarettes), <http://www.fda.gov/newsevents/publichealthfocus/ucm172906.htm> (last accessed Feb. 14, 2017).

² This figure does not include online sales or vape shop sales. See US News, E-Cigarette Sales Have Surged Immensely in the U.S., Aug. 2, 2018, <https://www.usnews.com/news/healthiest-communities/articles/2018-08-02/e-cigarette-sales-have-surged-immensely-in-the-us-cdc-study-shows>.

³ US News, E-Cigarette Sales Have Surged Immensely in the U.S., Aug. 2, 2018, <https://www.usnews.com/news/healthiest-communities/articles/2018-08-02/e-cigarette-sales-have-surged-immensely-in-the-us-cdc-study-shows>.

⁴ US News, E-Cigarette Sales Have Surged Immensely in the U.S., Aug. 2, 2018, <https://www.usnews.com/news/healthiest-communities/articles/2018-08-02/e-cigarette-sales-have-surged-immensely-in-the-us-cdc-study-shows>.

⁵ Matt Richtel, *The E-Cigarette Industry, Waiting to Exhale*, N.Y. TIMES, Oct. 26, 2013, available at <http://www.nytimes.com/2013/10/27/business/the-e-cigarette-industry-waiting-to-exhale.html>.

potential to benefit adult smokers who are not pregnant – if they are used as a *complete* substitute for regular cigarettes and other smoked tobacco products – it also notes that scientists still haven’t determined whether this is the case, and that e-cigarettes are not currently approved by the United States Food and Drug Administration (FDA) as a quit smoking aid.⁶ Moreover, a recent CDC study found that “most adult e-cigarette users do not stop smoking cigarettes and are instead continuing to use both tobacco and non-tobacco products (known as ‘dual use’).”⁷

Health Effects of Using E-Cigarettes

Given that e-cigarettes have not been around for a significant amount of time from a scientific and medical research perspective, scientists are still learning about their long-term health effects.⁸ Still, most e-cigarettes contain nicotine, which has well-known health effects.⁹ According to the CDC, nicotine is highly addictive, toxic to developing fetuses, can harm adolescent brain development (which continues into the early- to mid-20s), and is a health danger for pregnant women and developing babies.¹⁰ Recent research has also shown that vaping e-cigarettes deliver cancer-causing chemicals into the body, and that popular fruity flavors appear to have the worst carcinogenic effect.¹¹

Use of E-Cigarettes among Young People

The CDC has expressed serious concern about youth exposure to the highly addictive nicotine contained in most electronic cigarettes.¹² Teenagers’ brains are still developing, and require less exposure to nicotine than adults to become addicted.¹³ Research cited by the National Institute of Drug Abuse (NIDA) has shown the highly addictive nicotine content in e-cigarette products serves to activate the brain’s reward circuitry by increasing dopamine levels, which motivates teens “to use again and again despite risks to their health and well-being.”¹⁴ While the prevalence of adults who tried e-cigarettes rose significantly between 2014 and 2016, it skyrocketed by more than 900 percent between 2011 and 2015 among high school students according to the CDC, and vaping is now more popular among teens than combustible cigarettes.¹⁵ According to the FDA, from 2017 to 2018 e-cigarette use increased by 78 percent among high school students, and 48 percent among middle school students.¹⁶ In a statement issued on September 12, 2018, FDA Commissioner Scott Gottlieb, M.D., declared that e-cigarette use among teenagers had reached “nothing short of an epidemic proportion of growth,”¹⁷ and called for makers of the most popular e-cigarettes to keep their products away from minors.¹⁸ According to a survey cited by the FDA, “81 percent of current youth e-cigarette users cited the availability of

⁶ CDC, About Electronic Cigarettes (E-Cigarettes), https://www.cdc.gov/tobacco/basic_information/e-cigarettes/about-e-cigarettes.html.

⁷ *Id.*

⁸ *Id.*

⁹ *Id.*

¹⁰ *Id.*

¹¹ Today, Teens inhale cancer-causing chemicals in e-cigarettes, March 6, 2018, <https://www.today.com/health/teens-inhale-cancer-causing-chemicals-e-cigarettes-t124540>.

¹² CDC Office on Smoking and Health, *E-cigarette Information*, November 2015, <https://www.cdc.gov/tobacco/stateandcommunity/pdfs/cdc-osh-information-on-e-cigarettes-november-2015.pdf>.

¹³ New York Times, Juul Suspends Selling Most E-Cigarette Flavors in Stores, Nov. 13, 2018, <https://www.nytimes.com/2018/11/13/health/juul-ecigarettes-vaping-teenagers.html>.

¹⁴ National Institute on Drug Abuse (NIDA), Electronic Cigarettes (E-cigarettes), <https://www.drugabuse.gov/publications/drugfacts/electronic-cigarettes-e-cigarettes>.

¹⁵ According to the [National Institute of Drug Abuse](https://www.drugabuse.gov/publications/drugfacts/electronic-cigarettes-e-cigarettes) (NIDA) e-cigarettes are “now the most commonly used form of tobacco among youth in the United States.” See National Institute on Drug Abuse (NIDA), Electronic Cigarettes (E-cigarettes), <https://www.drugabuse.gov/publications/drugfacts/electronic-cigarettes-e-cigarettes>. See also US News, E-Cigarette Sales Have Surged Immensely in the U.S., Aug. 2, 2018, <https://www.usnews.com/news/healthiest-communities/articles/2018-08-02/e-cigarette-sales-have-surged-immensely-in-the-us-cdc-study-shows>.

¹⁶ U.S. Food & Drug Administration (FDA), Vaporizers, E-Cigarettes, and other Electronic Nicotine Delivery Systems (ENDS), <https://www.fda.gov/TobaccoProducts/Labeling/ProductsIngredientsComponents/ucm456610.htm>.

¹⁷ FDA, Statement from FDA Commissioner Scott Gottlieb, M.D., on new steps to address epidemic of youth e-cigarette use, <https://www.fda.gov/NewsEvents/Newsroom/PressAnnouncements/ucm620185.htm>.

¹⁸ RAND Corporation, Youth Who Use Vaping Products Are More Likely to Smoke Cigarettes, Increase Use of Both Over Time, <https://www.rand.org/news/press/2018/10/02.html>.

appealing flavors as the primary reason for use.”¹⁹ A 2015 survey of youth funded by the National Institute on Drug Abuse, the National Institutes of Health, and the FDA’s Department of Health and Human Services found that the majority of respondents who self-reported ever experimenting with tobacco started with a flavored product, including 81 percent of respondents who had ever used an e-cigarette, indicating that flavoring is the enticing factor of e-cigarettes among youth.²⁰

According to NIDA, repeated exposure to the highly addictive nicotine content in “e-cigarettes may actually encourage cigarette smoking in adolescents.”²¹ A RAND Corporation study also recently concluded that “adolescents who use vaping products are not only more likely to smoke cigarettes, but are also likely to increase their use of both products over time.”²² Advocates concerned about teen use of e-cigarettes as a pathway to combustible cigarettes expressed alarm²³ when, in December 2018, Juul Labs – which has more than 70 percent of the e-cigarette market share in the United States – received a \$12.8 Billion investment from Altria, the leading U.S. cigarette manufacturer.²⁴

REGULATORY AND LEGISLATIVE ACTION

Flavored Electronic Cigarettes

Federal Action

In September 2018, the FDA declared that teenage use of electronic cigarettes has reached “an epidemic proportion,” and put the makers of the most popular devices – primarily tobacco company giants – on notice that “they have just 60 days to prove they can keep their devices away from minors” or face steep fines and possible removal from the market altogether.²⁵

In November, FDA Commissioner Scott Gottlieb, M.D. proposed new steps to prevent youth access to flavored e-cigarettes by requiring that they be sold in age-restricted, in-person locations, and requiring heightened age-verification practices for online sales.²⁶ These measures effectively stopped short of a ban that the FDA had previously threatened in order to persuade e-cigarette makers to drop marketing strategies that might appeal to minors.²⁷ The proposed measures would allow stores to continue selling flavored e-cigarettes, but only from closed-off areas that would be inaccessible to minors.²⁸

¹⁹ U.S. Food & Drug Administration (FDA), Vaporizers, E-Cigarettes, and other Electronic Nicotine Delivery Systems (ENDS), <https://www.fda.gov/TobaccoProducts/Labeling/ProductsIngredientsComponents/ucm456610.htm>.

²⁰ JAMA Network, Survey of Youth Finds That Majority Who Used Tobacco Started with Flavored Product, <https://media.jamanetwork.com/news-item/survey-of-youth-finds-that-majority-who-used-tobacco-started-with-flavored-product/>.

²¹ National Institute on Drug Abuse (NIDA), Electronic Cigarettes (E-cigarettes), <https://www.drugabuse.gov/publications/drugfacts/electronic-cigarettes-e-cigarettes>.

²² RAND Corporation, Youth Who Use Vaping Products Are More Likely to Smoke Cigarettes, Increase Use of Both Over Time, <https://www.rand.org/news/press/2018/10/02.html>.

²³ Campaign for Tobacco Free Kids, Altria-Juul Deal Is Alarming Development for Public Health and Shows Need for Strong FDA Regulation, https://www.tobaccofreekids.org/press-releases/2018_12_20_altria_juul.

²⁴ National Public Radio, Altria Buys 35 Percent Stake in E-Cigarette Maker Juul, Dec. 20, 2018, <https://www.npr.org/2018/12/20/678915071/altria-buys-35-percent-stake-in-e-cigarette-maker-juul>.

²⁵ New York Times, F.D.A. Targets Vaping, Alarmed by Teenage Use, Sept. 12, 2018, <https://www.nytimes.com/2018/09/12/health/juul-fda-vaping-ecigarettes.html>.

²⁶ These restrictions will not apply to tobacco, mint, and menthol-flavored e-cigarettes. See FDA, Statement from FDA Commissioner Scott Gottlieb, M.D., on proposed new steps to protect youth by preventing access to flavored tobacco products and banning menthol in cigarettes, Nov. 15, 2018, <https://www.fda.gov/NewsEvents/Newsroom/PressAnnouncements/ucm625884.htm>.

²⁷ New York Times, FDA Seeks Restrictions on Teens’ Access to Flavored E-Cigarettes and a Ban on Menthol Cigarettes, Nov. 15, 2018, <https://www.nytimes.com/2018/11/15/health/ecigarettes-fda-flavors-ban.html>.

²⁸ New York Times, FDA Seeks Restrictions on Teens’ Access to Flavored E-Cigarettes and a Ban on Menthol Cigarettes, Nov. 15, 2018, <https://www.nytimes.com/2018/11/15/health/ecigarettes-fda-flavors-ban.html>.

State Action

On November 7th, the New York State Department of Health (NYSDOH) proposed a rule that would ban the sale of flavored e-cigarettes in New York State.²⁹ On November 9th, the agency withdrew the announced regulations to allow more time for legal review.³⁰ On January 12th, Governor Cuomo announced that he will include a proposal raising the State's minimum age to buy tobacco and e-cigarette products from 18 to 21. He also called for an end to the sale of tobacco and e-cigarette products in pharmacies and to require that e-cigarettes are sold only through licensed retailers.³¹ On September 17, 2019, New York implemented a statewide ban on most flavored nicotine vaping products, although this ban excluded menthol-flavored products.³² The ban was challenged in court by an industry trade group, the Vapor Technology Association, and the New York State Appellate Division temporarily halted the implementation of the ban on October 3rd, 2019.³³

City Action

In 2013, the Council passed and the Mayor signed Local Law 94 of 2013, which established the sales age for electronic cigarettes at 21.³⁴ In 2013, the Council also passed and the Mayor signed Local Law 152 of 2013, which extends the NYC Smoke-Free Air Act to include e-cigarettes.³⁵

Corporate Action

On November 13th, Juul announced plans to temporarily eliminate some of its social media accounts and halt retail sales of most of its flavor products and restrict flavor sales to adults 21 and older on its secure website as part of a plan to restrict access to minors.³⁶ In November 2019, Juul stopped selling its mint-flavored pods, which have been shown to be very popular among children who use Juul products.³⁷

BILL ANALYSIS

INT. 1362-A:

Int. 1362-A would ban the sale of flavored electronic cigarettes and flavored e-liquids in New York City, including mint, menthol and wintergreen electronic cigarettes and e-liquids. This bill also creates a

²⁹ CBSNewYork, Report: New York State Considers Ban On Flavored E-Cigarettes, Nov. 9, 2018, <https://newyork.cbslocal.com/2018/11/09/ny-considers-banning-flavored-e-cigarettes/>.

³⁰ Adirondack Daily Enterprise, NY eyes plan to be first state to ban flavored e-cigarettes, Jan. 24, 2019, <http://www.adirondackdailyenterprise.com/news/local-news/2018/11/ny-eyes-plan-to-be-first-state-to-ban-flavored-e-cigarettes/>.

³¹ Bloomberg, New York Governor Cuomo Proposes to Raise E-Cig Sales Age to 21, Jan. 12, 2019, <https://www.bloomberg.com/news/articles/2019-01-12/n-y-governor-cuomo-proposes-to-raise-e-cig-sales-age-to-21>.

³² Time, As the Number of Vaping-Related Deaths Climbs, These States Have Implemented E-Cigarette Bans, October 15, 2019, <https://time.com/5685936/state-vaping-bans/>.

³³ Reuters, New York court blocks state ban on flavored e-cigarettes, October 4, 2019, <https://www.reuters.com/article/us-health-vaping-new-york/new-york-court-blocks-state-ban-on-flavored-e-cigarettes-idUSKBN1WJ0IK>. See also In the Matter of Vapor Technology Association et al. v. Andrew M. Cuomo, Decision and Order on Motion, https://drive.google.com/file/d/1aPybhHRXS_fER-51p0fuF_wTHEmDGBHW/view.

³⁴ New York City Council, Int 0250-2010, available at <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=664290&GUID=4223E26A-7F3F-4B7D-9E3A-0E3F7B850155&Options=ID|Text|&Search=%22electronic+cigarettes%22>.

³⁵ New York City Council, Int 1210-2013, available at <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=1526765&GUID=15D04C6D-C760-40EA-88A4-2E40C0374E43&Options=ID|Text|&Search=%22electronic+cigarettes%22>.

³⁶ See CNBC, Juul halts flavored e-cigarette sales to retailers – for now, Nov. 13, 2018, <https://www.cnbc.com/2018/11/13/juul-temporarily-suspends-retail-sales-of-most-flavored-e-cigarettes.html>. See also CNN, Juul to eliminate social media accounts, stop retail sales of flavors, Nov. 15, 2018, <https://www.cnn.com/2018/11/13/health/juul-flavor-social-media-fda-bn/index.html>.

³⁷ NBC News, Juul stops selling mint ahead of anticipated federal ban on most e-cigarette flavors, November 7, 2019, <https://www.nbcnews.com/health/vaping/juul-stops-selling-mint-ahead-anticipated-federal-ban-most-e-n1077211>.

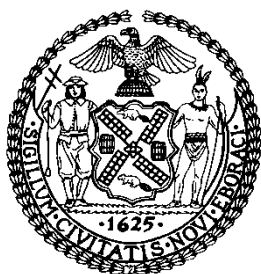
presumption that an electronic cigarette retail dealer in possession of six or more flavored electronic cigarettes, or more than 12 fluid ounces (or 354.882 mL) of e-liquids, has intent to sell or offer for sale these flavored products.

The bill also requires DOHMH to conduct a public information and awareness campaign to educate the public regarding the availability of smoking cessation medication and services.

The bill has been amended to explicitly include an outreach component and expressly refer to the sale of e-liquids. The bill was also amended to create a presumption that a retail dealer intends to sell or offer for sale flavored electronic cigarettes when such retail dealer possesses six or more flavored electronic cigarettes, rather than four flavored electronic cigarettes.

The legislation would take effect on the first day of the month next succeeding the one hundred eightieth day after it becomes law, except that the outreach component of this legislation would take effect 90 days after the bill becomes law.

(The following is the text of the Fiscal Impact Statement for Int. No. 1362-A:)



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

LATONIA MCKINNEY, DIRECTOR

FISCAL IMPACT STATEMENT

PROPOSED INTRO. NO: 1362-A

COMMITTEE: Health

TITLE: A local law to amend the administrative code of the city of New York, in relation to prohibiting the sale of flavored electronic cigarettes and flavored e-liquids and conducting outreach regarding the availability of smoking cessation services.

SPONSORS: Council Members Levine, Cohen, Powers, Lander, Rosenthal, Rivera, Ayala, Chin, Cabrera, Gibson, Reynoso, King, Brannan, Koo, Rodriguez, Koslowitz, Dromm, Espinal, Grodenchik, Menchaca, Adams, Constantinides, Maisel, Holden, Louis, Treyger, Moya, Van Bramer, Kallos and Torres.

SUMMARY OF LEGISLATION: This bill would ban the sale of flavored electronic cigarettes and flavored e-liquids in New York City, including mint, menthol and wintergreen electronic cigarettes and e-liquids. This bill would also create a presumption that an electronic cigarette retail dealer in possession of six or more flavored electronic cigarettes, or more than 12 fluid ounces (or 354.882 mL) of e-liquids, has intent to sell or offer for sale. The bill also requires DOHMH to conduct a public information and awareness campaign to educate the public regarding the availability of smoking cessation services.

EFFECTIVE DATE: This local law would take effect on the first day of the month next succeeding the one hundred eightieth day after it becomes law. The outreach campaign would be required to launch 90 days after it becomes law.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2021

FISCAL IMPACT STATEMENT:

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

IMPACT ON REVENUES: It is anticipated that the proposed legislation would have no impact on revenues.

IMPACT ON EXPENDITURES: It is anticipated that the proposed legislation would have no impact on expenditures because the relevant City agencies would be able to utilize existing resources to fulfill the requirements of this legislation.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: New York City Council Finance Division

ESTIMATE PREPARED BY: Lauren Hunt, Financial Analyst

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

LEGISLATIVE HISTORY: This legislation was introduced to the full Council as Int. No. 1362 on January 24, 2019 and was referred to the Committee on Health (Committee). The Committee heard the legislation on January 30, 2019 and the bill was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. 1362-A, will be voted on by the Committee at a hearing on November 25, 2019. Upon a successful vote by the Committee, Proposed Intro. No. 1362-A will be submitted to the full Council for a vote on November 26, 2019.

DATE PREPARED: November 19, 2019.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 1362-A:)

Int. No. 1362-A

By Council Members Levine, Cohen, Powers, Lander, Rosenthal, Rivera, Ayala, Chin, Cabrera, Gibson, Reynoso, King, Brannan, Koo, Rodriguez, Koslowitz, Dromm, Espinal, Grodenchik, Menchaca, Adams, Constantinides, Maisel, Holden, Louis, Treyger, Moya, Van Bramer, Kallos, Torres and Eugene.

A Local Law to amend the administrative code of the city of New York, in relation to prohibiting the sale of flavored electronic cigarettes and flavored e-liquids and conducting outreach regarding the availability of smoking cessation services

Be it enacted by the Council as follows:

Section 1. The heading of section 11-4024 of the administrative code of the city of New York, as added by local law number 97 for the year 2013, is amended to read as follows:

§ 11-4024 Seizure and forfeiture of taxed and lawfully stamped cigarettes sold or possessed by unlicensed retail or wholesale dealers [and], flavored tobacco products, *flavored electronic cigarettes and flavored e-liquid*.

§ 2. Section 11-4024 of the administrative code of the city of New York is amended by adding a new subdivision e to read as follows:

(e) *For purposes of this section, a flavored tobacco product means a flavored tobacco product, flavored electronic cigarette or flavored e-liquid.*

§ 3. Paragraph (6) of subdivision a of section 17-176, as amended by local law number 97 for the year 2013, is amended to read as follows:

(6) "Tobacco product" means any product which contains tobacco that is intended for human consumption, including any component, part, or accessory of such product. Tobacco product shall include, but not be limited to, any cigar, little cigar, chewing tobacco, pipe tobacco, roll-your-own tobacco, snus, bidi, snuff, tobacco-containing shisha, or dissolvable tobacco product. Tobacco product shall not include cigarettes, *electronic cigarettes or e-liquid* or any product that has been approved by the United States food and drug administration for sale as a tobacco use cessation product or for other medical purposes and that is being marketed and sold solely for such purposes.

§ 4. The definition of "tobacco product" in subdivision a of section 17-176.1, as amended by local law number 145 for the year 2017, is amended to read as follows:

"Tobacco product" means any product which contains tobacco that is intended for human consumption, including any component, part, or accessory of such product. Tobacco product shall include, but not be limited to, any cigar, little cigar, chewing tobacco, pipe tobacco, roll-your-own tobacco, snus, bidi, snuff, shisha, or dissolvable tobacco product. Tobacco product shall not include cigarettes, *electronic cigarettes or e-liquid* or any product that has been approved by the United States food and drug administration for sale as a tobacco use cessation product or for other medical purposes and that is being marketed and sold solely for such purposes.

§ 5. Subdivisions r and bb of section 17-702 of the administrative code of the city of New York, subdivision r as amended by local law number 97 for the year 2013, and subdivision bb as amended by local law number 144 for the year 2017, is amended to read as follows:

r. "Tobacco product" means any product which contains tobacco that is intended for human consumption, including any component, part, or accessory of such product. Tobacco product shall include, but not be limited to, any cigar, little cigar, chewing tobacco, pipe tobacco, roll-your-own tobacco, snus, bidi, snuff, tobacco-containing shisha, or dissolvable tobacco product. Tobacco product shall not include cigarettes, *electronic cigarettes or e-liquid* or any product that has been approved by the United States food and drug administration for sale as a tobacco use cessation product or for other medical purposes and that is being marketed and sold solely for such purposes.

bb. "Electronic cigarette" [means a battery-operated device that heats a liquid, gel, herb, or other substance and delivers vapor for inhalation. Electronic cigarette shall include any refill, cartridge, and any other component of an electronic cigarette] *has the same meaning as such term is defined in section 20-560.*

§ 6. The heading of subchapter 2 of chapter 7 of title 17 of the administrative code of the city of New York, as amended by local law number 187 for the year 2017 and by local law number 69 for the year 2009, is amended to read as follows:

REGULATION OF THE SALE OF [HERBAL CIGARETTES AND] FLAVORED TOBACCO PRODUCTS, *FLAVORED ELECTRONIC CIGARETTES AND FLAVORED E-LIQUID*, AND REGULATION OF AGE OF ENTRY TO NON-TOBACCO HOOKAH ESTABLISHMENTS

§ 7. Section 17-713 of the administrative code of the city of New York, as amended by local law number 69 for the year 2009, and subdivisions a and j of such section as amended by local law number 97 for the year 2013, is amended to read as follows:

[a. "Cigarette" means any roll for smoking made wholly or in part of tobacco or any other substance, irrespective of size or shape and whether or not such tobacco or substance is flavored, adulterated or mixed with any other ingredient, the wrapper or cover of which is made of paper or any other substance or material but is not made in whole or in part of tobacco.

b. "Characterizing flavor" *Characterizing flavor. The term "characterizing flavor" means a distinguishable taste or aroma, other than the taste or aroma of tobacco, [menthol, mint or wintergreen,] imparted either prior to or during consumption of a tobacco product [or component part thereof], electronic*

cigarette or e-liquid, including, but not limited to, tastes or aromas relating to any *menthol, mint, wintergreen, fruit, chocolate, vanilla, honey, candy, cocoa, dessert, alcoholic beverage, herb [or], spice, or any "concept flavor" that imparts a taste or aroma that is distinguishable from tobacco flavor but may not relate to any particular known flavor*; provided, however, that no tobacco product, *electronic cigarette or e-liquid* shall be determined to have a characterizing flavor solely because of the use of additives or flavorings or the provision of ingredient information.

Cigarette. The term "cigarette" means any roll for smoking made wholly or in part of tobacco or any other substance, irrespective of size or shape and whether or not such tobacco or substance is flavored, adulterated or mixed with any other ingredient, the wrapper or cover of which is made of paper or any other substance or material but is not made in whole or in part of tobacco.

[c. "Component part" means any element of a tobacco product , including, but not limited to, the tobacco, filter and paper, but not including any constituent.

d. "Constituent" means any ingredient, substance, chemical or compound, other than tobacco, water or reconstituted tobacco sheet, that is added by the manufacturer to a tobacco product during the processing, manufacture or packing of the tobacco product. Such term shall include a smoke constituent.]

Electronic cigarette. The term "electronic cigarette" has the same meaning as such term is defined in section 20-560.

E-liquid. The term "e-liquid" has the same meaning as such term is defined in section 20-560.

Flavored electronic cigarette. The term "flavored electronic cigarette" means any electronic cigarette that imparts a characterizing flavor. A public statement or claim made or disseminated by the manufacturer of an electronic cigarette, or by any person authorized or permitted by the manufacturer to make or disseminate public statements concerning such electronic cigarette, that such electronic cigarette has or produces a characterizing flavor shall constitute presumptive evidence that such electronic cigarette is a flavored electronic cigarette.

Flavored e-liquid. The term "flavored e-liquid" means any e-liquid that imparts a characterizing flavor. A public statement or claim made or disseminated by the manufacturer of an e-liquid, or by any person authorized or permitted by the manufacturer to make or disseminate public statements concerning such e-liquid, that such e-liquid has or produces a characterizing flavor shall constitute presumptive evidence that such e-liquid is a flavored e-liquid.

[e. "Flavored tobacco product"] *Flavored tobacco product. The term "flavored tobacco product" means any tobacco product [or any component part thereof that contains a constituent] that imparts a characterizing flavor other than menthol, mint and wintergreen. A public statement or claim made or disseminated by the manufacturer of a tobacco product, or by any person authorized or permitted by the manufacturer to make or disseminate public statements concerning such tobacco product, that such tobacco product has or produces a characterizing flavor, other than menthol, mint and wintergreen, shall constitute presumptive evidence that the tobacco product is a flavored tobacco product.*

[g. "Person"] *Person. The term "person" means any natural person, partnership, firm, joint stock company, corporation, or employee thereof, or other legal entity.*

[h. "Smoke constituent" means any chemical or chemical compound in mainstream or sidestream tobacco smoke that either transfers from any component of the tobacco product to the smoke or that is formed by the combustion or heating of tobacco, additives or other component of the tobacco product.

i. "Tobacco bar"] *Tobacco bar. The term "tobacco bar" has the meaning as such term is defined in subdivision jj of section 17-502 [of this code].*

[j. "Tobacco product"] *Tobacco product. The term "tobacco product" means any product which contains tobacco that is intended for human consumption, including any component, part, or accessory of such product. Tobacco product shall include, but not be limited to, any cigar, little cigar, chewing tobacco, pipe tobacco, roll-your-own tobacco, snus, bidi, snuff, tobacco-containing shisha, or dissolvable tobacco product. Tobacco product shall not include cigarettes, electronic cigarettes or e-liquid or any product that has been approved by the United States food and drug administration for sale as a tobacco use cessation product or for other medical purposes and that is being marketed and sold solely for such purposes.*

§ 8. Section 17-715 of the administrative code of the city of New York, as amended by local law 97 for the year 2013, is amended to read as follows:

§ 17-715 Sale of flavored tobacco products, *flavored electronic cigarettes and flavored e-liquid* prohibited.

a. 1. It shall be unlawful for any person to sell or offer for sale, or to possess with intent to sell or offer for sale, any flavored tobacco product except in a tobacco bar.

[b.] 2. There shall be a presumption that a retail dealer, *as defined in section 17-702*, in possession of four or more flavored tobacco products, which shall include individual tobacco products, packages of tobacco products, or any combination thereof, possesses such tobacco products with intent to sell or offer for sale.

b. 1. *It shall be unlawful for any person to sell or offer for sale, or to possess with intent to sell or offer for sale, any flavored electronic cigarette or flavored e-liquid.*

2. *There shall be a presumption that an electronic cigarette retail dealer, as defined in section 20-560, in possession of six or more flavored electronic cigarettes, or more than 12 fluid ounces (354.882 mL) of flavored e-liquid, possesses such flavored electronic cigarettes or flavored e-liquid with intent to sell or offer for sale.*

§ 9. Section 17-716 of the administrative code of the city of New York, as amended by local law 191 for the year 2017, is amended to read as follows:

§ 17-716 Violations and penalties. a. Any person who violates *subdivision a* of section 17-715 [of this subchapter] shall be liable for a civil penalty of not more than one thousand dollars for the first violation, and not more than one thousand dollars for each additional violation found on that day; and not more than two thousand dollars for the second violation at the same place of business within a three-year period, and not more than two thousand dollars for each additional violation found on that day; and not more than five thousand dollars for the third and all subsequent violations at the same place of business within a three-year period. In addition, for a third violation occurring on a different day and all subsequent violations occurring on different days at the same place of business within a three-year period, any person who engages in business as a retail dealer, as such term is defined in section 20-201, shall be subject to the mandatory suspension of his or her license, issued pursuant to section 20-202, for such place of business, for a period not to exceed one year. Such license shall be suspended at the same hearing at which a retail dealer is found liable for a third violation or subsequent violations at the same place of business within a three-year period.

a-1. Any person who violates subdivision b of section 17-715 shall be liable for a civil penalty of not more than one thousand dollars for the first violation, and not more than one thousand dollars for each additional violation found on that day; and not more than two thousand dollars for the second violation at the same place of business within a three-year period, and not more than two thousand dollars for each additional violation found on that day; and not more than five thousand dollars for the third and all subsequent violations at the same place of business within a three-year period. In addition, for a third violation occurring on a different day and all subsequent violations occurring on different days at the same place of business within a three-year period, any person who engages in business as an electronic cigarette retail dealer, as such term is defined in section 20-560, shall be subject to the mandatory suspension of his or her license, issued pursuant to section 20-561, for such place of business, for a period not to exceed one year. Such license shall be suspended at the same hearing at which an electronic cigarette retail dealer is found liable for a third violation or subsequent violations at the same place of business within a three-year period.

b. Any person who violates subdivision a of section 17-719 shall be liable for a civil penalty of two hundred dollars for the first violation, and not more than two hundred dollars for each additional violation found on the same day; and five hundred dollars for the second violation and each subsequent violation at the same place of business. A proceeding to recover any such civil penalty shall be commenced by the service of a notice of violation returnable to [any tribunal established within] the office of administrative trials and hearings or *any tribunal established* within any agency of the city designated to conduct such proceedings. When a person has been found to be in violation of subdivision a of section 17-719 on two or more occasions at a non-tobacco hookah establishment, the commissioner shall revoke the non-tobacco hookah establishment permit issued to such person pursuant to section 17-513.5.

c. Any person found to be in violation of subdivision b of section 17-719 shall be liable for a civil penalty of one hundred dollars for the first violation and not more than one hundred dollars for each additional violation found on the same day, and two hundred dollars for each subsequent violation at the same place of business. A proceeding to recover any such civil penalty shall be commenced by the service of a notice of violation returnable to [any tribunal established within] the office of administrative trials and hearings or *any tribunal established* within any agency of the city designated to conduct such proceedings.

§ 10. Section 20-560 of the administrative code of the city of New York, as added by local law 144 for the year 2017, is amended to read as follows:

§ 20-560 Definitions. As used in this subchapter, the following terms have the following meanings:

Electronic cigarette. The term "electronic cigarette" means [a] *an electronic or battery-operated device that [heats a liquid, gel, herb, and/or other substance and] delivers [vapor] an aerosol or emission for inhalation. Electronic cigarette [shall include] also means any refill, cartridge, [and] any other component of an electronic cigarette and any e-liquid. Electronic cigarette shall not include any product approved by the food and drug administration for sale as a drug or medical device.*

Electronic cigarette retail dealer. The term "electronic cigarette retail dealer" means any person engaged in the retail sale of electronic cigarettes. For the purposes of this subchapter *and title 17 of this code*, the possession or transportation at any one time of more than 20 electronic cigarettes *or more than 12 fluid ounces (354.882 mL) of e-liquid* by any person other than a manufacturer or a person delivering electronic cigarettes *or e-liquids* in the regular course of business for a manufacturer or electronic cigarette retail dealer, shall be presumptive evidence that such person is an electronic cigarette retail dealer.

E-liquid. The term "e-liquid" means a solution, substance or material used in an electronic cigarette to produce an aerosol or emission to be inhaled by the user, whether or not the solution, substance or material contains nicotine.

Good standing. The term "good standing" means any electronic cigarette retail dealer that has not been found to have violated subdivision b of section 17-704.1 or subdivision a-1 of section 17-706 on more than one day during the previous three consecutive years.

Person. Notwithstanding sections 1-112 and 20-102 of the code, the term "person" means any individual, partnership, society, association, joint-stock company, corporation, limited liability company, estate, receiver, trustee, assignee, referee or any other person acting in a fiduciary or representative capacity, whether appointed by a court or otherwise, and any combination of individuals.

Pharmacy. The term "pharmacy" means "pharmacy" as defined in subdivision 1 of section 6802 of the education law, and any retail store that contains a pharmacy.

Retail store. The term "retail store" means any place that, in the regular course of business, sells or rents goods directly to the public.

§ 11. Outreach and education regarding the availability of smoking cessation services. The department of health and mental hygiene shall conduct a public information and outreach campaign to educate the public regarding the availability of smoking cessation services in New York city. Such campaign shall be conducted in conjunction with other agencies, including but not limited to the department of education and the department of consumer affairs, and shall include, but not be limited to, information regarding the availability of free or low-cost smoking cessation medication and services.

§ 12. This local law takes effect on the first day of the month next succeeding the one hundred eightieth day after it becomes law, provided that the department of consumer affairs, the department of finance and the department of health and mental hygiene may take such measures as are necessary for implementation of this local law, including the promulgation of rules, prior to such date, and except that section eleven of this local law shall take effect 90 days after it becomes law.

MARK D. LEVINE, *Chairperson*; MATHIEU EUGENE; ANDREW COHEN, INEZ D. BARRON, ALICKA AMPRY-SAMUEL, ROBERT HOLDEN, KEITH POWERS; Committee on Health; November 25, 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. 1661-A

Report of the Committee on Housing and Buildings in favor of approving and adopting, as amended, a Local Law to provide construction workers with information pertaining to site safety training during site safety orientations and refreshers.

The Committee on Housing and Buildings, to which the annexed proposed amended local law was referred on August 14, 2019 (Minutes, page 2731), respectfully

REPORTS:

Introduction

On November 25, 2019, the Committee on Housing and Buildings, chaired by Council Member Robert E. Cornegy, Jr., will hold a hearing on Proposed Int. No. 1661-A, which was [first heard on September 10, 2019](#). [More information about this bill along with the materials for that hearing can be found at https://bit.ly/2Odu7UQ](https://bit.ly/2Odu7UQ).

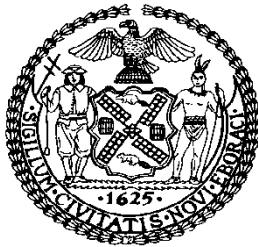
Proposed Int. No. 1661-A

Proposed Int. No. 1661-A would require permit holders to make information about site safety training requirements available to each worker during site safety orientations and periodic site safety refreshers. This information would need to be available in each of the designated citywide languages and any other languages required by the Department of Buildings.

This bill would also amend the effective date of Int. No. 720-C, a bill clarifying the requirements for site safety training providers and persons required to obtain site safety training. This amendment to the effective date ensures that the bill's clarification of who constitutes a "competent person" for site safety training purposes is retroactive to the effective date of Local Law 196 of 2017, which initially established such training requirements.

This bill would take effect 30 days after becoming law, but the amendment to Int. No. 720-C will be deemed to have been in full force and effect on the effective date of that bill.

(The following is the text of the Fiscal Impact Statement for Int. No. 1661-A:)



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

PROPOSED INTRO. NO: 1661-A

COMMITTEE: Housing and Buildings

TITLE: A Local Law to provide construction workers with information pertaining to site safety training during site safety orientations and refreshers.

SPONSORS: Council Members Cornegy and Kallos (by request of the Mayor).

SUMMARY OF LEGISLATION: Proposed Intro. No. 1661-A would require that construction workers at certain construction sites to receive relevant information in the designated citywide languages regarding site safety training during required site safety orientations.

EFFECTIVE DATE: This local law would take effect thirty days after becoming law.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2021

FISCAL IMPACT STATEMENT:

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

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

IMPACT ON EXPENDITURES: It is anticipated that there would be no impact on expenditures resulting from the enactment of this legislation because any new expenses would be incurred by non-city entities.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: New York City Council Finance Division

ESTIMATE PREPARED BY: Luke Zangerle, Principal Financial Analyst

ESTIMATED REVIEWED BY: Noah Brick, Assistant Counsel
Chima Obichere, Unit Head

LEGISLATIVE HISTORY: This legislation was introduced to the full Council on August 14, 2019 as Intro. No. 1661 and was referred to the Committee on Housing and Buildings (Committee). The Committee held a hearing on September 10, 2019 and the legislation was laid over. The legislation was subsequently amended, and the amended version, Proposed Intro. 1661-A, will be considered by the Committee on November 25, 2019. Following a successful Committee vote, the bill will be submitted to the full Council for a vote on November 28, 2019.

DATE PREPARED: November 20, 2019.

(The following is the text of Int. No. 1661-A:)

Int. No. 1661-A

By Council Members Cornegy, Kallos, Ayala, Lander and Eugene (by request of the Mayor).

A Local Law to provide construction workers with information pertaining to site safety training during site safety orientations and refreshers

Be it enacted by the Council as follows:

Section 1. Section 3301.11.4 of chapter 33 of the New York city building code, as added by local law 206 for the year 2017, is amended to read as follows:

3301.11.4 Site safety orientation and refresher content. Site safety orientations and refreshers required by this section shall include a review of safety procedures at such site and any hazardous activities to be performed at such site. *In addition, information pertaining to the site safety training required by Section 3321 shall be made available to each worker in the designated citywide languages, as such term is defined in Section 23-1101 of the Administrative Code, and any other language as may be required by rule of the department, in a form and manner established by the department.*

§ 2. Section 4 of a local law for the year 2019 amending the administrative code of the city of New York and the New York city building code, relating to clarifying the requirements for site safety training providers and persons required to obtain site safety training, as proposed in introduction number 720-c for the year 2018, is amended to read as follows:

§ 4. This local law takes effect immediately, and sections [1 and] 2 *and* 3 are retroactive and deemed to have been in full force and effect as of the date that local law number 196 for the year 2017 took effect.

§ 3. This local law takes effect 30 days after it becomes law; provided, however, that section 2 shall be deemed to have been in full force and effect on the same day as a local law for the year 2019 amending the administrative code of the city of New York and the New York city building code, relating to clarifying the requirements for site safety training providers and persons required to obtain site safety training, as proposed in introduction number 720-c for the year 2018, takes effect. The commissioner of buildings may take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

ROBERT E. CORNEGY, Jr., *Chairperson*; FERNANDO CABRERA, MARGARET S. CHIN; RAFAEL L. ESPINAL, Jr., HELEN K. ROSENTHAL, RITCHIE J. TORRES, BARRY S. GRODENCHIK, CARLINA RIVERA, FARAH N. LOUIS; Committee on Housing and Buildings, November 25, 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 Land Use

Report for L.U. No. 561

Report of the Committee on Land Use in favor of approving, as modified, Application No. C 180524 ZMK (101 Fleet Place Rezoning) submitted by Fleet Center, Inc., pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 16c, by changing from an R6 District to a C6-4 District, and establishing a Special Downtown Brooklyn District, property bounded by the easterly centerline prolongation of former Fair Street, a line 200 feet easterly of Fleet Place, a line 150 feet northerly of Willoughby Street, and Fleet Place, for property located in the Borough of Brooklyn, Council District 35, Community District 2.

The Committee on Land Use, to which the annexed Land Use item was referred on October 17, 2019 (Minutes, page 3429), respectfully

REPORTS:**SUBJECT****BROOKLYN CB-2 - TWO APPLICATIONS RELATED TO 101 FLEET PLACE
REZONING****C 180524 ZMK (Pre. L.U. No. 561)**

City Planning Commission decision approving with modifications an application submitted by Fleet Center, Inc., pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 16c:

1. changing from an R6 District to a C6-4 District property bounded by the easterly centerline prolongation of former Fair Street, a line 200 feet easterly of Fleet Place, a line 150 feet northerly of Willoughby Street, and Fleet Place; and
2. establishing a Special Downtown Brooklyn District bounded by the easterly centerline prolongation of former Fair Street, a line 200 feet easterly of Fleet Place, a line 150 feet northerly of Willoughby Street, and Fleet Place;

as shown on a diagram (for illustrative purposes only) dated June 17, 2019, and subject to the conditions of CEQR Declaration E-539.

N 180525 ZRK (Pre. L.U. No. 562)

City Planning Commission decision approving an application submitted by Fleet Center, Inc., pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Article X, Chapter 1 (Special Downtown Brooklyn District) for the purpose of modifying the Special Downtown Brooklyn District boundary and modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area.

INTENT

The application sought a rezoning of the project area from an R6 district to a C6-4 district, to amend zoning text to modify the boundary of the Special Downtown Brooklyn District (SDBD), and to designate a Mandatory Inclusionary Housing (MIH) area utilizing Options 1 and 2, to facilitate the development of a new 14-story, approximately 200,000-square-foot, commercial office building at 101 Fleet Place (Block 2061, Lot 100) in Downtown Brooklyn, Community District 2. The City Planning Commission decision approved the application with a modification: the proposed C6-4 designation was changed to C6-1.

PUBLIC HEARING

DATE: October 16, 2019

Witnesses in Favor: Four

Witnesses Against: One

SUBCOMMITTEE RECOMMENDATION

DATE: November 20, 2019

The Subcommittee recommends that the Land Use Committee approve with modifications the decision of the City Planning Commission on Pre. L.U. No. 561 and Pre. L.U. No. 562.

In Favor:

Moya, Levin, Richards, Lancman, Grodenchik, Rivera.

Against:

None

Abstain:

None

COMMITTEE ACTION

DATE: November 20, 2019

The Committee recommends that the Council approve the attached resolutions.

In Favor:

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

Against:

None

Abstain:

None

RAFAEL SALAMANCA, *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, DONOVAN J. RICHARDS, VANESSA L. GIBSON, INEZ D. BARRON, CHAIM M. DEUTSCH, RORY I. LANCMAN, I. DANEEK MILLER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, November 20, 2019.

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

Report for L.U. No. 562

Report of the Committee on Land Use in favor of approving, as modified, Application No. N 180525 ZRK (101 Fleet Place Rezoning) submitted by Fleet Center, Inc., pursuant to Section 201 of the New York City Charter for an amendment of the Zoning Resolution of the City of New York, modifying Article X, Chapter 1 (Special Downtown Brooklyn District) for the purpose of modifying the Special Downtown Brooklyn District boundary and modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area, for property located in the Borough of Brooklyn, Council District 35, Community District 2.

The Committee on Land Use, to which the annexed Land Use item was referred on October 17, 2019 (Minutes, page 3430), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Land Use for L.U. No. 561 printed in these Minutes)

Accordingly, this Committee recommends its adoption, as modified.

RAFAEL SALAMANCA, *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, DONOVAN J. RICHARDS, VANESSA L. GIBSON, INEZ D. BARRON, CHAIM M. DEUTSCH, RORY I. LANCMAN, I. DANEEK MILLER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, November 20, 2019.

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

Report for L.U. No.576

Report of the Committee on Land Use in favor of approving Application No. C 190305 ZMK (6003 8th Avenue Rezoning) submitted by 6003 8 Ave LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 22am eliminating from an existing R6 District a C1-3 District, and changing from an R6 District to a C4-2 District, Borough of Brooklyn, Council District 38, Community District 12.

The Committee on Land Use, to which the annexed Land Use item was referred on October 30, 2019 (Minutes, page 3638) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

BROOKLYN CB - 12 C 190305 ZMK

City Planning Commission decision approving an application submitted by 6003 8 Avenue, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 22a:

1. eliminating from an existing R6 District a C1-3 District bounded by 60th Street, a line 150 feet southeasterly of Eighth Avenue, a line midway between 60th Street and 61st Street, and Eighth Avenue; and
2. changing from an R6 District to a C4-2 District property bounded by 60th Street, a line 150 feet southeasterly of Eighth Avenue, a line midway between 60th Street and 61st Street, and Eighth Avenue;

as shown on a diagram (for illustrative purposes only), dated May 20, 2019.

INTENT

To approve the amendment to the Zoning Map, Section No. 22a, to change an R6/C1-3 zoning district to a C4-2 zoning district on a portion of the east side of 8th Avenue between 60th and 61st Streets (Block 5714, Lots 6, 7, 8, 9, 10, 11, 13 and a portion of 14) to facilitate the legalization of a three-story, approximately 3,890-square-foot commercial building in the Sunset Park neighborhood of Brooklyn, Community District 12.

PUBLIC HEARING

DATE: November 4, 2019

Witnesses in Favor: Two

Witnesses Against: One

SUBCOMMITTEE RECOMMENDATION

DATE: November 19, 2019

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

In Favor:

Moya, Levin, Lancman, Grodenchik, Rivera.

Against: **Abstain:**
None None.

COMMITTEE ACTION

DATE: November 20, 2019

The Committee recommends that the Council approve the attached resolution.

In Favor:

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

Against: **Abstain:**
None None.

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

Res. No. 1182

Resolution approving the decision of the City Planning Commission on ULURP No. C 190305 ZMK, a Zoning Map amendment (L.U. No. 576).

By Council Members Salamanca and Moya.

WHEREAS, 6003 8 Avenue, LLC, filed an application pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 22a, eliminating from an existing R6 District a C1-3 District and changing from an R6 District to a C4-2 District, to facilitate the legalization of a three-story, approximately 3,890-square-foot commercial building, Borough of Brooklyn, Community District 12 (ULURP No. C 190305 ZMK) (the “Application”);

WHEREAS the City Planning Commission filed with the Council on October 18, 2019, its decision dated October 16, 2019 (the “Decision”) on the Application;

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on November 4, 2019;

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

WHEREAS, the Council has considered the relevant environmental issues, including the negative declaration issued on May 14, 2019 (CEQR No. 19DCP087K) (the “Negative Declaration”).

RESOLVED:

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

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, C 190305 ZMK, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission.

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section No. 22a:

1. eliminating from an existing R6 District a C1-3 District bounded by 60th Street, a line 150 feet southeasterly of Eighth Avenue, a line midway between 60th Street and 61st Street, and Eighth Avenue; and
2. changing from an R6 District to a C4-2 District property bounded by 60th Street, a line 150 feet southeasterly of Eighth Avenue, a line midway between 60th Street and 61st Street, and Eighth Avenue;

as shown on a diagram (for illustrative purposes only), dated May 20, 2019, Borough of Brooklyn, Community District 12.

RAFAEL SALAMANCA, *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, DONOVAN J. RICHARDS, VANESSA L. GIBSON, INEZ D. BARRON, CHAIM M. DEUTSCH, RORY I. LANCMAN, I. DANEEK MILLER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, November 20, 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 Transportation

Report for Int. No. 314-A

Report of the Committee on Transportation in favor of approving and adopting, as amended, a Local Law in relation to reporting on the improper use of city-issued parking permits.

The Committee on Transportation, to which the annexed proposed amended local law was referred on January 31, 2018 (Minutes, page 493), respectfully

REPORTS:

INTRODUCTION

On November 26, 2019, the Committee on Transportation, chaired by Council Member Ydanis Rodriguez, will hold a hearing on Proposed Int. 314-A in relation to reporting on the improper use of city-issued parking permits, Proposed Int. 596-B in relation to increasing the fine for the use of unauthorized or fraudulent parking permits, Proposed Int. 927-A in relation to creating an electronic tracking system for city-issued parking permits, Proposed Int. 932-A in relation to the misuse of city-issued parking permits, Proposed Int. 942-A in relation to developing and publishing a comprehensive plan regarding the distribution and use of city-issued parking permits, Proposed Int. 1393-A in relation to parking enforcement, Proposed Int. 1394-A in relation to city vehicles obstructing a bicycle lane, bus lane, sidewalk, crosswalk, or fire hydrant, Proposed Int. 1395-A in

relation to reporting parking complaints to 311 and Proposed Int. 1422-A in relation to city-issued parking permits.

This is the second hearing that the Committee has held on these items. The first hearing on Int. No. 314, Int. No. 596-A, Int. No. 927, Int. No. 932 and Int. No. 942 was held on June 12, 2018. The first hearing on Int. No. 1393, Int. No. 1394, Int. No. 1395 and Int. No. 1422 was held on March 27, 2019. At both hearings, the Committee heard testimony from the New York City Department of Transportation (“DOT”), the New York City Police Department (“NYPD”), members of the public and other interested stakeholders.

BACKGROUND

Parking Placards

In New York City, the NYPD, DOT and the Department of Education (“DOE”) are the three agencies primarily responsible for issuing parking permits, also known as placards. Each of these agencies separately issues placards to their employees. DOT also issues placards to several dozen other agencies, to non-government individuals and entities such as non-profit organizations, people with disabilities, and members of the clergy.³⁸

In 2018, there were approximately 125,500 City-issued placards in circulation.³⁹ Of these, 44,000 were issued by the NYPD, 50,000 were issued by DOT and 31,500 were issued by DOE.⁴⁰ The number of DOE placards was cut significantly under the Bloomberg Administration.⁴¹ The Council of School Supervisors and Administrators (“CSA”), the union that represents school principals, filed suit to challenge these reductions for its members.⁴² As the result of an arbitration ruling in May of 2017, the de Blasio Administration reissued placards to CSA members.⁴³ However, the de Blasio Administration also opted to reissue tens of thousands of placards distinct from the CSA arbitration—a placard for “[e]very school employee who has a car.”⁴⁴

DOT issues “City-wide Agency” and “Agency Business” placards to government personnel that permit parking in metered parking areas without paying the meter and in “No Parking” areas and “Commercial Vehicle Only” areas.⁴⁵ Some placards only allow the use of these types of privileges for a limited amount of time and some are excluded from use in zones in lower Manhattan and downtown Brooklyn unless specifically authorized.⁴⁶ The NYPD issues law enforcement placards that are similar to these agency placards.⁴⁷

DOT also issues “Agency Authorized” placards for parking in specific designated “authorized agency parking only” locations.⁴⁸ NYPD has similar placards for use in the immediate vicinity of police precincts.⁴⁹ Similarly, DOE’s placards can only be used in “Authorized Parking Only - DOE” zones near schools.⁵⁰ DOT also issues other types of placards to non-government individuals and entities such as non-profit organizations, people with disabilities, and members of the clergy.⁵¹

³⁸ N.Y.C. D.O.T., available at <http://www.nyc.gov/html/dot/html/motorist/motorist.shtml>

³⁹ Mayor Puts City on Path to Replacing Broken Placard System, *The Official Website of the City of New York*, February 21, 2019, available at <https://www1.nyc.gov/office-of-the-mayor/news/106-19/mayor-puts-city-path-replacing-broken-placard-system#/0>.

⁴⁰ *Id.*

⁴¹ Brad Aaron, *De Blasio Administration Volunteered to Hand Out Tens of Thousands of New Parking Placards*, *Streetsblog.com*, May 12, 2017, available at <https://nyc.streetsblog.org/2017/05/12/de-blasio-administration-volunteered-to-issue-tens-of-thousands-of-new-parking-placards/>

⁴² *Id.*

⁴³ *Id.*

⁴⁴ *Id.*

⁴⁵ Information from N.Y.C. D.O.T on file with committee staff

⁴⁶ *Id.*

⁴⁷ *Id.*

⁴⁸ *Id.*

⁴⁹ *Id.*

⁵⁰ *Id.*

⁵¹ N.Y.C. D.O.T., available at <http://www.nyc.gov/html/dot/html/motorist/motorist.shtml>

Misuse of Parking Placards

Valid placard holders often misuse their placards by parking where even placard holders are not permitted. For example, many placard holders park their cars illegally in no standing zones, bus lanes and bicycle lanes.⁵² This issue has existed for many years. A 2006 report by Transportation Alternatives found that citywide 77% of permit holders used their government issued parking permits illegally.⁵³ More recently, a segment produced by Fox 5 news on February 22, 2018 found numerous cars with placards parked illegally in Downtown Brooklyn. The news report found one car blocking a fire hydrant in a no standing zone, another car parked halfway in the street, and a line of cars parked in an active bus lane.⁵⁴ Additionally, it was reported last year that in St. George, Staten Island, police officers at the 120th precinct and workers reporting to the municipal buildings and court offices in the area often park on busy sidewalks and in crosswalks, and block fire hydrants and bus stops, with their city-issued placards on full display on their windshield.⁵⁵

Media reports have also detailed city employees without placards parking their cars illegally and placing work-related items on the dashboard or windshield of the vehicles. These owners attempt to get away with parking illegally by displaying work-issued vests, baseball caps and patches with city agency logos, or their personal business cards.⁵⁶ It has been reported that even relatives or friends of city workers can avoid a ticket if they display an item that connects them to a city employee, like a courtesy badge or union card.⁵⁷

Fraudulent Placards

In addition to the unlawful use of valid placards, the use of fraudulent parking placards has long been an issue. A 2011 report by Transportation Alternatives found that 57 percent of the permits they surveyed were either legal permits used illegally or illegitimate permits, and that one in four permits was fake.⁵⁸

In October 2017, thirty individuals were charged with “using fake parking placards made to look like city-issued documents to park in special zones and to avoid paying tickets.”⁵⁹ Individuals participating in this fake parking placard scam were parking in special zones with laminated placards for city agencies such as the Administration for Children’s Services, the Department of Health, the Fire Department, and the Law Department, and for nongovernmental organizations such as the American Red Cross and the New York Blood Center.⁶⁰

According to the Department of Investigation (“DOI”), the fraudulent placards “cost between \$500 and \$2,600 on the black market and the demand for them was high, spawning an underground industry.”⁶¹ The placards are most often used to thwart parking rules and sometimes used to avoid paying parking tickets altogether. DOI has thus compared the fraudulent use of placards to stealing city resources.⁶² Additionally, the use of fraudulent placards frustrates the purpose of reserving parking privileges for those agencies and

⁵² NYC bills target parking placard scofflaws, Stacey Delikat, Fox 5 News, May 21, 2018, available at <http://www.fox5ny.com/news/parking-placard-scofflaws>

⁵³ *Above the Law, A Study of Government Parking Permit Abuse in New York City*, Transportation Alternatives, September 2006, available at <https://transalt.org/sites/default/files/news/reports/2006/abovethelaw.pdf>

⁵⁴ 160,000 parking placards in NYC; many used illegally, Stacey Delikat, Fox 5 News, February 22, 2018, available at <http://www.fox5ny.com/news/160000-parking-placards-in-nyc-many-used-illegally>

⁵⁵ Vincent Barone, *Parking placard abuse remains a problem all over NYC*, amNewYork, Feb. 19, 2018, available at <https://www.amny.com/transit/parking-placard-abuse-1.16871832>.

⁵⁶ Michael Gannon, *Parking abuse charged near Borough Hall*, Queens Chronicle, September 14, 2017, available at http://www.qchron.com/editions/queenswide/parking-abuse-down-near-borough-hall/article_21130958-9797-58f7-97ff-3f6829d6318b.html.

⁵⁷ Ben Fried, *Street Cheats: Who Needs a Placard When You’ve Got Law Enforcement Swag?*, STREETS BLOG NYC, August 10, 2018 available at <https://nyc.streetsblog.org/2018/08/10/street-cheats-who-needs-a-placard-when-youve-got-law-enforcement-swag/>.

⁵⁸ *Id.*

⁵⁹ James C. McKinley Jr., *Dozens Charged With Using Fake Parking Placards to Avoid Tickets*, *The New York Times*, Oct. 3, 2017, available at <https://www.nytimes.com/2017/10/03/nyregion/fake-parking-placards-new-york.html>.

⁶⁰ *Id.*

⁶¹ New York City Department of Investigation, “Summary of Investigation into Fraudulent Parking Placards,” October 2017, available at https://www1.nyc.gov/assets/doi/reports/pdf/2017/Oct/Summary_of_Investigation_Fraudulent_Parking_Placards_FINAL_1.pdf.

⁶² James C. McKinley Jr., *Dozens Charged With Using Fake Parking Placards to Avoid Tickets*, *The New York Times*, Oct. 3, 2017, available at <https://www.nytimes.com/2017/10/03/nyregion/fake-parking-placards-new-york.html>.

individuals that most need them, often for medical reasons. For example, one of the defendants in the 2017 case was accused of parking in a space reserved for an ambulette that transported people with disabilities to a health care facility and five defendants were accused of using handicapped zone passes.⁶³

City employees are potentially subject to disciplinary action for placard fraud or abuse, including placard revocation, permanent ineligibility for parking privileges, discipline, suspension, or termination.⁶⁴ Further, pursuant to § 19-166 of the Administrative Code, it is unlawful for individuals to make, have in their possession, or use fraudulent “official cards,” defined as “an official department of transportation special vehicle identification card or any other official card issued by the department of transportation.” A violation of this law is punishable by a fine of not less than \$250, or imprisonment for not more than 30 days, or both. Violators of this law can also be charged with a felony for forgery.

Effects of Placard Abuse

The abuse of the city’s parking placard system has been such a conspicuous issue that there is even a Twitter account (@placardabuse) dedicated to documenting, on a daily basis, dozens of illegally parked cars with real but misused placards, fraudulent placards, or work-related items used as a stand-in for a valid placard. Even though holders of legitimate placards are still subject to certain parking rules (such as not blocking a fire hydrant), it has been widely observed that such rules are not consistently enforced when a placard is displayed.

Some transportation advocates have cited the frequent abuse of the placard system as a factor in many traffic issues, from cyclist and pedestrian safety to blocked bus lanes, gridlock, and traffic congestion more broadly. In fact, a 2008 study found that although City employees are less likely to own cars as compared to other New Yorkers, they are actually more likely to drive into Manhattan because placards ensure they will be able to park.⁶⁵ The problem of placard abuse is so pervasive and harmful that Governor Andrew Cuomo’s “Fix NYC” advisory panel included a proposal to reform the system as a way to address traffic congestion.⁶⁶ Additionally, a recent report released by the Metropolitan Transportation Sustainability Advisory Workgroup similarly included ending placard abuse as one of the group’s recommendations to reduce congestion.⁶⁷

The Role of Traffic Enforcement Agents

Traffic Enforcement Agents (“TEAs” or “agents”) are civil servants falling under the Traffic Enforcement Division of the New York City Police Department (“NYPD”).⁶⁸ TEAs are responsible for enforcing the City’s myriad parking regulations and issuing tickets for parking violations.⁶⁹ Some agents are also responsible for directing traffic.⁷⁰ There are currently about 2,100 traffic enforcement agents in the City.⁷¹

It has been suggested that TEAs are given mixed signals related to the enforcement of parking violations for cars displaying a parking placard or other indicia of City employment. For example, on May 12, 2017 the Twitter account @placardabuse posted a video of an agent refusing to issue a summons to car with an NYPD

⁶³ *Id.*

⁶⁴ *City Hall in Your Borough: Mayor de Blasio Announces New Plan to Crack Down on Parking Placard Fraud and Abuse*, The Official Website of the City of New York, May 24, 2017, available at <http://www1.nyc.gov/office-of-the-mayor/news/342-17/city-hall-your-borough-mayor-de-blasio-new-plan-crack-down-parking-placard>.

⁶⁵ Rachel Weinberger, Mark Seaman, Carolyn Johnson, and John Kaehny, *Guaranteed Parking – Guaranteed Driving: Comparing Jackson Heights, Queens and Park Slope, Brooklyn shows that a guaranteed parking spot at home leads to more driving to work*, Prepared for Transportation Alternatives, October 2008, available at https://www.transalt.org/sites/default/files/news/reports/2008/Guaranteed_Parking.pdf

⁶⁶ *Fix NYC Advisory Panel Report*, Jan. 19, 2018, available at <http://hntb.com/HNTB/media/HNTBMediaLibrary/Home/Fix-NYC-Panel-Report.pdf>.

⁶⁷ *Metropolitan Transportation Sustainability Advisory Workgroup Report*, December 2018, available for download at <https://pfny.org/wp-content/uploads/2018/12/2018-12-Metropolitan-Transportation-Sustainability-Advisory-Workgroup-Report.pdf>

⁶⁸ See <https://www1.nyc.gov/site/nypd/careers/civilians/traffic-enforcement-agents-benefits.page>.

⁶⁹ Traffic Enforcement Agents, NYPD website, <https://www1.nyc.gov/site/nypd/careers/civilians/traffic-enforcement-agents.page>.

⁷⁰ Matthew Chayes, *NYC traffic agents to get 10% raise in contract deal*, *Newsday*, January 26, 2016, available at <https://www.newsday.com/news/new-york/nyc-in-contract-deal-with-traffic-agents-1.11394582>.

⁷¹ *Id.*

placard that supposedly had an illegal license plate cover.⁷² On a follow-up video posted the same day, the agent can be heard saying that they have orders to not issue tickets to NYPD placards.⁷³ These videos were posted several months after the de Blasio Administration announced a crackdown on the use of those type of license plate covers.⁷⁴ In another video clip, this one posted March 15, 2019, an agent is heard saying that they would have to talk to their supervisor after being informed that a car with what appears to be an expired NYPD placard was parked illegally in front of a fire hydrant.⁷⁵ In both of these instances it is not clear whether a violation was ultimately issued to the illegally parked vehicle.

Although these are more recent examples, the practice of not ticketing cars with NYPD placards has been going on for quite some time. In 2011, Streetsblog NYC posted a message that a reader had sent to the NYPD's Internal Affairs Bureau and the Manhattan District Attorney's Office informing them that a traffic agent refused to issue a ticket to car with an expired NYPD restricted placard that was parked in a metered space without proof of payment.⁷⁶ The reader claimed that agent told him that "he was not able to write a summons because his supervisor had instructed him not to issue summonses to any vehicles with NYPD placards."⁷⁷ Some argue that enforcement agents do not issue tickets to fellow NYPD officers because they are afraid of retaliation if they were to ticket uniformed officers.⁷⁸ For example, in 2004, it was reported that a DOT traffic agent was suspended without a pay for a month after issuing a ticket to an illegally parked car belonging to an NYPD Chief.⁷⁹ It appears that TEAs have little choice in the matter of placard abuse enforcement.

One of the bills in today's hearing, Int. No. 1393, seeks to address this core issue by requiring TEAs to perform at least 50 weekly sweeps of areas with a high number of complaints of illegally parked cars with placards, photograph the area and report on the enforcement action they take to the Department of Investigation thus protecting them from retaliation by supervisors.

Recent Placard Enforcement Actions

In recent years, the de Blasio Administration has made several pledges to crack down on placard fraud and abuse. In May 2017, the Mayor announced the formation of a new Placard Fraud Enforcement Unit in the NYPD and the hiring of 100 more traffic enforcement agents.⁸⁰ The Mayor's plan outlined stricter controls for the newly reissued DOE placards and tougher enforcement actions across all city agencies, which include new towing capacity, anti-placard enforcement units, new sanctions and penalties for placard fraud and abuse, and a new parking fine of up to \$100 for the misuse of placards.⁸¹

Since the creation of the new enforcement unit, the number of summonses issued by the NYPD for illegally parking while displaying a parking placard has increased. In 2016, the City issued 28,269 summonses to drivers with placards who parked illegally.⁸² In 2017, that number increased to 41,931 summonses.⁸³ In

⁷² See <https://twitter.com/placardabuse/status/863214975518736384>.

⁷³ *Id.*

⁷⁴ Thomas Tracy and Reuven Blau, *City to crack down on license plate covers that let drivers — including cops — avoid traffic camera tickets*, *NY Daily News*, November 29, 2016, available at <https://www.nydailynews.com/new-york/city-crack-plate-covers-trip-traffic-cameras-article-1.2891455>.

⁷⁵ See <https://twitter.com/placardabuse/status/1106656074839609345>.

⁷⁶ Ben Fried, *NYPD Still Won't Ticket Their Own*, *STREETSBLOG NYC*, May 4, 2011, available at <https://nyc.streetsblog.org/2011/05/04/nypd-still-wont-ticket-their-own/>

⁷⁷ *Id.*

⁷⁸ David Meyer, *EXPLAINER: Why Mayor de Blasio's Placard Abuse Announcement Today Will Fall Short*, *STREETSBLOG NYC*, February 21, 2019, available at <https://nyc.streetsblog.org/2019/02/21/why-mayor-de-blasios-placard-abuse-plan-will-likely-fall-short/>

⁷⁹ Jennifer Steinhauer, *Penalty Eased for Parking Agent Who Cited a Police Chief's Car*, *The New York Times*, July 29, 2004, available at <https://www.nytimes.com/2004/07/29/nyregion/penalty-eased-for-parking-agent-who-cited-a-police-chief-s-car.html>.

⁸⁰ James C. McKinley Jr., *Dozens Charged With Using Fake Parking Placards to Avoid Tickets*, *The New York Times*, Oct. 3, 2017, available at <https://www.nytimes.com/2017/10/03/nyregion/fake-parking-placards-new-york.html>.

⁸¹ *City Hall in Your Borough: Mayor de Blasio Announces New Plan to Crack Down on Parking Placard Fraud and Abuse*, *The Official Website of the City of New York*, May 24, 2017, available at <http://www1.nyc.gov/office-of-the-mayor/news/342-17/city-hall-your-borough-mayor-de-blasio-new-plan-crack-down-parking-placard>.

⁸² Vincent Barone, *Parking placard abuse remains a problem all over NYC*, *amNewYork*, Feb. 19, 2018, available at <https://www.amny.com/transit/parking-placard-abuse-1.16871832>.

⁸³ *Id.*

2018, the number of summonses issued had increased to 54,608.⁸⁴ Additionally, between June 2017 and June 2018, the city towed 89 cars with placards that were parked illegally.⁸⁵ Despite the increase, critics have argued that it is not clear if these enforcement efforts have done anything to actually deter placard abuse.⁸⁶ Further, there is no guarantee that these enforcement measures are permanent.

Following the introduction of the placard-related bills first heard at the Transportation Committee's March 27, 2019 hearing, in February of 2019, the Mayor announced a new plan relating to placard reforms.⁸⁷ Many if not all components of this plan reflect bills already introduced and in some cases heard by the City Council. For example, the plan includes phasing out physical placards and moving to a digital parking management system by 2021.⁸⁸ This system is estimated to cost \$52 million for installation and equipment, but will create an integrated parking management system that will link parking meters, handheld devices and license plates and be able to automatically read a license plate to determine whether or not a vehicle is violating parking and placard rules.⁸⁹ The system operationalizes the "electronic database" that would be required by Int. No. 927-2018, which was heard at the Transportation Committee's June 12, 2018 hearing,⁹⁰ and Int. No. 1422-2019, also introduced before the Mayor's announcement, which would create a placard registration program and require that all City-issued placards have unique identifiers for easy detection.⁹¹

In another component of the plan, DOT and the Department of Finance will increase the penalties for misuse or fraudulent use of placards, including a "strict three-strike policy" that will lead to the permanent revocation of a placard.⁹² Int. No. 596-2018 would similarly increase the fine for fraudulent placards to \$500,⁹³ and Int. No. 932-2018 would establish a three-strike policy for placard misuse.⁹⁴ Both of these bills were heard by the Transportation Committee in June of 2018. The Department of Transportation adopted their rules related to placard misuse in June of 2019.⁹⁵

Rather than seek to reduce automobile dependence among City employees, Mayor de Blasio, as part of the February 2019 announcement, also pledged that the City "will purchase parking lots, we will lease parking lots, parking garages, whatever it takes . . . so that our firefighters, our police officers, our EMTs actually have a place that they know they can park."⁹⁶ This proposal is seemingly aimed at non-City residents; "officers coming in from very far away" who "feel they have no choice" but to drive and thus "deserve special consideration."⁹⁷ This aspect of the plan was not included in the Mayor's press release.⁹⁸

While progress is being made, enforcement actions have been unreliable. Reports have indicated that complaints made to the 311 hotline are often ignored.⁹⁹ In fact, a reporter recently filed a complaint for a car parked illegally on a sidewalk, but the complaint was closed because contact information, which is not required, was not submitted.¹⁰⁰

⁸⁴ *Mayor Puts City on Path to Replacing Broken Placard System*, The Official Website of the City of New York, February 21, 2019, available at <https://www1.nyc.gov/office-of-the-mayor/news/106-19/mayor-puts-city-path-replacing-broken-placard-system#/0>.

⁸⁵ Testimony of Deputy Chief Michael Pilecki, Commanding Officer, Traffic Enforcement District, New York City Police Department, before the City Council's Transportation Committee, June 12, 2018.

⁸⁶ David Meyer, *There Is No "Placard Crackdown" and That's How NYPD Wants It*, STREETS BLOG NYC, June 12, 2018, <https://nyc.streetsblog.org/2018/06/12/there-is-no-placard-crackdown-and-thats-how-nypd-wants-it/>.

⁸⁷ *Mayor Puts City on Path to Replacing Broken Placard System*, The Official Website of the City of New York, February 21, 2019, available at <https://www1.nyc.gov/office-of-the-mayor/news/106-19/mayor-puts-city-path-replacing-broken-placard-system#/0>.

⁸⁸ *Id.*

⁸⁹ *Id.*

⁹⁰ <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=3508925&GUID=BBF424D4-850C-4BF5-9530-9E9FB33CC08B&Options=&Search=>

⁹¹ <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=3860345&GUID=0F0D180E-7137-4CD1-8E5F-FD2F36AB870E&Options=ID|Text|Other|&Search=1422>

⁹² *Id.*

⁹³ <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=3508926&GUID=B503364C-8D20-4282-9A44-0B57C8B6A179&Options=&Search=>

⁹⁴ <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=3508926&GUID=B503364C-8D20-4282-9A44-0B57C8B6A179&Options=&Search=>

⁹⁵ <https://rules.cityofnewyork.us/content/dot-notice-adoption-amending-traffic-rules-placards>

⁹⁶ <https://www1.nyc.gov/office-of-the-mayor/news/107-19/transcript-mayor-de-blasio-puts-city-path-replacing-broken-placard-system>

⁹⁷ *Id.*

⁹⁸ <https://www1.nyc.gov/office-of-the-mayor/news/106-19/mayor-puts-city-path-replacing-broken-placard-system#/0>

⁹⁹ David Meyer, *EXPLAINER: Why Mayor de Blasio's Placard Abuse Announcement Today Will Fall Short*, STREETS BLOG NYC, February 21, 2019, available at <https://nyc.streetsblog.org/2019/02/21/why-mayor-de-blasios-placard-abuse-plan-will-likely-fall-short/>

¹⁰⁰ *Id.*

ANALYSIS OF PROPOSED INT. NO. 314-A

Subdivision a of section one of Proposed Int. No. 314-A would define the term “city-issued parking permit” as a permit issued by a city agency that indicates permission to park in certain areas during certain times has been granted. Subdivision b of this section would require, no later than June 30, 2020, and every six months thereafter within 30 days of December 31 and June 30, NYPD to submit to the Council a report on the improper use of city-issued parking permits during the preceding six months. Such report would include information on the number of summonses that the NYPD issued in connection with the improper use of city-issued parking permits, disaggregated by the section of the New York City traffic rules that was violated.

Section two of Proposed Int. No. 314-A would provide that this local law takes effect immediately and is deemed repealed February 1, 2024.

ANALYSIS OF PROPOSED INT. NO. 596-A

Section one of Proposed Int. No. 596-A would amend section 19-166 of the Administrative Code by adding a subdivision a defining “city-issued parking permit” as a permit issued by a city agency that indicates permission to park in certain areas during certain times has been granted, by integrating city-issued parking permit into the section throughout, and by increasing the minimum fine from \$250 to \$500 for the offense of having custody or possession of an unauthorized or fraudulent city-issued parking permit or copy thereof.

Section two of Int. No. 596-A would provide that the local law takes effect in 30 days.

ANALYSIS OF PROPOSED INT. NO. 927-A

Section one of Proposed Int. No. 927-A would amend chapter 1 of title 14 of the Administrative Code by adding a new section 14-183.1. Subdivision a of the new section would define “city-issued parking permit” as a permit issued by a city agency that indicates permission to park in certain areas during certain times has been granted. Subdivision b of the new section would require the NYPD to create a centralized electronic system in order to track all city-issued parking permits and to record all summonses related to improper use of such permits. The system would allow the NYPD to verify the validity of city-issued parking permits in real time. Subdivision c of the new section would require DOT and DOE, if the authority to issue city-issued parking permits is delegated to DOE pursuant to section 19-162.3, to provide NYPD with information about city-issued parking permits to be included in the electronic system, including, but not limited to, the vehicle or vehicles and the permissible and non-permissible locations and uses associated with such permit. Subdivision d of this new section would require NYPD to report each month on summonses issued for misuse of a city-issued parking permit to the city agency whose employee was issued the permit for which the summons was issued, and would establish that these other city agencies would have the ability to access such information on an as-needed basis.

Section two of Proposed Int. 927-A would establish that this local law takes effect December 31, 2021.

ANALYSIS OF PROPOSED INT. NO. 932-A

Section one of Proposed Int. No. 932-A would amend subchapter 2 of chapter 1 of title 19 of the Administrative Code by adding a new section 19-166.1. Subdivision a of the new section would define “city-issued parking permit” as a permit issued by a city agency that indicates permission to park in certain areas during certain times has been granted. Subdivision b of the new section would establish that city-issued parking permits shall be revoked in accordance with disciplinary procedures of the NYPD with regard to permits issued by the NYPD pursuant to section 14-183, and otherwise in accordance with procedures established by the DOT for all other city-issued parking permits, from those individuals found guilty of three or more violations of a rule or law relating the misuse of a city-issued parking permit, any violation of section

19-166, or unpaid parking or traffic violations associated with the license plate or individual permit holder in excess of \$350.

Section two of Proposed Int. No. 932-A would provide that nothing in this local law is intended to affect, alter, or amend any rules of the DOT that are promulgated prior to the date of enactment of this local law relating to issuance or revocation of agency-authorized permits as defined in such rules. Section three of this local law would provide that this local law takes effect 90 days after it becomes law, except that the commissioner of DOT, in consultation with the commissioner of the NYPD, shall take any necessary actions to implement this law.

ANALYSIS OF PROPOSED INT. NO. 942-A

Section one of Proposed Int. No. 942-A would amend subchapter 2 of chapter 1 of title 19 of the Administrative Code by adding a new section 19-162.4. Subdivision a of the new section would define the term “city-issued parking permit” to mean a permit issued by a city agency that indicates permission to park in certain areas during certain times has been granted.

Subdivision b of the new section would provide that, by November 1, 2020, each city agency making use of city-issued parking permits shall develop a plan regarding the distribution and use of city-issued parking permits by such agency. Such plans must then be submitted to an agency or office as designated by the Mayor, which shall, by December 1, 2020, review such plans and develop a comprehensive plan, which shall make use of and include each issuing agency’s plan. The comprehensive plan would be required to be posted online. Each agency plan would be required to include certain information. Subdivision c of the new section would establish that the agency plans and the comprehensive plan shall be reviewed at least once every five years and may be revised as appropriate, and any such revision of the comprehensive plan shall be submitted to the Council and the Mayor and posted online within 30 days of the completion of such revision.

Section two of Proposed Int. 942-A would establish that this local law takes effect immediately.

ANALYSIS OF PROPOSED INT. NO. 1393-A

Subdivision a of Proposed Int. No. 1393-A would provide that, for a period of six months, beginning no later than January 1, 2020, the NYPD shall, each week, evaluate no fewer than 25 blocks or intersections that are experiencing a prevalence of improper use of parking permits, and no fewer than 25 blocks or intersections that are experiencing obstruction of bicycle lanes, bus lanes, sidewalks, crosswalks, and fire hydrants by vehicles. These locations chosen by the Police department would be chosen upon a consideration of certain criteria. Each evaluation conducted by the NYPD would then include a description of each such block or intersection and why it was selected for evaluation; the number of complaints, summonses, traffic crashes, and moving violations associated with such block or intersection; the times at which such violations historically occur; photographs of all vehicles parked in such location demonstrating vehicles parked both legally and illegally; and for any vehicle parked illegally, a photograph of any city-issued parking permit or other parking permit displayed in each such vehicle, a photograph of the license plate of each such vehicle, and a summary of enforcement actions taken regarding each such vehicle and, if an enforcement action is not taken regarding each such vehicle, the reasons why.

Subdivision b of this section would establish that, no later than 30 days following the end of each month in which the NYPD conducts evaluations pursuant to subdivision a of this section, the NYPD shall submit a report identifying the blocks or intersections evaluated, the analyses and determinations made pursuant to paragraph 2 of subdivision a of this section, the NYPD’s response to such evaluation, including actions taken, if any. Each such report shall be submitted to the Department of Investigation, the Mayor, and the Speaker of the Council. Subdivision c of this section would provide that the Department of Investigation shall conduct an investigation and issue a report regarding the issuance of parking permits and enforcement of parking laws, and the report would be completed and made public no later than September 30, 2020.

Section two of Proposed Int. No. 1393-A would provide that this local law takes effect immediately and is deemed repealed upon the submission of the report due no later than September 30, 2020, submitted pursuant to subdivision c of section 1 of this local law.

ANALYSIS OF PROPOSED INT. NO. 1394-A

Section one of Proposed Int. No. 1394-A would amend the Administrative Code to create a new section 19-162.5, which would provide that vehicles operated on behalf of the City may not obstruct a bicycle lane, bus lane, sidewalk, crosswalk, or fire hydrant except as otherwise permitted by law.

Section two would provide that this local law takes effect 30 days after it becomes law.

ANALYSIS OF PROPOSED INT. NO. 1395-A

Section one of Proposed Int. No. 1395-A would amend chapter 3 of title 23 of the Administrative Code by adding a new section 23-304. Subdivision a of that new section would require the Department of Information Technology and Telecommunications (DOITT) to implement and maintain on its 311 citizen center website and mobile device platforms the capability for the public to file a complaints under the category of “illegal parking.” Subdivision b of this new section would require that, within the category of “illegal parking,” the public shall have the ability to submit complaints regarding improper use of a parking permit and complaints for parking in any of a list of certain location types. Subdivision c of this new section would require additional public options when submitting a complaint, including the ability to submit photographic evidence. Subdivision d of the new section would establish that the resolution of complaints permitted pursuant to subdivision b shall be submitted to the individual who submitted the complaint within eight hours, and that on a monthly basis, DOITT shall publish a report containing data for the previous month that shall include, but not be limited to, the number of complaints of illegal parking of vehicles operated on behalf of the city in the types of locations set forth in subdivision b.

Section two of Proposed Int. 1395-A would provide that this local law takes effect immediately.

ANALYSIS OF PROPOSED INT. NO. 1422

Section one of Proposed Int. No. 1422-A would amend the Administrative Code to add a new section 19-162.3. Subdivision a of this new section would define “city-issued parking permit” as a permit issued by DOT or, if DOT has delegated the authority pursuant to subdivision b, issued by DOE, that indicates permission to park in certain areas during certain times has been granted. The term would not include a parking permit issued pursuant to sections 19-162.1 or 19-162.2, a parking permit issued to individuals with disabilities, or a single-use parking permit.

Subdivision b of the new section would provide that except as provided in section 14-183, no other city agency shall issue a permit that indicates permission to park in certain areas during certain times has been granted; however, the commissioner may delegate authority to DOE to issue such permits. Subdivision c establishes that a city-issued parking permit shall be valid for no more than one year unless suspended or revoked. Subdivision d provides application procedures for each person applying for a city-issued parking permit or renewal thereof on behalf of themselves, their agency or non-profit entity. Subdivision e establishes the form that city-issued parking permits may take. Subdivision f provides the permissible uses of city-issued parking permits. Subdivision h establishes that any violation of subdivision d of this section involving a material false statement or material fact concealed in connection with an application for a city-issued parking permit or renewal thereof shall upon conviction thereof be punishable by a civil penalty of not less than \$250 nor more than \$1,000. Civil violations issued pursuant to this section shall be adjudicated at the Environmental Control Board or any tribunal established within the Office of Administrative Trials and Hearings designated by the commissioner. Subdivision i establishes that no later than January 31, 2021, DOT and agencies delegated to issue parking permits by the commissioner shall post information online regarding the issuance of

city-issued parking permits, including, but not limited to, the number of applications submitted and the number of such permits issued in the previous year, disaggregated by the sponsoring city agency in the case of the Department. Such information shall be updated at least annually.

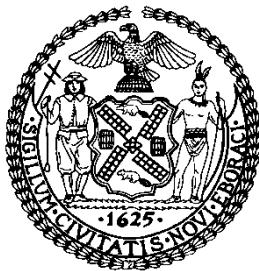
Section two of Proposed Int. 1422-A would amend chapter 1 of title 14 of the Administrative Code by adding a new section 14-183. Subdivision a of that new section would provide that the NYPD may issue parking permits to city, state, or federal law enforcement agencies that indicate permission to park in certain areas during certain times has been granted. Subdivision b would provide that such permits shall be valid for no more than one year unless suspended or revoked. Subdivision c would establish application procedures. Subdivision d would establish the forms that these city-issued parking permits may take. Subdivision e provides the permissible uses of these permits. Subdivision f provides that DOT may promulgate such rules as are necessary to implement the provisions of this section. Subdivision g establishes that any violation of subdivision c of this section involving a material false statement or material fact concealed in connection with an application for a parking permit or renewal thereof shall upon conviction thereof be punishable by a civil penalty of not less than \$250 nor more than \$1,000. Civil violations issued pursuant to this section shall be adjudicated at the Environmental Control Board or any tribunal established within the Office of Administrative Trials and Hearings designated by the commissioner.

Subdivision h establishes that no later than January 31, 2021, the Department shall post information online regarding the issuance of city-issued parking permits, including, but not limited to, the number of applications submitted and the number of such permits issued in the previous year. Such information shall be updated annually. Subdivision i provides that individuals holding permits issued pursuant to this section shall be subject to DOT rules that relate to the issuance of separate parking violations for the misuse or fraudulent use of city-issued parking permits, as provided for in subparagraph (iv) of paragraph (3) of subdivision (o) of section 4-08 of chapter 4 of title 34 of the Rules of the City of New York.

Section three of Proposed Int. No. 1422-A establishes that nothing in this local law is intended to affect, alter, or amend any rules of DOT promulgated prior to the date of enactment of this local law relating to violations for misuse or fraudulent use of agency-authorized permits as defined in such rules.

Section four of Proposed Int. No. 1422-A provides that this local law takes effect in 90 days, except that the commissioner of DOT and the commissioner of the NYPD may take any necessary actions to implement this law, including the promulgation of rules, prior to such effective date.

(The following is the text of the Fiscal Impact Statement for Int. No. 314-A:)



THE COUNCIL OF THE CITY OF NEW YORK
FINANCE DIVISION
LATONIA MCKINNEY, DIRECTOR
FISCAL IMPACT STATEMENT
PROPOSED INTRO. NO: 314-A
COMMITTEE: Transportation

TITLE: A local law in relation to reporting on the improper use of city-issued parking permits.
SPONSORS: Council Members Rodriguez, Rose, Powers, Kallos, Lander, Cohen, Constantinides and Ayala.

SUMMARY OF LEGISLATION: Proposed Intro. No. 314-A would require the Police Department to issue reports on the improper use of city-issued parking permits every six-months. The reports would include information on the number of summonses the Department issued in connection with the improper use of City-issued parking permits, disaggregated by the section of the New York City traffic rules that was violated.

EFFECTIVE DATE: This local law would take effect immediately and would be deemed repealed as of February 1, 2024. The report would be due no later than June 30, 2020, and every six-months thereafter within 30 days of December 31 and June 30.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2021

FISCAL IMPACT STATEMENT:

	Effective FY20	FY Succeeding Effective FY21	Full Fiscal Impact FY21
Revenues	\$0	\$0	\$0
Expenditures	\$14,000	\$27,000	\$27,000
Net	\$0	\$0	\$0

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

IMPACT ON EXPENDITURES: It is estimated that this legislation would cost \$27,000 annually. For Fiscal 2020, the prorated cost is estimated to be \$14,000.

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
Noah Brick, Assistant Counsel

LEGISLATIVE HISTORY: This legislation was introduced to the full Council as Intro. No. 314 on January 31, 2018 and was referred to the Committee on Public Safety. The legislation was re-referred to the Committee on Transportation on May 18, 2018. The Committee on Transportation heard the legislation on June 12, 2018 and the legislation was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. No. 314-A, will be considered by the Committee on Transportation on November 26, 2019. Upon a successful vote by the Committee, Proposed Intro. No. 314-A will be submitted to the full Council for a vote on November 26, 2019.

DATE PREPARED: November 21, 2019.

(For text of the remaining bills with their Fiscal Impact Statements, please see the Reports of the Committee on Housing and Buildings for Int. Nos. 596-A, 927-A, 932-A, 942-A, 1393-A, 1394-A, 1395-A, and 1422-A, respectively, printed in these Minutes; for text of Int. No. 314-A, please see the Introduction and Reading of Bills section printed in these Minutes)

Accordingly, this Committee recommends the adoption of Int. Nos. 314-A, 596-A, 927-A, 932-A, 942-A, 1393-A, 1394-A, 1395-A and 1422-A.

(The following is the text of Int. No. 314-A:)

Int. No. 314-A

By Council Members Rodriguez, Rose, Powers, Kallos, Lander, Cohen, Constantinides, Ayala, Rivera and Deutsch.

A Local Law in relation to reporting on the improper use of city-issued parking permits

Be it enacted by the Council as follows:

Section 1. Improper use of city-issued parking permits. a. Definitions. For purposes of this section, the term “city-issued parking permit” means a permit issued by a city agency that indicates permission to park in certain areas during certain times has been granted.

b. No later than June 30, 2020, and every six months thereafter within 30 days of December 31 and June 30, the police department shall submit to the council a report on the improper use of city-issued parking permits during the preceding six months. Such report shall include, but need not be limited to, information on the number of summonses the department issued in connection with the improper use of city-issued parking permits, disaggregated by the section of the New York city traffic rules that was violated.

§ 2. This local law takes effect immediately and is deemed repealed February 1, 2024.

YDANIS A. RODRIGUEZ, *Chairperson*; ANDREW COHEN, PETER A. KOO, DONOVAN J. RICHARDS, CHAIM M. DEUTSCH, RAFAEL L. ESPINAL, Jr., MARK D. LEVINE, CARLOS MENCHACA, ANTONIO REYNOSO; Committee on Transportation, November 26, 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. 596-B

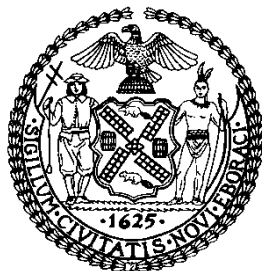
Report of the Committee on Transportation in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to increasing the fine for the use of unauthorized or fraudulent parking permits.

The Committee on Transportation, to which the annexed proposed amended local law was referred on February 14, 2018 (Minutes, page 821), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Transportation for Int. No. 314-A printed in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 596-B:



THE COUNCIL OF THE CITY OF NEW YORK
FINANCE DIVISION
LATONIA MCKINNEY, DIRECTOR
FISCAL IMPACT STATEMENT
PROPOSED INTRO. NO: 596-B
COMMITTEE: Transportation

TITLE: A local law in relation to increasing the fine for the use of unauthorized or fraudulent parking permits. **SPONSORS:** The Public Advocate (Mr. Williams) and Council Members Rose, Chin, Kallos, Cohen, Constantinides, Holden, Ayala and Lander.

SUMMARY OF LEGISLATION: Proposed Intro. No. 596-B would increase the fine for unauthorized or fraudulent use or possession of city-issued parking permits from \$250 to \$500.

EFFECTIVE DATE: This local law would take effect 30 days after its enactment into local law.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2021

FISCAL IMPACT STATEMENT:

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

IMPACT ON REVENUES: It is estimated that this legislation would have no impact on revenues because full compliance with the law is anticipated.

IMPACT ON EXPENDITURES: It is estimated that this legislation would have no impact on expenditures because the relevant City agencies would utilize existing resources to fulfill its requirements.

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
Noah Brick, Assistant Counsel

LEGISLATIVE HISTORY: This legislation was introduced to the full Council as Intro. No. 596 on February 14, 2018 and was referred to the Committee on Transportation (Committee). The Committee heard the legislation on June 12, 2018 and the legislation was laid over. The legislation was subsequently amended, and amended again. The most recently amended version, Proposed Intro. No. 596-B, will be considered by the Committee on November 26, 2019. Upon a successful vote by the Committee, Proposed Intro. No. 596-B will be submitted to the full Council for a vote on November 26, 2019.

DATE PREPARED: November 21, 2019.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 596-B:)

Int. No. 596-B

By the Public Advocate (Mr. Williams) and Council Members Rose, Chin, Kallos, Cohen, Constantinides, Holden, Ayala, Lander, Rivera and Deutsch.

A Local Law to amend the administrative code of the city of New York, in relation to increasing the fine for the use of unauthorized or fraudulent parking permits

Be it enacted by the Council as follows:

Section 1. Section 19-166 of the administrative code of the city of New York, as amended by local law number 104 for the year 1993, is amended to read as follows:

§ 19-166. Unlawful use or possession of [official cards] *city-issued parking permits*. *a. For the purposes of this section, the term “city-issued parking permit” means a permit issued by a city agency that indicates permission to park in certain areas during certain times has been granted.*

b. Any person who without permission of the commissioner of transportation or the police commissioner in accordance with section 14.183 of the administrative code:

1. Makes or engraves, or causes or procures to be made or engraved, or willingly aids or assists in making or engraving, a plate or other means of reproducing or printing the resemblance or similitude of [an official department of transportation special vehicle identification card or any other official card issued by the department of transportation] *any city-issued parking permit*; or

2. Has in his or her possession or custody any implements, or materials, with intent that they shall be used for the purpose of making or engraving such a plate or means of reproduction; or

3. Has in his or her possession or custody such a plate or means of reproduction with intent to use, or permit the same to be used, for the purpose of taking therefrom any impression or copy to be uttered; or

4. Has in his or her possession or custody any impression or copy taken from such a plate or means of reproduction, with intent to have the same filled up and completed for the purpose of being uttered; or

5. Makes or engraves, or causes or procures to be made or engraved, or willingly aids or assists in making or engraving, upon any plate or other means of reproduction, any figures or words with intent that the same may be used for the purpose of altering any genuine [card] *city-issued parking permit* hereinbefore indicated or mentioned; or

6. Has in his or her custody or possession any [of the cards hereinbefore mentioned, or] *city-issued parking permit* or any copy or reproduction thereof; is guilty of an offense punishable by a fine of not less than [two hundred fifty dollars] \$500, or imprisonment for not more than thirty days, or both.

§ 2. This local law takes effect in 30 days.

YDANIS A. RODRIGUEZ, *Chairperson*; ANDREW COHEN, PETER A. KOO, DONOVAN J. RICHARDS, CHAIM M. DEUTSCH, RAFAEL L. ESPINAL, Jr., MARK D. LEVINE, CARLOS MENCHACA, ANTONIO REYNOSO; Committee on Transportation, November 26, 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. 927-A

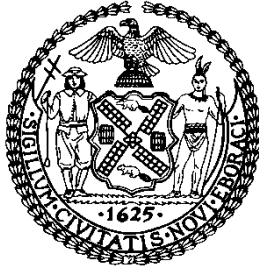
Report of the Committee on Transportation in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to creating an electronic tracking system for city-issued parking permits.

The Committee on Transportation, 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 Transportation for Int. No. 314-A printed in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 927-A:



THE COUNCIL OF THE CITY OF NEW YORK
FINANCE DIVISION
LATONIA MCKINNEY, DIRECTOR
FISCAL IMPACT STATEMENT
PROPOSED INTRO. NO: 927-A
COMMITTEE: Transportation

TITLE: A local law in relation to creating an electronic tracking system for city-issued parking permits

SPONSORS: The Speaker (Council Member Johnson) and Council Members Lander, Powers, Chin, Kallos, Cohen, Constantinides and Ayala.

SUMMARY OF LEGISLATION: Proposed Intro. No. 927-A would require the Police Department (“the Department”) to create a centralized electronic tracking system for all City-issued parking permits. The system would record all summonses issued in relation to the improper use of City-issued parking permits, and would allow the Department to verify, in real time, the validity of the permits. The Department of Transportation and the Department of Education would be required to provide information to the Police Department about parking permits that those departments issue, including but not limited to the vehicle or vehicles and the permissible and non-permissible locations and uses associated with such permit. Finally, the Police Department would be required to issue monthly reports to agencies whose employees have parking permits about any summonses received by those employees for misuse of their parking permits.

EFFECTIVE DATE: This local law would take effect December 31, 2021

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2023

FISCAL IMPACT STATEMENT:

	Effective FY22	FY Succeeding Effective FY23	Full Fiscal Impact FY23
Revenues	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0
Net	\$0	\$0	\$0

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

IMPACT ON EXPENDITURES: It is estimated that this legislation would have no impact on expenditures because the relevant City agencies would utilize existing resources to fulfill its requirements.

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
 Noah Brick, Assistant Counsel

LEGISLATIVE HISTORY: This legislation was introduced to the full Council as Intro. No. 927 on May 23, 2018 and was referred to the Committee on Transportation (Committee). The Committee heard the legislation on June 12, 2019 and the legislation was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. No. 927-A, will be considered by the Committee on November 26, 2019. Upon a successful vote by the Committee, Proposed Intro. No. 927-A will be submitted to the full Council for a vote on November 26, 2019.

DATE PREPARED: November 21, 2019.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 927-A:)

Int. No. 927-A

By The Speaker (Council Member Johnson) and Council Members Lander, Powers, Chin, Kallos, Cohen, Constantinides, Ayala, Rivera and Deutsch.

A Local Law to amend the administrative code of the city of New York, in relation to creating an electronic tracking system for city-issued parking permits

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 14 of the administrative code of the city of New York is amended by adding a new section 14-183.1 to read as follows:

§ 14-183.1 *Electronic tracking system for city-issued parking permits. a. For the purposes of this section, the term “city-issued parking permit” means a permit issued by a city agency that indicates permission to park in certain areas during certain times has been granted.*

b. The department shall create a centralized electronic system to track all city-issued parking permits and to record all summonses issued by the department in connection with the improper use of city-issued parking permits. Such system shall allow the department to verify in real time the validity of city-issued parking permits.

c. The department of transportation and the department of education, if authority to issue city-issued parking permits is delegated pursuant to section 19-162.3, shall provide the department with information about city-issued parking permits to be included in the electronic system, including but not limited to the vehicle or vehicles and the permissible and non-permissible locations and uses associated with such permit.

d. The department shall report each month on summonses issued for misuse of a city-issued parking permit to the city agency whose employee was issued the permit for which the summons was issued. Such city agencies shall also have the ability to access such information on an as-needed basis.

§ 2. This local law takes effect December 31, 2021.

YDANIS A. RODRIGUEZ, *Chairperson*; ANDREW COHEN, PETER A. KOO, DONOVAN J. RICHARDS, CHAIM M. DEUTSCH, RAFAEL L. ESPINAL, Jr., MARK D. LEVINE, CARLOS MENCHACA, ANTONIO REYNOSO; Committee on Transportation, November 26, 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 No. 932-A

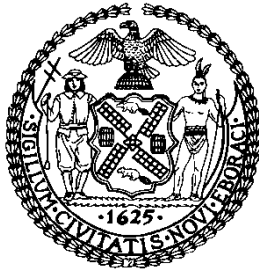
Report of the Committee on Transportation in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to the misuse of city-issued parking permits.

The Committee on Transportation, to which the annexed proposed amended local law was referred on May 23, 2018 (Minutes, page 1967), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Transportation for Int. No. 314-A printed in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 932-A:



**THE COUNCIL OF THE CITY OF NEW YORK
FINANCE DIVISION
LATONIA MCKINNEY, DIRECTOR
FISCAL IMPACT STATEMENT
PROPOSED INTRO. NO: 932-A
COMMITTEE: Transportation**

TITLE: A local law in relation to the misuse of City-issued parking permits.

SPONSORS: Council Members Chin, Lander, Powers, Rose, Rivera, Ampry-Samuel, Kallos, Cohen, Constantinides, Holden and Ayala.

SUMMARY OF LEGISLATION: Proposed Intro. No. 932-A would require parking permits issued by the Police Department to be revoked in accordance with the disciplinary rules of that department, and would require all other City-issued parking permits to be revoked from individuals who receive three or more violations of a rule or law related to the misuse of the parking permit, receive any violation of section 19-166 of the Administrative Code, which relates to unauthorized or fraudulent use of a parking permit, or have unpaid parking or traffic violations in excess of \$350.

EFFECTIVE DATE: This local law would take effect 90 days after it becomes law, except that the Commissioner of Transportation, in consultation with the Police Commissioner as needed, shall take any necessary actions to implement this law, including the promulgation of rules, prior to the effective date.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2021

FISCAL IMPACT STATEMENT:

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

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

IMPACT ON EXPENDITURES: It is estimated that this legislation would have no impact on expenditures because the relevant City agencies would utilize existing resources to fulfill its requirements.

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
Noah Brick, Assistant Counsel

LEGISLATIVE HISTORY: This legislation was introduced to the full Council as Intro. No. 932 on May 23, 2018 and was referred to the Committee on Transportation (Committee). The Committee heard the legislation on June 12, 2019 and the legislation was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. No. 932-A, will be considered by the Committee on November 26, 2019. Upon a successful vote by the Committee, Proposed Intro. No. 927-A will be submitted to the full Council for a vote on November 26, 2019.

DATE PREPARED: November 21, 2019.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 932-A:)

Int. No. 932-A

By Council Members Chin, Lander, Powers, Rose, Rivera, Ampry-Samuel, Kallos, Cohen, Constantinides, Holden, Ayala and Deutsch.

A Local Law to amend the administrative code of the city of New York, in relation to the misuse of city-issued parking permits

Be it enacted by the Council as follows:

Section 1. Subchapter 2 of chapter 1 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-166.1 to read as follows:

§ 19-166.1 Misuse of city-issued parking permits. a. For the purposes of this section, the term “city-issued parking permit” means a permit issued by a city agency that indicates permission to park in certain areas during certain times has been granted.

b. City-issued parking permits shall be revoked in accordance with disciplinary procedures of the police department with regard to permits issued pursuant to section 14-183, and in accordance with procedures established by the department of transportation for all other city-issued parking permits from those individuals found guilty of:

- 1. three or more violations of a rule or law relating the misuse of a city-issued parking permit*
- 2. notwithstanding paragraph 1 of this subdivision b, any violation of section 19-166; or*
- 3. unpaid parking or traffic violations associated with the license plate or individual permit holder in excess of \$350.*

§ 2. Nothing in this local law is intended to affect, alter, or amend any rules of the department of transportation promulgated prior to the date of enactment of this local law relating to issuance or revocation of agency-authorized permits as defined in such rules.

§ 3. This local law shall take effect 90 days after it becomes law except that the commissioner of transportation, in consultation with the police commissioner as needed, shall take any necessary actions to implement this law, including the promulgation of rules, prior to such effective date.

YDANIS A. RODRIGUEZ, *Chairperson*; ANDREW COHEN, PETER A. KOO, DONOVAN J. RICHARDS, CHAIM M. DEUTSCH, RAFAEL L. ESPINAL, Jr., MARK D. LEVINE, CARLOS MENCHACA, ANTONIO REYNOSO; Committee on Transportation, November 26, 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. 942-A

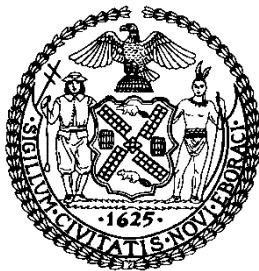
Report of the Committee on Transportation in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to developing and publishing a comprehensive plan regarding the distribution and use of city-issued parking permits.

The Committee on Transportation, to which the annexed proposed amended local law was referred on May 23, 2018 (Minutes, page 1980), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Transportation for Int. No. 314-A printed in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 942-A:



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

**LATONIA MCKINNEY, DIRECTOR
FISCAL IMPACT STATEMENT
PROPOSED INTRO. NO: 942-A
COMMITTEE: Transportation**

TITLE: A local law to amend the administrative code of the city of New York in relation to developing and publishing a comprehensive plan regarding the distribution and use of city-issued parking permits.

SPONSORS: Council Members Koo, Rose, Kallos, Cohen, Holden, Ayala and Lander.

SUMMARY OF LEGISLATION: Proposed Intro. No. 942-A would require each city agency making use of city-issued parking permits to develop a plan regarding that agency’s distribution and use of the parking permits, including criteria for distribution, an assessment of the appropriate number of permits for that agency, and proposed steps to curb unnecessary permit issuance. These agency plans would be due to an agency or office designated by the mayor by November 1, 2020. The agency or office designated by the mayor would then be required to use those agency plans to develop a comprehensive, citywide plan for the distribution and use of city-issued parking permits. This comprehensive plan would be due December 1, 2020, and would be posted online. Finally, the comprehensive plan would be reviewed at least once every five years and revised as appropriate.

EFFECTIVE DATE: Immediately

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2021

FISCAL IMPACT STATEMENT:

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

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

IMPACT ON EXPENDITURES: It is estimated that this legislation would have no impact on expenditures because the relevant City agencies would utilize existing resources to fulfill its requirements.

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
Noah Brick, Assistant Counsel

LEGISLATIVE HISTORY: This legislation was introduced to the full Council as Intro. No. 942 on May 23, 2018 and was referred to the Committee on Transportation (Committee). The Committee heard the legislation on June 12, 2019 and the legislation was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. No. 942-A, will be considered by the Committee on November 26, 2019. Upon a successful vote by the Committee, Proposed Intro. No. 927-A will be submitted to the full Council for a vote on November 26, 2019.

DATE PREPARED: November 21, 2019.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 942-A:)

Int. No. 942-A

By Council Members Koo, Rose, Kallos, Cohen, Holden, Ayala, Lander, Rivera and Deutsch

A Local Law to amend the administrative code of the city of New York, in relation to developing and publishing a comprehensive plan regarding the distribution and use of city-issued parking permits

Be it enacted by the Council as follows:

Section 1. Subchapter 2 of chapter 1 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-162.4 to read as follows:

§ 19-162.4 *Comprehensive plan for city-issued parking permits. a. For the purposes of this section, the term “city-issued parking permit” means a permit issued by a city agency that indicates permission to park in certain areas during certain times has been granted.*

b. By November 1, 2020, each city agency making use of city-issued parking permits shall develop a plan regarding the distribution and use of city-issued parking permits by such agency. Such plans shall be submitted to an agency or office as designated by the mayor which shall, by December 1, 2020, review such plans and develop a comprehensive plan, which shall make use of and include each issuing agency’s plan. Such comprehensive plan shall be posted online. Such agency plans shall include, but need not be limited to, the following:

- 1. criteria for the distribution and retention of city-issued parking permits;*
 - 2. an assessment of the appropriate number of city-issued parking permits necessary for essential government services; and*
 - 3. proposed steps to curb unnecessary or excessive issuance of city-issued parking permits.*
- c. Such agency plans and the comprehensive plan shall be reviewed at least once every five years and may be revised as appropriate. Any such revision of the comprehensive plan shall be submitted to the council and the mayor and posted online within 30 days of the completion of such revision.*

§ 2. This local law takes effect immediately.

YDANIS A. RODRIGUEZ, *Chairperson*; ANDREW COHEN, PETER A. KOO, DONOVAN J. RICHARDS, CHAIM M. DEUTSCH, RAFAEL L. ESPINAL, Jr., MARK D. LEVINE, CARLOS MENCHACA, ANTONIO REYNOSO; Committee on Transportation, November 26, 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. 1393-A

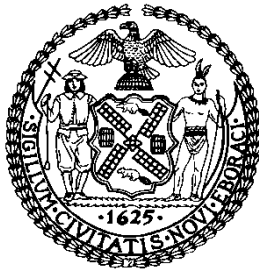
Report of the Committee on Transportation in favor of approving and adopting, as amended, a Local Law in relation to parking enforcement.

The Committee on Transportation, to which the annexed proposed amended local law was referred on February 13, 2019 (Minutes, page 412), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Transportation for Int. No. 314-A printed in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 1393-A:



THE COUNCIL OF THE CITY OF NEW YORK

FINANCE DIVISION

LATONIA MCKINNEY, DIRECTOR

FISCAL IMPACT STATEMENT

PROPOSED INTRO. NO: 1393-A

COMMITTEE: Transportation

TITLE: A local law in relation to parking enforcement.

SPONSORS: The Speaker (Council Member Johnson) and Council Members Torres, Chin, Levine, Brannan, Holden, the Public Advocate (Mr. Williams), Constantinides, Rivera, Van Bramer, Kallos, Ayala and Lander.

SUMMARY OF LEGISLATION: Proposed Intro. No. 1393-A would require the Police Department (NYPD) for a period of six-months beginning January 1, 2020, to evaluate at least 25 blocks or intersections a week that are experiencing a prevalence of improper use of parking permits and another 25 blocks or intersections that are experiencing obstruction of bicycle lanes, bus lanes, sidewalks, crosswalks, and fire hydrants by vehicles. The sites would be selected based on a review of complaints and summonses relating to the misuse of parking permits and obstruction of a bicycle lane, bus lane, sidewalk, or fire hydrant by a vehicle, as well as traffic crashes and moving violations. The evaluations would include photographic documentation of vehicles parked at the site and a list of enforcement actions. This information would be submitted to the Council, Mayor, and the Department of Investigation (DOI) no later than 30 days following the end of each month. By September 30, 2020, DOI would conduct an investigation and publish a report on the issuance of parking permits and enforcement of parking laws, including an analysis of the information submitted by the NYPD.

EFFECTIVE DATE: This local law would take effect immediately.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2021

FISCAL IMPACT STATEMENT:

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

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

IMPACT ON EXPENDITURES: It is estimated that this legislation would have no impact on expenditures because the relevant City agencies would utilize existing resources to fulfill its requirements.

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
Noah Brick, Assistant Counsel

LEGISLATIVE HISTORY: This legislation was introduced to the full Council as Intro. No. 1393 on February 13, 2019 and was referred to the Committee on Transportation (Committee). The Committee heard the legislation on March 27, 2019 and the legislation was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. No. 1393-A, will be considered by the Committee on November 26, 2019. Upon a successful vote by the Committee, Proposed Intro. No. 927-A will be submitted to the full Council for a vote on November 26, 2019.

DATE PREPARED: November 21, 2019.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 1393-A:)

Int. No. 1393-A

By The Speaker (Council Member Johnson) and Council Members Torres, Chin, Levine, Brannan, Holden, the Public Advocate (Mr. Williams), Constantinides, Rivera, Van Bramer, Kallos, Ayala, Lander and Deutsch.

A Local Law in relation to parking enforcement

Be it enacted by the Council as follows:

Section 1. Parking Enforcement. a. 1. For a period of six months, beginning no later than January 1, 2020, the police department shall, each week, evaluate no fewer than 25 blocks or intersections that are experiencing a prevalence of improper use of parking permits, and no fewer than 25 blocks or intersections that are experiencing obstruction of bicycle lanes, bus lanes, sidewalks, crosswalks, and fire hydrants by vehicles. In selecting such locations, the police department shall consider the following information from the previous six months:

- (a) 311 complaints relating to the improper use of a parking permit;

- (b) 311 complaints relating to the obstruction of a bicycle lane, bus lane, sidewalk, crosswalk, or fire hydrant by a vehicle;
- (c) complaints received by the police department in relation to the improper use of a parking permit;
- (d) complaints received by the police department in relation to obstruction of a bicycle lane, bus lane, sidewalk, crosswalk, or fire hydrant by a vehicle;
- (e) summonses issued by the police department in relation to the improper use of a parking permit;
- (f) summonses issued by the police department in relation to obstruction of a bicycle lane, bus lane, sidewalk, crosswalk, or fire hydrant by a vehicle;
- (g) traffic crashes involving a fatality or serious injury; and
- (h) moving violations issued by the police department.

2. Each evaluation conducted pursuant to this section shall include a description of each such block or intersection and why it was selected for evaluation; the number of complaints, summonses, traffic crashes, and moving violations associated with such block or intersection; the times at which such violations historically occur; photographs of all vehicles parked in such location demonstrating vehicles parked both legally and illegally; and for any vehicle parked illegally, a photograph of any city-issued parking permit or other parking permit displayed in each such vehicle, a photograph of the license plate of each such vehicle, and a summary of enforcement actions taken regarding each such vehicle and, if an enforcement action is not taken regarding each such vehicle, the reasons why.

b. No later than 30 days following the end of each month in which the police department conducts evaluations pursuant to subdivision a of this section, the police department shall submit a report identifying the blocks or intersections evaluated, the analyses and determinations made pursuant to paragraph 2 of subdivision a of this section, the department's response to such evaluation, including actions taken, if any. Each such report shall be submitted to the department of investigation, the mayor, and the speaker of the council.

c. The department of investigation shall conduct an investigation and issue a report regarding the issuance of parking permits and enforcement of parking laws. No later than September 30, 2020, the department of investigation shall submit such report to the police department, the department of transportation, the mayor, and the speaker of the council and post such report on its website. Such report shall include, at a minimum:

- 1. an analysis of reports submitted pursuant to subdivision b of this section;
- 2. any patterns or trends relating to the enforcement of parking laws, and the use of parking permits; and
- 3. recommendations related to the enforcement of parking laws, the use of parking permits, and the issuance of parking permits.

§ 2. This local law takes effect immediately and is deemed repealed upon the submission of the report due no later than September 30, 2020, submitted pursuant to subdivision c of section 1 of this local law.

YDANIS A. RODRIGUEZ, *Chairperson*; ANDREW COHEN, PETER A. KOO, DONOVAN J. RICHARDS, CHAIM M. DEUTSCH, RAFAEL L. ESPINAL, Jr., MARK D. LEVINE, CARLOS MENCHACA, ANTONIO REYNOSO; Committee on Transportation, November 26, 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. 1394-A

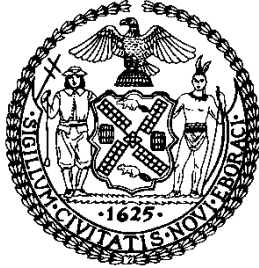
Report of the Committee on Transportation in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to city vehicles obstructing a bicycle lane, bus lane, sidewalk, crosswalk, or fire hydrant.

The Committee on Transportation, to which the annexed proposed amended local law was referred on February 13, 2019 (Minutes, page 413), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Transportation for Int. No. 314-A printed in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 1394-A:



THE COUNCIL OF THE CITY OF NEW YORK
FINANCE DIVISION
LATONIA MCKINNEY, DIRECTOR
FISCAL IMPACT STATEMENT
PROPOSED INTRO. NO: 1394-A
COMMITTEE: Transportation

TITLE: A local law in relation to City vehicles obstructing a bicycle lane, bus lane, sidewalk, crosswalk, or fire hydrant.

SPONSORS: The Speaker (Council Member Johnson) and Council Members Torres, Chin, Cumbo, Levine, Brannan, Holden, the Public Advocate (Mr. Williams), Constantinides, Rivera, Kallos, Ayala and Lander.

SUMMARY OF LEGISLATION: Proposed Intro. No. 1394-A would prohibit official City vehicles from obstructing a bicycle lane, bus lane, sidewalk, crosswalk, or fire hydrant, except as otherwise permitted by law.

EFFECTIVE DATE: This local law takes effect 30 days after it becomes law.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2021

FISCAL IMPACT STATEMENT:

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

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

IMPACT ON EXPENDITURES: It is estimated that this legislation would have no impact on expenditures because the relevant City agencies would utilize existing resources to fulfill its requirements.

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
Noah Brick, Assistant Counsel

LEGISLATIVE HISTORY: This legislation was introduced to the full Council as Intro. No. 1394 on February 13, 2019 and was referred to the Committee on Transportation (Committee). The Committee heard the legislation on March 27, 2019 and the legislation was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. No. 1394-A, will be considered by the Committee on November 26, 2019. Upon a successful vote by the Committee, Proposed Intro. No. 1394-A will be submitted to the full Council for a vote on November 26, 2019.

DATE PREPARED: November 21, 2019.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 1394-A:)

Int. No. 1394-A

By The Speaker (Council Member Johnson) and Council Members Torres, Chin, Cumbo, Levine, Brannan, Holden, the Public Advocate (Mr. Williams), Constantinides, Rivera, Kallos, Ayala and Lander.

A Local Law to amend the administrative code of the city of New York, in relation to city vehicles obstructing a bicycle lane, bus lane, sidewalk, crosswalk, or fire hydrant

Be it enacted by the Council as follows:

Section 1. Subchapter 2 of chapter 1 of title 19 of the administrative code of the city of New York is amended to add a new section 19-162.5 to read as follows:

§ 19-162.5 *City vehicle obstructing a bicycle lane, bus lane, sidewalk, crosswalk, or fire hydrant. No vehicle operated on behalf of the city shall obstruct a bicycle lane, bus lane when bus lane restrictions are in effect, sidewalk, crosswalk, or fire hydrant, except as otherwise permitted by law.*

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

YDANIS A. RODRIGUEZ, *Chairperson*; ANDREW COHEN, PETER A. KOO, DONOVAN J. RICHARDS, RAFAEL L. ESPINAL, Jr., MARK D. LEVINE, CARLOS MENCHACA, ANTONIO REYNOSO; Committee on Transportation, November 26, 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. 1395-A

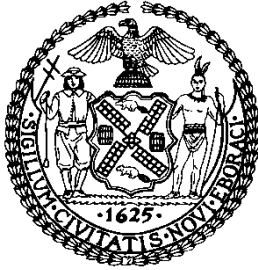
Report of the Committee on Transportation in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to reporting parking complaints to 311.

The Committee on Transportation, to which the annexed proposed amended local law was referred on February 13, 2019 (Minutes, page 413), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Transportation for Int. No. 314-A printed in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 1395-A:



THE COUNCIL OF THE CITY OF NEW YORK
FINANCE DIVISION
LATONIA MCKINNEY, DIRECTOR
FISCAL IMPACT STATEMENT
PROPOSED INTRO. NO: 1395-A
COMMITTEE: Transportation

TITLE: A local law to amend the administrative code of the city of New York in relation to reporting parking complaints to 311.

SPONSORS: The Speaker (Council Member Johnson) and Council Members Torres, Chin, Cumbo, Levine, Brannan, Holden, the Public Advocate (Mr. Williams), Constantinides, Koo, Rivera, Van Bramer, Kallos, Ayala and Lander.

SUMMARY OF LEGISLATION: Proposed Intro. No. 1395-A would require 311 to accept complaints and photographs related to illegal parking and the misuse of parking permits. The public would be able to submit complaints regarding improper use of a parking permit and complaints for parking in “no standing” areas, “no stopping” areas, sidewalks, in crosswalks, in front of fire hydrants, at bus stops, in bus lanes, in bicycle lanes, as to obstruct a driveway, and double parking. The legislation would require the resolution of a complaint submitted to 311 alleging improper use of a parking permit to be sent to the individual filing the complaint within eight hours. The Department of Information Technology and Telecommunications (DOITT) would be required issue monthly reports, with the first report due no later than February 15, 2020, containing data for the previous month on the number of complaints of illegal parking of vehicles operated on behalf of the City.

EFFECTIVE DATE: This local law would take effect immediately upon becoming law.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2021

FISCAL IMPACT STATEMENT:

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

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

IMPACT ON EXPENDITURES: It is estimated that this legislation would have no impact on expenditures because the relevant City agencies would utilize existing resources to fulfill its requirements.

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
Noah Brick, Assistant Counsel

LEGISLATIVE HISTORY: This legislation was introduced to the full Council as Intro. No. 1395 on February 13, 2019 and was referred to the Committee on Transportation (Committee). The Committee heard the legislation on March 27, 2019 and the legislation was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. No. 1395-A, will be considered by the Committee on November 26, 2019. Upon a successful vote by the Committee, Proposed Intro. No. 1395-A will be submitted to the full Council for a vote on November 26, 2019.

DATE PREPARED: November 21, 2019.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 1395-A:)

Int. No. 1395-A

By The Speaker (Council Member Johnson) and Council Members Torres, Chin, Brannan, Holden, the Public Advocate (Mr. Williams), Constantinides, Koo, Rivera, Van Bramer, Kallos, Ayala, Lander and Deutsch.

A Local Law to amend the administrative code of the city of New York, in relation to reporting parking complaints to 311

Be it enacted by the Council as follows:

Section 1. Chapter 3 of title 23 of the administrative code of the city of New York is amended by adding a new section 23-304 to read as follows:

§ 23-304 *Parking complaints.* a. *The department of information technology and telecommunications shall implement and maintain on its 311 citizen center website and mobile device platforms the capability for the public to file a complaints under the category of "illegal parking."*

b. *Within such category, the public shall have the ability to submit complaints regarding improper use of a parking permit and complaints for parking in any of the following locations:*

1. *parking in "no standing" area;*
2. *parking in "no stopping" area;*
3. *parking on sidewalk;*
4. *parking in crosswalk;*
5. *parking in front of fire hydrant;*
6. *parking at bus stop;*
7. *parking in bus lane;*
8. *parking in bicycle lane;*
9. *parking as to obstruct a driveway; and*
10. *double parking.*

c. *With respect to complaints filed pursuant to subdivision b, the public shall have ability to:*

1. *include information about whether the vehicles used were operated on behalf of the city; and*
2. *submit photographic evidence supporting such complaint.*

d. 1. *The resolution of a complaint submitted pursuant to subdivision b alleging improper use of a parking permit shall be sent to the individual filing such complaint within eight hours.*

2. On a monthly basis, no later than February 15, 2020, the department of information technology and telecommunications shall publish a report containing data for the previous month that shall include, but not be limited to, the number of complaints of illegal parking of vehicles operated on behalf of the city in the types of locations set forth in subdivision b.

§ 2. This local law takes effect immediately.

YDANIS A. RODRIGUEZ, *Chairperson*; ANDREW COHEN, PETER A. KOO, DONOVAN J. RICHARDS, CHAIM M. DEUTSCH, RAFAEL L. ESPINAL, Jr., MARK D. LEVINE, CARLOS MENCHACA, ANTONIO REYNOSO; Committee on Transportation, November 26, 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. 1422-A

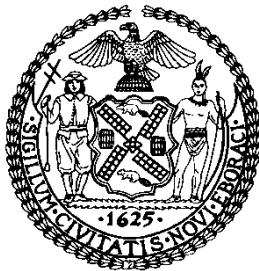
Report of the Committee on Transportation in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to city-issued parking permits.

The Committee on Transportation, to which the annexed proposed amended local law was referred on February 13, 2019 (Minutes, page 468), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Transportation for Int. No. 314-A printed in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 1422-A:



THE COUNCIL OF THE CITY OF NEW YORK

FINANCE DIVISION

LATONIA MCKINNEY, DIRECTOR

FISCAL IMPACT STATEMENT

PROPOSED INTRO. NO: 1422-A

COMMITTEE: Transportation

TITLE: A local law to amend the administrative code of the city of New York in relation to City-issued parking permits

SPONSORS: Council Member Powers, The Speaker (Council Member Johnson), and Council Members Brannan, Holden, the Public Advocate (Mr. Williams), Chin, Constantinides, Rivera, Levin, Van Bramer, Kallos, Ayala and Lander.

SUMMARY OF LEGISLATION: Proposed Intro. No. 1422-A would create a standard application process for City-issued parking permits. Permits could only be issued by the Department of Transportation (DOT), the Police Department, and the Department of Education, if delegated such authority by DOT. Applications would be sponsored by City agencies and each applicant would be required to state the need for the permit. Information on the number of permits requested and issued, disaggregated by sponsoring agency, would be required to be posted online no later than January 31, 2021 and shall be updated annually. Lastly, any violation of this local law involving a material false statement or material fact concealed in connection with an application for a parking permit or renewal will upon conviction be punishable by a civil penalty of not less than \$250 nor more than \$1,000, and would be adjudicated at the Environmental Control Board.

EFFECTIVE DATE: This local law would take effect 90 days after becoming law, except that the Commissioner of Transportation and the Police Commissioner may take any necessary actions to implement this law, including the promulgation of rules, prior to such effective date

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2021

FISCAL IMPACT STATEMENT:

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

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

IMPACT ON EXPENDITURES: It is estimated that this legislation would have no impact on expenditures because the relevant City agencies would utilize existing resources to fulfill its requirements.

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
Noah Brick, Assistant Counsel

LEGISLATIVE HISTORY: This legislation was introduced to the full Council as Intro. No. 1422 on February 13, 2019 and was referred to the Committee on Transportation (Committee). The Committee heard the legislation on March 27, 2019 and the legislation was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. No. 1422-A, will be considered by the Committee on November 26, 2019. Upon a successful vote by the Committee, Proposed Intro. No. 1422-A will be submitted to the full Council for a vote on November 26, 2019.

DATE PREPARED: November 21, 2019.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 1422-A:)

Int. No. 1422-A

By Council Members Powers, the Speaker (Council Member Johnson), Brannan, Holden, the Public Advocate (Mr. Williams), Chin, Constantinides, Rivera, Levin, Van Bramer, Kallos, Ayala, Lander and Deutsch.

A Local Law to amend the administrative code of the city of New York, in relation to city-issued parking permits

Be it enacted by the Council as follows:

Section 1. Subchapter 2 of chapter 1 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-162.3 to read as follows:

§ 19-162.3 City-issued parking permits. a. Definition. For purposes of this section, the term “city-issued parking permit” means a permit issued by the department or the department of education, if the commissioner has delegated authority to the department of education pursuant to subdivision b, that indicates permission to park in certain areas during certain times has been granted. The term shall not include a parking permit issued pursuant to sections 19-162.1 or 19-162.2, a parking permit issued to individuals with disabilities, or a single-use parking permit.

b. Issuance. Notwithstanding any other provision of law, and except as provided in section 14-183, no other city agency shall issue a permit that indicates permission to park in certain areas during certain times has been granted; however, the commissioner may delegate authority to the department of education to issue such permits. In the event of such delegation, city-issued parking permits issued by the department of education shall continue to be subject to the requirements of subdivisions c, d, e, f, h, and i and any applicable rules promulgated by the department pursuant to subdivision g.

c. Term. A city-issued parking permit shall be valid for no more than one year unless suspended or revoked.

d. Application. 1. Each person applying for a city-issued parking permit or renewal thereof on behalf of themselves, their agency or non-profit entity shall file an application in such form and detail as the commissioner may prescribe, which may include inputting the required information into a permit application system.

2. An application for a city-issued parking permit or renewal thereof shall include, but need not be limited to, the following information:

(a) if applying on behalf of a city agency, the name of the city agency and the employee’s relationship to such agency if issued to an individual;

(b) the license plate number of the vehicle or vehicles to be associated with such permit when associated with a specific vehicle or vehicles; and

(c) a statement articulating the justification for the permit need.

3. Upon the approval of an application, the department shall issue a city-issued parking permit to the applicant that may only be used with the vehicle or vehicles identified on such application when the permit is to be used with specific vehicles.

4. City-issued parking permits shall not be transferrable to another person or vehicle if issued to a specific individual or vehicle.

5. Whenever any information provided on such an application has changed, such agency shall notify the department within 10 days of such change.

e. Form of permits. A city-issued parking permit may be a physical permit or a programmable feature associated with a license plate number and shall contain the name of the sponsoring city agency, the expiration date of the permit, and a unique identifier or other technology designed to allow the city to detect valid permits. Such permit may contain any additional information or features as required by the department.

f. Permissible uses. 1. Parking with a city-issued parking permit shall be permitted in areas specified on or programmed into the permit and may allow for parking in some or all of the following areas:

(a) at parking meters;

- (b) in truck loading and unloading zones;*
- (c) in “no standing/parking” areas except “authorized vehicles” or “authorized vehicle only”, when such permit authorizes such use; and*
- (d) in “no parking” areas.*

2. Parking with a city-issued parking permit shall not be permitted in the following areas, in addition to any areas designated by rule or specified on or programmed into the permit:

- (a) “no standing” areas;*
- (b) “no stopping” areas;*
- (c) fire hydrants;*
- (d) bus stops;*
- (e) areas where such parking would constitute double parking;*
- (f) driveways;*
- (g) bridges and highways; and*
- (h) carsharing parking spaces.*

g. Rules. The department may promulgate such rules as are necessary to implement the provisions of this section.

h. Violations. Any violation of subdivision d of this section involving a material false statement or material fact concealed in connection with an application for a city-issued parking permit or renewal thereof shall upon conviction thereof be punishable by a civil penalty of not less than \$250 nor more than \$1,000. Civil violations issued pursuant to this section shall be adjudicated at the environmental control board or any tribunal established within the office of administrative trials and hearings designated by the commissioner.

i. Posting information. No later than January 31, 2021, the department and agencies delegated to issue parking permits by the commissioner shall post information online regarding the issuance of city-issued parking permits, including, but not limited to, the number of applications submitted and the number of such permits issued in the previous year, disaggregated by the sponsoring city agency in the case of the department. Such information shall be updated at least annually.

§ 2. Chapter 1 of title 14 of the administrative code of the city of New York is amended by adding a new section 14-183 to read as follows:

§ 14-183 Parking permits issued by the police department. a. The department may issue parking permits to city, state, or federal law enforcement agencies that indicate permission to park in certain areas during certain times has been granted.

b. Such permits shall be valid for no more than one year unless suspended or revoked.

c. 1. Except for department fleet vehicles, an application for a parking permit or renewal thereof shall include, but need not be limited to, the following information:

- (a) the name of the applicant ;*
- (b) the license plate number of the vehicle or vehicles to be associated with such permit; and*
- (c) a statement articulating the justification for the permit need.*

2. Upon the approval of an application, the department shall issue a parking permit to the applicant that may only be used in the vehicle identified on such application.

3. Parking permits shall not be transferrable to another person or vehicle.

4. Whenever any information provided on such an application has changed, the permittee shall notify the department within 10 days of such change.

d. A parking permit may be a physical permit or a programmable feature associated with a license plate number. Such permit issued to a city shall contain the name of the agency. Such permit issued to an agency of the United States shall indicate that such permit is issued for federal law enforcement purposes. Such permit issued to an agency of the state of New York shall indicate that such permit is issued for state law enforcement purposes. All parking permits shall contain at least the expiration date of the permit and a unique identifier or other technology designed to allow the city to detect valid permits.

e. 1. Parking with a permit shall be permitted in areas specified on or programmed into the permit, and may allow for parking in some or all of the following areas:

- (a) at parking meters;
- (b) in truck loading and unloading zones;
- (c) in “no standing/parking” except “authorized vehicles” or “authorized vehicle” only, when such permit authorizes such use; and
- (d) in “no parking” areas.

2. Parking with a permit shall not be permitted in the following areas:

- (a) “no standing” areas;
- (b) “no stopping” areas;
- (c) fire hydrants;
- (d) bus stops;
- (e) areas where such parking would constitute double parking;
- (f) driveways;
- (g) bridges and highways;
- (h) carsharing parking spaces; and
- (i) any other location as designated by the commissioner, taking into consideration traffic rules promulgated by the department of transportation after the effective date of this law.

f. The department may promulgate such rules as are necessary to implement the provisions of this section.

g. Any violation of subdivision c of this section involving a material false statement or material fact concealed in connection with an application for a parking permit or renewal thereof shall upon conviction thereof be punishable by a civil penalty of not less than \$250 nor more than \$1,000. Civil violations issued pursuant to this section shall be adjudicated at the environmental control board or any tribunal established within the office of administrative trials and hearings designated by the commissioner.

h. No later than January 31, 2021, the department shall post information online regarding the issuance of city-issued parking permits, including, but not limited to, the number of applications submitted and the number of such permits issued in the previous year. Such information shall be updated annually.

i. Individuals holding permits issued pursuant to this section shall be subject to the rules of the department of transportation relating to the issuance of separate parking violations for the misuse or fraudulent use of city-issued parking permits, as provided for in subparagraph (iv) of paragraph (3) of subdivision (o) of section 4-08 of chapter 4 of title 34 of the rules of the city of New York.

§ 3. Nothing in this local law is intended to affect, alter, or amend any rules of the department of transportation promulgated prior to the date of enactment of this local law relating to violations for misuse or fraudulent use of agency-authorized permits as defined in such rules.

§ 4. This local law takes effect in 90 days, except that the commissioner of transportation and the police commissioner may take any necessary actions to implement this law, including the promulgation of rules, prior to such effective date.

YDANIS A. RODRIGUEZ, *Chairperson*; ANDREW COHEN, PETER A. KOO, DONOVAN J. RICHARDS, CHAIM M. DEUTSCH, RAFAEL L. ESPINAL, Jr., MARK D. LEVINE, CARLOS MENCHACA, ANTONIO REYNOSO; Committee on Transportation, November 26, 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).

GENERAL ORDER CALENDAR**Resolution approving various persons Commissioners of Deeds**

By the Presiding Officer –

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

<i>Approved New Applicants</i>		
<i>Name</i>	<i>Address</i>	<i>District #</i>
Jessica Russo	106 W 144th Street, Apt 2E New York, New York 10030	9
Nibia Ortiz	1394 Kearney Ave Bronx, New York 10465	13
Jasmine Rodriguez	2131 Clinton Ave, Apt 3D Bronx, New York 10457	15
Genny Sanchez Frias	1374 College Ave, Apt 1A Bronx, New York 10456	16
Joseph Pinkhasov	21207 75th Ave, Apt 2M Bayside, New York 11364	23
Andrea Negron	170-40 Highland Ave, Apt 402 Jamaica, New York 11432	24
Samuel Stanley	156-01 N Conduit Ave, B15 Jamaica, New York 11434	31
Isaura Jimenez	87-22 87th Street, Apt 1 Queens, New York 11421	32
Oluwatosin Aboyade-Cole	8920 Park Lane S, Apt 37 Woodhaven, New York 11421	32
John Guzman	18-37 Stephen St Queens, New York 11385	34
Karen Herbert	50 Lenox Rd, Apt 2H Brooklyn, New York 11226	40
Gloria Shand	9707 4th Ave, Apt 4R Brooklyn, New York 11209	43

Elizabeth Roman	2582 Richmond Terrace Staten Island, New York 10303	49
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Approved Reapplicants

<i>Name</i>	<i>Address</i>	<i>District #</i>
Dameka Dowdy	1820 Waterloo Place Bronx, New York 10460	17
Roger A. Davila	104-41 Roosevelt Avenue #1R Corona, New York 11368	21
Carmen Aviles	89-43 146 Street Queens, New York 11435	24
Andrea Greenberg	86-10 151st Avenue Howard Beach, New York 11414	32
Drew H. Elliott	1 Rockwell Place #1F Brooklyn, New York 11217	35
Gregory E. McCree	1539 East 53rd Street Brooklyn, New York 11234	46
Dina Kazakov	61 Brighton 10th Street Brooklyn, New York 11235	48

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) | Int 314-A - | Improper use of city-issued parking permits. |
| (2) | Int 596-B - | Increasing the fine for the use of unauthorized or fraudulent parking permits. |
| (3) | Int 927-A - | Electronic tracking system for city-issued parking permits. |
| (4) | Int 932-A - | Misuse of city-issued parking permits. |
| (5) | Int 942-A - | Developing and publishing a comprehensive plan regarding the distribution and use of city-issued parking permits. |
| (6) | Int 1362-A - | Prohibiting the sale of flavored electronic cigarettes and flavored e-liquids and conducting outreach regarding the availability of smoking cessation services. |
| (7) | Int 1393-A - | Parking enforcement. |
| (8) | Int 1394-A - | City vehicles obstructing a bicycle lane, bus lane, sidewalk, crosswalk, or fire hydrant. |
| (9) | Int 1395-A - | Reporting parking complaints to 311. |
| (10) | Int 1422-A - | City-issued parking permits. |
| (11) | Int 1661-A - | Information pertaining to site safety training during site safety orientations and refreshers. |
| (12) | L.U. 576 & Res 1182 - | App. C 190305 ZMK (6003 8th Avenue Rezoning) Brooklyn, Council District 38, Community District 12. |
| (13) | L.U. 582 & Res 1174 - | Manhattan, Community District No. 10, Council District No. 9. |
| (14) | L.U. 583 & Res 1175 - | Manhattan, Community District No. 10, Council District No. 9. |

- (15) **L.U. 584 & Res 1176 -** Manhattan, Community District No. 11, Council District No. 8 and 9.
- (16) **L.U. 585 & Res 1177 -** Bronx, Community District No. 4, Council District No. 14.
- (17) **L.U. 586 & Res 1178 -** Manhattan, Community District No. 10, Council District No. 9.
- (18) **L.U. 587 & Res 1179 -** Bronx, Community District No. 4, Council District No. 8.
- (19) **L.U. 588 & Res 1180 -** Bronx, Community District No. 4, Council District No. 8.
- (20) **L.U. 589 & Res 1181 -** Bronx, Community Districts Nos. 1 and 2, Council District Nos. 8 and 17.
- (21) **Resolution approving various persons Commissioners of Deeds.**

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, Ampry-Samuel, Ayala, Barron, Brannan, Cabrera, Chin, Cohen, Cornegy, Deutsch, Dromm, Espinal, Eugene, Gibson, Gjonaj, Grodenchik, Holden, Kallos, Koo, Koslowitz, Lancman, Lander, Levine, Louis, Maisel, Menchaca, Moya, Perkins, Powers, Reynoso, Richards, Rivera, Rodriguez, Rose, Rosenthal, Torres, Treyger, Ulrich, Vallone, Van Bramer, Yeger, the Minority Leader (Council Member Matteo), the Majority Leader (Council Member Cumbo), and The Speaker (Council Member Johnson) – **44**.

The General Order vote recorded for this Stated Meeting was 44-0-0 as shown above with the exception of the votes for the following legislative items:

The following was the vote recorded for **Int. No. 1362-A**:

Affirmative – Adams, Ampry-Samuel, Ayala, Barron, Brannan, Cabrera, Chin, Cohen, Cornegy, Deutsch, Dromm, Espinal, Eugene, Gibson, Gjonaj, Grodenchik, Holden, Kallos, Koo, Koslowitz, Lancman, Lander, Levine, Louis, Maisel, Menchaca, Moya, Perkins, Powers, Reynoso, Richards, Rivera, Rodriguez, Rose, Rosenthal, Torres, Treyger, Ulrich, Vallone, Van Bramer, the Majority Leader (Council Member Cumbo), and The Speaker (Council Member Johnson) – **42**.

Negative – Yeger and the Minority Leader (Council Member Matteo) – **2**.

The following was the vote recorded for **Int. No. 1394-A**:

Affirmative – Adams, Ampry-Samuel, Ayala, Barron, Brannan, Cabrera, Chin, Cohen, Dromm, Espinal, Eugene, Gibson, Gjonaj, Grodenchik, Holden, Kallos, Koo, Koslowitz, Lancman, Lander, Levine, Louis, Maisel, Menchaca, Moya, Perkins, Powers, Reynoso, Richards, Rivera, Rodriguez, Rose, Rosenthal, Torres, Treyger, Vallone, Van Bramer, the Majority Leader (Council Member Cumbo), and The Speaker (Council Member Johnson) – **39**.

Negative – Cornegy, Deutsch, Ulrich, Yeger, and the Minority Leader (Council Member Matteo) – **5**.

The following Introductions were sent to the Mayor for his consideration and approval:

Int. Nos. 314-A, 596-B, 927-A, 932-A, 942-A, 1362-A, 1393-A, 1394-A, 1395-A, 1422-A, and 1661-A.

INTRODUCTION AND READING OF BILLS

Int. No. 1802

By Council Members Adams, Kallos and Grodenchik.

A Local Law to amend the administrative code of the city of New York, in relation to requiring fire safety notices to be posted in all multiple dwellings and homeless shelters

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 15 of the administrative code of the city of New York is amended by adding a new section 15-140 to read as follows:

§ 15-140 Fire and emergency preparedness notices. The department shall develop fire and emergency preparedness notices for multiple dwellings, as defined in section 4 of the multiple dwelling law, that are applicable to the building or occupancy of any such multiple dwelling. Such notices shall be posted on the department's website and include, but need not be limited to, the following information:

- 1. The evacuation procedure if a fire is within a dwelling unit; and*
- 2. The evacuation procedure if a fire is within the building but not within a dwelling unit.*

§ 2. Chapter 3 of title 21 of the administrative code of the city of New York is amended by adding a new section 21-324 to read as follows:

§ 21-324 Posting of fire and emergency preparedness notices. a. Definitions. As used in this section, the term "shelter" means temporary emergency housing provided to homeless adults, adult families, and families with children by the department or a provider under contract or similar agreement with the department.

b. Fire and emergency preparedness notices. The owner or operator of a shelter shall post in each shelter fire and emergency preparedness notices developed by the fire department pursuant to section 15-140 that are applicable to the building or occupancy of such shelter. Such notices shall be securely affixed on the inside surface of the front or main entrance door of each unit used to accommodate a homeless individual or family.

§ 3. Section 27-2005 of article 1 of subchapter 2 of chapter 2 of title 27 of the administrative code of the city of New York is amended by adding a new subdivision h to read as follows:

h. The owner of a multiple dwelling shall post on the inside surface of the front or main entrance door of each dwelling unit fire and emergency preparedness notices developed by the fire department pursuant to section 15-140 that are applicable to the building or occupancy of such multiple dwelling.

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

Referred to the Committee on Fire and Emergency Management.

Int. No. 1803

By Council Member Chin.

A Local Law to amend the administrative code of the city of New York, in relation to adding conditions for the revocation of vacate orders

Be it enacted by the Council as follows:

Section 1. Subdivision a of section 27-2142 of the administrative code of the city of New York, as amended by local law 14 for the year 2017, is amended to read as follows:

§ 27-2142 Reoccupancy after vacate order. a. No person shall occupy, or cause or permit to be occupied, any dwelling or part thereof while such dwelling or part is subject to a vacate order. Notwithstanding any other

provision of law, an owner or managing agent or other representative of such owner who violates this subdivision by permitting or allowing [re-occupancy] *reoccupancy* of a premises that is subject to a vacate order shall be subject to a civil penalty of not less than [five thousand dollars] *ten thousand dollars and not more than twenty thousand dollars* for each reoccupied dwelling unit in such premises.

§ 2. Subdivision d of section 27-2142 of the administrative code of the city of New York is amended to read as follows:

d. 1. The department [may] *shall* require as [a condition] *conditions* for revocation of a vacate order, that the owner [make reasonable effort to notify] *has*: (i) *made available adequate temporary dwelling or other assistance in relocating to a temporary dwelling in compliance with rules promulgated by the department, to any tenants who has vacated a dwelling pursuant to such order*, (ii) *notified* [any] such tenants [who may have vacated the dwelling pursuant to such order that said tenant has] *that such tenants have a right to [re-occupy] reoccupy such [the] dwelling*; (iii) *notified such tenants that such owner will permit reoccupancy of such dwelling by such tenants and* (iv) *if the dwelling is not available for reoccupancy by any tenant who may have vacated the dwelling, provided evidence to the department pursuant to rules promulgated by the department that such dwelling is the primary residence of such owner.*

2. *Not less than 15 days before revocation of a vacate order, the owner shall also provide notice that the dwelling is prepared for reoccupancy to each tenant who has vacated the dwelling pursuant to such vacate order and shall send a copy of such notice to the department.*

§ 3. Section 27-2142 of the administrative code of the city of New York is amended to add a new subdivision e to read as follows:

e. *An owner who fails to provide the notice or evidence required pursuant to paragraph 2 of subdivision d of this section, shall be subject to a civil penalty of not less than five hundred dollars nor more than two thousand five hundred dollars for each failure to provide such notice or evidence for each day the owner has failed to provide such notice.*

§ 4. Takes effect on the same date as local law 159 for the year 2019 takes effect.

Referred to the Committee on Housing and Buildings.

Res. No. 1172

Resolution calling on the New York State Legislature to pass, and the Governor to sign, A.5619/S.5160, relation to the failure to raise the defense of lack of standing in a mortgage foreclosure action.

By Council Members Cornegy, Kallos, Reynoso, Koslowitz and Richards

Whereas, New York State requires a plaintiff to own both the mortgage and note when it commences a foreclosure action on a borrower; and

Whereas, It has been reported that certain mortgage companies have taken actions that have been called into question due to the plaintiff's lack of standing and the ambiguity on who owns the mortgage or note; and

Whereas, There have been circumstances where the borrower does not know who owns the loan; and

Whereas, Numerous court decisions in New York have held that if the borrower does not raise concerns over the lack of standing upon the commencement of a foreclosure action then the borrower has waived their rights to take such action; and

Whereas, A.5619, introduced by Assembly Member Helene Weinstein in the New York State Assembly, and companion bill S.5160, introduced by State Senator Brian Kavanagh in the New York State Senate would provide that any defense based on a plaintiff's lack of standing in a foreclosure proceeding related to a home loan cannot be waived by a defendant's failure to raise these concerns upon the beginning of a foreclosure action; now, therefore, be it

Resolved, That the Council of the City of New York calls on the New York State Legislature to pass, and the Governor to sign, A.5619/S.5160, relation to the failure to raise the defense of lack of standing in a mortgage foreclosure action.

Referred to the Committee on Housing and Buildings.

Int. No. 1804

By Council Members Dromm and Kallos.

A Local Law to amend the administrative code of the city of New York, in relation to posting signs promoting the prohibition from leaving dog waste on the ground

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 18 of the administrative code of the city of New York is amended by adding a new section 18-156 to read as follows:

§ 18-156 Dog waste signs. The department shall conspicuously post signs at the entrance ways or exits of each park and park facility stating the departmental rule requiring a person in custody or control of a dog to promptly remove and dispose of any feces left by such dog in such park or park facility, and the penalty for violating such rule.

§ 2. Subchapter 1 of chapter 1 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-159.4 to read as follows:

§ 19-159.4 Dog waste signs. a. Posting of signs. Upon receiving a request or complaint submitted to the 311 customer service center relating to the removal of dog feces on a sidewalk or pedestrian plaza, the department shall post on such sidewalk or pedestrian plaza a sign stating the duty of each dog owner or person having possession, custody or control of a dog to remove any feces left by his or her dog on any sidewalk, gutter, street or other public area pursuant to section 1310 of the public health law, and the penalty for violating such law. If the department determines such sidewalk or pedestrian plaza is not a feasible location to post a sign, the department shall determine a nearby alternative location to such sidewalk or pedestrian plaza to post such sign. No more than two such signs shall be posted on one block.

b. Report. No later than April 1, 2020, and annually thereafter, the department shall submit to the speaker of the council a report on dog waste signs. The report shall include, but need not be limited to, the following:

- 1. The total number of signs posted by the department, and each such sign's location;*
- 2. The total number of requests or complains submitted to the 311 customer service center relating to the removal of dog feces on a sidewalk or pedestrian plaza, and the location for which each such request or complaint is made; and*
- 3. The location of each sidewalk or pedestrian plaza for which the department has determined posting a sign is not feasible, the reasons for such determination, and the alternative location chosen by the department to post such sign.*

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

Referred to the Committee on Parks and Recreation.

Int. No. 1805

By Council Members Gibson, Kallos and Louis.

A Local Law to amend the administrative code of the city of New York, in relation to the creation of a commercial landlord watch list

Be it enacted by the Council as follows:

Section 1. Chapter 10 of title 22 of the administrative code of the city of New York is amended by adding a new section 22-1005 to read as follows:

§ 22-1005 Commercial landlord watch list. a. Definitions. For the purposes of this section, the following terms have the following meanings:

Commercial landlord. The term "commercial landlord" means an owner of a covered property, provided that, if the owner of a covered property is an entity, such term includes any individual who owns a controlling interest in, or who is responsible for managing the day-to-day affairs of, such entity.

Commercial tenant. The term "commercial tenant" means a person or entity lawfully occupying a covered property pursuant to a lease, rental agreement, license agreement or month to month tenancy.

Covered property. The term "covered property" means any building or portion of a building (i) that is lawfully used for buying, selling or otherwise providing goods or services, or for other lawful business, commercial, professional services or manufacturing activities, and (ii) for which a certificate of occupancy authorizing residential use of such building or such portion of a building has not been issued.

Department of buildings violation. The term "department of buildings violation" means a violation of a law or rule enforced by the department of buildings.

b. No later than January 1 of each year, the commissioner shall post on the department's website a commercial landlord watch list. Such watch list shall include any commercial landlord who:

1. Within the past 10 years, has been found by a court of competent jurisdiction to have engaged in commercial tenant harassment within the meaning of section 22-902; or

2. Within the past three years, has engaged in a pattern of behavior that in the opinion of the commissioner is consistent with harassment or exploitation of a commercial tenant. The commissioner shall base such opinion on any information the commissioner deems relevant, including any information collected by any agency. In reaching such opinion, the commissioner shall consider, at a minimum, the following information:

(a) The number and severity of department of buildings violations charged against a covered property (or a building containing a covered property) owned by the commercial landlord;

(b) Whether a tax lien has been imposed upon a covered property (or a building containing a covered property) owned by the commercial landlord; and

(c) The number of commercial tenants evicted by the commercial landlord.

c. For each commercial landlord included on the commercial landlord watch list, the watch list shall provide the following information:

1. The name of the commercial landlord;

2. The number of covered properties owned by the commercial landlord;

3. The number of times, within the past 10 years, the commercial landlord has been found by a court of competent jurisdiction to have engaged in commercial tenant harassment within the meaning of section 22-902; and

4. Any fact underlying the commissioner's opinion that, within the past three years, the landlord has engaged in a pattern of behavior consistent with harassment or exploitation of a commercial tenant.

d. The commissioner shall promulgate rules further specifying the criteria for inclusion on the commercial landlord watch list. The commissioner may also promulgate rules specifying exemptions from the commercial landlord watch list as well as criteria for removal of a commercial landlord from the commercial landlord watch list where the commissioner's analysis of the commercial landlord's behavior has changed.

e. Upon request of the commissioner, all agencies shall cooperate with the department and furnish the department with such information, reports and assistance as the commissioner may require to implement this section.

§ 2. This local law takes effect 120 days after it becomes law, except that the commissioner shall take all actions necessary for its implementation, including the promulgation of rules, before such date.

Referred to the Committee on Small Business.

Int. No. 1806

By Council Member Koo.

A Local Law to amend the administrative code of the city of New York, in relation to reporting on automated decision systems used by city agencies

Be it enacted by the Council as follows:

Section 1. Subchapter 1 of chapter 1 of title 3 of the administrative code of the city of New York is amended by adding a new section 3-119.3 to read as follows:

§ 3-119.3 *Annual reporting on automated decision systems.* a. *For purposes of this section, the term “automated decision system” means a computerized implementation of one or more algorithms, including those derived from machine learning or other data processing or artificial intelligence techniques, which is used to make or assist in making decisions. Such an automated decision system includes, but is not limited to: analytics data processing, predictive forecasting or modeling tools, simulation tools, alert tools, identification tools, fraud or anomaly detection tools, data aggregation tools, and assessment tools.*

b. *Each agency shall report to the mayor’s office of operations, no later than May 31 of every year, the following information regarding every automated decision system the agency has used at least once during the prior calendar year:*

1. *A name or brief descriptor of such system;*
2. *What such system is intended to measure or reveal;*
3. *A description of how the information received from such system is used, including any decisions that may be made using information received from such system;*
4. *The name of the entity, such as an agency, vendor or other entity, as applicable, that developed such system; and*
5. *The month and year in which such system began to be used.*

c. *The mayor’s office of operations shall compile the information received pursuant to subdivision b of this section and report it to the mayor and the speaker of the council, disaggregated by agency, no later than June 30 of every year.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Technology.

Int. No. 1807

By Council Member Koslowitz.

A Local Law to amend the administrative code of the city of New York, in relation to requiring dogs to be restrained in public places

Be it enacted by the Council as follows:

Section 1. Section 17-806 of the administrative code of the city of New York, as amended by local law number 59 for the year 2011, is amended to read as follows:

§ 17-806 *Violations.* Any person found to be in violation of subdivision (b), (c) or (d) of section 17-804, section 17-8014, [or] section 17-815 *or section 17-816* of this chapter or any of the rules promulgated thereunder shall be liable for a civil penalty of five hundred dollars for each violation. A proceeding to recover any civil penalty authorized pursuant to the provisions of this section shall be commenced by the service of a notice of violation which shall be returnable to the administrative tribunal authorized to adjudicate violations of the health code or the administrative code.

§ 2. Chapter 8 of title 17 of the administrative code of the city of New York is amended by adding a new section 17-816 to read as follows:

§ 17-816 Restraint of dogs required. Notwithstanding any inconsistent provision of law or rule, no person owning, possessing or controlling any dog shall allow such dog to be in any public place or in any open or unfenced area abutting a public place unless:

- a. Such dog is leashed or restrained; or*
- b. Such dog is within an area designated as a dog run by the department of parks and recreation.*

§ 3. Chapter 1 of title 18 of the administrative code of the city of New York is amended by adding a new section 18-156 to read as follows:

§ 18-156 Restraint of dogs. The department shall post signs at the entrance ways of each area where, prior to the effective date of this section, dogs were permitted to be unrestrained during certain hours pursuant to paragraph (3) of subdivision (i) of section 1-04 of title 56 of the rules of the city of New York. Such signs shall state that dogs must be leashed or restrained in such areas pursuant to section 17-816, and the penalty for violations pursuant to section 17-806.

§ 4. a. Definitions. As used in this section, the term “dog run” means a fenced area of a park in which dogs are permitted to remain unleashed.

b. Report. No later than 90 days after the effective date of this local law, the commissioner of parks and recreation shall submit to the speaker of the council a report on dog runs. Such report shall include, but need not be limited to, the following information:

1. The total number of dog runs under the jurisdiction of the department, and each such dog run’s location;
2. The total number of off-leash areas under the jurisdiction of the department, and each such area’s location; and
3. A list of areas under the jurisdiction of the department which could be made suitable for use as a dog run.

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

Referred to the Committee on Health.

Int. No. 1808

By Council Members Levine, Eugene and Ayala.

A Local Law in relation to examining the causes and conditions surrounding HIV/AIDS-related deaths in New York City

Be it enacted by the Council as follows:

Section 1. The department of health and mental hygiene shall conduct a study of all HIV/AIDS-related deaths in the city between 2017 and 2019 to assess, where applicable, the causes and circumstances that lead to each death. The department shall submit a report to the speaker of the council no later than December 31, 2020, outlining the findings of such study.

§ 2. This local law takes effect 60 days after it becomes law, and is deemed repealed after the submission of the report required pursuant to this local law.

Referred to the Committee on Health.

Int. No. 1809

By Council Members Levine and Kallos

A Local Law to amend the administrative code of the city of New York, in relation to requiring landlords to obtain and provide tenants with the previous six years of rental history

Be it enacted by the Council as follows:

Section 1. Subdivision g of section 27-2005 of the administrative code of the city of New York, as added by local law number 113 for the year 2019, is amended to read as follows:

g. The owner of a multiple dwelling shall obtain for each dwelling unit, where available, *a minimum of the previous [four] six years of rent amounts from the New York state division of housing and community renewal, and provide such rent amounts to the current tenant of such dwelling unit.*

§ 2. This local law takes effect on the same date that local law number 113 for the year 2019 takes effect.

Referred to the Committee on Housing and Buildings.

Res. No. 1173

Resolution in support of the amicus brief submitted by the District of Columbia and the States of California, Colorado, Connecticut, Delaware, Hawaii, Illinois, Maine, Maryland, Massachusetts, Michigan, Minnesota, Nevada, New Jersey, New York, Oregon, Pennsylvania, Rhode Island, Vermont, Virginia, and Washington, calling on the U.S. Court of Appeals for the D.C. Circuit to maintain the availability of asylum-related protections for individuals and families with a well-founded fear of persecution due to domestic or gang-related violence.

By Council Member Menchaca

Whereas, In 2014, the Board of Immigration Appeals (“BIA”) determined, in *Matter of A-R-C-G-*, that domestic violence survivors may qualify for asylum in the United States (U.S.); and

Whereas, The BIA found that women who experience persecution by their husbands, and are unable to leave their marriage, and do not receive assistance from law enforcement constitute a “particular social group;” and

Whereas, Belonging to a particular social group is one of several factors to be considered when the Executive Office of Immigration Review makes a determination on an asylum claim; and

Whereas, In June 2018, former U.S. Attorney General Sessions overturned a decision to grant asylum in *Matter of A-B-*, arguing that victims of domestic violence do not belong to a particular social group, but are instead victims of “private criminal activity” and thus should not be granted asylum; and

Whereas, This 2018 determination had sweeping implications for all future asylum claims for individuals who have experienced domestic violence and for victims of gang violence; and

Whereas, The U.S. Citizenship and Immigration Services (“USCIS”) published a policy memorandum in July 2018, entitled “Guidance for Processing Reasonable Fear, Credible Fear, Asylum, and Refugee Claims in Accordance with *Matter of A-B-*,” directing near-blanket denials of domestic violence and gang-based persecution asylum claims, effectively heightening the standards for all pending and future asylum claims; and

Whereas, The Center for Gender and Refugee Studies (“CGRS”) and the American Civil Liberties Union (“ACLU”) filed suit shortly thereafter in *Grace v. Whitaker*, arguing that these policies contradicted historical precedent in asylum case law and undermined the fundamental human rights of women; and

Whereas, In December 2018, the U.S. District Court for the District of Columbia found that there was “no legal basis for an effective categorical ban on domestic violence and gang-related claims,” finding that individuals making domestic or gang violence claims deserve a fair opportunity to apply and be considered for asylum; and

Whereas, The U.S. District Court additionally issued a decision vacating the government’s policies promulgated by the Attorney General in *Matter of A-B-* and subsequent guidance issued by the USCIS regarding credible fear claims relating to domestic violence or gang violence; and

Whereas, The federal government has appealed this decision, and requested a stay of its execution pending appeal, in an effort to continue to apply its asylum policies; and

Whereas, In January 2019, the U.S. District Court for the District of Columbia granted a permanent injunction on those policies while *Grace v. Barr* is litigated; and

Whereas, In August 2019, 20 states and the District of Columbia, including the State of New York, filed a brief as *amicus curiae* calling for the U.S. Court of Appeals for the D.C. Circuit, currently considering *Grace v. Barr*, to affirm the lower court's determination and maintain the existing standards for the asylum claims of victims of domestic and gang violence; and

Whereas, In 2016, 30 percent of all asylum grantees in the U.S. hailed from Guatemala, El Salvador, and Honduras, where domestic and gang-related violence remain pervasive and laws against such violence often go unenforced; and

Whereas, New York is one of 20 states that together are home to the majority of the U.S.'s asylum grantees, and thus has an interest in ensuring that the asylum system continues to provide relief for individuals who have been victims of domestic or gang-based violence; and

Whereas, Foreign-born New Yorkers, including asylum grantees, play a vital role in our City's economy, contributing an estimated \$195 billion to the City's Gross Domestic Product ("GDP") in 2017 alone, and paying an estimated \$8 billion in City and State personal income taxes and approximately \$2 billion in City property taxes ever year; and

Whereas, Restricting humanitarian relief on the basis of domestic or gang-violence for asylum applicants is antithetical to the local laws the City enforces to protect residents from such violence, regardless of immigration status; now, therefore, be it

Resolved, That the Council of the City of New York supports the amicus brief submitted by the District of Columbia and the States of California, Colorado, Connecticut, Delaware, Hawaii, Illinois, Maine, Maryland, Massachusetts, Michigan, Minnesota, Nevada, New Jersey, New York, Oregon, Pennsylvania, Rhode Island, Vermont, Virginia, and Washington, calling on the U.S. Court of Appeals for the D.C. Circuit to maintain the availability of asylum-related protections for individuals and families with a well-founded fear of persecution due to domestic or gang-related violence.

Referred to the Committee on Immigration.

Int. No. 1810

By Council Members Miller, Louis and Ayala (by request of the Mayor).

A Local Law to amend the administrative code of the city of New York, in relation to health insurance coverage for surviving family members of certain deceased employees of the department of transportation

Be it enacted by the Council as follows:

Section 1. Subparagraph (i) of paragraph 2 of subdivision b of section 12-126 of the administrative code of the city of New York, as amended by local law number 122 for the year 2018, is amended to read as follows:

(i)Where the death of a member of the uniformed forces of the police or fire departments is or was the natural and proximate result of an accident or injury sustained while in the performance of duty, the surviving spouse or domestic partner, until he or she dies, and the children under the age of nineteen years and any such child who is enrolled on a full-time basis in a program of undergraduate study in an accredited degree-granting institution of higher education until such child completes his or her educational program or reaches the age of twenty-six years, whichever comes first, shall be afforded the right to health insurance coverage, and health insurance coverage which is predicated on the insured's enrollment in the hospital and medical program for the aged and disabled under the social security act, as is provided for city employees, city retirees and their dependents as set forth in paragraph one of this subdivision. Where the death of a uniformed member of the correction or sanitation departments has occurred while such employee was in active service as the natural and proximate result of an accident or injury sustained while in the performance of duty, the surviving spouse or domestic partner, until he or she dies, and the child of such employee who is under the age of nineteen years

and any such child who is enrolled on a full-time basis in a program of undergraduate study in an accredited degree-granting institution of higher education until such child completes his or her educational program or reaches the age of twenty-six years, whichever comes first, shall be afforded the right to health insurance coverage, and health insurance coverage which is predicated on the insured's enrollment in the hospital and medical program for the aged and disabled under the social security act, as is provided for city employees, city retirees and their dependents as set forth in paragraph one of this subdivision. Where the death of an employee of the fire department of the city of New York who was serving in a title whose duties are those of an emergency medical technician or advanced emergency medical technician (as those terms are defined in section three thousand one of the public health law), or whose duties required the direct supervision of employees whose duties are those of an emergency medical technician or advanced emergency medical technician (as those terms are defined in section three thousand one of the public health law) is or was the natural and proximate result of an accident or injury sustained while in the performance of duty on or after September eleventh, two thousand one, the surviving spouse or domestic partner, until he or she dies, and the children under the age of nineteen years and any such child who is enrolled on a full-time basis in a program of undergraduate study in an accredited degree-granting institution of higher education until such child completes his or her educational program or reaches the age of twenty-six years, whichever comes first, shall be afforded the right to health insurance coverage, and health insurance coverage which is predicated on the insured's enrollment in the hospital and medical program for the aged and disabled under the social security act, as is provided for city employees, city retirees and their dependents as set forth in paragraph one of this subdivision.

The mayor may, in his or her discretion, authorize the provision of such health insurance coverage for the surviving spouses, domestic partners and children of employees of the fleet services division of the police department who died on or after October first, nineteen hundred ninety-eight and before April thirtieth, nineteen hundred ninety-nine; the surviving spouses, domestic partners and children of employees of the roadway repair and maintenance division or the bridges division of the department of transportation who died on or after September first, two thousand five and before September twenty-eighth, two thousand five, or on or after April 3, 2018 and before April 5, 2018, *or on or after October 21, 2019 and before October 23, 2019*; the surviving spouses, domestic partners and children of employees of the bureau of wastewater treatment of the department of environmental protection who died on or after January eighth, two thousand nine and before January tenth, two thousand nine or the surviving spouses, domestic partners and children of employees of the bureau of water supply of such agency who died on or after February second, two thousand fourteen and before February fourth, two thousand fourteen; the surviving spouses, domestic partners and children of employees of the traffic enforcement district of the transportation bureau of the police department who died on or after November first, two thousand thirteen and before December first, two thousand thirteen; and the surviving spouses, domestic partners and children of employees of the sanitation enforcement division of the department of sanitation who died on or after July twenty-eighth, two thousand fifteen and before July thirtieth, two thousand fifteen as a natural and proximate result of an accident or injury sustained while in the performance of duty, subject to the same terms, conditions and limitations set forth in the section. Provided, however, and notwithstanding any other provision of law to the contrary, and solely for the purposes of this subparagraph, a member otherwise covered by this subparagraph shall be deemed to have died as the natural and proximate result of an accident or injury sustained while in the performance of duty upon which his or her membership is based, provided that such member was in active service upon which his or her membership is based at the time that such member was ordered to active duty pursuant to Title 10 of the United States Code, with the armed forces of the United States or to service in the uniformed services pursuant to Chapter 43 of Title 38 of the United States Code, and such member died while on active duty or service in the uniformed services on or after June fourteenth, two thousand five while serving on such active military duty or in the uniformed services.

§ 2. This local law takes effect immediately and shall be retroactive to and deemed to have been in full force and effect on and after October 22, 2019.

Referred to the Committee on Civil Service and Labor.

Int. No. 1811

By Council Member Powers and the Speaker (Council Member Johnson).

A Local Law to amend the administrative code of the city of New York, in relation to the creation of a theatre district safety zone

Be it enacted by the Council as follows:

Section 1. Title 19 of the administrative code of the city of New York is amended to add a new section 19-157.1 to read as follows:

§ 19-157.1 *Theatre district safety zone. a. Definition. For the purposes of this section, the following terms have the following meanings:*

42nd Street general project plan area. The term “42nd Street general project plan area” means the area extended from the southeast corner of Eighth Avenue and 43rd Street eastward along 43rd Street, across Seventh Avenue and Broadway to a point approximately 194 feet east of Broadway; then south to 42nd Street to a point approximately 138 feet east of Broadway; then west to Broadway; then south along the east side of Broadway to 41st Street; then west across Broadway and Seventh Avenue to a point approximately 400 feet west of Seventh Avenue; then south to 40th Street; then west to Eighth Avenue; then north along the east side of Eighth Avenue back to the southeast corner of 43rd Street and Eighth Avenue.

Designated activities. The term “designated activities” means commercial activities, entertainment or performances by individuals or groups, posing for or taking photographs or videos, and vending expressive matter, where any form of compensation, donation, or gratuity is requested or accepted. Persons who engage in designated activities shall be deemed to be engaged in such activities for the entirety of their interactions with each member of the public for the purpose of offering the above referenced goods, services, or entertainment, such as offering to pose for or take photographs or video.

Designated activity zone. The term “designated activity zone” means an area designated as such by the department by signage and/or markings in which individuals conduct designated activities.

Pedestrian flow zones. The term “pedestrian flow zone” means an area of the sidewalk on a block that shall not be used for any purpose other than the safe and continuous movement of pedestrian traffic.

Pedestrian safety zone. The term “pedestrian safety zone” means an area designated as such by the department by signage and/or markings for the safe and continuous movement of pedestrian traffic.

Theatre District safety zone. The term “Theatre District safety zone” means the pedestrian safety zone comprised of the Theatre Subdistrict Core and the 42nd Street general project plan area.

Theatre Subdistrict Core. The term “Theatre Subdistrict Core” means the area bounded by West 50th Street, a line 200 feet west of Avenue of the Americas, West 43rd Street, and a line 100 feet west of Eighth Avenue.

b. Pedestrian flow zones. Within the Theatre District safety zone, the department shall establish pedestrian flow zones that are sufficient to accommodate the demand for pedestrian space on sidewalks on Broadway, Seventh Avenue, and on all blocks with three or more theatres with a capacity of over 500 individuals.

c. Designated activities. 1. The department may establish additional designated activity zones to adequately accommodate demand for designated activities on sidewalks in the Theatre District safety zone; provided, however, that there shall be no more than one designated activity zone within 100 feet of a pedestrian flow zone. Any such zones established following the enactment of this local law shall abut the curb line and be no more than three feet in width.

2. The department shall consider pedestrian and vehicle traffic when determining whether to renew on-street sight-seeing bus stops located in the Theatre District safety zone; provided, however, no on-street sight-seeing bus stop shall be located adjacent to a pedestrian flow zone.

d. Street closures. The department shall review the number of street closures for commercial purposes on streets and avenues within and 200 feet adjacent to the Theater District safety zone annually. If department determines that such closures negatively impact pedestrian traffic and congestion, the city may take any actions necessary to alleviate such traffic and congestion, including, but not limited to, limiting the number of such closures.

e. Rules. The department may also establish additional rules to address public safety concerns in the Theatre District safety zone, including but not limited to rules prohibiting designated activity vendors from intentionally touching another person without that person's consent, or intentionally blocking or interfering with the safe or free passage of a person by any means, in the course of engaging in any aspect of designated activities within a designated activity zone or within 50 feet of a designated activity zone in the Theatre District safety zone.

§ 2. There is hereby established an interagency working group to ensure communication and coordination on issues related to designated activities conducted in the Theatre District safety zone. Such working group shall include:

1. the commissioner of transportation, or their designee, who shall serve as chair;
2. the commissioner of small business services, or their designee;
3. the commissioner of consumer affairs, or their designee;
4. the police commissioner, or their designee;
5. a representative of the times square district management association or successor entity;
6. an organization representing individuals engaged in designated activities, appointed by the speaker of the council;
7. the city council members representing the Theatre District safety zone, or their designees;
8. the Manhattan borough president, or their designee; and
9. a representative each from Manhattan community board 4 and Manhattan community board 5.

Such working group shall meet at least quarterly to discuss issues relating to or impacting commercial activity, pedestrian flow, regulatory matters, public safety, workforce development opportunities, and any other issues deemed relevant by the working group. The working group shall also develop and distribution of education materials regarding designated activity in the Theatre District safety zones. All such educational materials shall be distributed in English, Spanish, and any other languages the department of transportation deems necessary in order to communicate to individuals engaged in designated activities. At least bi-annually, such working group shall hold a meeting that is open to all individuals engaged in designated activities.

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

Referred to the Committee on Transportation.

Int. No. 1812

By Council Members Rivera, Rodriguez and Kallos.

A Local Law to amend the New York city charter and the administrative code of the city of New York, in relation to establishing an office of active transportation and an active transportation advisory board

Be it enacted by the Council as follows:

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

§ 20-h. *Office of active transportation. a. Definitions. For the purposes of this section the following terms have the following meanings:*

Advisory board. The term "advisory board" means the active transportation advisory board.

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

Director. The term "director" means the director of active transportation.

Office. The term "office" means the office of active transportation.

b. The mayor shall establish an office of active transportation. Such office may be established within any office of the mayor or as a separate office or within any agency that does not conduct enforcement against

active transportation. Such office shall be headed by a director of active transportation, who shall be appointed by the mayor or, if the office is established within an agency other than the office of the mayor, by the head of such agency, or if the mayor has established an office of pedestrians, the director of such office shall be the director of active transportation.

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

1. Serve as a liaison to active transportation users in relation to policies and procedures affecting active transportation in the city and, in such capacity, shall:

(a) Conduct outreach to active transportation users and provide information and assistance to such users in relation to existing city policies and procedures for responding to complaints, violations and other enforcement actions, and assist in the resolution of conditions that lead to enforcement actions;

(b) Serve as a point of contact for active transportation users and ensure adequate access to the office for users of active transportation;

(c) Work with other city agencies to grow and improve cycling and other methods of active transportation by coordinating infrastructure and policy initiatives;

(d) Work with other city agencies to develop educational materials and programs about using active transportation, observing rules and best practices; and

(e) Work with other city agencies to refer active transportation users to city services that exist to help them apply for relevant licenses, permits or approvals from city agencies;

2. Advise and assist the mayor and the heads of city agencies that have powers and duties relating to the use of active transportation, including, but not limited to, the department of transportation, the police department, the fire department, the department of consumer affairs, the department of city planning, the department of parks and recreation, department of small business services, department of sanitation, economic development corporation, the office for media and entertainment and the department of buildings, on issues relating to active transportation;

3. Develop a plan, in conjunction with the other city agencies and the office of management and budget, on future capital planning for active transportation infrastructure;

4. Review information obtained from 311 or city agencies on complaints regarding and violations issued to active transportation users and develop recommendations to address recurring problems or trends, in consultation with industry representatives, advocates, city agencies, community boards and residents;

5. Serve as an intermediary between active transportation users, local residents and city agencies, including law enforcement agencies, to pursue, through policy recommendations, long-term solutions to issues related to active transportation;

6. Review and convey to the office of labor standards information about workforce conditions for businesses that utilize active transportation and, upon request, assist such office in developing recommendations to address common issues or trends related to such conditions;

7. Promote a robust active transportation community to further the city's interests in health, environmental sustainability and efficiency of transportation, while accounting for the best interests of the city and its residents; and

8. Perform such other relevant duties as the mayor may assign.

d. Report. Within 18 months of the effective date of the local law that added this section, and annually thereafter, the director shall prepare and submit to the mayor, the speaker of the council and, if the office is established within an agency other than the office of the mayor, the head of such agency and post on its website, a report that shall include, but need not be limited to, the activities of the office, information received by the office and any recommendations for legislation or policy developed by the director pursuant to this section or section 19-199.1 of the administrative code.

e. Active transportation advisory board. 1. There shall be an active transportation advisory board to advise the mayor and the council on issues relating to active transportation. The advisory board shall identify and study common issues and trends relating to active transportation and shall make recommendations, as appropriate, to the mayor and the council on ways to improve laws and policies that affect active transportation users. The advisory board shall examine the following:

(a) The regulatory structure affecting active transportation users;

(b) Common complaints regarding active transportation users;

(c) Public safety concerns related to active transportation users;

- (d) The enforcement of active transportation-related laws and rules;*
- (e) Zoning and other community development concerns related to active transportation;*
- (f) Equitable access to active transportation resources and integration of active transportation into the city's various neighborhoods;*
- (g) Active transportation users' workforce conditions, including but not limited to, wages and workforce safety, where such work duties make the use of active transportation a requirement or practical necessity;*
- (h) The availability and responsiveness of the office of active transportation to the concerns of active transportation users;*
- (i) The efficacy of bicycle share programs and complaints related to such programs; and*
- (j) Any other issues the active transportation advisory board finds are relevant.*

2. The advisory board shall consist of 12 members, of whom eight members shall be appointed by the speaker of the council and four by the mayor. Such board shall provide reasonable notice of its meetings to the director, who may attend such meetings and may coordinate the attendance of relevant agency heads or their designees.

3. All members shall serve for a term of two years and may be removed by the appointing official for cause. Upon appointment of all the members, the advisory board shall elect a chair from its membership by a majority vote of such advisory board. Any vacancy on the advisory board shall be filled in the same manner as the original appointment.

4. The advisory board shall keep a record of its deliberations and determine its own rules of procedure, which shall include a procedure or mechanism by which members of the public may make submissions to the board. The first meeting of the advisory board shall be convened within 120 days after the effective date of the local law that added this section.

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

6. Within 18 months of the effective date of the local law that added this section, the advisory board shall submit recommendations to the mayor, the speaker of the council and the director. After such date, the advisory board may submit additional recommendations to the mayor, the speaker of the council and the director as appropriate.

g. Nothing in this section shall be construed to limit the powers of any other agency pursuant to any other law or to limit, bind or affect the decision of any agency or officer pursuant to any process required pursuant to the charter or any other law.

§ 2. Within 1 year after the effective date of this local law, the director of active transportation, established pursuant to section 20-h of the New York city charter, as added by section one of this local law, shall hold at least one public hearing in each borough and shall notify members of the active transportation advisory board of such hearing, at which public comments and testimony shall be received. A summary of such comments and testimony shall be included in such director's first report to the mayor and the speaker of the council pursuant to subdivision d of section 20-h of the New York city charter.

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

Referred to the Committee on Transportation.

Int. No. 1813

By Council Members Rodriguez, Rivera and Kallos.

A Local Law to amend the New York city charter, in relation to establishing an office of pedestrians

Be it enacted by the Council as follows:

Section 1. Chapter 1 of the New York city charter is amended by added a new section 20-h to read as follows:

§ 20-h. *Office of pedestrians.* a. *The mayor shall establish an office of pedestrians. Such office may be established within any office of the mayor or as a separate office or within any agency that does not conduct enforcement against pedestrians.*

b. *Director.* 1. *Such office shall be headed by a director who shall be appointed by the mayor or, if the office is established within an agency other than the office of the mayor, by the head of such agency.*

2. *Notwithstanding paragraph 1 of this subdivision, if the mayor has established an office of active transportation, the director of such office shall be the director of the office established by this section.*

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

1. *Advise and assist the mayor and the heads of city agencies that have powers and duties relating to pedestrian safety, including, but not limited to, the department of transportation, the police department, the department of city planning, the department of parks and recreation and the department of buildings;*

2. *Review information obtained from 311 or city agencies on complaints relating to pedestrian safety and develop recommendations to address recurring problems or trends in consultation with advocates, city agencies, community boards, industry representatives and other relevant stakeholders;*

3. *Serve as an intermediary between pedestrians and city agencies to pursue, through policy recommendations, long-term solutions to issues related to pedestrian safety;*

4. *Promote a robust pedestrian community to further the city's interest in health and environmental sustainability while also accounting for the best interests of the city and its residents; and*

5. *Perform other relevant duties as the mayor may assign.*

d. *Report.* *Within 18 months of the effective date of the local law that added this section and annually thereafter, the director shall prepare and submit a report to the mayor, the speaker of the council and, if the office is established within an agency other than the office of the mayor, the head of such agency. The report shall include, but not be limited to, the activities of the office and any recommendations for legislation or policy developed by the director.*

e. *Nothing in this section shall be construed to limit the powers of any other agency pursuant to any other law or to limit, bind or affect the decision of any agency or officer pursuant to any process required pursuant to the charter or any other law.*

§ 2. *This local law takes effect 120 days after it becomes law, provided that the mayor and any affected city agency may take all actions necessary for its implementation, including the promulgation of rules, before such effective date.*

Referred to the Committee on Transportation.

Int. No. 1814

By Council Members Van Bramer and Kallos.

A Local Law to amend the New York city charter, in relation to the selection of outdoor works of art for the percent for art program

Be it enacted by the Council as follows:

Section 1. Subdivision b of section 224 of the New York city charter, as amended by local law number 22 for the year 2017, is amended to read as follows:

b. *Works of art shall be provided for each capital project which involves the construction or the substantial reconstruction of a city-owned public building or structure the intended use of which requires that it be accessible to the public generally or to members of the public participating in, requiring or receiving programs, services or benefits provided thereat. Beginning in fiscal year 2021, at least 50 percent of such works chosen during each fiscal year shall be installed in publicly accessible outdoor locations on the city property where such capital projects are being performed, whether surrounding, adjacent to, near, above, on or within such city-owned public building or structure being constructed or substantially reconstructed.*

§ 2. Paragraph 1 of subdivision f of section 224 of the New York city charter, as added by local law number 21 for the year 2017, is amended to read as follows:

1. Such information *shall be able to be sorted or filtered by fiscal year and* shall include but not be limited to the name of the work of art; name of the artist; capital project completion date, *including month and year*; medium and dimensions of the work of art; location of the work of art, including *its precise location within the building or structure, whether it is located indoors or outdoors*, its council district and its borough; sponsor agency; and design agency.

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

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

Preconsidered L.U. No. 582

By Council Member Dromm:

HCCI 2, Block 1718, Lot 69; Block 1903, Lot 29; Block 1904, Lots 33 and 59; Block 1906, Lot 64; Block 2026, Lots 20, 22, 23, 26, 27, and 29; Block 2031, Lot 18; Block 2032, Lot 43; Block 2036, Lot 61; Block 2045, Lots 96, 97, and 100; Block 2046, Lots 7 and 63; Manhattan, Community District No. 10, Council District No. 9.

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

Preconsidered L.U. No. 583

By Council Member Dromm:

HCCI 2 Phase II, Block 1823, Lot 18; Block 2025, Lots 44, 46, 47, and 49; Block 2031, Lots 7 and 12; Manhattan, Community District No. 10, Council District No. 9.

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

Preconsidered L.U. No. 584

By Council Member Dromm:

Jamie's Place Apartments, Block 1645, Lots 12 and 59; Block 1768, Lots 1 and 7; Block 1767, Lot 60; Manhattan, Community District No. 11, Council District No. 8 and 9.

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

Preconsidered L.U. No. 585

By Council Member Dromm:

1415-1417 Wythe Place Pillars, Block 2843, Lot 93; Bronx, Community District No. 4, Council District No. 14.

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

Preconsidered L.U. No. 586

By Council Member Dromm:

West 141st Street Cluster, Block 2009, Lot 45; Block 2010, Lot 21; Manhattan, Community District No. 10, Council District No. 9.

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

Preconsidered L.U. No. 587

By Council Member Dromm:

1045 Anderson Ave HDFC.GHPP.FY20, Block 2508, Lot 26; Bronx, Community District No. 4, Council District No. 8.

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

Preconsidered L.U. No. 588

By Council Member Dromm:

1015 Anderson Avenue HDFC.GHPP.FY20, Block 2508, Lot 41; Bronx, Community District No. 4, Council District No. 8.

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

Preconsidered L.U. No. 589

By Council Member Dromm:

Timpson HDFC.HRP.FY20, Block 2573, Lots 49 and 71; Block 2603, Lot 35; Block 2691, Lot 67; Bronx, Community Districts Nos. 1 and 2, Council District Nos. 8 and 17.

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

L.U. No. 590

By Council Member Salamanca:

Application No. 20205152 HAM (MMN1902 – LEMLE West 117th Street) submitted by the Department of Housing Preservation and Development pursuant to Article 16 of the General Municipal Law and Article XI of the Private Housing Finance Law for the approval of an Urban Development Action Area Project, the waiver of the area designation requirements, the waiver of the requirements of Section 197-c and 197-d of the Charter, and an exemption from real property taxes for property located at 138, 140, and 264 West 117th Street (Block 1901, Lots 51, 52 and 53), Borough of Manhattan, Council District 9, Community District 10.

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Sitings, and Dispositions.

L.U. No. 591

By Council Member Salamanca:

Application No. 20205036 TCQ (Dai Hachi Sushi Corporation) pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of Dai Hachi Sushi Corporation, for a revocable consent to establish maintain and operate an unenclosed sidewalk café located at 4618 Vernon Blvd., Borough of Queens, Council District 26, Community District 2. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant Section 11.20(c) of the Rules of the Council and Section 20-226 of the New York City Administrative Code.

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****Wednesday, November 27, 2019**Committee on Women and Gender Equity

Helen Rosenthal, Chairperson

Oversight - Gender Equity in NYC: Access, Resources, and Support for Transgender and Gender Non-Conforming New Yorkers

Council Chambers - City Hall.....10:00 a.m.

Monday, December 2, 2019Subcommittee on Zoning & Franchises

Francisco Moya, Chairperson

See Land Use Calendar

Committee Room – City Hall.....9:30 a.m.

Subcommittee on Landmarks, Public Siting & Maritime Uses

Adrienne Adams, Chairperson

See Land Use CalendarCommittee Room – 250 Broadway, 16th Floor.....1:00 p.m.**Tuesday, December 3, 2019**Committee on Justice System jointly with the

Rory Lancman, Chairperson

Committee on Criminal Justice

Keith Powers, Chairperson

Oversight - Implementation and Expansion of Raise the Age.**Int 1628** - By Council Members Salamanca and Ampy-Samuel - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring the administration of children's services and the department of probation to report on juvenile justice statistics.

Council Chambers – City Hall.....10:00 a.m.

Committee on Land Use

Rafael Salamanca, Jr., Chairperson

All items reported out of the Subcommittees

AND SUCH OTHER BUSINESS AS MAY BE NECESSARY

Committee Room – City Hall.....11:00 a.m.

Monday, December 9, 2019Committee on Health jointly with the

Mark Levine, Chairperson

Committee on Hospitals

Carlina Rivera, Chairperson

Oversight - The City's Efforts to Prevent and Address HIV and Hepatitis.

Council Chambers – City Hall.....10:00 a.m.

Committee on Resiliency and Waterfronts jointly with the

Justin Brannan, Chairperson

Committee on Parks and Recreation

Peter Koo, Chairperson

Oversight - Governors Island

Committee Room – 250 Broadway, 14th Floor.....10:00 a.m.

Tuesday, December 10, 2019

[Stated Council Meeting](#).....*Ceremonial Tributes – 1:00 p.m.*
.....*Agenda – 1:30 p.m.*

MEMORANDUM

Tuesday, October 19, 2019

TO: ALL COUNCIL MEMBERS

**RE: OFF-SITE HEARING BY THE COMMITTEE ON HIGHER EDUCATION AND WOMEN
AND GENDER EQUITY
OVERSIGHT – CUNY CHILD CARE CENTERS**

**The City College of New York
Shepard Hall Room 250, 2nd Floor
Shepard Hall Building
160 Convent Avenue (@ 139th street)
New York, N.Y 10031**

The off-site hearing will be held on **Wednesday, December 18, 2019 beginning at 1:00 p.m.** A van will be leaving City Hall at **11:30 a.m.**

Hon. Inez Barron, Chairperson
Committee on Higher Education

Hon. Corey Johnson
Speaker of the Council

Hon. Helen Rosenthal, Chairperson
Committee on Women and Gender Equity

During the Communication from the Speaker segment of the Meeting, the Speaker (Council Member Johnson) acknowledged a number of mass shootings that recently had taken place: the November 19th Santa Clarita, California shooting that claimed the lives of three students, the November 17th Fresno, California shooting that claimed the lives of four people, and the November 18th Duncan, Oklahoma shooting that claimed the lives of three people. On behalf of the Council, the Speaker (Council Member Johnson) offered his condolences to the families of all the victims. He once again asked for serious gun control legislation.

The Speaker (Council Member Johnson) acknowledged that November 28th marked Albanian Independence Day. He also brought news of a devastating 6.4 magnitude earthquake that had struck Albania that morning. On behalf of the Council, the Speaker (Council Member Johnson) offered his prayers and his support with those who had family in Albania. He also sent his thoughts and prayers to Council Member Gjonaj and his constituent Albanian community.

The Speaker (Council Member Johnson) acknowledged that November was Internal Pancreatic Cancer Awareness Month. He recognized those who were suffering with this devastating form of cancer.

The Speaker (Council Member Johnson) wished everyone a Happy Thanksgiving and encouraged everyone to do what they could to make someone else's Thanksgiving as warm as possible.

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 Tuesday, December 10, 2019.

MICHAEL M. McSWEENEY, City Clerk
Clerk of the Council

Editor's Local Law Note: Int. Nos. 153-B, 1590-A, 1657-A, 1742-A, 1759-A, and 1762-A, all adopted at the October 17, 2019 Stated Meeting, were returned unsigned by the Mayor on November 18, 2019. These items had become law on November 17, 2019 due to the lack of Mayoral action within the Charter-prescribed thirty day time period. These bills were assigned subsequently as Local Laws Nos. 189 to 194 of 2019, respectively,

Int. No. 1557-A, adopted by the Council at the October 30, 2019 Stated Meeting, was signed into law by the Mayor on November 19, 2019 as Local Law No. 195 of 2019.

Int. Nos. 1082-A, 1083-A, 1573-A, and 1574-A, adopted by the Council at the October 30, 2019 Stated Meeting, were signed into law by the Mayor on November 20, 2019 as Local Law Nos. 196 to 199 of 2019.

Int. Nos. 870-A, 1202-A, 1378-A, 1425-A, 1478-A, 1498-A, and 1570-A, all adopted by the Council at the October 30, 2019 Stated Meeting, were signed into law by the Mayor on November 25, 2019 as, respectively, Local Law Nos. 200 to 206 of 2019.

