

THE COUNCIL

Minutes of the Proceedings for the

STATED MEETING

of

Thursday, August 3, 2023, 2:32 p.m.

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

Council Members

Adrienne E. Adams, *The Speaker*

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

Absent: Council Members Joseph, Krishnan, Lee, Williams, and the Minority Leader (Council Member Borelli).

Parental Leave: Council Member Hudson.

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

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

There were 45 Council Members marked present at this Stated Meeting held in the Council Chambers at City Hall, New York, N.Y. (including Council Members Barron, Menin, and Moya who participated remotely).

INVOCATION

The Invocation was delivered by Reverend Derrick Shahem Johnson Sr., Founder and Pastor, The Black Liberation Church located at 91 Claremont Avenue, New York, N.Y. 10027.

To all dignitaries, elected officials, public servants,
staff, and guest, especially the youth assembled,
good afternoon.

First giving honor to God,
who is the head of my life,
I would like to invoke the aid of deity.
May the words of my mouth
and the meditation of my heart
be acceptable in your presence,
O Lord, my strength and my redeemer.
We are thankful for all of the holy sacred texts
that have withstood throughout the ages of time,
from ancient Mesopotamia to ancient Egypt;
the four major religions of the Far East;
the three major Abrahamic faiths,
and there is so much, much more.
We thank O mighty God,
the creator for all of God's worthy servants.
May peace rest upon them.
Please accept my prayer in the Christian faith.

Let us pray.

Most holy and most glorious, Lord God,
we thank you for your grace,
and we thank you for your mercy.
We thank you for sending your Christ into this world
and the person of your *Yeshua* Jesus the Christ.
And we thank you for leaving us with your holy spirit
to rest, rule, and abide with us henceforth and forevermore.
We thank you for waking us up this morning
to your marvelous light,
and we thank you for the breath of life.
We pray that everyone under the sound of my voice,
that you, O mighty God,
renew our minds with just a portion
of your infinite wisdom.
Lord, God, we pray

that we will not be just hearers of your word,
which is the logic and reasoning of you, O mighty God,
but that we will be doers of your word.
We pray that you forgive us for our sins,
and that you bless us with your power
to discern good from evil
and the discipline to be obedient
to the will that you have given us,
and to stand on truth and advocate for good.
Many of us are dealing with sickness and distress,
bereavement, mental, physical,
spiritual issues and challenges.
So, we pray that you bless us
from the crown of our heads
to the soles of our feet.
May you bless our families,
our communities,
our nation, and bless this world,
and all those who have gone before us.
Please bless our ancestors, Lord God.
We ask all of these in the name
of all your worthy servants
in the name of *Yeshua*, Jesus the Christ,
and in your most holy and glorious name,
Amen.

The Reverend Dr. Martin Luther King, Jr. once quoted,
“The church must be reminded
that it is not the master or the servant of the state,
but rather the conscience of the state.
It must be the guide and the critic of the state,
and never its tool...”

A wise man in Harlem
by the name of CJ once told me,
“There’s only two ways to do business,
good business and bad business,”
and it is my prayer today
that before O mighty God,
that you do good business
on behalf of the people.
May God bless you
and may heaven smile upon you.
Peace and blessings.

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

ADOPTION OF MINUTES

Council Member Ossé moved that the Minutes of the Stated Meeting of June 30, 2023 be adopted as printed.

LAND USE CALL-UPS

M-172

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

Pursuant to Sections 11.20(b-d) of the Council Rules and Section 197-d(b)(3) of the New York City Charter, the Council hereby resolves that the action of the City Planning Commission on Application No. C 220336 ZSX (893 Eagle Avenue Rezoning) shall be subject to Council review. This item is related to Application Nos. C 220334 ZMX and N 220335 ZRX.

Coupled on Call-up vote.

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

Affirmative – Abreu, Ariola, Avilés, Ayala, Barron, Bottcher, Brannan, Brewer, Brooks-Powers, Cabán, Carr, De La Rosa, Dinowitz, Fariás, Feliz, Gennaro, Gutiérrez, Hanif, Hanks, Holden, Kagan, Louis, Marte, Mealy, Menin, Moya, Narcisse, Nurse, Ossé, Paladino, Restler, Richardson Jordan, Riley, Rivera, Salamanca, Sanchez, Schulman, Stevens, Ung, Velázquez, Vernikov, Won, Yeger, the Majority Leader (Council Member Powers) and the Speaker (Council Member Adams) - **45**.

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

REPORTS OF THE STANDING COMMITTEES

Report of the Committee on Consumer and Worker Protection

Report for Int. No. 31-C

Report of the Committee on Consumer and Worker Protection in favor of approving and adopting, as amended, a Local Law to amend the New York city charter and the administrative code of the city of New York, in relation to granting licenses and revocable consents for sidewalk cafes and roadway cafes, to repeal subchapter 6 of chapter 2 of title 20 of such administrative code, relating to granting licenses and revocable consents for sidewalk cafes, to amend section 2 of local law number 114 for the year 2020, relating to the establishment of a permanent outdoor dining program, in relation to the commencement of such program, and to amend section 1 of local law number 77 for the year 2020, relating to establishing a temporary outdoor dining program, in relation to the expiration of such program.

The Committee on Consumer and Worker Protection, to which the annexed proposed amended local law was referred on February 10, 2022 (Minutes, page 127), respectfully

REPORTS:

I. INTRODUCTION

On August 3, 2023, the Committee on Consumer and Worker Protection, chaired by Council Member Marjorie Velázquez, held a vote on Introduction Number 31-C (Int. No. 31-C), in relation to granting licenses and revocable consents for sidewalk cafes and roadway cafes, to repeal subchapter 6 of chapter 2 of title 20 of such administrative code, relating to granting licenses and revocable consents for sidewalk cafes, to amend section 2 of local law number 114 for the year 2020, relating to the establishment of a permanent outdoor dining program, in relation to the commencement of such program, and to amend section 1 of local law number 77 for the year 2020, relating to establishing a temporary outdoor dining program, in relation to the expiration of such program. Int. No. 31-C was approved by the Committee by a vote of 7 in the affirmative and 1 in the negative.

On February 8, 2022, the Committee on Consumer and Worker Protection and the Subcommittee on Zoning and Franchises, chaired by Council Member Riley, held a hearing on an earlier version of this bill as well as Land Use 12-2022 (ULURP No. N 210434 ZRY) Open Restaurants Text Amendment, submitted by the New York City Department of Transportation and the New York City Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, removing Article I, Chapter 4 (Sidewalk Cafe Regulations) and modifying related sections, citywide. The Committee and Subcommittee heard from the Department of Transportation (DOT), the Department of Consumer and Worker Protection (DCWP), the Department of City Planning (DCP), the Brooklyn Borough President, Community Boards, Business Improvement Districts, the food service business and trade associations, worker groups, transportation and community advocates, and other interested parties.

On February 24, 2022, the Council approved the Open Restaurants Text Amendment (ULURP No. N 210434 ZRY) to lift the restrictions on the location of sidewalk cafes and facilitate the implementation of a permanent, streamlined Open Restaurants program citywide. The effects of that text amendment—permitting outdoor dining in neighborhoods once precluded from doing so—are dependent on the Council passing a bill to establish a permanent outdoor dining program.

II. BACKGROUND

Sidewalk Cafe Licenses

While the formal sidewalk cafe licensing process has been suspended by Mayoral Executive Order due to the COVID-19 emergency,¹ sidewalk cafes are typically regulated by DCWP, and are a ubiquitous part of New York City's urban landscape. Obtaining a license for such cafes typically involved a lengthy approval process that, if successful, resulted in the granting of a revocable consent to a restaurant owner. A revocable consent is the grant of a right to an individual or organization to construct and maintain certain structures on, over or under the inalienable property (streets and sidewalks) of the City.²

According to DCWP, prior to the COVID-19 pandemic, there were approximately 1,416 licensed sidewalk cafes in New York City.³ The majority of these sidewalk cafes were located in Manhattan, which had 1,004 cafes, while 412 were located in the outer boroughs.⁴ The Administrative Code defines a sidewalk cafe as a "portion of a restaurant operated under permit from the department of health and mental hygiene, located on a public sidewalk that is either an enclosed or unenclosed sidewalk cafe."⁵ There are three different types of sidewalk cafes: an enclosed sidewalk cafe, an unenclosed sidewalk cafe, and a small unenclosed sidewalk cafe.⁶ An enclosed cafe is one that "is constructed predominantly of light materials such as glass, slow-burning plastic or lightweight metal," encompassing the seating area.⁷ An unenclosed sidewalk cafe has no such containing structure, though the seating area may be surrounded by a fence, railing or planters, and may be covered by an awning.⁸ A small unenclosed sidewalk cafe consists of a single row of tables and chairs extending no farther than 4.5 feet from the side of the business.⁹

Because sidewalk cafes by their nature obstruct pedestrian traffic, they have been subject to a number of regulations, such as requiring pedestrian clearances, adequate spacing between tables, ADA compliance, and clearances from certain street fixtures.¹⁰ Sidewalk cafes are also subject to regulations intended to limit the nuisance they might present to neighboring homes and restaurants. For example, unenclosed and small unenclosed sidewalk cafes may only operate between 10:00 a.m. and midnight on Sunday, 8:00 a.m. and midnight on Monday through Thursday, and between 8:00 a.m. and 1:00 a.m. on Friday and Saturday.¹¹

Obtaining a sidewalk cafe license was a lengthy multi-step process. Prior to submitting a license application, the restaurant had to first ensure that the proposed cafe met zoning requirements and that the sidewalk proposed for use was at least 12 feet wide.¹² The restaurant also needed to possess a current New York City Department of Health and Mental Hygiene food service establishment permit prior to beginning the application process.¹³

¹ See New York City Department of Consumer and Worker Protection, "Sidewalk Café", available at: <https://www1.nyc.gov/site/dca/businesses/license-checklist-sidewalk-cafe.page> (last accessed February 1, 2022); and The City of New York Office of the Mayor, Executive Order 126 of 2020, June 18, 2020, <https://www1.nyc.gov/assets/home/downloads/pdf/executive-orders/2020/eo-126.pdf>.

² N.Y.C. Charter § 362

³ Department of Consumer Affairs "Sidewalk Café Licenses and Applications," *NYC Open Data*, available at: <https://data.cityofnewyork.us/Business/Sidewalk-Caf-Licenses-and-Applications/qcdj-rwhu/data> (last accessed March 1, 2020).

⁴ *Id.*

⁵ N.Y.C. Admin. Code §20-223.

⁶ Department of Consumer Affairs "Sidewalk Café Design and Regulations Guide," available at: <https://www1.nyc.gov/assets/dca/downloads/pdf/businesses/Sidewalk-Cafe-Design-Regulations-Guide.pdf> (last accessed September 25, 2020).

⁷ N.Y.C. Admin. Code §20-223(b).

⁸ Department of Consumer Affairs "Sidewalk Café Design and Regulations Guide," available at: <https://www1.nyc.gov/assets/dca/downloads/pdf/businesses/Sidewalk-Cafe-Design-Regulations-Guide.pdf> (last accessed September 25, 2020).

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.*

¹² Department of Consumer Affairs "License Application Checklist," available at: <https://www1.nyc.gov/assets/dca/downloads/pdf/businesses/Sidewalk-Cafe-Compliance-Checklist.pdf> and <https://www1.nyc.gov/site/dca/businesses/license-checklist-sidewalk-cafe.page> (last accessed September 25, 2020).

¹³ *Id.*

Prospective licensees had to submit numerous documents and certifications and obtain approval for a revocable consent to construct and operate a sidewalk cafe.¹⁴

There were numerous fees associated with obtaining and maintaining a sidewalk cafe license, including a two-year license fee of \$510; a revocable consent application fee of \$445; and an annual revocable consent fee for the street space being used, which varied based on the location, square footage and type of sidewalk cafe.¹⁵ Consent fees typically amounted to many thousands of dollars annually. Unenclosed and small unenclosed sidewalk cafes were also responsible for a \$310 plan review fee and a \$1,500 security deposit.¹⁶ Enclosed sidewalk cafe applicants had to submit a \$4,000 security deposit and a City Planning Fee of \$55 per seat with a minimum of \$1,360.¹⁷ Restaurants that modified their plans after submitting their license applications were subject to an additional \$175 fee for modification of the revocable consent.¹⁸ Enclosed sidewalk cafe applicants that modified their plans after submission would again pay the City Planning Fee.

A restaurant with a licensed sidewalk cafe needed to renew its license every two years and could not have any outstanding fines or consent fees prior to renewal.¹⁹ The paperwork involved in renewing a sidewalk cafe license was similar to that of the initial application process. Licensees also were required to continue to pay the annual revocable consent fees during renewal.

Within five days of receiving an application, DCWP forwarded copies of the petition for revocable consent for any enclosed sidewalk cafe to the Landmarks Preservation Commission, the Department of City Planning (DCP) and the Department of Environmental Protection (DEP) for review, each of which had 21 days to submit any objections in writing to DCWP.²⁰ If the agencies did not respond within the 21 days, they are deemed not to have any objections.²¹ DCWP also forwarded the petition for any type of sidewalk cafe, for informational purposes, to the Speaker of the City Council and the Council Member in whose district the cafe was situated, and the Community Board which corresponds to the location of the business, for comments.²² The Community Board could then hold a public hearing and issue its recommendation to DCWP.²³ The Community Board had 45 days within which to make this recommendation or waive its right to do so.²⁴ Within the next 30 days, DCWP would hold a public hearing, and then make a recommendation to the City Council for disapproval, approval or approval with modifications.²⁵ DCWP could also waive the public hearing. If DCWP did not make a determination within that time period then the petition would be considered denied.²⁶ If the City Council did not call up the petition for a vote within 20 days of the date that the Council received a recommendation from DCWP, then the petition would be considered approved.²⁷ If the City Council called up the application for a vote, it had 50 days to file its resolution with DCWP.²⁸ Once approved, DCWP forwarded the application to the Comptroller, who had 30 days to register the consent. Finally, upon approval of the revocable consent, DCWP issued the license.

¹⁴ *Id.* (a sales tax identification number or a certificate of authority application confirmation number; a sidewalk cafe compliance checklist, a form that, when completed, will “demonstrate that the proposed cafe meets City requirements;” a copy of the insurance certificate for the business’s premises naming DCA as the certificate holder; a petition for revocable consent, the permission a business must be granted by the City before using the sidewalk space; a substitute form W-9; a copy of a notification letter sent to all residents who live within 50 feet of either direction from the proposed sidewalk cafe; an original, notarized affidavit confirming the fact that the notification letter has been sent; scale drawings of the proposed sidewalk cafe; photographs of the property on which the proposed sidewalk cafe will be situated; a completed copy of the landowner’s consent to operate a sidewalk cafe; a copy of a completed zero tolerance police affirmation, which affirms the business will not attempt to engage in any form of bribery with a governmental entity; a completed child support certification form; and a completed copy of the granting authority to act affirmation, which enables someone appointed by the applicant to file the application in his or her place).

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ N.Y.C. Admin. Code §20-225(a) and (b).

²¹ N.Y.C. Admin. Code §20-225(b).

²² N.Y.C. Admin. Code §20-225(a).

²³ N.Y.C. Admin. Code §20-225(e).

²⁴ *Id.*

²⁵ N.Y.C. Admin. Code §20-225(f).

²⁶ *Id.*

²⁷ N.Y.C. Admin. Code §20-225(g).

²⁸ N.Y.C. Admin. Code §20-225(h).

The penalty for operating a sidewalk cafe without the appropriate DCWP license was a fine of \$200 to \$1,000 for the first violation and subsequent violations issued on the same day, and a fine of \$500 to \$2,000 for subsequent violations issued on separate days within two years of the first violation.²⁹ Similar fines could be issued to licensed cafes operating in violation of any Administrative Code provisions, and DCWP could seal a cafe upon repeated violations of the Code or of terms and conditions of the cafe's license or revocable consent.³⁰

For over a decade, restaurant owners have complained that the process for sidewalk cafe licenses is too lengthy and too costly. According to DCWP, from 2017 to 2019, enclosed sidewalk cafe applications took an average of 467 days from the filing of the application to approval of the license, and unenclosed sidewalk cafe applications took an average of 177 days.³¹ While each application can vary, and applicants could request up to 180 additional days to make necessary amendments,³² the average processing times appear to indicate that there were significant delays in the overall process. DCWP had some discretion to shorten the process by, for example, waiving its public hearing.

While the sidewalk cafe licensing process was costly overall, certain requirements could be unnecessarily burdensome. For example, plans for sidewalk cafes had to be drawn up by a licensed architect or engineer.³³ This requirement could result in thousands of dollars' worth of fees, while the renderings were usually fairly simple, often depicting an arrangement of tables and chairs that meet DCWP's placement and spacing requirements. Such renderings do not necessarily require the specialized knowledge of a licensed professional and can be generated by the petitioners themselves.

Pandemic-Related Changes to Sidewalk Cafe License Scheme

On March 16, 2020, then-Governor Andrew Cuomo restricted New York's cafes, bars, and restaurants to takeout and delivery service to minimize the spread of COVID-19.³⁴ This left restaurants with sidewalk cafe licenses unable to utilize their sidewalk seating and, in response, the Council enacted Local Law 54 of 2020, which required the City to waive and refund all revocable consent fees for unenclosed sidewalk cafes due between March 1, 2020 and February 28, 2021.³⁵ Enclosed sidewalk cafe consent fees were waived for the duration of the Mayor's Emergency Executive Order No. 105.³⁶ The Open Restaurants program, which is discussed in detail below, temporarily replaced the sidewalk cafe licensing system for the duration of the COVID-19 emergency. In anticipation of the conclusion of the temporary program, however, the Council passed two bills last year that streamlined the cafe licensing system to make the process easier for restaurants applying for a license. The Council enacted Local Law 39 of 2022, which enabled DCWP to issue temporary operating licenses to applicants for a sidewalk cafe license if the plans for the new sidewalk cafe are identical to the plans for a previously operating sidewalk cafe at the same location.³⁷ Accordingly, someone opening a restaurant in a location where a previous restaurant had a sidewalk cafe license could reapply for the license while still temporarily operating a sidewalk cafe. The Council also enacted Local Law 41 of 2022, which enabled applicants

²⁹ N.Y.C. Admin. Code § 20-227.1(a).

³⁰ N.Y.C. Admin. Code § 20-227.1.

³¹ Correspondence from the Department of Consumer Affairs, "Overview: Sidewalk Cafe Application Processing Time," Received by the City Council on June 12, 2019.

³² N.Y.C. Admin. Code §§ 20-225(f) and 20-226(c)

³³ Department of Consumer Affairs "License Application Checklist," available at: <https://www1.nyc.gov/assets/dca/downloads/pdf/businesses/Sidewalk-Cafe-Compliance-Checklist.pdf> and <https://www1.nyc.gov/site/dca/businesses/license-checklist-sidewalk-cafe.page> (last accessed September 25, 2020).

³⁴ Ryan Sutton, "Cuomo announces Tri-State restaurant and bar shutdown starting Monday night," EATER New York, March 16, 2020, available at: <https://ny.eater.com/2020/3/15/21180713/restaurant-bar-shutdown-nyc-coronavirus>

³⁵ Local Law 54 of 2020, NYC Council, available at: <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=4424936&GUID=D9778009-7325-432C-94D4-5B06C8BCC869&Options=Advanced&Search=>

³⁶ Emergency Executive Order No. 105, available at: https://a860-gpp.nyc.gov/concern/parent/cj82k902x/file_sets/dj52w6290

³⁷ Local Law 39 of 2022, NYC Council available at: <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=4648097&GUID=9FEC6412-7C1B-436A-B011-6F7AA5077475&Options=&Search=>

to self-prepare drawing plans of the proposed layouts of the sidewalk cafe, instead of being required to pay a licensed architect or engineer.³⁸

Open Restaurants Program

After nearly three months of restaurant operations restricted to takeout and delivery, in June 2020 the City established a temporary Open Restaurants program to expand outdoor seating options for food service establishments citywide during COVID-19. Two separate programs managed by DOT enabled temporary outdoor dining as New Yorkers experienced it during the pandemic: “Open Restaurants” and “Open Streets Full Closure.”³⁹ Open Restaurants allowed individual food establishments to utilize the sidewalk or curb lane adjacent to their business for outdoor seating. As part of this program, food service establishments could apply and self-certify that they met program requirements to utilize these spaces, and they were not required to pay revocable consent fees to the City.⁴⁰ The Open Streets Full Closure program allowed community-based organizations or groups of three or more restaurants on a single block to apply for a street to be closed to traffic, so that they could accommodate outdoor dining on the closed street.⁴¹ These programs bypassed the bureaucratic layers of the sidewalk cafe process and, because they applied to all applicable sidewalks, unaffected by zoning restrictions, far more restaurants could participate.

As of July 24, 2023, there are 13,144 Open Restaurants.⁴² Of these restaurants, 1,392 have only roadway seating, 4,831 have only sidewalk seating, and 6,560 have both roadway and sidewalk seating.⁴³ In addition, 361 exist on Open Streets.⁴⁴ Establishments participating in the Open Restaurants program exist throughout the five boroughs. As of July 24, 2023, there are:

- 698 Open Restaurants in the Bronx, of which 34 have roadway-only seating, 328 have sidewalk-only seating, 324 have both roadway and sidewalk seating, and 12 exist on Open Streets;
- 3,235 in Brooklyn, of which 339 have roadway-only seating, 1,200 have sidewalk-only seating, 1,600 have both roadway and sidewalk seating, and 96 exist on Open Streets;
- 6,502 in Manhattan, of which 802 have roadway-only seating, 2,200 have sidewalk-only seating, 3,300 have both roadway and sidewalk seating, and 200 exist on Open Streets;
- 2,527 in Queens, of which 205 have roadway-only seating, 973 have sidewalk-only seating, 1,300 have both roadway and sidewalk seating, and 49 exist on Open Streets; and
- 190 in Staten Island, of which 12 have roadway-only seating, 93 have sidewalk-only seating, 81 have both roadway and sidewalk seating, and four exist on Open Streets.⁴⁵

These figures are further illustrated below:

³⁸ Local Law 41 of 2022, NYC Council, available at: <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=4649786&GUID=48518878-D265-4108-A1AB-7DA7130EF13A&Options=&Search=>

³⁹ Department of Transportation “Open Restaurants”, available at: <https://www1.nyc.gov/html/dot/html/pedestrians/openrestaurants.shtml> (last accessed August 2, 2023).

⁴⁰ *Id.*

⁴¹ *Id.*

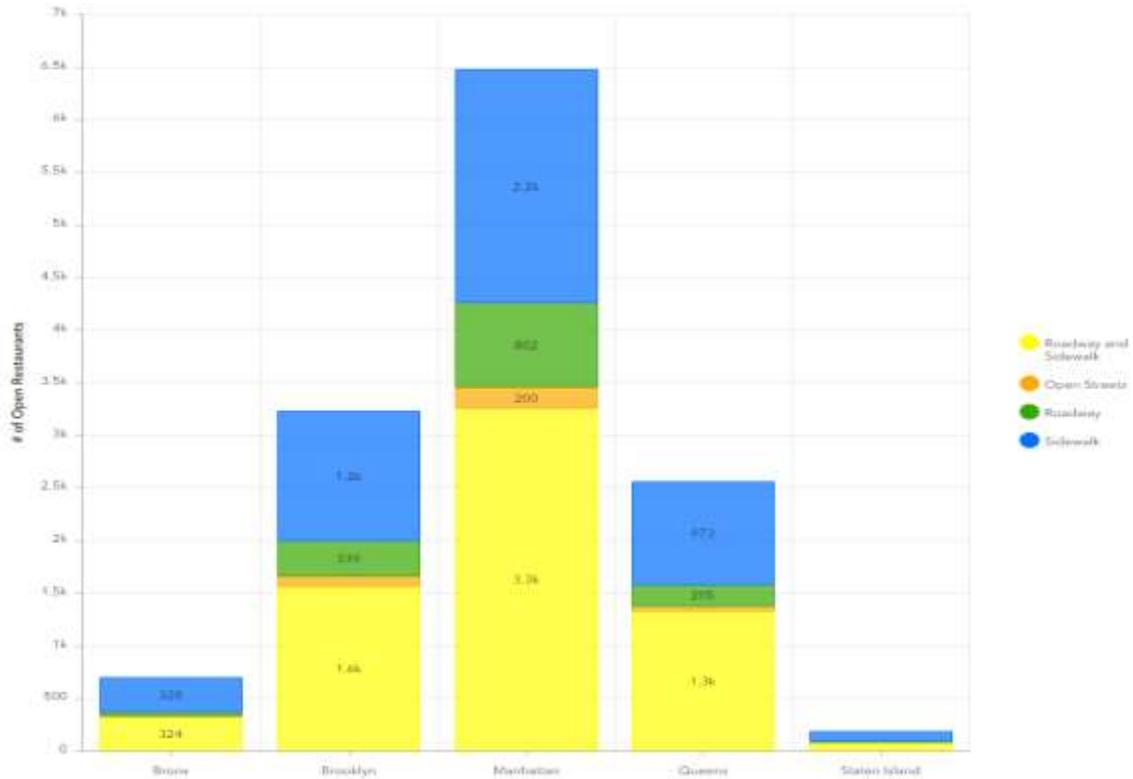
⁴² New York City Department of Transportation “NYC Open Restaurants Portal,” available at: <https://experience.arcgis.com/experience/ba953db7d541423a8e67ae1cf52bc698> (last accessed July 25, 2023).

⁴³ *Id.*

⁴⁴ *Id.*

⁴⁵ *Id.*

Open Restaurants by Seating Type July 25, 2023⁴⁶



To ensure safety and accessibility, restaurants participating in Open Restaurants were required by DOT to meet a number of criteria for sidewalk or roadway seating. The siting requirements are detailed and aim to safely facilitate the program while ensuring that the dining setups did not overly encroach on sidewalks or other important amenities (such as bus stops, fire hydrants or trees).

Broadly, the requirements cover:

- **Outdoor dining structure and furniture placement** – structures cannot be bolted to the roadway or building and cannot be taller than the storefront. Additionally, the seating must leave at least eight feet clear for pedestrians and be at least three feet from adjacent businesses. Furniture must also not inhibit trees in the area.⁴⁷
- **Heaters** – while electric heaters are permitted on both the sidewalk and roadway, natural gas heaters are only permitted on the sidewalk.⁴⁸ Propane heaters were permitted during winter 2020, but are no longer allowed after the expiration of Local Law 114 of 2020.⁴⁹
- **Sound** – amplified sound is prohibited on both sidewalk and roadway setups.⁵⁰
- **Roadway Barriers** – for outdoor dining setups established on roadways, protective barriers must be erected to separate seating from traffic lanes. These barriers have strict size minimums and must

⁴⁶ *Id.*

⁴⁷ Department of Transportation “Open Restaurants”, available at: <https://www1.nyc.gov/html/dot/html/pedestrians/openrestaurants.shtml> (last accessed February 1, 2022).

⁴⁸ *Id.*

⁴⁹ Local Law 114 of 2020, available at: <https://legistar.council.nyc.gov/View.ashx?M=F&ID=9058975&GUID=0F24A453-41CE-41C6-BD6C-BE798204544B>.

⁵⁰ Department of Transportation “Open Restaurants”, available at: <https://www1.nyc.gov/html/dot/html/pedestrians/openrestaurants.shtml> (last accessed February 1, 2022).

- be filled with sand or soil. The top outside edges must be covered in reflector tape and snow sticks must be added to the corners of the two barriers facing traffic.⁵¹
- **Snow** – during active snow alerts, roadway dining is suspended. Diners may not sit in roadway setups and restaurants are required to remove or secure any tables and chairs, and remove all electrical heaters.⁵²

III. SUCCESS OF THE OPEN RESTAURANT PROGRAM

The City has benefited in a number of ways from the emergency outdoor dining program. The program was a major boost to the restaurant industry during a period when restaurants were closed for in-person dining. The de Blasio Administration estimated that over 100,000 jobs were saved due to Open Restaurants, and over 13,000 restaurants have participated in the program.⁵³ In saving jobs, the Open Restaurants program boosted the City's economy and tax base during a period of high unemployment across the City.⁵⁴ The program also created more equitable access to the experience of outdoor dining. While before the pandemic sidewalk cafes were almost exclusively in Manhattan, the outdoor dining program expanded the areas in the City that could participate in the program. The Bronx now has nearly 700 sidewalk cafes,⁵⁵ while before the pandemic there were only 30 in the borough.⁵⁶ Communities of color and lower-income community districts nearly doubled their shares of New York City's outdoor dining establishments under the Open Restaurants program.⁵⁷

In addition to its positive economic impact, the outdoor dining program has arguably beautified some City streets, as welcoming outdoor spaces have taken over curbs and parts of sidewalks. Open Restaurants' enhancement of residents' lives and the city streetscape can most clearly be seen in its overwhelming support by New York City residents. A DOT survey of 905 New Yorkers from all five boroughs found that 65 percent of respondents supported using street space for outdoor dining, with only 17 percent of participants opposed.⁵⁸ The survey found that nearly 85 percent of Manhattan residents surveyed support using street space for outdoor dining, the highest share of any borough.⁵⁹ Another survey commissioned by Transportation Alternatives and conducted by the Siena College Research Institute of registered NYC voters found similar results. The survey found that 64 percent of voters surveyed reported that outdoor seating for restaurants is an important use of curb space in their neighborhood, including 78 percent of voters in Manhattan.⁶⁰ Andrew Rigie, executive director of the Hospitality Alliance, commented in response to these survey results, "COVID-19 has decimated New York City's restaurant industry, and the Open Restaurants program helped save countless small businesses and jobs throughout the five boroughs, while bringing back a critically important energy to our streetscape... outdoor dining helped us reimagine all the possibilities and creative uses for our streetscape to build a more welcoming, vibrant and livable city."⁶¹

⁵¹ *Id.*

⁵² *Id.*

⁵³ Testimony of Commissioner Polly Trottenberg, Department of Transportation, delivered before the Committee on Consumer Affairs and Business Licensing and Committee on Transportation, September 30, 2020, available at:

<https://legistar.council.nyc.gov/View.ashx?M=F&ID=8831172&GUID=094B7FC9-548D-41F6-8A47-8D4AFB493357>; and "Open Restaurants Map", Department of Transportation, last updated February 1, 2021, available at: nycopenrestaurants.info.

⁵⁴ Testimony of Commissioner Polly Trottenberg, Department of Transportation, delivered before the Committee on Consumer Affairs and Business Licensing and Committee on Transportation, September 30, 2020, available at:

<https://legistar.council.nyc.gov/View.ashx?M=F&ID=8831172&GUID=094B7FC9-548D-41F6-8A47-8D4AFB493357>;

⁵⁵ "Open Restaurants Map", Department of Transportation, last updated August 2, 2023, available at: nycopenrestaurants.info.

⁵⁶ Nicole Hong, "What's the Future of Outdoor Dining in New York?", *The New York Times*, November 17, 2021, available at:

<https://www.nytimes.com/2021/11/16/nyregion/outdoor-dining-near-me-nyc.html>

⁵⁷ Dominic T. Sonkowsky and Mitchell L. Moss, "Open Restaurants in New York," Robert F. Wagner Graduate School of Public Service at New York University, December 2022, available at: <https://wagner.nyu.edu/impact/research/publications/open-restaurants-new-york>

⁵⁸ Department of Transportation "Citywide Mobility Survey: Transportation Impacts of COVID-19", October 2020, available at:

https://www1.nyc.gov/html/dot/downloads/pdf/2020_cms_covid_october_summary_report.pdf.

⁵⁹ *Id.*

⁶⁰ "POLL: Majority of Voters Support Adding Protected Bike Lanes, Bus Lanes In Their Neighborhood; Near-Universal Support For Expanding Crosswalks, Green Spaces -- Even If It Results in Less Parking" Transportation Alternatives, available at:

<https://www.transalt.org/press-releases/poll-majority-of-voters-support-adding-protected-bike-lanes-bus-lanes-in-their-neighborhood-near-universal-support-for-expanding-crosswalks-green-spaces-even-if-it-results-in-less-parking>.

⁶¹ *Id.*

IV. CRITICISMS AND CONCERNS REGARDING THE OPEN RESTAURANTS PROGRAM

Customer and Pedestrian Safety in Outdoor Dining Areas

While the Open Restaurants program has largely been a success, there have been several instances of motor vehicles crashing into the outdoor dining areas and, in some cases, causing injuries to patrons and employees.⁶² In addition, multiple witnesses at the Council’s February 2022 hearing on Int. No. 31 testified that the roadway dining sheds obstructed pedestrians’ views of oncoming traffic, bicycle lanes, and drivers’ sightlines.⁶³

ADA Compliance and Accessibility for Individuals with Disabilities

The Americans with Disabilities Act (ADA) requires that most businesses and facilities provide reasonable access and accommodation for all disabled customers, clients and members of the public.⁶⁴ At a Committee on Transportation hearing regarding the City’s Open Streets program, advocates shared concerns regarding ADA compliance and capacity issues for outdoor dining establishments.⁶⁵ Existing wheelchair accessible ramp requirements can take up a full table’s worth of space in what amount to already limited outdoor areas.⁶⁶ It was suggested that these requirements be altered to allow for alternative designs that can ensure safety and accessibility, while not reducing capacity.⁶⁷

The expansion of the sidewalk cafe system under the Open Restaurants program also made it more difficult for individuals with certain disabilities to use City streets. Regulations under the program require restaurants to leave an eight-foot clear path for pedestrians to pass.⁶⁸ The dining structures create obstructions, however, for wheelchair users and blind City residents.⁶⁹ While the eight-foot clear path rule provides space for pedestrians to be able to pass through, City residents often stand within the eight-foot path while waiting for tables, and waiters are constantly walking back and forth to serve customers seated in roadways. While these issues may inconvenience City residents without disabilities, they pose an additional risk to individuals with disabilities, leaving certain streets functionally inaccessible. During the February 2022 hearing on Intro. 31, the Council heard multiple complaints that Open Restaurants structures created obstacles in the street, but that the program also allowed more people with limited mobility to eat at restaurants that may have barriers to their indoor spaces.⁷⁰

⁶² See “3 injured when car crashes into Manhattan outdoor dining area,” *Eyewitness News*, August 25, 2020, available at: <https://abc7ny.com/3-injured-when-car-crashes-into-outdoor-dining-area/6387121/>; ⁶² Adam Harding, “Car Smashes Into Brooklyn Outdoor Eating Area, Latest Crash to Endanger NYC Diners,” *NBC New York*, August 28, 2020, available at: <https://www.nbcnewyork.com/news/local/car-smashes-into-brooklyn-outdoor-eating-area-latest-crash-to-endanger-nyc-diners/2590158/>; Azi Paybarah and Sean Piccoli, “One Dead as Car Hits Motorbike and Outdoor Dining Structure in Queens,” *The New York Times*, April 29, 2021, available at: <https://www.nytimes.com/2021/04/29/nyregion/restaurant-astoria-crash-scooter.html>; Ali Bauman, “1 Killed, Several Injured After Vehicle Crashes Into Restaurant’s Outdoor Dining Area In Queens” *CBS Local*, April 30, 2021, available at: <https://newyork.cbslocal.com/2021/04/30/queens-car-into-outdoor-dining-area/>

⁶³ New York City Council Consumer and Worker Protection Committee Hearing, February 10, 2022, <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=5400747&GUID=9E913589-73E9-4618-B773-B0A6B45BAD92>

⁶⁴ United States Equal Employment Opportunity Commission “Fact Sheet: Disability Discrimination,” September 27, 2020, available at: <https://www.eeoc.gov/laws/guidance/fact-sheet-disability-discrimination>.

⁶⁵ NYC Council Committee on Transportation 9/9/20 Hearing, available at: <https://legistar.council.nyc.gov/MeetingDetail.aspx?ID=802207&GUID=19306395-07DB-4DEA-96D5-0C7282B8A364&Options=info&Search=>.

⁶⁶ *Id.*

⁶⁷ *Id.*

⁶⁸ Department of Transportation “Open Restaurants”, available at: <https://www1.nyc.gov/html/dot/html/pedestrians/openrestaurants.shtml>

⁶⁹ Testimony from Jessica De La Rosa, Brooklyn Center for Independence of the Disabled, before the Committee on Consumer Affairs and Business Licensing and the Committee of Transport, September 30, 2020, available at: <https://legistar.council.nyc.gov/View.ashx?M=F&ID=8831172&GUID=094B7FC9-548D-41F6-8A47-8D4AFB493357>

⁷⁰ New York City Council Consumer and Worker Protection Committee Hearing, February 10, 2022, <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=5400747&GUID=9E913589-73E9-4618-B773-B0A6B45BAD92>

Quality of Life Concerns

While a majority of City residents in surveys have voiced support for outdoor dining, some residents have complained that the expansion of sidewalk cafes worsened their quality of life. For restaurants that permanently closed but had outdoor dining structures remain, the abandoned sheds can be unkempt eye sores.⁷¹ According to a *New York Post* article, a total of 136 complaints about abandoned dining setups were placed to 311 between May 6, 2021 and September. 23, 2021 although some were for the same restaurant.⁷² From July 2020 through October 2021, DOT removed 24 abandoned, non-compliant or destroyed outdoor dining setups.⁷³ During the February 2022 Council hearing on Int. No. 31, numerous witnesses complained about excessive noise coming from residents dining outside at restaurants, increased trash, standing water breeding mosquitoes, and rats and vermin living in the sheds and platforms.⁷⁴ According to Linda Jones, a member of Manhattan Community Board 3, “My neighborhood was quiet until this program began. Now it’s a nightmare...there are people drunk, reveling in the streets, fighting each other, harassing women and even harassing any passerby until 4 in the morning. We cannot sleep.”⁷⁵

Legal Concerns

There have been two lawsuits filed in response to the City’s outdoor dining program. The first challenges the environmental review process required to establish a permanent outdoor dining program, and the second challenges the City’s use of a public health emergency to authorize operation of the Temporary Open Restaurants Program.

First, a group of residents filed a lawsuit challenging the outdoor dining program without the environmental review required by the State Environmental Quality Review Act (SEQRA) and the City Environmental Quality Review (CEQR). A New York County Supreme Court judge ruled in favor of the petitioners. The Court found that the SEQRA requires the preparation of an environment impact statement in cases where the proposal would have a significant impact on the environment, and that the City’s declaration that the program would not have a significant environmental impact was an “impermissible pre-judgment” because essential components of the program were outstanding.⁷⁶

The City appealed the lower court’s decision, and a panel of justices with the Supreme Court’s Appellate Division, First Department overturned the decision. The Court found that the petition seeking to annul the SEQRA negative declaration should have been dismissed as not ripe for judicial review because there were outstanding legislative and administrative steps that must be taken by the City prior to the finalization of a permanent outdoor dining program. Specifically, the Council had yet to pass legislation that would update the pre-pandemic outdoor dining program by local law.⁷⁷ The dismissal of the lawsuit allowed the City to proceed with the legislative and administrative steps necessary to establish a permanent open restaurants program.

The second lawsuit, brought by another group of New York City residents, argued that there is no longer an emergency justification to operate the Temporary Open Restaurants program by suspending laws through emergency executive order. Plaintiffs argued that the initial justifications for outdoor dining at the height of the Covid-19 pandemic have lapsed, and that other emergency orders, including vaccine and mask mandates, pandemic unemployment assistance and rent relief have since ended.

⁷¹ Ben Brachfeld, “Use ’em or lose ’em: Mayor says NYC will yank away unused outdoor dining areas, restore parking”, *AMNY*, October 18, 2021, available at: <https://www.amny.com/news/sidewalk-sheds-not-used-for-outdoor-dining-will-be-yanked-returned-to-parking-mayor-says/>

⁷² Kerry J. Byrne and Melissa Klein, “Abandoned NYC dining sheds are now havens for the homeless”, *New York Post*, October 2, 2021, available at: <https://nypost.com/2021/10/02/abandoned-nyc-dining-sheds-are-now-havens-for-the-homeless/>

⁷³ Ben Brachfeld, “Use ’em or lose ’em: Mayor says NYC will yank away unused outdoor dining areas, restore parking”, *AMNY*, October 18, 2021, available at: <https://www.amny.com/news/sidewalk-sheds-not-used-for-outdoor-dining-will-be-yanked-returned-to-parking-mayor-says/>

⁷⁴ New York City Council Hearing, February 10, 2022, <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=5400747&GUID=9E913589-73E9-4618-B773-B0A6B45BAD92>

⁷⁵ Melissa Klein, “NYC outdoor dining a noisy, dirty ‘nightmare’ for residents fighting expansion,” *New York Post*, July 24, 2021, available at: <https://nypost.com/2021/07/24/nyc-outdoor-dining-a-noisy-dirty-nightmare-for-residents-fighting-expansion/>

⁷⁶ “Appellate Division Ruling Provides Path for NYC Permanent Open Restaurants Program”, October 31, 2022, available at: <https://www.citylandnyc.org/appellate-division-ruling-provides-path-for-nyc-permanent-open-restaurants-program/>

⁷⁷ *Arntzen v. City of New York*, 209 A.D.3d 404 (2022).

On August 1, 2023, the New York County Supreme Court temporarily enjoined the City from relying on emergency executive orders to continue the Temporary Open Restaurants Program, finding that the order does not explain why an emergency exists that would require such a suspension of laws.⁷⁸ The Court cautions that its decision does not contemplate the merits of a permanent outdoor dining program, nor does it preclude the Council from establishing a permanent outdoor dining program by local law.

V. LEGISLATIVE ANALYSIS

Int. No. 31-C, by Council Member Velázquez (by request of the Mayor) would amend the New York city charter and the administrative code of the city of New York, in relation to granting licenses and revocable consents for sidewalk cafes and roadway cafes, to repeal subchapter 6 of chapter 2 of title 20 of such administrative code, relating to granting licenses and revocable consents for sidewalk cafes, to amend section 2 of local law number 114 for the year 2020, relating to the establishment of a permanent outdoor dining program, in relation to the commencement of such program, and to amend section 1 of local law number 77 for the year 2020, relating to establishing a temporary outdoor dining program, in relation to the expiration of such program.

Section one of the bill would amend subdivision e of section 364 of the New York City Charter (the Charter) by removing references to title 20 of the Administrative Code of the City of New York (Ad Code) and replacing them with references to title 19 of the Ad Code, substantively transferring purview of sidewalk cafe enforcement from DCWP to DOT.

Section two of the bill would amend section 371 of the Charter by permitting notices of public hearings conducted by the franchise and concession review committee to be in either a print or online edition of a weekly local newspaper, designated by the Mayor.

Section three of the bill would amend paragraph one of subdivision c of section 17-503 of the Ad Code (part of the Smoke-Free Air Act) by removing a provision that permits restaurants to designate an outdoor area for smoking, and instead stating that smoking is prohibited in outdoor dining areas including but not limited to sidewalk and roadway cafes.

Section four of the bill adds new definitions to section 19-101 of the Ad Code. Each subdivision defines a new term and references to “the department” mean DOT. “Enclosed sidewalk cafe” would be defined as a sidewalk cafe that is constructed predominantly of light materials such as glass, slow-burning plastic or lightweight metal pursuant to a permit issued by the department of buildings. “Fee rate” would be defined as the compensation to be paid per square foot to the city during the continuance of the revocable consent in an amount equal to the applicable sector rate, reduced, as determined by the department, to account for factor including, but not limited to, the impact historical weather patterns may have on the operation of a sidewalk cafe or roadway cafe occupied by barriers demarcating such cafe from the curb lane or parking lane. “Ground floor” would be defined as visible from the street and directly accessible to the public from the street. “Ground floor restaurant” would be defined as any ground floor premises that is operated pursuant to a food service establishment permit issued by the Department of Health and Mental Hygiene. “Roadway” would be defined as that portion of a street designed, improved or ordinarily used for vehicular travel, exclusive of the shoulder and slope. “Roadway cafe” would be defined as an open-air portion of a ground floor restaurant containing readily removable tables, chairs and other removable decorative items, which is located in the curb lane or parking lane of a roadway fronting the restaurant and is designed and operated pursuant to rules of the department. “Sector” would be defined as an area of the city, as determined by the department, where the median annual rent charged for a square foot of a ground floor commercial premises, in accordance with information published by the department of finance pursuant to subdivision h of section 11-3103, is similar. “Sector rate” would be defined as a dollar amount determined by the department for each sector, based on the median annual rent for a square foot of a ground floor commercial premises in such sector, as determined in accordance with information published by the department of finance pursuant to subdivision h of section 11-3101, or other similar data that the department determines accurately reflects such median annual rent in such sector. “Sidewalk cafe” would be defined as a portion of a ground floor restaurant that is located on a public sidewalk or sidewalk widening fronting the restaurant and is designed and operated pursuant to rules of the department. “Sidewalk widening” would have

⁷⁸ Lincoln Anderson, “Judge rules no emergency basis for outdoor dining, issues injunction”, *The Village Sun*, August 2, 2023, available at: <https://thevillagesun.com/judge-rules-mayors-economic-rationale-doesnt-justify-outdoor-dining-issues-injunction>.

the same meaning as such term is used in subdivision (f) of section 37-53 of the zoning resolution of the city of New York.

Section five of the bill would establish maximum civil penalties for new sections in title 19 of the Ad Code. The maximum civil penalty for a violation of section 19-160(a) would be \$500 for the first violation and \$1,000 for the second and subsequent violations. The maximum penalties for sections 19-160.1-160.4, 160.6 would be \$200 for the first violation and \$500 for the second and subsequent violations.

Section six of the bill would add eight new sections to title 19 of the Ad Code, each in relation to “open restaurants” and requirements for the operation of sidewalk and roadway cafes. References to “the department” in these new sections refer to DOT.

Subdivision a of new section 19-160 would require that: “Any person owning, leasing, managing or operating a ground floor restaurant upon property which abuts upon any street may establish and operate a sidewalk cafe upon the sidewalk or sidewalk widening of such street in an area immediately adjacent to its premises, or a roadway cafe upon the roadway adjacent to the curb in front of such ground floor restaurant, or both, provided that such sidewalk cafe or roadway cafe shall be granted a license and a revocable consent by the commissioner, and provided further that a sidewalk cafe located entirely on a sidewalk widening shall be granted a license and consent for the use of such sidewalk widening as a sidewalk cafe by the commissioner. Notwithstanding the preceding sentence, no such license shall be granted or renewed for the operation of an enclosed sidewalk cafe at any location other than a location where: (i) an enclosed sidewalk cafe had been constructed pursuant to a permit issued by the department of buildings and in accordance with section 3111 of the New York city building code prior to March 16, 2020; and (ii) an enclosed sidewalk cafe was lawfully operated as such on March 16, 2020 or at any time within 4 years prior to such date. Granting or renewal of any such license at such a location for the operation of an enclosed sidewalk cafe shall be in accordance with section and section 19-160.2 of this code.”

Subdivision b of new section 19-160 would state that: “1. The department, consistent with chapter 14 of the charter and the provisions of this subchapter, shall promulgate rules relating to (i) the granting of such licenses and revocable consents, and the administration of such licenses and revocable consents; (ii) the design of a sidewalk cafe or roadway cafe; (iii) priorities among applicants for a license covering the same area on a sidewalk or a roadway; and (iv) the operation and maintenance of any sidewalk cafe or roadway cafe to prevent undue obstruction of the street, to ensure good order, public safety and the general welfare and to secure the beneficial purpose of opening streets to outdoor dining. 2. A sidewalk cafe, other than an enclosed sidewalk cafe, shall be open-air and shall contain only readily removable tables, chairs and other removable decorative items as set forth in such rules.”

Subdivision c of new section 19-160 would limit the hours of operation from 10:00 a.m. through 12:00 a.m., and authorize roadway cafes to operate seasonally from April through November.

Subdivision d of new section 19-160 would require that a license to operate a sidewalk or roadway cafe be granted after review and approval of a petition for a revocable consent to establish and operate such cafe. The boundaries of such cafes would be marked and separated, and the boundaries of roadway cafes would be protected by barriers prescribed in the rules set by the department.

Subdivision e of new section 19-160 would require the approval of the Landmarks Preservation Commission to issue a license for any sidewalk or roadway cafe located in a historic district or landmark site or adjacent to a landmark site provided that the petition for a revocable consent to establish or operate a sidewalk cafe or roadway cafe includes work or improvements for which such approval is required. A determination on such application shall be made no later than 10 business days after the date of receipt. Subdivision f would prohibit any sidewalk or roadway cafe from receiving a license or revocable consent or consent with respect to a sidewalk cafe located entirely on a sidewalk widening if the cafe obstructs means of egress to a building.

Subdivision g of new section 19-160 would set licensing fees for sidewalk and roadway cafes at \$1,050 for each license period, and renewal fees would be \$1,050. Subdivision h would provide that the term of the license and renewal thereof would be 4 years.

Subdivision i of new section 19-160 would require sidewalk and roadway cafe operators to provide adequate service to maintain “good order and cleanliness” at outdoor dining locations.

Subdivision j of new section 19-160 would ensure that a license to operate a sidewalk or roadway cafe is personal to the licensee and may not be sold or transferred.

New section 19-160.1 would outline the review and approval process for revocable consents to operate roadway cafes. Subdivision a would deem it unlawful to operate a roadway cafe without a revocable consent granted pursuant to relevant Charter and Ad Code provisions. Subdivision b would require petitions for these revocable consents to be in a form established by rule by DOT and other agencies DOT deems relevant. Subdivision c would state that fees for roadway cafes would be calculated by the product of the fee rate and the square footage of a roadway cafe and paid annually. The city would be divided into four sectors, and sector 1 would apply to a minimum of 80 percent of the city. The fee rate for sector 1 would be \$5, sector 2 would be \$8, sector 3 would be \$14, and sector 4 would be \$25. Subdivision d would state that roadway cafes may not operate until approval of a petition for consent is received. Subdivision e would require DOT to provide notice of petitions to the relevant community board, and subdivision f would allow these consents to be renewed each license period.

New section 19-160.2 would outline the process for review and approval of revocable consents to operate sidewalk cafes.

Subdivision a would task DOT with prescribing the form of petitions for revocable consents, and require DOT to forward the petition within five days of filing to the relevant community board, borough president and council member, and Speaker of the City Council.

Subdivision b of new section 19-160.2 would give the community board 40 days to conduct or waive a hearing. The petitioner would be able to amend the petition if both the community board and the petitioner agree to modifications in writing. These modifications would be reflected in the written recommendations of the community board to DOT and the City Council. Recommendations submitted after the 40-day time period would be accepted at the discretion of DOT. Subdivision c would mandate that within 20-days after the community board comment period, DOT shall approve the petition, disapprove it or approve it with modifications, and file the decision with council. Subdivision c would require DOT to hold a hearing if the community board recommends denying the petition, the community board recommends substantial modifications, or a hearing would be beneficial to address a concern about the effect of the cafe. Subdivision d would require that for a period of 15 days prior to the hearing, the petitioner post notice of the hearing and DOT would give notice to the relevant community board, borough president and council member. Five days before the hearing, notice would be posted in the City Record and in one local newspaper.

Subdivision e of new section 19-160.2 would allow the City Council to review the petition, by majority vote, at the next stated meeting after the date the petition is received, except that if such meeting is scheduled less than three days after such date, the council may review by the following stated meeting. If the Council did not come to a decision by the next stated meeting, the petition would move on to the Mayor. Subdivision f would mandate that if the Council chooses to review the petition, the Council shall hold a public hearing and file a resolution within 45 days. If the Council suggests modifications, the petitioner would have 15 days to accept these modifications.

Subdivision g of new section 19-160.2 would set the term of the revocable consent as one license period and the term of renewal as one license period, and it would establish that such consent may be revocable at any time by the department. Subdivision h would require that revocable consent fees for sidewalk cafes be calculated by the product of the fee rate and the square footage of the sidewalk cafe. The city would be divided into 4 sectors, and sector 1 would apply to a minimum of 80 percent of the city. The fee rate of sector 1 would be \$6, sector 2 would be \$10, sector 3 would be \$18, and sector 4 would be \$31. Subdivision i of new section 19-160.2 would establish that fees for enclosed sidewalk cafes would be paid annually at the rate required to be paid for such cafe as of March 16, 2020, and on January 1, 2028 and every 4 years thereafter, the department may increase or decrease such fees in accordance with the sector rate. Subdivision j of new section 19-160.2 would require a petition for consent to establish a sidewalk cafe located entirely on a sidewalk widening to be reviewed and approved by DOT rule.

New section 19-160.3 allows alcohol to be served at sidewalk and roadway cafes pursuant to state law. Section 19-160.4 would prohibit the display of advertisements within a sidewalk or roadway cafe —however the name of the restaurant, the logo of the restaurant, the menu and information on the services provided by the restaurant could be painted, imprinted or otherwise displayed in a manner established by DOT rules.

New section 19-160.5 would address penalties for violations of sidewalk and roadway cafe provisions. Violators would be subject to penalties pursuant to sections 19-150 and 19-151 of the Ad Code. In addition to monetary fines, DOT could, after notice and opportunity to be heard, suspend or revoke a sidewalk or roadway

cafe license, and order the removal or sealing of such for three or more violations of the same provision in a two-year period, or any six or more violations of any provision within a two-year period. For any cafe location, subsequent license holders would be liable for prior license holder's violations unless the subsequent license holder can show DOT that the cafe was acquired in an arm's length transaction and was not purchased for the purpose of relieving the prior license holder of their obligations. Subdivision e of new section 19-160.5 would allow for notice and opportunity for corrective action for any first-time violation. Subdivision f of new section 19-160.5 would prevent suspension or revocation where the department determines the violator acted against the instruction of the licensee. Subdivision g of new section 19-160.5 would allow the commissioner to order the removal of furniture, equipment, structures or obstructions where the operation is not licensed or where the operation is in violation of DOT rules. After notice and an opportunity to be heard, officers, employees of the department or the police department would be authorized to remove such material.

New section 19-160.6 would temporarily authorize the operation of a sidewalk cafe or roadway cafe to an applicant whose petition for a revocable consent is pending and the prior consent has lapsed or was terminated, so long as the plans for the cafe are the same as the cafe that was previously granted a revocable consent to operate. New section 19-160.6 would also authorize operation pending the registration of such consent by the comptroller where the department has already approved the petition as long as the comptroller has consented to such authorization and council has had an opportunity to review.

New section 19-160.7 would require a report on compensation for revocable consent to operate sidewalk and roadway cafes and participation of restaurants in the program beginning on May 1, 2027 and every four years thereafter.

Section seven of the bill repeals subchapter six of chapter 2 of title 20 of the Ad Code—substantively removing sidewalk cafe licensing from DCWP's purview.

Section eight of the bill amends Ad Code language referencing the temporary outdoor dining program established pursuant to Local Law 14 of 2020 and mandates DOT and any agency designated by the Mayor to establish a permanent outdoor dining program that shall include the following elements: (i) use of roadway seating for outdoor dining; and (ii) accessibility for people with disabilities.

Section nine of the bill would have the outdoor dining program established by Local Law 14 of 2020 remain in effect until "section 6 of a local law for the year 2023 amending the New York city charter and the administrative code of the city of New York, relating to a permanent outdoor dining program, as proposed in introduction number 31-C, takes effect".

Section ten of the bill would allow any restaurant operating outdoor dining pursuant to the prior emergency program to continue operating without a license or revocable consent pursuant to the sections described above after this bill takes effect, provided that such restaurant submits a petition for a revocable consent within a period of time after the effective date of this bill, to be determined by DOT, but not less than three months after the rules go into effect.

Section eleven of the bill would prohibit the operation of cafes that opened pursuant to the prior temporary program if those cafes do not meet structural mandates determined by new DOT rules. Such structures must be removed no later than thirty days after a decision to grant or deny a revocable consent is issued, or November 1, 2024, whichever comes first.

Section twelve of the bill establishes interagency cooperation between the department of sanitation, the police department, the department of health and mental hygiene, and the department of homeless services.

Sections thirteen and fourteen would require the department to develop and publish a map of the participating restaurants and issue a report on the total number of licenses, inspections and summonses issued each year.

Section fifteen of the bill would establish a temporary task force to facilitate the transition from temporary to permanent outdoor dining program. Sections sixteen and seventeen would grant agencies the ability to exercise and continue to exercise their authority as granted by this or other local laws, including rulemaking authority. Section eighteen would mandate that any existing right or remedy would not be affected by this law. Section nineteen would mandate that any action or proceeding pending at the time this bill takes effect would not be affected by this law, but any relevant matter may be transferred to an appropriate agency for handling. Section twenty would allow licenses and revocable consents granted pursuant to Ad Code provisions repealed by this law to hold valid until expiration, suspension or revocation. Renewals of such licenses and revocable consents

would be done pursuant to the parameters of this local law. Section twenty-one would apply this law to all licenses, permits and authorizations in force as of the effective date.

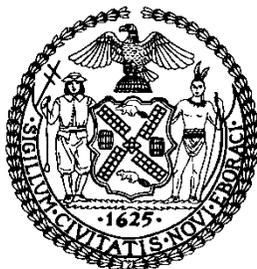
Sections one through seven of the bill would take effect 160 days after it becomes law or on the date upon which the emergency executive order expires, whichever is earlier. Sections eight through twenty-one would take effect immediately.

Since introduction, the bill has been amended to address the criticisms of outdoor dining setups, improve upon the former sidewalk cafe process, as well as to provide more detailed instruction on how roadway dining would operate including structures and fees. The C version would repeal the sidewalk cafe licensing provisions in title 20 of the Ad Code and streamline the licensing and revocable consent process in title 19 of the Ad Code. The Department of Transportation would oversee the program and enforce any violations of sections 19-160-19-160.6. The provisions permitting roadway dining would extend for 8 months of the year, from April through November. There would be a process for sidewalk cafes to petition to operate on a sidewalk widening areas. Revocable consent fees would be established by law with four fee rates based on the median annual rent charged for a square foot of ground floor commercial premises. Fees for roadway cafes would be slightly less expensive due to seasonality. The license period would be extended to 4 years. The time the Landmark Preservation Commission has to review the petition would be limited. There would be a transition period from the temporary program to a permanent program by requiring that participating restaurants submit a petition for consent to operate a roadway or sidewalk cafe on or before a date set by the rules of the department, which would not be less than three months after the effective date of such rules. Additionally, all structures out of compliance would be taken down within 30 days of the date the department grants or denies the petition to operate, or by November 1, 2024. First-time violators would be able to request corrective action. DOT would issue a report every four years to be submitted to the council and the mayor on changes to commercial rent, the number of operating sidewalk and roadway cafes, and the square footage of each cafe in operation. Lastly, the effective date would be reduced for sections 1 through 7 from 180 days to 160 days after it becomes law or upon the expiration of the emergency executive order, and sections 8 through 21 would be effective immediately.

Upon completion of a Technical Memorandum on July 27, 2023, the City concluded that Int. No. 31-C would not result in any significant adverse environmental impacts. The City took multiple steps to reach this conclusion. The Proposed Action required discretionary approval from the City Planning Commission and City Council and was subject to a public review process that resembles the Uniform Land Use Review Procedure. The Proposed Action underwent an environmental review, as required by the SEQRA and in accordance with the CEQR. The Environmental Assessment Statement for the Proposed Action was prepared and the NYC Department of Transportation, serving as the “lead agency” for the environmental review, issued a Negative Declaration for the Environmental Assessment Statement on June 18, 2021.

The Technical Memorandum examined whether Int. No. 31-C would change the findings of the Environmental Assessment Statement. The Technical Memorandum concludes that Int. No. 31-C would not alter the development and operational assumptions of the Reasonable Worst Case Development Scenario for the Approved Action evaluation in the Environmental Assessment Statement.

(The following is the text of the Fiscal Impact Statement for Int. No. 31-C:)



**THE COUNCIL OF THE CITY OF NEW YORK
FINANCE DIVISION
TANISHA S. EDWARDS, ESQ., CHIEF FINANCIAL
OFFICER AND DEPUTY CHIEF OF STAFF TO THE
SPEAKER
RICHARD LEE, FINANCE DIRECTOR
FISCAL IMPACT STATEMENT**

PROPOSED INTRO. NO: 31-C

COMMITTEE: Consumer and Worker Protection

TITLE: A Local Law to amend the New York city charter and the administrative code of the city of New York, in relation to granting licenses and revocable consents for sidewalk cafes and roadway cafes, to repeal subchapter 6 of chapter 2 of title 20 of such administrative code, relating to granting licenses and revocable consents for sidewalk cafes, to amend section 2 of local law number 114 for the year 2020, relating to the establishment of a permanent outdoor dining program, in relation to the commencement of such program, and to amend section 1 of local law number 77 for the year 2020, relating to establishing a temporary outdoor dining program, in relation to the expiration of such program.

SPONSOR(S): Council Members Velázquez, Powers, Menin, Brannan, Riley, Feliz, Brooks-Powers, Hanks, Gennaro, Krishnan and Abreu (by request of the Mayor).

SUMMARY OF LEGISLATION: This bill would repeal the sidewalk cafe licensing provisions in title 20 of the Administrative Code. It would streamline the licensing and revocable consent process and permit a year-round sidewalk café dining and seasonal roadway cafe-dining program to be implemented by the Department of Transportation (DOT). It would also give restaurants time to transition from the emergency outdoor dining program created in response to the COVID-19 pandemic while petitioning for a sidewalk or roadway cafe license. Additionally, the bill establishes several reporting requirements for DOT regarding the program.

EFFECTIVE DATE: This bill would take effect 160 days after it becomes law, or upon the expiration of the emergency executive order, whichever is earlier. Provisions related to the transition from the emergency outdoor dining program are effective immediately.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal Year 2025

FISCAL IMPACT STATEMENT:

	Effective FY24	FY Succeeding Effective FY25	Full Fiscal Impact FY25
Revenues	See Below	See Below	See Below
Expenditures	\$0	\$0	\$0
Net	\$0	\$0	\$0

IMPACT ON REVENUES: This bill would likely result in additional revenue as a result of the altered fee structure included in this legislation. However, the exact amount of revenue cannot be determined at this time as it will depend on how many restaurants participate in the outdoor dining program after the enactment of this legislation.

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

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: General Fund

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

ESTIMATE PREPARED BY: Glenn P. Martelloni, Financial Analyst
Michael Sherman, Senior Financial Analyst

ESTIMATE REVIEWED BY: Julia K. Haramis, Unit Head
 Chima Obichere, Deputy Director
 Jonathan Rosenberg, Managing Deputy Director
 Kathleen Ahn, Counsel

LEGISLATIVE HISTORY: This legislation was jointly heard by the Committee on Consumer and Worker Protection and the subcommittee on Zoning and Franchises on February 8, 2022, as Pre-Considered Introduction.. The legislation was then introduced to the full Council on February 10, 2022, as Proposed Intro. No. 31 and referred to the Committee on Consumer and Worker Protection (the Committee) The legislation was subsequently amended multiple times and the final amended version, Proposed Int. No. 31-C, will be voted on by the Committee at a hearing on August 3, 2023. Upon a successful vote by the Committee, Proposed Int. 31-C will be submitted to the full Council for a vote on August 3, 2023.

DATE PREPARED: August 2, 2023.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 31-C:)

Int. No. 31-C

By Council Members Velázquez, Powers, Menin, Brannan, Riley, Feliz, Brooks-Powers, Hanks, Gennaro, Krishnan and Abreu (by request of the Mayor).

A Local Law to amend the New York city charter and the administrative code of the city of New York, in relation to granting licenses and revocable consents for sidewalk cafes and roadway cafes, to repeal subchapter 6 of chapter 2 of title 20 of such administrative code, relating to granting licenses and revocable consents for sidewalk cafes, to amend section 2 of local law number 114 for the year 2020, relating to the establishment of a permanent outdoor dining program, in relation to the commencement of such program, and to amend section 1 of local law number 77 for the year 2020, relating to establishing a temporary outdoor dining program, in relation to the expiration of such program

Be it enacted by the Council as follows:

Section 1. Subdivision e of section 364 of the New York city charter, as added by a vote of the electors at a general election held on November 7, 1989, is amended to read as follows:

e. Notwithstanding any provision of this charter or the administrative code, revocable consents to construct and operate sidewalk cafes shall be reviewed pursuant to [subchapter six of chapter two of title twenty] *sections 19-160 through 19-160.6* of the administrative code.

§ 2. Section 371 of the New York city charter, as amended by local law number 78 for the year 1990, is amended to read as follows:

§ 371. Public hearing on proposed agreement; publication of notice. The franchise and concession review committee in the case of a franchise, or the responsible agency in the case of a revocable consent, shall hold a public hearing on the proposed agreement memorializing the terms and conditions of each proposed franchise or revocable consent before final approval of the proposed franchise or consent. Any such public hearing conducted by the franchise and concession review committee shall be held within thirty days of the filing with the committee by the responsible agency of a proposed agreement containing the terms and conditions of the proposed franchise. No hearing held by the franchise and concession review committee or by the responsible agency shall be held until after notice thereof and a summary of the terms and conditions of the proposed agreement shall have been published for at least fifteen days, except Sundays and legal holidays, immediately prior thereto in the City Record, nor until a notice of such hearing, indicating the place where copies of the proposed agreement may be obtained by all those interested therein, shall have been published at least twice at the expense of the proposed grantee in a *print or online edition of a daily newspaper* designated by the mayor

which is published in the city of New York and having a circulation in the borough or boroughs in which the affected property of the city is located and a *print or online edition of a weekly newspaper or newspapers* designated by the mayor which are published in the city of New York and have a circulation in the community district or districts in which the affected property of the city is located. In the event a franchise or revocable consent relates to property of the city located in more than one borough, notice of hearing in a weekly newspaper shall not be required; however, in that event, notice of hearing in *the print or online editions of two daily newspapers*, and mailing by the grantee, no later than fifteen days immediately prior to the date of the public hearing, of such notice to the borough presidents and community boards and council members in whose districts the affected property of the city is located, shall be required. In the case of a franchise for a bus route which crosses one or more borough boundaries, notice of hearing in a weekly newspaper shall not be required; however, in that event, notice of hearing in *the print or online editions of two daily newspapers*, and mailing by the grantee, no later than fifteen days immediately prior to the date of the public hearing, of such notice to the borough presidents and community boards and council members in whose districts the bus route is located, and posting of such notice in the buses operating upon such route, shall be required.

§ 3. Paragraph 1 of subdivision c of section 17-503 of the administrative code of the city of New York, as amended by local law number 152 for the year 2013, is amended to read as follows:

1. Outdoor dining areas of restaurants [with no roof or other ceiling enclosure; provided, however, that smoking, or using electronic cigarettes, may be permitted in a contiguous outdoor area designated for smoking, or using electronic cigarettes, so long as such area: (i) constitutes no more than twenty-five percent of the outdoor seating capacity of such restaurant; (ii) is at least three feet away from the outdoor area of such restaurant not designated for smoking, or using electronic cigarettes; and (iii) is clearly designated with written signage as a smoking area or an area for using electronic cigarettes] *including but not limited to any area operated by a restaurant as a sidewalk cafe, or a roadway cafe, as those terms are defined in section 19-101.*

§ 4. Section 19-101 of the administrative code of the city of New York, as amended by local law number 104 for the year 1993, subdivisions c and d as added by local law number 104 for the year 1993 and subdivisions e, f, g, and h as added by local law number 71 for the year 2011, is amended to read as follows:

§ 19-101 Definitions. Whenever used in this title[:

a. "Commissioner" shall mean] *the following terms have the following meanings:*

Asphalt. The term "asphalt" shall mean a dark brown to black bitumen pitch that melts readily and which appears in nature in asphalt beds or is produced as a by-product of the petroleum industry.

Asphaltic concrete or asphalt paving. The terms "asphaltic concrete" or "asphalt paving" shall mean a mixture of liquid asphalt and graded aggregate used as paving material.

Barrier. The term "barrier" shall mean an object, as prescribed in rules of the department, placed on all sides of a roadway cafe, other than the side that fronts the restaurant, to protect patrons of a roadway cafe, that has a fully built interior wall and bottom to hold water or such other filler and that is removable.

Commissioner. The term "commissioner shall mean the commissioner of transportation.

[b. "Department"] *Department. The term "department" shall mean the department of transportation.*

[c. "Street" has the meaning ascribed thereto in subdivision thirteen of section 1-112 of this code.

d. "Sidewalk"] *Enclosed sidewalk cafe. The term "enclosed sidewalk cafe" shall mean a sidewalk cafe that is constructed predominantly of light materials such as glass, slow-burning plastic or lightweight metal pursuant to a permit issued by the department of buildings.*

Fee rate. The term "fee rate" shall mean the compensation to be paid per square foot to the city during the continuance of the revocable consent in an amount equal to the applicable sector rate, reduced, as determined by the department, to account for factors including, but not limited to, the impact historical weather patterns may have on the operation of a sidewalk cafe or roadway cafe and any area of such roadway cafe occupied by barriers demarcating such cafe from the curb lane or parking lane.

Ground floor. The term "ground floor" shall mean visible from the street and directly accessible to the public from the street.

Ground floor restaurant. The term "ground floor restaurant" shall mean any ground floor premises that is operated pursuant to a food service establishment permit issued by the department of health and mental hygiene.

I-4 mix. The term "I-4 mix" shall mean a type of heavy duty asphaltic concrete mix containing 0.75 inch (19mm) nominal maximum size aggregate with 25% to 50% of the aggregate capable of passing through a No. 8 sieve and in which all sand contained in the mix is crushed.

Reclaimed asphalt pavement. The term “reclaimed asphalt pavement” shall mean asphalt pavement that has been processed for reuse in asphaltic concrete.

Roadway. The term “roadway” shall mean that portion of a street designed, improved or ordinarily used for vehicular travel, exclusive of the shoulder and slope.

Roadway cafe. The term “roadway cafe” shall mean an open-air portion of a ground floor restaurant containing readily removable tables, chairs and other removable decorative items, which is located in the curb lane or parking lane of a roadway fronting the restaurant and is designed and operated pursuant to rules of the department.

Sector. The term “sector” shall mean an area of the city, as determined by the department, where the median annual rent charged for a square foot of a ground floor commercial premises, in accordance with information published by the department of finance pursuant to subdivision h of section 11-3101, is similar.

Sector rate. The term “sector rate” shall mean a dollar amount determined by the department for each sector, based on the median annual rent for a square foot of a ground floor commercial premises in such sector, as determined in accordance with information published by the department of finance pursuant to subdivision h of section 11-3101, or other similar data that the department determines accurately reflects such median annual rent in such sector.

Sidewalk. The term “sidewalk” shall mean that portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines, but not including the curb, intended for the use of pedestrians.

[e. "Asphalt" shall mean a dark brown to black bitumen pitch that melts readily and which appears in nature in asphalt beds or is produced as a by-product of the petroleum industry.

f. "Asphaltic concrete" or "asphalt paving" shall mean a mixture of liquid asphalt and graded aggregate used as paving material.

g. "I-4 mix" shall mean a type of heavy duty asphaltic concrete mix containing 0.75 inch (19mm) nominal maximum size aggregate with 25% to 50% of the aggregate capable of passing through a No. 8 sieve and in which all sand contained in the mix is crushed.

h. "Reclaimed asphalt pavement" shall mean asphalt pavement that has been processed for reuse in asphaltic concrete.]

Sidewalk cafe. The term “sidewalk cafe” shall mean a portion of a ground floor restaurant located on a public sidewalk or sidewalk widening fronting the restaurant that is designed and operated pursuant to rules of the department.

Sidewalk widening. The term “sidewalk widening” shall have the same meaning as such term is used in subdivision (f) of section 37-53 of the zoning resolution of the city of New York.

Street. The term “street” has the same meaning ascribed to such term in subdivision 13 of section 1-112 of this code.

§ 5. The table of maximum civil penalties in section 19-150 of the administrative code of the city of New York is amended by adding two new rows in numerical order to read as follows:

Section of the Administrative Code	Maximum Civil Penalty (dollars)
19-160(a)	500 (first violation); 1,000 (second and subsequent violations at the same place of business)
19-160.1 – 160.4, 160.6	200 (first violation); 500 (second and subsequent violations at the same place of business)

§ 6. Subchapter 1 of chapter 1 of title 19 of the administrative code of the city of New York is amended by adding eight new sections 19-160, 19-160.1, 19-160.2, 19-160.3, 19-160.4, 19-160.5, 19-160.6, and 19-160.7 to read as follows:

§ 19-160 *Open restaurants; license and revocable consent required for sidewalk cafe and roadway cafe.*

a. Any person owning, leasing, managing or operating a ground floor restaurant upon property which abuts upon any street may establish and operate a sidewalk cafe upon the sidewalk or sidewalk widening of such street in an area immediately adjacent to its premises, or a roadway cafe upon the roadway adjacent to the curb in front of such ground floor restaurant, or both, provided that such sidewalk cafe or roadway cafe shall be granted a license and a revocable consent by the commissioner, and provided further that a sidewalk cafe located entirely on a sidewalk widening shall be granted a license and consent for the use of such sidewalk widening as a

sidewalk cafe by the commissioner. Notwithstanding the preceding sentence, no such license shall be granted or renewed for the operation of an enclosed sidewalk cafe at any location other than a location where: (i) an enclosed sidewalk cafe had been constructed pursuant to a permit issued by the department of buildings and in accordance with section 3111 of the New York city building code prior to March 16, 2020; and (ii) an enclosed sidewalk cafe was lawfully operated as such on March 16, 2020 or at any time within 4 years prior to such date. Granting or renewal of any such license at such a location for the operation of an enclosed sidewalk cafe shall be in accordance with this section and section 19-160.2 of this code.

b. 1. The department, consistent with chapter 14 of the charter and the provisions of this subchapter, shall promulgate rules relating to (i) the granting of such licenses and revocable consents, and the administration of such licenses and revocable consents; (ii) the design of a sidewalk cafe or roadway cafe; (iii) priorities among applicants for a license covering the same area on a sidewalk or a roadway; and (iv) the operation and maintenance of any sidewalk cafe or roadway cafe to prevent undue obstruction of the street, to ensure good order, public safety and the general welfare and to secure the beneficial purpose of opening streets to outdoor dining.

2. A sidewalk cafe, other than an enclosed sidewalk cafe, shall be open-air and shall contain only readily removable tables, chairs and other removable decorative items as set forth in such rules.

c. No rule promulgated by the department in relation to the license granted to a sidewalk cafe or a roadway cafe in accordance with subdivision b of this section shall: (i) prevent a sidewalk cafe or a roadway cafe from operating during the hours of 10:00 a.m. through 12:00 a.m. daily; (ii) allow a sidewalk cafe, other than an enclosed sidewalk cafe, or a roadway cafe to operate before 10:00 a.m. on Sundays; or (iii) authorize a roadway cafe to operate on any day from November 30 to March 31, inclusive.

d. A license to operate a sidewalk cafe shall be granted after the review and approval of a petition for a revocable consent to establish and operate such cafe pursuant to the provisions of this subchapter and the rules of the department, except that a license to operate a sidewalk cafe located entirely on a sidewalk widening shall be granted after review and approval of a petition for a consent to operate such sidewalk cafe in accordance with the rules of the department, which shall provide for notice of such petition to the affected community board and council member. A license to operate a roadway cafe shall be granted after the review and approval of a petition for a revocable consent to establish and operate such cafe pursuant to chapter 14 of the charter, the provisions of this subchapter, and the rules of the department. An operator of a sidewalk cafe shall cause the boundary of the area licensed as a sidewalk cafe to be marked and separated in a manner prescribed pursuant to rules of the department. An operator of a roadway cafe shall cause the boundary of the area licensed as a roadway cafe to be delineated and protected by barriers in a manner prescribed in rules of the department.

e. No license shall be granted for a sidewalk cafe or roadway cafe located in a historic district, on a landmark site or attached or adjacent to a landmark or an improvement containing an interior landmark without the applicant for such license having obtained the approval of the landmarks preservation commission, provided that the petition for a revocable consent to establish or operate a sidewalk cafe or a roadway cafe or the petition to operate a sidewalk cafe located entirely on a sidewalk widening includes work or improvements for which such approval is required pursuant to chapter 3 of title 25 of this code. The landmarks preservation commission shall make a determination on such application no later than 10 business days after the date of receipt of a complete application, unless the landmarks preservation commission determines that such sidewalk cafe or roadway cafe may have an effect on the exterior architectural features of a landmark or a building or buildings within a historic district and a public hearing is required.

f. No license or revocable consent or consent with respect to a sidewalk cafe located entirely on a sidewalk widening shall be granted for a sidewalk cafe or roadway cafe which obstructs the means of egress from any portion of a building.

g. There shall be separate fees for a sidewalk cafe license and a roadway cafe license. The fee for a license to establish and operate a sidewalk cafe, and for the renewal of such a license, shall be \$1,050 for each license period. The fee for a license to establish and operate a roadway cafe, and for the renewal of such a license, shall be \$1,050 for each license period. Such license and renewal fees shall be in addition to the amount required to be paid upon approval of a petition for a revocable consent, or renewal thereof, to establish and operate a sidewalk cafe or roadway cafe.

h. The term of a license granted pursuant to this subchapter shall be 4 years.

i. A licensee must provide adequate service to maintain the tables in the sidewalk cafe or roadway cafe and the adjacent street in a manner that ensures good order and cleanliness.

j. The license to establish and operate a sidewalk cafe or a roadway cafe shall be personal to the applicant and may not be sold, leased or transferred. Such license shall not be deemed revoked by the sale or transfer of the lease or of title to the building or structure to which the sidewalk cafe or roadway cafe is related unless such sale or transfer materially alters the plans submitted for the license application or the revocable consent.

§ 19-160.1 Review and approval of petitions to establish and operate roadway cafes.

a. It shall be unlawful for any person to establish or operate a roadway cafe without a revocable consent granted pursuant to chapter 14 of the charter, this section and any rules adopted by the commissioner pursuant thereto.

b. The petition shall be in such form as prescribed by rules of the department and shall include an accurate drawing depicting required clearances, the space to be occupied, and the locations of tables, chairs, barriers and other permitted objects; provided, however, that the department shall not require that such drawing be developed, reviewed or approved by an architect, engineer, or other professional third party. The petition shall be reviewed by the department and other relevant agencies as determined by the department.

c. A revocable consent for a roadway cafe shall provide for compensation to be paid annually to the city during the continuance of the consent. Such annual compensation shall be equivalent to the product of the fee rate and the square footage of a roadway cafe. There shall be 4 sectors, as described on the website of the department, provided that sectors 3 and 4 shall only include the area south of and including 125th Street in the borough of Manhattan and the fee rate for sector 1 shall apply to a minimum of 80 percent of the city. The fee rate for each sector shall be as follows:

Sector	Fee Rate
1	\$5
2	\$8
3	\$14
4	\$25

d. A roadway cafe may not be operated prior to the approval of a petition for a consent therefor by the department pursuant to chapter 14 of the charter, this section and any rules promulgated by the department, except as otherwise provided by section 19-160.6.

e. The department shall provide notice of a petition for a revocable consent for a roadway cafe to the affected community board and council member, and, to the extent practicable, provide an opportunity for both the community board and council member to submit comments to the department related to each petition in a manner prescribed in rules of the department.

f. The term of a revocable consent, and the term of a renewal of such revocable consent, granted pursuant to this section shall be 1 license period and shall be concurrent with such license period.

§ 19-160.2 Review and approval of petitions to establish and operate sidewalk cafes. A petition for a revocable consent to establish and operate a sidewalk cafe shall be reviewed and approved in the following manner:

a. The petition shall be in such form as prescribed by the department. The petition shall include an accurate drawing depicting required clearances, the space to be occupied, and the locations of tables, chairs, barriers and other permitted objects. Such drawing may be developed by an architect, engineer, or other professional third party, or by the petitioner. The petition filed with the department shall be complete and accurate, as determined by the department, and the department shall, within 5 days of the filing of such complete and accurate petition, forward such petition by electronic mail to the president of the borough in which the cafe is proposed to be located, the speaker of the council and the council member in whose district the cafe is proposed to be located, for information purposes, and to the community board for the community district in which the cafe is proposed to be located, for review pursuant to subdivision b of this section.

b. The community board shall, not later than 40 days after receipt of such petition, either (i) notify the public of the petition, conduct a public hearing thereon and submit a written recommendation to the department and to the council or (ii) waive by a written statement its public hearing and recommendation on such petition and submit such statement to the department and to the council. The petitioner shall amend the petition if both the

community board and the petitioner agree to modifications in writing. Such modifications shall be reflected in the written recommendations of the community board to the department and the council. If the community board submits a recommendation on a petition after the 40 day time period has expired, such recommendation may be accepted by the department at the sole discretion of the department.

c. 1. Except as provided in paragraphs 2 and 3 of this subdivision, within 20 days after the expiration of the period allowed for the filing of a recommendation or waiver by the community board pursuant to subdivision b of this section, the department shall (i) approve the petition for a sidewalk cafe, disapprove it or approve it with modifications; and (ii) file with the council any such decision to approve or approve with modifications, together with the petition. Such approval or approval with modifications shall be final approval of the revocable consent unless the council and mayor act pursuant to subdivision e and f of this section.

2. The department shall hold a public hearing on a petition for a sidewalk cafe if (i) a community board has submitted a recommendation to deny the petition; (ii) a community board has submitted a recommendation to approve such petition with substantial modifications or conditions and the petitioner does not agree to adopt such modifications; or (iii) the department has determined that such a hearing would be beneficial to address a concern about the effect of a sidewalk cafe at the proposed location. If the department holds such a public hearing, within 30 days after the expiration of the period allowed for the filing of a recommendation or waiver by the community board pursuant to subdivision b of the section, or within 45 days after the expiration of such period when the department plans to combine the public hearing on the petition with the public hearing required on 1 or more additional petitions pursuant to paragraph 3 of this subdivision, the department shall (i) hold a public hearing on the petition pursuant to subdivision d of this section, (ii) approve the petition, disapprove it or approve it with modifications, and (iii) file with the council any such decision to approve or approve with modifications, together with the petition. Such approval or approval with modifications shall constitute final approval of the revocable consent subject to review by the council or mayor pursuant to subdivisions e and f of this section.

3. Where the department holds a public hearing pursuant to paragraph 2 of this subdivision, the department may hear 1 or more petitions at the same public hearing upon a determination that doing so is in the public interest.

d. At least 15 days prior to the date of a hearing held pursuant to paragraph 2 of subdivision c of this section, the department will give notice to the community board for the district in which the cafe is proposed to be located, to the president of the borough in which the cafe is proposed to be located and to the council member in whose district the cafe is proposed to be located. Not less than 5 calendar days prior to the date of any such hearing, notice of the hearing shall be published in the City Record and in the print or online edition of 1 newspaper of local circulation in the community where the cafe is proposed to be located.

e. At the next stated meeting after the date the petition is received by the council pursuant to subdivision c of this section the council may resolve by majority vote of all the council members to review the petition, except that if such meeting is scheduled to occur less than 3 days after such date, the council may so resolve at the following stated meeting. If the council does not so resolve, the approval or approval with modifications of the petition by the department shall be forwarded to the mayor pursuant to subdivision f of this section, unless, in accordance with subdivision g of this section, the petition, or the category of such petition, is one for which the mayor has determined that separate and additional mayoral approval is not required.

f. If the council resolves to review a petition pursuant to subdivision e of this section, the council shall hold a public hearing, after giving public notice not less than 5 days in advance of such hearing. The council shall take final action on the petition and shall file with the mayor its resolution, if any, with respect to the petition, except that if, in accordance with subdivision g of this section, the petition, or the category of such petition, is one for which the mayor has determined that separate and additional mayoral approval is not required, the council shall file its resolution with the department. Such filing of the resolution shall take place within 45 days of the filing of the petition with the council pursuant to subdivision c of this section. The affirmative vote of a majority of all the council members shall be required to approve, approve with modifications or disapprove the petition. Any modification by the council shall not affect the terms of any proposed revocable consent agreement which relate to term, compensation, revocability, exclusivity, security, insurance, indemnification, erection, operation, maintenance or removal of any structure, right of access by the city and rights of abutting property owners. If within the time period provided for in this subdivision, the council fails to act or fails to act by the required vote on a petition, the council shall be deemed to have approved the petition. If within the time period

provided for in this subdivision, the council approves the petition with modifications, the petitioner shall accept such modifications within 15 days of such approval, or the council shall be deemed to have denied the petition.

g. (1) The term of the revocable consent, and the term of a renewal of such consent, shall be 1 license period and shall be concurrent with such license period.

(2) The consent shall be upon such conditions as may be provided in the approval of the petition by the department, as such approval may be modified by action of the council pursuant to subdivision f of this section, but shall be revocable at any time by the department. The separate and additional approval of the mayor shall be necessary to its validity, unless the mayor has determined that separate and additional mayoral approval is not required for such petition or any category of such petitions.

h. A revocable consent for a sidewalk cafe, or a consent to operate a sidewalk cafe located on a sidewalk widening, shall provide for compensation to be paid annually to the city during the continuance of the consent. Compensation shall be equivalent to the product of the fee rate and the square footage of a sidewalk cafe. There shall be 4 sectors, as described on the website of the department, provided that sectors 3 and 4 shall only include the area south of and including 125th Street in the borough of Manhattan, and the fee rate for sector 1 shall apply to a minimum of 80 percent of the city. The fee rate for each sector shall be as follows:

Sector	Fee Rate
1	\$6
2	\$10
3	\$18
4	\$31

i. 1. Notwithstanding subdivision h of this section, a revocable consent for an enclosed sidewalk cafe shall provide for compensation to be paid annually to the city during the continuance of the consent at the rate required to be paid for such cafe as of March 16, 2020 pursuant to the rules of the department of consumer and worker protection in effect prior to the date this section takes effect.

2. On January 1, 2028 and every 4 years thereafter, the department may increase or decrease such compensation for an enclosed sidewalk cafe in accordance with increases or decreases in the sector rate.

j. Notwithstanding subdivision a through g of this section, a petition for a consent to establish a sidewalk cafe located entirely on a sidewalk widening, as demonstrated to the satisfaction of the department, shall be reviewed and approved in accordance with the rules of the department.

k. Except as otherwise provided by section 19-160.6, a sidewalk cafe may not be operated prior to the approval of the consent therefor by the department pursuant to this section.

§ 19-160.3 Alcohol consumption in a sidewalk or roadway cafe. Notwithstanding any other provision of this code, beer and alcoholic beverages may be served in a sidewalk cafe or roadway cafe to the extent permitted by state law.

§ 19-160.4 No advertising in a sidewalk or roadway cafe. No advertising sign, picture, flag, banner, side curtain or other device, including an illuminated or non-illuminated sign, shall be placed or painted on or affixed to any awning, screen or other appurtenance used in connection with a sidewalk cafe or roadway cafe, except that the name of the restaurant, the logo of the restaurant, the menu and information on the services provided by the restaurant may be painted, imprinted or otherwise displayed in a manner prescribed by rules promulgated by the department.

§ 19-160.5 Violations; penalties for a sidewalk or roadway cafe. a. Any person found to be operating an unlicensed sidewalk cafe or unlicensed roadway cafe shall be subject to civil penalties as described in section 19-150 and enforcement pursuant to section 19-151. For purposes of this section, any violation for operating an unlicensed sidewalk cafe or unlicensed roadway cafe shall be included in determining the number of violations by any subsequent license holder at the same place of business unless the subsequent license holder provides the department with adequate documentation demonstrating that the subsequent license holder acquired the premises or business through an arm's length transaction as defined in subdivision d of this section and that the sale or lease was not conducted, in whole or in part, for the purpose of permitting the original license holder to avoid the effect of violations on the premises.

b. Any holder of a license to operate a sidewalk cafe or a roadway cafe license shall be subject to the civil penalties described in section 19-150 and enforcement pursuant to section 19-151 where such holder is found

to be operating such cafe in violation of: (i) any provision of section 19-160 through 19-160.6 or any rule promulgated thereunder, (ii) the terms or conditions of such license, or (iii) the terms or conditions of a revocable consent to operate such cafe.

c. In addition to any other enforcement procedures authorized by this subchapter, the department may, after providing notice and an opportunity to be heard, suspend or revoke a license to operate a sidewalk or roadway cafe and order the removal or sealing of such sidewalk or roadway cafe for 3 or more violations of the same provision of this subchapter or rules of the department promulgated under this subchapter within a 2 year period; or any 6 or more violations of any provision of this subchapter or rules of the department promulgated under this chapter within a 2 year period.

d. For purposes of this section, a subsequent license holder shall be liable for violations by a prior license holder unless the subsequent license holder provides the department with adequate documentation demonstrating that the subsequent license holder acquired the premises or business through an arm's length transaction and that the sale or lease was not conducted, in whole or in part, for the purpose of permitting the original license holder to avoid the effect of violations on the premises. For purposes of this subdivision, the term "arm's length transaction" means a sale of a fee or all undivided interests in real property, or lease of any part thereof, or a sale of a business, in good faith and for valuable consideration, that reflects the fair market value of such real property, lease or business in the open market between 2 informed and willing parties, where neither party is under any compulsion to participate in the transaction, unaffected by any unusual conditions indicating a reasonable possibility that the sale or lease was made for the purpose of permitting the original licensee to avoid the effect of violations on the premises. The following sales or leases shall be presumed not to be arm's length transactions unless adequate documentation is provided demonstrating that the sale or lease was not conducted, in whole or in part, for the purpose of permitting the original licensee to avoid the effect of violations on the premises:

(1) a sale between relatives;

(2) a sale between related companies or partners in a business; or

(3) a sale or lease affected by other facts or circumstances that would indicate that the sale or lease is entered into for the primary purpose of permitting the original licensee to avoid the effect of violations on the premises.

e. Corrective action request. Notwithstanding subdivision b of this section, if the department finds that any holder of a license to operate a sidewalk cafe or roadway cafe has violated for the first time (i) any provision of section 19-160 through 19-160.6 or any rule promulgated thereunder, or (ii) the terms or conditions of such license, the department shall notify such license holder of such violation and request that action be taken to correct such violation within 30 days and shall afford such licensee an opportunity to contest the department's finding in a manner set forth in rules of the department. Nothing in this subdivision prohibits the department from issuing a notice of violation for any such violation that has not been corrected within such 30 days.

f. Notwithstanding any inconsistent provision of this section, the decision to suspend or revoke a license shall be waived if, upon the submission of satisfactory proof, the department determines that the person or persons who committed the violations which are the basis for the suspension or revocation acted against the licensee's instructions in committing such violations.

g. The commissioner may order the removal of any furniture, equipment, structure or other obstruction used in connection with the operation of an outdoor dining area on the sidewalk or in the roadway by a person that is not licensed to operate a sidewalk cafe or roadway cafe pursuant to this subchapter and has no other lawful right to operate an outdoor dining area on such sidewalk or in such roadway or where any furniture, equipment, structure or other obstruction placed on the sidewalk or roadway by a licensee is inconsistent with criteria or design for such area as set forth in the rules of the department. Such order shall be served in the manner provided by the rules of the department and shall afford the person to whom such order is directed an opportunity to be heard in accordance with such rules. Where such order has not been complied with within a reasonable period of time as set forth in such order, officers or employees of the department or the police department may remove such furniture, equipment, structure or other obstruction from the sidewalk or the roadway and convey them to a place of safety. Where the department has an address for the person to whom such order was directed, within 30 days of removal, the department shall mail to such person notice of such removal and the manner in which such furniture, equipment, structure or other obstruction may be claimed. Such furniture, equipment, structure or other obstructions shall not be released until all removal charges and storage fees have been paid or a bond

or other security for such amount has been posted. Any furniture, equipment, structure or other obstructions that are not claimed shall be disposed of in accordance with applicable law and the rules of the department. Nothing in this section is intended to alter or affect the power of the commissioner to immediately remove any obstruction from the sidewalk or roadway that the commissioner determines is a danger to public welfare, safety, or energy system reliability, including planned or emergency utility work.

§ 19-160.6. Temporary authorization to operate. a. Where an applicant for a license to operate a sidewalk cafe or a roadway cafe submits a petition for a revocable consent to operate a sidewalk cafe or roadway cafe for which a revocable consent granted to another person has lapsed or was terminated, the commissioner may authorize such applicant to operate the sidewalk cafe or roadway cafe at such premises pending the approval of a revocable consent for operating such cafe, provided that the plans for the cafe are the same as the cafe for which a revocable consent to operate had previously been granted and, if it is an enclosed sidewalk cafe, that the structure is the same for which consent was previously granted, and, provided further that such applicant makes a good faith effort to be granted a revocable consent to operate such sidewalk cafe or roadway cafe. For the purposes of this section, the commissioner may not authorize an applicant to operate a sidewalk cafe or a roadway cafe if the original consent has been expired for more than 2 years from the date of the submission of the petition of such applicant.

b. Where the department has approved a petition for a revocable consent to operate a sidewalk cafe or roadway cafe pursuant to chapter 14 of the charter, the rules of the department and sections 19-160.1 or 19-160.2 of this code, as applicable, the commissioner may authorize such applicant to operate such cafe pending the registration of such revocable consent by the comptroller, provided that: (i) the comptroller has consented to such authorization by the commissioner; and (ii) where the petition is for a revocable consent to operate a sidewalk cafe, the time for council to resolve to review such petition pursuant to subdivision e of section 19-160.2 of this code has expired, or the council has resolved to review such petition and has either approved such petition pursuant to subdivision f of such section, or has approved such petition with modifications and the petitioner has accepted such modifications in accordance with such subdivision.

§ 19-160.7. Report on compensation for revocable consent to operate sidewalk and roadway cafes. No later than May 1, 2027, and every 4 years thereafter, the commissioner shall submit a report to the speaker of the council and the mayor on the changes to the median annual rent charged for a ground floor commercial premises for each sector, the corresponding percent land area for each sector, the number of restaurants operating sidewalk and/or roadway cafes in each sector, and the square footage of each sidewalk and roadway cafe in operation. The commissioner may include with any such report a recommendation to increase or decrease the fee rate or adjust the sectors.

§ 7. Subchapter 6 of chapter 2 of title 20 of the administrative code of the city of New York is REPEALED.

§ 8. Subdivision b of section 2 of local law number 114 for the year 2020 is amended to read as follows:

b. [By September 30, 2021, the] The department of transportation [and any other agency designated by the mayor] shall establish a permanent open restaurants program to succeed the temporary program established by local law number 77 for the year 2020[, provided that any additional legislation necessary to authorize such program has been enacted]. Such program shall include but not be limited to the following elements:

- 1. The use of roadway seating for outdoor dining; and*
- 2. [The use of a pedestrian plaza, or other public outdoor location for outdoor dining; and*
- 3.] Accessibility for people with disabilities in compliance with applicable federal, state and local law.*

§ 9. Subdivision f of section 1 of local law number 77 for the year 2020, as amended by local law number 114 for the year 2020, is amended to read as follows:

f. Expiration. The outdoor restaurants program established pursuant to this local law shall remain in effect until [September 30, 2021] section 6 of a local law for the year 2023 amending the New York city charter and the administrative code of the city of New York, relating to a permanent outdoor dining program, as proposed in introduction number 31-C, takes effect.

§ 10. Any restaurant operating outdoor dining pursuant to emergency executive order number 126, dated June 18, 2020, as amended, continued or superseded by subsequent executive orders, may continue in operation after the effective date of this section without the license and consent of the commissioner of transportation required by sections 19-160, 19-160.1 and 19-160.2 of the administrative code of the city New York, as added by section six of this local law, pending the granting of any such license and consent, provided that such restaurant submits a petition for such consent on or before a date set forth in the rules of the department of

transportation regarding the application for such consent, and such petition has not been denied. Such date shall be within a reasonable period of time, but not less than three months, after the effective date of such rules.

§ 11. Any restaurant that had operated outdoor dining pursuant to emergency executive order number 126, dated June 18, 2020, as amended and continued by subsequent executive orders, whose outdoor dining is located within or adjacent to a structure that does not comply with rules of the department of transportation relating to the design of roadway cafes and sidewalk cafes shall remove such structure no later than 30 days after the determination of the department to grant or deny such revocable consent for such sidewalk cafe or roadway cafe. Notwithstanding the preceding sentence, all such structures shall be removed no later than November 1, 2024.

§ 12. Interagency cooperation. Agencies including, but not limited to, the department of sanitation, the police department, the department of health and mental hygiene, and the department of homeless services, shall cooperate with the department of transportation in the enforcement of this local law and any rules adopted by the department of transportation pursuant to this local law. Further, the department of transportation shall consult with agencies, commissions and offices including, but not limited to, the department of consumer and worker protection, the department of city planning, the department of environmental protection, the department of buildings, the department of design and construction, the department of health and mental hygiene, the department of parks and recreation, the department of sanitation, the fire department, the department of small business services, the landmarks preservation commission, the art commission, the office of emergency management, the mayor's office of media and entertainment, the mayor's office of people with disabilities, and the mayor's office of citywide event coordination and management, with respect to the adoption of such rules, as well as outreach and education targeted at food service establishments throughout the city in relation to the process for obtaining a license and revocable consent for sidewalk and roadway cafes, as well as relevant deadlines pertaining to application submissions and removal of any street furniture or materials in violation of rules promulgated pursuant to this local law. Such outreach and education shall be made available in the 6 most commonly spoken languages in the city pursuant to city planning.

§ 13. Map. Within 12 months of the effective date of section 19-160 of the administrative code of the city of New York, as added by section six of this local law, the department of transportation shall develop a map on its website that shows the location and name of each restaurant that has obtained a license and revocable consent to operate a sidewalk cafe or a roadway cafe; a copy of the drawing required to be submitted with the petition for a revocable consent for a roadway cafe pursuant to the rules of the department; a copy of the drawing required to be submitted with the petition for a revocable consent for a sidewalk cafe pursuant to subdivision a of section 19-160.2 of the administrative code of the city of New York, as added by section six of this local law, and a history of any inspections of such sidewalk cafe or roadway cafe by such department.

§ 14. Annual report. Within 12 months of the effective date of section 19-160 of the administrative code of the city of New York, as added by section six of this local law, and annually thereafter for 4 years, the department of transportation shall submit to the mayor and to the speaker of the council a report. Such report shall specify the total number of sidewalk cafes and roadway cafes licensed by such department, disaggregated by borough, and the total number of inspections performed and summonses issued by such department in the preceding 12-month period.

§ 15. Task force. The department of transportation shall convene a working group task force to facilitate the transition of authority from the department of consumer and worker protection to the department of transportation for the granting of licenses and revocable consents for sidewalk cafes. Such task force shall consist of members of the department of transportation, the department of consumer and worker protection, and the department of city planning, as designated by the commissioner of each such department. Such task force shall hold its first meeting no later than 30 days after the effective date of this section, and shall thereafter meet no less than quarterly until March 31, 2025, after which date it shall be disbanded. Such task force shall consult with representatives of the restaurant industry and other interested community groups.

§ 16. Any agency or officer to which are assigned by or pursuant to this local law any functions, powers and duties shall exercise such functions, powers and duties in continuation of their exercise by the agency or officer by which the same were heretofore exercised and shall have power to continue any business, proceeding or other matter commenced by the agency or officer by which such functions, powers and duties were heretofore exercised. Any provision in any law, rule, regulation, contract, grant or other document relating to the subject matter of such functions, powers or duties, and applicable to the agency or officer formerly exercising the same

shall, so far as not inconsistent with the provisions of this local law, apply to the agency or officer to which such functions, powers and duties are assigned by or pursuant to this local law.

§ 17. Any rule or regulation in force on the effective date of this section, and promulgated by an agency or officer whose power to promulgate such type of rule or regulation is assigned by or pursuant to this local law to some other agency or officer, shall continue in force as the rule or regulation of the agency or officer to whom such power is assigned, except as such other agency or officer may hereafter duly amend, supersede or repeal such rule or regulation.

§ 18. No existing right or remedy of any character accruing to the city shall be lost or impaired or affected by reason of the adoption of this local law.

§ 19. No action or proceeding, civil or criminal, pending at the time when section 19-160 of the administrative code of the city of New York, as added by section six of this local law, takes effect, brought by or against the city or any agency or officer, shall be affected or abated by the adoption of this local law or by anything herein contained; but all such actions or proceedings may be continued notwithstanding that functions, powers and duties of any agency or officer party thereto may by or pursuant to this local law be assigned or transferred to another agency or officer, but in that event the same may be prosecuted or defended by the head of the agency or the officer to which such functions, powers and duties have been assigned or transferred by or pursuant to this local law.

§ 20. Any license or revocable consent granted pursuant to a provision of the administrative code repealed by section seven of this local law in force on the effective date of such section shall continue in force in accordance with its terms and conditions until it expires or is suspended or revoked by the appropriate agency or officer pursuant to this local law. Such license or revocable consent shall be renewable in accordance with the applicable law by the agency or officer with such power pursuant to this local law.

§ 21. This local law shall apply to all licenses, permits or other authorizations in force as of the effective date of this section.

§ 22. This local law takes effect as follows:

(i) Sections one through seven of this local law take effect 160 days after it becomes law, or upon the expiration of emergency executive order number 126, dated June 18, 2020, as amended, continued or superseded by subsequent executive orders, whichever is earlier, provided, however, that the department of transportation may adopt rules relating to applications for licenses and revocable consents pursuant to such sections which may take effect prior to such date. Upon the determination of the effective date of sections one through seven of this local law, the commissioner of transportation shall notify the corporation counsel, who shall notify the New York state legislative bill drafting commission, in order that the commission may maintain an accurate and timely effective database of the official text of the New York city charter and administrative code of the city of New York in furtherance of effectuating the provisions of section 70-b of the public officers law, and the corporation counsel shall notify relevant publishers in furtherance of effectuating the provisions of section 7-111 of the administrative code, provided that failure to provide the notifications described in this section shall not affect the effective date of any section of this local law; and

(ii) Sections eight through twenty-one of this local law take effect immediately.

MARJORIE VELÁZQUEZ, *Chairperson*; SHAUN ABREU, GALE A. BREWER, AMANDA FARÍAS, SHEKAR KRISHNAN, JULIE MENIN, CHI A. OSSÉ, JULIE WON; 7-1-0; *Negative*: Erik D. Bottcher; *Absent*: Shekar Krishnan; Committee on Consumer and Worker Protection, August 3, 2023.

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

Report of the Committee on Finance

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

Report for Res. No. 726

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

The Committee on Finance, to which the annexed preconsidered resolution was referred on August 3, 2023, respectfully

REPORTS:

Introduction. The Council of the City of New York (the “Council”) annually adopts the City’s budget covering expenditures other than for capital projects (the “expense budget”) pursuant to Section 254 of the Charter. On June 30, 2021, the Council adopted the expense budget for fiscal year 2022 with various programs and initiatives (the “Fiscal 2022 Expense Budget”). On June 13, 2022, the Council adopted the expense budget for fiscal year 2023 with various programs and initiatives (the “Fiscal 2023 Expense Budget”). On June 30, 2023, the Council adopted the expense budget for fiscal year 2024 with various programs and initiatives (the “Fiscal 2024 Expense Budget”).

Analysis. In an effort to continue to make the budget process more transparent, the Council is providing a list setting forth new designations and/or changes in the designation of certain organizations receiving funding in accordance with the Fiscal 2024, Fiscal 2023, and Fiscal 2022 Expense Budgets (“Chart”).

This Resolution, dated August 3, 2023, approves the new designation and the changes in the designation of certain organizations receiving local, aging, youth, anti-poverty, boroughwide, and Speaker’s initiative to address citywide needs and community safety and victims’ services discretionary funding and funding for certain initiatives in accordance with the Fiscal 2024 Expense Budget; approves the changes in designation of certain organizations receiving local, aging, and boroughwide discretionary funding and funding for certain initiatives in accordance with the Fiscal 2023 Expense Budget; and amends the description for the Description/Scope of Services of certain organizations receiving youth, local, aging, and Speaker’s initiative discretionary funding and certain initiatives in accordance with the Fiscal 2024, Fiscal 2023, and Fiscal 2022 Expense Budgets. All new designations and changes in designations are as described in the attached Charts and the Resolution text.

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

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

Description of Above-captioned Resolution. In the above-captioned Resolution, the Council would approve the new designation and changes in the designation of certain organizations to receive funding in the Fiscal 2024, Fiscal 2023, and Fiscal 2022 Expense Budgets. Such Resolution would take effect as of the date of adoption.

Accordingly, this Committee recommends its adoption.

(The following is the text of Res. No. 726:)

Preconsidered Res. No. 726

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

By Council Member Brannan.

Whereas, On June 30, 2023, the Council of the City of New York (the “City Council”) adopted the expense budget for Fiscal Year 2024 with various programs and initiatives (the “Fiscal 2024 Expense Budget”); and

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

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

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2024 and Fiscal 2023 and Fiscal 2022 Expense Budgets by approving the new designation and changes in the designation of certain organizations receiving local, aging, youth, anti-poverty, boroughwide, and Speaker’s initiative discretionary funding, and by approving the new designation and changes in the designation of certain organizations to receive funding pursuant to certain initiatives in accordance therewith; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2024 and Fiscal 2023 and Fiscal 2022 Expense Budgets by approving new Description/Scope of Services for certain organizations receiving youth, aging, and local discretionary funding and certain organization receiving funding pursuant to certain initiatives; now, therefore, be it

Resolved, That the City Council approves the changes in the designation of certain organizations receiving local discretionary funding pursuant to the Fiscal 2024 Expense Budget, as set forth in Chart 1; and be it further

Resolved, That the City Council approves the changes in the designation of certain organizations receiving aging discretionary funding in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 2; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving youth discretionary funding in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 3; and be it further

Resolved, That the City Council approves the changes in the designation of certain organizations receiving funding pursuant to the Anti-Poverty Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 4; and be it further

Resolved, That the City Council approves the changes in the designation of certain organizations receiving funding pursuant to the Community Safety and Victim Services Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 5; and be it further

Resolved, That the City Council approves the new designations of certain organizations receiving funding pursuant to the Speaker’s Initiative to Address Citywide Needs in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 6; and be it further

Resolved, That the City Council approves the change in the designation of certain organizations receiving funding pursuant to the Boroughwide Needs Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 7; and be it further

Resolved, That the City Council approves the new designations and change in the designation of certain organizations receiving funding pursuant to the A Greener NYC Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 8; and be it further

Resolved, That the City Council approves the new designations and changes in the designation of certain organizations receiving funding pursuant to the Cultural After-School Adventure (CASA) Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 9; and be it further

Resolved, That the City Council approves the new designations and the changes in the designation of certain organizations receiving funding pursuant to the Cultural Immigrant Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 10; and be it further

Resolved, That the City Council approves the new designations and changes in the designation of certain organizations receiving funding pursuant to the Digital Inclusion and Literacy Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 11; and be it further

Resolved, That the City Council approves the new designations and changes in the designation of certain organizations receiving funding pursuant to the Neighborhood Development Grant Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 12; and be it further

Resolved, That the City Council approves the new designations and changes in the designation of certain organizations receiving funding pursuant to the NYC Cleanup Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 13; and be it further

Resolved, That the City Council approves the new designations and change in the designation of certain organizations receiving funding pursuant to the Parks Equity Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 14; and be it further

Resolved, That the City Council approves the new designations and changes in the designation of certain organizations receiving funding pursuant to the Support Our Older Adults Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 15; and be it further

Resolved, That the City Council approves the new designations and changes in the designation of certain organizations receiving funding pursuant to the Domestic Violence and Empowerment (DoVE) Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 16; and be it further

Resolved, That the City Council approves the new designations and change in the designation of certain organizations receiving funding pursuant to the Coalition of Theaters of Color Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 17; and be it further

Resolved, That the City Council approves the new designations of certain organizations receiving funding pursuant to the Chamber on the Go and Small Business Assistance Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 18; and be it further

Resolved, That the City Council approves the new designations of certain organization receiving funding pursuant to the Worker Cooperative Business Development Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 19; and be it further

Resolved, That the City Council approves the new designations of certain organizations receiving funding pursuant to the Access Health Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 20; and be it further

Resolved, That the City Council approves the new designation of a certain organization receiving funding pursuant to the Ending the Epidemic Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 21; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving funding pursuant to the Viral Hepatitis Prevention Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 22; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving funding pursuant to the Art a Catalyst for Change Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 23; and be it further

Resolved, That the City Council approves the new designations of certain organizations receiving funding pursuant to the Crisis Management System Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 24; and be it further

Resolved, That the City Council approves the new designation of a certain organization receiving funding pursuant to the Hate Crimes Prevention Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 25; and be it further

Resolved, That the City Council approves the new designations of certain organizations receiving funding pursuant to the Autism Awareness Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 26; and be it further

Resolved, That the City Council approves the new designation of a certain organization receiving funding pursuant to the Court-Involved Youth Mental Health Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 27; and be it further

Resolved, That the City Council approves the new designations of certain organizations receiving funding pursuant to the Developmental, Psychological and Behavioral Health Services Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 28; and be it further

Resolved, That the City Council approves the new designation of a certain organization receiving funding pursuant to the Geriatric Mental Health Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 29; and be it further

Resolved, That the City Council approves the new designations of certain organizations receiving funding pursuant to the Mental Health Services for Vulnerable Populations Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 30; and be it further

Resolved, That the City Council approves the new designation of a certain organization receiving funding pursuant to the Young Women's Leadership Development Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 31; and be it further

Resolved, That the City Council approves the new designations of certain organizations receiving funding pursuant to the Diversity, Inclusion & Equity in Tech Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 32; and be it further

Resolved, That the City Council approves the changes in the designation of certain organizations receiving funding pursuant to the Stabilizing NYC Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 33; and be it further

Resolved, That the City Council approves the new designation of a certain organization receiving funding pursuant to the Elie Wiesel Holocaust Survivors Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 34; and be it further

Resolved, That the City Council approves the new designations of certain organizations receiving funding pursuant to the Elder Abuse Prevention Programs Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 35; and be it further

Resolved, That the City Council approves the new designations of certain organizations receiving funding pursuant to the Naturally Occurring Retirement Communities (NORCs) Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 36; and be it further

Resolved, That the City Council approves the new designations of certain organizations receiving funding pursuant to the Older Adult Clubs for Immigrant Populations Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 37; and be it further

Resolved, That the City Council approves the new designation of a certain organization receiving funding pursuant to the Opioid Prevention and Treatment Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 38; and be it further

Resolved, That the City Council approves the change in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 39; and be it further

Resolved, That the City Council approves the change in the designation of certain organizations receiving aging discretionary funding in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 40; and be it further

Resolved, That the City Council approves the change in the designation of certain organizations receiving funding pursuant to the Boroughwide Needs Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 41; and be it further

Resolved, That the City Council approves the change in the designation of certain organizations receiving funding pursuant to the NYC Cleanup Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 42; and be it further

Resolved, That the City Council amends the Purpose of Funds for certain organizations receiving funding in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 43; and be it further

Resolved, That the City Council amends the Purpose of Funds for certain organizations receiving funding in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 44; and be it further

Resolved, That the City Council amends the Purpose of Funds for certain organizations receiving funding in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 45.

(For text of the Exhibit Charts, please refer to the attachments section of [the Res. No. 726 of 2023 file](#) in the legislation section of the New York City Council website at <https://council.nyc.gov>)

JUSTIN L. BRANNAN, *Chairperson*: FRANCISCO P. MOYA, KEITH POWERS, FARAH N. LOUIS, SELVENA N. BROOKS-POWERS, CHARLES BARRON, GALE A. BREWER, AMANDA FARÍAS, KAMILLAH HANKS, CHI. A. OSSÉ, PIERINA ANA SANCHEZ, MARJORIE VELÁZQUEZ, JULIE WON, DAVID M. CARR; 14-0-0; *Absent*: Diana I. Ayala, Althea V. Stevens, and Nantasha M. Williams; *Maternity*: Crystal Hudson; Committee on Finance, August 3, 2023.

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

Reports of the Committee on Housing and Buildings

Report for Int. No. 5-A

Report of the Committee on Housing and Buildings in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to records of lead-based paint investigations.

The Committee on Housing and Buildings, to which the annexed proposed amended local law was referred on February 10, 2022 (Minutes, page 99), respectfully

REPORTS:

I. INTRODUCTION

On August 3, 2023, the New York City Council Committee on Housing and Buildings, chaired by Council Member Pierina Sanchez, held a hearing to vote on Int. 5-A, sponsored by Council Member Diana Ayala, in relation to records of lead-based paint investigations; Int. 6-A, sponsored by Council Member Ayala, in relation to the remediation of lead-based paint in dwelling units in multiple dwellings; Int. 384-A, sponsored by Council Member Selvena Brooks-Powers, in relation to the creation of an office of the homeowner advocate within the department of housing preservation and development; Int. 689-A, sponsored by the Public Advocate (Mr. Williams), in relation to elimination of permit and or filing fees for green building projects undertaken on one to three family homes; and Int. 750-A, sponsored by Council Member Ayala, in relation to the proactive identification and inspection of multiple dwellings where children are at risk of lead poisoning. Int. 5-A, Int. 6-A, and Int. 750-A were first heard on April 25, 2023. Int. 384-A, and Int. 689-A were first heard on May 3, 2023.

II. BACKGROUND

In New York City, lead-based paint hazards remain a significant public health concern, particularly for children under six years old. Lead-based paint was commonly used in homes and buildings prior to its ban in

1960 in New York City, and many older buildings still contain lead paint.¹ When lead paint deteriorates or is disturbed, it can release toxic lead dust or chips, which can be inhaled or ingested, leading to lead poisoning.² For children under six years of age, lead poisoning can have serious health consequences, as their developing brains and bodies are particularly vulnerable to exposure.³ Even low levels of exposure can cause irreversible neurological damage, leading to developmental delays, learning disabilities, and behavioral problems.⁴

Due to New York City's high population density and older housing stock, vulnerable populations, especially low-income families, communities of color, and immigrants, are at an increased risk of exposure to lead-based paint hazards.⁵ While the use of lead-based paint in residential buildings was first banned in New York City in 1960⁶ and banned by the federal government in 1978,⁷ widespread lead exposure, particularly for New York City's children, has continued over subsequent decades. To combat this ongoing crisis, the City Council enacted Local Law 1 of 2004, also known as the Childhood Lead Poisoning Prevention Act, with a stated goal of the "elimination of childhood lead poisoning by the year 2010."⁸ Since the enactment of Local Law 1, the City Council has continued to push forward legislation that is aimed at further eliminating these hazards and filling in the gaps of previous legislation where enforcement or compliance has been lacking. Most recently, on July 13, 2023, the Committee on Housing and Buildings voted on Int. 193-A, in relation to lead-based paint hazards in common areas of dwellings and the Committee on Health voted on Int. 200-A1, in relation to reporting on objections to orders for the abatement or remediation of lead conditions. Int. 5-A, 6-A and 750-A are a continuation of this effort to combat the dangers of lead-based paint hazards in multiple dwellings.

III. LEGISLATION

Int. No. 5-A

This bill would require a property owner to produce records of self-inspections conducted by such owner, and records of any measures taken to abate lead-based paint hazards, whenever a violation for lead-based paint hazards has been issued by the City. This documentation would include x-ray fluorescence analysis conducted after August 1, 2025. Additionally, this bill would establish a process of building owners to correct violations for the keeping or producing of records for 10 years.

This local law would take effect September 1, 2024.

Int. 6-A

This bill would require the lead-based paint abatement activities currently required upon turnover, including the removal of lead-based paint on friction surfaces and on doors and windows, to be completed in all applicable dwelling units where a child under the age of six resides, by July 1, 2027. All work performed at turnover and prior to turnover must be done in compliance with safe work practices. If an owner fails to perform this work,

¹ NYC Housing Preservation & Development, *Lead-Based Paint*, <https://www.nyc.gov/site/hpd/services-and-information/lead-based-paint.page> (last accessed July 31, 2023).

² Environmental Protection Agency, *Protect Your Family from Sources of Lead*, <https://www.epa.gov/lead/protect-your-family-sources-lead> (last accessed July 31, 2023).

³U.S. Department of Housing and Urban Development, *About Lead-Based Paint*, https://www.hud.gov/program_offices/healthy_homes/healthyhomes/lead (last accessed July 31, 2023).

⁴ *Id.* In New York State, students who meet the criteria under the Individuals with Disabilities Education Act (IDEA) for "other health impairment," which includes lead exposure, may be considered for special education services. 34 C.F.R. Parts 300, 301; National Center for Health Housing, *Issue Brief: Childhood Lead Exposure and Educational Outcomes*, <https://www.nhlp.org/wp-content/uploads/NCHH-Childhood-Lead-Exposure-and-Educ-Outcomes.pdf> (last accessed July 31, 2023).

⁵ Centers for Disease Control and Prevention, *Populations at Higher Risk* (last reviewed Oct. 29, 2021), <https://www.cdc.gov/nceh/lead/prevention/populations.htm> (last accessed July 31, 2023).

⁶ New York City Dept. of Health and Mental Hygiene, *Lead Poisoning: Information for Building Owners*, <https://www.nyc.gov/site/doh/health/health-topics/lead-poisoning-information-for-building-owners.page#:~:text=Dust%20from%20lead%20paint%20is,may%20still%20have%20lead%20paint> (last accessed July 31, 2023).

⁷ See Environmental Protection Agency, *supra* note 2.

⁸ New York City Council, Local Law 1 of 2004, <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=437484&GUID=23ACF449-F6E1-4318-883B-62FF3C4FEBE0&Options=ID%7cText%7c&Search=> (last accessed July 31, 2023).

they are subject to a Class C violation and are required to produce appropriate records for the immediately previous year. If the occupant of the dwelling unit must temporarily relocate to safely perform the remediation work prior to turnover, but refuses to relocate, the owner may submit documentation to the Department of Housing Preservation and Development (“HPD”) to show its good faith effort to comply with the requirement and be exempt from this requirement upon HPD approval. Upon turnover of the unit, the owner would still be required to perform the required turnover remediation work. HPD rulemaking is also required.

This local law would take effect September 1, 2024.

Int. 384-A

This bill would create a new office within HPD to assist and work with homeowners. The Office of the Homeowner Advocate (“OHA”) in partnership with any relevant third-party organization, would assist homeowners, refer them to appropriate agencies as needed, act as a liaison with legal services and other supports, provide counseling or referrals for counseling on important homeowner issues, provide trainings for homeowners, assist homeowners with accessing financial and technical resources and create a public awareness campaign of the rights and responsibilities of homeowners. OHA would also publish an annual report, disaggregated by community district where applicable, on the number of inquiries received by the office, including the complaint type and frequency, a summary of actions taken for each inquiry, and make recommendations for free and low cost services that may be beneficial to homeowners that are not currently available.

This local law would take effect 180 days after becoming law.

Int. 689-A

This bill would define green building projects as a project or renovation that will produce, from renewable resources, a decrease in carbon, or carbon equivalent, emissions in a percentage of no less than 50 percent of the building’s prior year emissions. This bill would also waive any building permit, inspection, or other service fees for a green building project undertaken on one- to three-family homes when the owner submits documentation demonstrating a sufficient decrease in emissions.

This local law would take effect 180 days after becoming law.

Int. 750-A

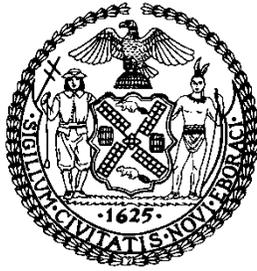
This bill would create a proactive inspection program where HPD and the Department of Health and Mental Hygiene would identify at least 200 residential buildings each year that may pose a risk of lead exposure to children who reside in such buildings. Inspectors would then inspect such buildings for any lead-based paint hazards and proceed to order that any such hazards be abated.

This local law would take effect 1 year after it becomes law.

UPDATE

On Thursday, August 3, 2023, the Committee adopted Int. 5-A by a vote of seven in the affirmative, one in the negative, and zero abstentions; Int. 6-A by a vote of seven in the affirmative, one in the negative, and zero abstentions; Int. 384-A by a vote of eight in the affirmative, zero in the negative, and zero abstentions; Int. 689-A by a vote of eight in the affirmative, zero in the negative, and zero abstentions; and Int. 750-A by a vote of eight in the affirmative, zero in the negative, and zero abstentions.

(The following is the text of the Fiscal Impact Statement for Int. No. 5-A:)



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

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

RICHARD LEE, DIRECTOR

FISCAL IMPACT STATEMENT

PROPOSED INTRO. NO: 5-A

COMMITTEE: Housing and Buildings

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to records of lead-based paint investigations.

SPONSOR(S): Council Members Ayala, Louis, Hanif, Won, Joseph, Riley, Restler, Krishnan, Dinowitz, Cabán, Richardson Jordan, Avilés, Schulman, Velázquez, Gennaro, Marte, Rivera, De La Rosa, Farías, Brewer, Sanchez, Abreu, Brannan, Brooks-Powers, Bottcher, Nurse, Gutiérrez, Hudson, Narcisse, Williams, Barron and Ossé.

SUMMARY OF LEGISLATION: The proposed legislation would require property owners to produce records for the immediately previous year, including the annual notice, and, where appropriate, investigations conducted by such owner, including x-ray fluorescence analysis after August 1, 2025, whenever a violation for lead-based paint hazards has been issued by the Department of Housing Preservation and Development (HPD). This bill would establish a process for building owners to correct violations for the keeping or producing of records for 10 years. When a building owner receives a violation for record keeping, they can correct the violation by submitting a violation dismissal request form with the required 10 years of records. Alternatively, the owner may submit a violation dismissal request form with documentation demonstrating the owner’s record keeping for at least 3 consecutive years and, upon the HPD finding this documentation sufficient, the owner must pay \$1,000 for each year for which the documentation is not submitted.

EFFECTIVE DATE: This local law would take effect on September 1, 2024.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2026

FISCAL IMPACT STATEMENT:

	Effective FY25	FY Succeeding Effective FY26	Full Fiscal Impact FY26
Revenues	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0
Net	\$0	\$0	\$0

IMPACT ON REVENUES: It is anticipated that this legislation would not affect revenues as full compliance by building owners is anticipated.

IMPACT ON EXPENDITURES: It is anticipated that there would be no impact on expenditures resulting from the enactment of this legislation because the Department of Housing Preservation and Development (HPD) would utilize existing resources to fulfill the requirements.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: New York City Council Finance Division

ESTIMATE PREPARED BY: Daniel Kroop, Principal Financial Analyst, NYC Council Finance Division

ESTIMATE REVIEWED BY: Chima Obichere, Deputy Director, NYC Council Finance Division
Jonathan Rosenberg, Managing Deputy Director, NYC Council Finance Division
Kathleen Ahn, Counsel, NYC Council Finance Division

LEGISLATIVE HISTORY: The legislation was introduced to the full Council on February 10, 2022, as Proposed Intro. No. 5 and referred to the Committee on Housing and Buildings (Committee). The Committee held a joint hearing with the Committee on Health regarding the legislation on April 25, 2023, and it was laid over. The legislation was subsequently amended, and the amended version, Proposed Intro. 5-A, will be considered by the Committee on August 3, 2023. Upon a successful vote by the Committee, Proposed Intro. No. 5-A will be submitted to the full Council for a vote on August 3, 2023.

DATE PREPARED: August 1, 2023.

(For text of Int. Nos. 6-A, 384-A, 689-A, and 750-A and their Fiscal Impact Statements, please see the Report of the Committee on Housing and Buildings for Int. Nos. 6-A, 384-A, 689-A and 750-A, respectively, printed in these Minutes; for text of Int. No. 5-A, please see below)

Accordingly, this Committee recommends the adoption of Int. Nos. 5-A, 6-A, 384-A, 689-A, and 750-A.

(The following is the text of Int. No. 5-A:)

Int. No. 5-A

By Council Members Ayala, Louis, Hanif, Won, Joseph, Riley, Restler, Krishnan, Dinowitz, Cabán, Richardson Jordan, Avilés, Schulman, Velázquez, Gennaro, Marte, Rivera, De La Rosa, Farías, Brewer, Sanchez, Abreu, Brannan, Brooks-Powers, Bottcher, Nurse, Gutiérrez, Hudson, Narcisse, Williams, Barron and Ossé.

A Local Law to amend the administrative code of the city of New York, in relation to records of lead-based paint investigations

Be it enacted by the Council as follows:

Section 1. Section 27-2056.17 of the administrative code of the city of New York is amended by adding new subdivisions b-1 and f in alphanumerical order to read as follows:

b-1. When the department issues a violation pursuant to section 27-2056.6 for a dwelling unit where a child of applicable age resides, the department shall notify the owner of the multiple dwelling where the dwelling unit is located that the owner shall, within 45 days of the department's notice, provide to the department records of the annual notice and, where appropriate, records of investigations conducted by such owner, for the immediately previous year. On and after August 1, 2025, the department shall require all records of any x-ray fluorescence analysis conducted pursuant to subdivision a-1 of section 27-2056.4. The failure to furnish such records shall be a separate violation of this section. Nothing in this subdivision shall affect the validity of a certification of correction of a lead-based paint hazard violation issued pursuant to section 27-2056.6.

f. Notwithstanding any other provision of law, a violation issued to an owner of a multiple dwelling pursuant to section 27-2056.4, 27-2056.7, or 27-2056.17 which requires keeping or producing records for 10 years shall be dismissed as having been corrected if the owner submits: (i) a violation dismissal request form for such violation with the required consecutive 10 years of records, including such records for the year in which the owner is submitting the dismissal request; or (ii) the appropriate violation dismissal request form for such violation with documentation demonstrating that the owner has kept the required records for a period of at least 3 consecutive years, including such records for the year in which the owner is submitting the dismissal request, and upon notification from the department that such submitted documentation is sufficient, a payment of \$1,000 for each year of the 10 years that the owner does not submit documentation.

§ 2. This local law takes effect September 1, 2024.

PIERINA ANA SANCHEZ, *Chairperson*; ERIC DINOWITZ, OSWALD FELIZ, TIFFANY CABÁN, SHAUN ABREU, ALEXA AVILÉS, CHARLES BARRON, CRYSTAL HUDSON; 7-1-0; *Negative*: David M. Carr; *Parental Leave*: Council Member Committee on Housing and Buildings, August 3, 2023. *Also Attending*: *The Public Advocate (Mr. Williams)*.

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

Report for Int. No. 6-A

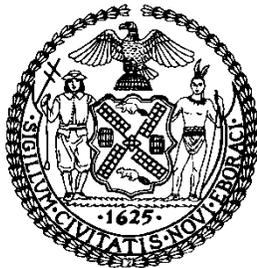
Report of the Committee on Housing and Buildings in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to the remediation of lead-based paint in dwelling units in multiple dwellings.

The Committee on Housing and Buildings, to which the annexed proposed amended local law was referred on February 10, 2022 (Minutes, page 99), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Housing and Buildings for Int. No. 5-A printed in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 6-A:



THE COUNCIL OF THE CITY OF NEW YORK
FINANCE DIVISION
TANISHA S. EDWARDS, ESQ., CHIEF FINANCIAL
OFFICER, AND DEPUTY CHIEF OF STAFF TO THE
SPEAKER
RICHARD LEE, DIRECTOR
FISCAL IMPACT STATEMENT

PROPOSED INTRO. NO: 6-A

COMMITTEE: Housing and Buildings

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to the remediation of lead-based paint in dwelling units in multiple dwellings.

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

SUMMARY OF LEGISLATION: The proposed legislation would require the lead-based paint abatement activities currently required upon turnover, including the removal of lead-based paint on friction surfaces on doors and windows, to be completed in all applicable dwelling units where a child under the age of six resides, by July 1, 2027. If an owner fails to perform this work, they are subject to a Class C violation and are required to produce appropriate records for the immediately previous year. If the occupant of the dwelling unit must temporarily relocate to safely perform the remediation work prior to turnover, but refuses to relocate, the owner may submit documentation to the Department of Housing Preservation and Development (HPD) to show its good faith effort to comply with the requirement and be exempt from this requirement upon HPD approval. Upon turnover of the unit, the owner would still be required to perform the required turnover remediation work.

EFFECTIVE DATE: This local law would take effect on September 1, 2024.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2026

FISCAL IMPACT STATEMENT:

	Effective FY25	FY Succeeding Effective FY26	Full Fiscal Impact FY26
Revenues	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0
Net	\$0	\$0	\$0

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

IMPACT ON EXPENDITURES: It is anticipated that there would be no impact on expenditures resulting from the enactment of this legislation because the Department of Housing Preservation and Development (HPD) would utilize existing resources to fulfill the requirements.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: New York City Council Finance Division

ESTIMATE PREPARED BY: Daniel Kroop, Principal Financial Analyst, NYC Council Finance Division

ESTIMATE REVIEWED BY: Chima Obichere, Deputy Director, NYC Council Finance Division
Jonathan Rosenberg, Managing Deputy Director, NYC Council Finance Division
Kathleen Ahn, Counsel, NYC Council Finance Division

LEGISLATIVE HISTORY: The legislation was introduced to the full Council on February 10, 2022, as Proposed Intro. No. 6 and referred to the Committee on Housing and Buildings (Committee). The Committee held a joint hearing with the Committee on Health regarding the legislation on April 25, 2023, and it was laid over. The legislation was subsequently amended, and the amended version, Proposed Intro. 6-A, will be considered by the

Committee on August 3, 2023. Upon a successful vote by the Committee, Proposed Intro. No. 6-A will be submitted to the full Council for a vote on August 3, 2023.

DATE PREPARED: August 1, 2023.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 6-A:)

Int. No. 6-A

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

A Local Law to amend the administrative code of the city of New York, in relation to the remediation of lead-based paint in dwelling units in multiple dwellings

Be it enacted by the Council as follows:

Section 1. Section 27-2056.8 of the administrative code of the city of New York, as added by local law number 1 for the year 2004 and subdivision c of such section as amended by local law number 28 for the year 2020, is amended to read as follows:

§ 27-2056.8 Violation in a Dwelling Unit Upon *or Prior to* Turnover. a. Upon *the earlier of* (i) turnover of any dwelling unit in a multiple dwelling erected prior to January 1, 1960 [or a dwelling unit in a private dwelling erected prior to January 1, 1960 where each dwelling unit is to be occupied by persons other than the owner or the owner's family], (ii) *by July 1, 2027 for any dwelling unit in a multiple dwelling erected prior to January 1, 1960 where a child of applicable age resides as of January 1, 2025, or* (iii) *within 3 years after the date a child of applicable age begins to reside in any occupied dwelling unit in a multiple dwelling erected prior to January 1, 1960 prior to turnover*, the owner shall within such dwelling unit have the responsibility to:

(1) remediate all lead-based paint hazards and any underlying defects, when such underlying defects exist, *for each turnover of a dwelling unit;*

(2) make all bare floors, window sills, and window wells in the dwelling unit smooth and cleanable *for each turnover of a dwelling unit;*

(3) provide for the removal or permanent covering of all lead-based paint on all friction surfaces on all doors and door frames; and

(4) provide for the removal or permanent covering of all lead-based paint on all friction surfaces on all windows, or provide for the installation of replacement window channels or slides on all lead-based painted friction surfaces on all windows.

b. (1) All work performed pursuant to this section *upon turnover* shall be performed pursuant to the safe work practices promulgated pursuant to [section 27-2056.11(a)(3) of this article] *paragraph 3 of subdivision a of section 27-2056.11.*

(2) *All work performed pursuant to this section prior to turnover shall be performed pursuant to the safe work practices promulgated pursuant to paragraph 1 or 2 of subdivision a of section 27-2056.11 as applicable.*

c. Any owner who fails to comply with the provisions of subdivision a of this section, or the rules of the department of health and mental hygiene or the department promulgated pursuant to [paragraph] *paragraphs 1, 2, or 3* of subdivision a of section 27-2056.11, *as applicable*, as determined by subdivision d-1 of section 27-2056.9 shall be liable for a class C immediately hazardous violation. An owner who is presumed to have failed to comply with the provisions of subdivision a of this section or such rules, pursuant to an audit as provided in section 27-2056.7 or section 27-2056.17, shall be liable for a class B violation and a civil penalty in an amount not to exceed [\$1500] *\$1,500.*

d. When the department issues a class C violation pursuant to subdivision c of this section for a dwelling unit, the department shall notify the owner that the owner shall, within 45 days of the department's notice, provide to the department records regarding the annual notice and, where appropriate, records of investigations conducted by such owner, for the immediately previous year. On and after August 1, 2025, the department shall also require such records to include any x-ray fluorescence analysis conducted pursuant to subdivision a-1 of section 27-2056.4.

e. Where compliance with this section would necessitate that an occupant of a dwelling unit temporarily relocate from the dwelling unit in accordance with the safe work practice rules promulgated pursuant to paragraph 1 or 2 of subdivision a of section 27-2056.11, as applicable, and such occupant refuses to so relocate, the owner shall be exempt from such compliance upon approval by the department of documentation demonstrating the owner's good faith effort to perform the required work and the occupant's refusal to relocate. The department shall promulgate rules describing documentation sufficient for an owner to show good faith effort to perform such work and to show the occupant's refusal to relocate. Such exemption shall remain in effect until the dwelling unit is turned over to a new occupant. For any dwelling unit where such an exemption is granted, the department shall dismiss any violation of this section (i) which was the basis for the owner's request for the exemption, or (ii) which was issued after the exemption was granted and prior to the dwelling being turned over to a new occupant.

§ 2. Subdivision d-1 of section 27-2056.9 of the administrative code of the city of New York, as added by local law number 28 for the year 2020, is amended to read as follows:

d-1. When conducting an inspection pursuant to this section, the department shall attempt to obtain information from the tenant or another source regarding the date upon which the current tenancy of a child of applicable age in such dwelling unit began. If the tenancy began after August 2, 2004 and the inspection pursuant to this section indicates a failure by the owner to comply with the requirements of section 27-2056.8, based upon a positive or inconclusive lead-based paint x-ray fluorescence test result, the department shall issue a violation pursuant to subdivision c of section 27-2056.8. A property owner may rebut the information provided by the tenant or another source regarding the date upon which the current tenancy of a child of applicable age of such multiple dwelling unit began by submitting documents in accordance with rules of the department. A property owner may correct a violation of section 27-2056.8 by abating any friction surface that tested positive or is presumed to contain lead-based paint pursuant to section 27-2056.5, and either (i) providing results of [XRF] x-ray fluorescence tests for all window and door friction surfaces within the unit that demonstrate such surfaces do not contain lead-based paint, or (ii) providing documentation satisfactory to the department to demonstrate appropriate abatement of all other window and door friction surfaces within the dwelling unit.

§ 3. This local law takes effect September 1, 2024.

PIERINA ANA SANCHEZ, *Chairperson*; ERIC DINOWITZ, OSWALD FELIZ, TIFFANY CABÁN, SHAUN ABREU, ALEXA AVILÉS, CHARLES BARRON, CRYSTAL HUDSON; 7-1-0; *Negative*: David M. Carr; *Parental Leave*: Council Member Committee on Housing and Buildings, August 3, 2023. *Also Attending*: *The Public Advocate (Mr. Williams)*.

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

Report for Int. No. 384-A

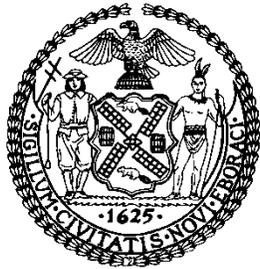
Report of the Committee on Housing and Buildings in favor of approving and adopting, as amended, a Local Law to amend the New York city charter, in relation to the creation of an office of the homeowner advocate within the department of housing preservation and development.

The Committee on Housing and Buildings, to which the annexed proposed amended local law was referred on May 19, 2022 (Minutes, page 1080), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Housing and Buildings for Int. No. 5-A printed in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 384-A:



**THE COUNCIL OF THE CITY OF NEW YORK
 FINANCE DIVISION
 TANISHA S. EDWARDS, ESQ., CHIEF FINANCIAL
 OFFICER, AND DEPUTY CHIEF OF STAFF TO THE
 SPEAKER
 RICHARD LEE, DIRECTOR
 FISCAL IMPACT STATEMENT**

PROPOSED INTRO. NO: 384-A

COMMITTEE: Housing and Buildings

TITLE: A Local Law to amend the New York city charter, in relation to the creation of an office of the homeowner advocate within the department of housing preservation and development.

SPONSOR(S): Council Members Brooks-Powers, Lee, Ossé, Louis, Nurse, Abreu, Restler, Sanchez, Williams, Won, Velázquez, Riley and Hanif.

SUMMARY OF LEGISLATION: The proposed legislation would create the Office of the Homeowner Advocate (OHA) within the Department of Housing Preservation and Development (HPD). OHA would provide support to homeowners, defined in the bill as a person who utilizes a building as a primary residence by being a shareholder in a cooperative corporation, the owner of a residential condominium unit, or the owner of such building containing a residence within the city, provided such building has between one and four dwelling units. OHA, with the assistance of any relevant third-party organization, would be responsible for providing services for homeowners, including acting as a liaison between homeowners and City, State, and Federal agencies, providing referrals to homeowners, and holding trainings for homeowners. OHA would also be required to report annually on homeowner inquiries received, actions taken to address these inquiries, and make recommendations for relevant services that are not currently available.

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

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2025

FISCAL IMPACT STATEMENT:

	Effective FY24	FY Succeeding Effective FY25	Full Fiscal Impact FY25
Revenues	\$0	\$0	\$0
Expenditures	\$250,000	\$500,000	\$500,000
Net	\$0	\$0	\$0

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

IMPACT ON EXPENDITURES: It is anticipated that the proposed legislation would increase expenditures by \$500,000 annually, which would support the salary and benefits of dedicated staff persons to conduct the referral, case support, outreach, engagement, training, and reporting services of the Office of the Homeowner Advocate (OHA), as well as supplies and materials.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: General Fund

SOURCE OF INFORMATION: New York City Council Finance Division

ESTIMATE PREPARED BY: Daniel Kroop, Principal Financial Analyst, NYC Council Finance Division

ESTIMATE REVIEWED BY: Chima Obichere, Deputy Director, NYC Council Finance Division
Jonathan Rosenberg, Managing Deputy Director, NYC Council Finance Division
Kathleen Ahn, Counsel, NYC Council Finance Division

LEGISLATIVE HISTORY: The legislation was introduced to the full Council on May 19, 2022, as Proposed Intro. No. 384 and referred to the Committee on Housing and Buildings (Committee). The Committee held a hearing regarding the legislation on May 3, 2023, and it was laid over. The legislation was subsequently amended, and the amended version, Proposed Intro. 384-A, will be considered by the Committee on August 3, 2023. Upon a successful vote by the Committee, Proposed Intro. No. 384-A will be submitted to the full Council for a vote on August 3, 2023.

DATE PREPARED: August 1, 2023.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 384-A:)

Int. No. 384-A

By Council Members Brooks-Powers, Lee, Ossé, Louis, Nurse, Abreu, Restler, Sanchez, Williams, Won, Velázquez, Riley, Hanif and Dinowitz.

A Local Law to amend the New York city charter, in relation to the creation of an office of the homeowner advocate within the department of housing preservation and development

Be it enacted by the Council as follows:

Section 1. Chapter 61 of the New York city charter is amended by adding a new section 1807 to read as follows:

§ 1807. *Office of the homeowner advocate. a. Definitions. For purposes of this section, the term “homeowner” means a natural person who utilizes a building within the city as a primary residence by being: (i) the shareholder in a cooperative corporation that entitles such owner to occupancy of a dwelling unit in such building; (ii) the owner of a residential condominium unit in such building; or (iii) the owner of such building containing a residence within the city, provided such building has between 1 and 4 dwelling units.*

b. There shall be in the department an office of the homeowner advocate, the head of which shall be the homeowner advocate. The office of the homeowner advocate, with the assistance of any third-party organization identified by such office that provides relevant services to homeowners, shall have responsibilities that include, but are not limited to, the following:

1. Receiving comments, questions, and concerns from homeowners related to city services;

2. Referring homeowners to the appropriate state or federal agency and, where needed, facilitating communication or serving as a liaison between the homeowner and such agency;

3. Serving as a liaison between homeowners and the department, referring homeowners to other city agencies, including, but not limited to, the department of buildings, the department of environmental protection, and the department of finance, and providing the names of offices within such agencies that relate to the rights and responsibilities associated with homeownership;

4. Referring homeowners to community based organizations, legal services organizations, and other organizations that provide support or counseling to homeowners on topics such as scam prevention, mortgage counseling, municipal payment assistance, repair financing, financial planning, estate planning, and navigating and accessing private financial and technical resources;

5. Making trainings available to homeowners on topics such as finance related to real property ownership, property management, rental housing, lead paint, mortgage relief, and foreclosure prevention;

6. Creating public awareness campaigns about the rights and responsibilities of homeowners; and

7. Maintaining on the department's website a list of the names, websites, and contact information of existing not-for-profit organizations providing low-cost or free services to homeowners within the city.

c. By September 30, 2025, and by September 30 of each year thereafter, the office of the homeowner advocate shall post on the department's website a report. The report shall include, but need not be limited to, the following information, disaggregated by community district where available:

1. The number of inquiries received by the office of the homeowner advocate, including complaints received from 311, further disaggregated by complaint type and frequency;

2. A summary of actions taken for each inquiry type; and

3. Recommendations for free and low cost services that are not already available that might be beneficial to homeowners within the city.

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

PIERINA ANA SANCHEZ, Chairperson; ERIC DINOWITZ, OSWALD FELIZ, TIFFANY CABÁN, SHAUN ABREU, ALEXA AVILÉS, CHARLES BARRON, DAVID M. CARR; 8-0-0; Parental Leave: Crystal Hudson; Committee on Housing and Buildings, August 3, 2023. Also Attending: The Public Advocate (Mr. Williams).

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

Report for Int. No. 689-A

Report of the Committee on Housing and Buildings in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to elimination of permit and or filing fees for green building projects undertaken on one to three family homes.

The Committee on Housing and Buildings, to which the annexed proposed amended local law was referred on September 14, 2022 (Minutes, page 2182), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Housing and Buildings for Int. No. 5-A printed in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 689-A:



**THE COUNCIL OF THE CITY OF NEW YORK
FINANCE DIVISION
TANISHA S. EDWARDS, ESQ., CHIEF FINANCIAL
OFFICER, AND DEPUTY CHIEF OF STAFF TO THE
SPEAKER
RICHARD LEE, DIRECTOR
FISCAL IMPACT STATEMENT**

PROPOSED INTRO. NO: 689-A

COMMITTEE: Housing and Buildings

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to elimination of permit and or filing fees for green building projects undertaken on one to three family homes.

SPONSOR(S): Public Advocate (Mr. Williams) and Council Members Nurse, Louis, Restler, Hanif, Hudson, Joseph, Velázquez, Krishnan, Feliz, Ossé, Brannan, Avilés, Cabán, Lee, Schulman, Yeger, Marte, Abreu, Gutiérrez, Williams, Richardson Jordan, Won, Riley and Carr.

SUMMARY OF LEGISLATION: The proposed legislation would create a new definition for green building project, defined as a building or renovation project that will produce, from renewable resources, a decrease in carbon, or carbon equivalent, emissions in a percentage of no less than 50 percent of the building’s prior year emissions. This bill would also waive any building permit, inspection, or other service fees for a green building project undertaken on one- to three-family homes when the owner submits documentation demonstrating a sufficient decrease in emissions.

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

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2025

FISCAL IMPACT STATEMENT:

	Effective FY24	FY Succeeding Effective FY25	Full Fiscal Impact FY25
Revenues	(See Below)	(See Below)	(See Below)
Expenditures	\$0	\$0	\$0
Net	(See Below)	(See Below)	(See Below)

IMPACT ON REVENUES: It is anticipated that there would be minimal to no impact on revenue. However, because the number of homes that would take advantage of the waiver is unknown, the amount of likely foregone revenue is undetermined.

IMPACT ON EXPENDITURES: It is estimated that the legislation would not affect expenditures.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: New York City Council Finance Division

ESTIMATE PREPARED BY: Daniel Kroop, Principal Financial Analyst, NYC Council Finance Division

ESTIMATE REVIEWED BY: Chima Obichere, Deputy Director, NYC Council Finance Division
Jonathan Rosenberg, Managing Deputy Director, NYC Council Finance

Division
Kathleen Ahn, Counsel, NYC Council Finance Division

LEGISLATIVE HISTORY: The legislation was introduced to the full Council on September 14, 2022, as Proposed Intro. No. 689 and referred to the Committee on Housing and Buildings (Committee). The Committee held a hearing regarding the legislation on May 3, 2023, and it was laid over. The legislation was subsequently amended, and the amended version, Proposed Intro. 689-A, will be considered by the Committee on August 3, 2023. Upon a successful vote by the Committee, Proposed Intro. No. 689-A will be submitted to the full Council for a vote on August 3, 2023.

DATE PREPARED: August 1, 2023.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 689-A:)

Int. No. 689-A

By the Public Advocate (Mr. Williams) and Council Members Nurse, Louis, Restler, Hanif, Hudson, Joseph, Velázquez, Krishnan, Feliz, Ossé, Brannan, Avilés, Cabán, Lee, Schulman, Yeger, Marte, Abreu, Gutiérrez, Williams, Richardson Jordan, Won, Riley and Carr.

A Local Law to amend the administrative code of the city of New York, in relation to elimination of permit and or filing fees for green building projects undertaken on one to three family homes

Be it enacted by the Council as follows:

Section 1. Section 28-101.5 of the administrative code of the city of New York is amended by adding a new definition of “GREEN BUILDING PROJECT” in alphabetical order to read as follows:

GREEN BUILDING PROJECT. A building project or renovation undertaken that, when constructed, will produce, from renewable resources, a decrease in carbon, or carbon equivalent, emissions in a percentage no less than 50 percent of such building’s prior year emissions. This may include installation of renewable energy sources such as solar energy, geothermal ground source heat pumps, or wind energy systems.

§ 2. Section 28-112.1 of the administrative code of the city of New York is amended by adding a new exception 3 to read as follows:

3. A permit, inspection, or other service or privilege as regulated in this code shall not be subject to this provision if the work proposed is under a new building or alteration of an existing building for a one-, two-, or three-family dwelling that will be a green building project. The application for any such project must comply with the requirements of section 28-104.7.9, and must show how such work will result in a sufficient decrease in emissions.

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

PIERINA ANA SANCHEZ, *Chairperson*; ERIC DINOWITZ, OSWALD FELIZ, TIFFANY CABÁN, SHAUN ABREU, ALEXA AVILÉS, CHARLES BARRON, CRYSTAL HUDSON, DAVID M. CARR; 8-0-0; *Parental Leave*: Council Member Committee on Housing and Buildings, August 3, 2023. *Also Attending: The Public Advocate (Mr. Williams).*

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

Report for Int. No. 750-A

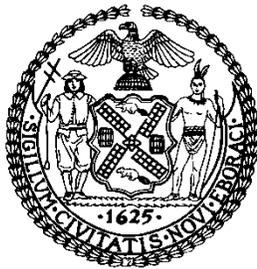
Report of the Committee on Housing and Buildings in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to the proactive identification and inspection of multiple dwellings where children are at risk of lead poisoning

The Committee on Housing and Buildings, to which the annexed proposed amended local law was referred on October 12, 2022 (Minutes, page 2453), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Housing and Buildings for Int. No. 5-A printed in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 750-A:



**THE COUNCIL OF THE CITY OF NEW YORK
FINANCE DIVISION
TANISHA S. EDWARDS, ESQ., CHIEF FINANCIAL
OFFICER, AND DEPUTY CHIEF OF STAFF TO THE
SPEAKER
RICHARD LEE, DIRECTOR
FISCAL IMPACT STATEMENT**

PROPOSED INTRO. NO: 750-A

COMMITTEE: Housing and Buildings

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to the proactive identification and inspection of dwellings where children are at risk of lead poisoning

SPONSOR(S): Council Members Ayala, Sanchez, Restler, Joseph, Williams, Hudson, Avilés, Gennaro, Hanif, Brewer, Abreu, Brooks-Powers, Gutiérrez, Cabán, Krishnan, Marte, Won, De La Rosa, Narcisse, Farías, Barron, Richardson Jordan, Riley, Schulman, Ossé, Louis, and Rivera.

SUMMARY OF LEGISLATION: The proposed legislation would create a proactive inspection requirement for buildings selected by the Department of Housing Preservation and Development and the Department of Health and Mental Hygiene. The departments would identify at least 200 residential buildings each year that may pose a risk of lead exposure to children who reside in such buildings and proactively inspect such buildings for lead-based paint violations.

EFFECTIVE DATE: This bill would take effect one year after it becomes law.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2026

FISCAL IMPACT STATEMENT:

	Effective FY25	FY Succeeding Effective FY26	Full Fiscal Impact FY26
Revenues	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0
Net	\$0	\$0	\$0

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

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

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

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

ESTIMATE PREPARED BY: Daniel Kroop, Principal Financial Analyst, NYC Council Finance Division

ESTIMATE REVIEWED BY: Chima Obichere, Deputy Director, NYC Council Finance Division
Jonathan Rosenberg, Managing Deputy Director, NYC Council Finance
Division
Kathleen Ahn, Counsel, NYC Council Finance Division

LEGISLATIVE HISTORY: The legislation was introduced to the full Council on October 12, 2022, as Proposed Intro. No. 750 and referred to the Committee on Housing and Buildings (Committee). The Committee held a hearing jointly with the Committee on Health regarding the legislation on April 25, 2023, and it was laid over. The legislation was subsequently amended, and the amended version, Proposed Intro. 750-A, will be considered by the Committee on August 3, 2023. Upon a successful vote by the Committee, Proposed Intro. No. 750-A will be submitted to the full Council for a vote on August 3, 2023.

DATE PREPARED: August 1, 2023.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 750-A:)

Int. No. 750-A

By Council Members Ayala, Sanchez, Restler, Joseph, Williams, Hudson, Avilés, Gennaro, Hanif, Brewer, Abreu, Brooks-Powers, Gutiérrez, Cabán, Krishnan, Marte, Won, De La Rosa, Narcisse, Farías, Barron, Richardson Jordan, Riley, Schulman, Ossé, Louis, Rivera and Dinowitz.

A Local Law to amend the administrative code of the city of New York, in relation to the proactive identification and inspection of multiple dwellings where children are at risk of lead poisoning

Be it enacted by the Council as follows:

Section 1. Subdivision b of section 27-2056.17 of the administrative code of the city of New York, as amended by local law number 70 for the year 2019, is amended to read as follows:

b. To determine compliance with the requirements of this article, in addition to the audits required by section 27-2056.7, the department shall audit the records required to be kept pursuant to this article, including pursuant

to section 27-2056.4 and 27-2056.8, for a minimum of 200 buildings each fiscal year. *Such additional 200 buildings shall also be inspected for violations of section 27-2056.6 in accordance with subdivision b of section 27-2056.9, and for violations of section 27-2056.8 in accordance with subdivision d-1 of section 27-2056.9.* Such additional 200 buildings shall be selected by the department, *in consultation with the department of health and mental hygiene, using criteria set forth in the rules of the department that shall include, but need not be limited to:*

(1) buildings with peeling lead-based paint violations issued as a result of positive [XRF] *x-ray fluorescence* tests pursuant to section 27-2056.6, *considering the number of such violations and data on the prevalence of elevated blood lead levels in certain geographic areas identified by the department of health and mental hygiene;*

(2) buildings with violations that have been issued for other indicators of deteriorated subsurfaces including, but not limited to, mold and leaks, *considering the number of such violations and data on the prevalence of elevated blood lead levels in certain geographic areas identified by the department of health and mental hygiene;* and

(3) buildings [selected from a random sample of buildings based on data on the prevalence of elevated blood lead levels in certain geographic areas identified by the department of health and mental hygiene; and

(4) buildings selected from a random sample of buildings that are subject to the presumption in section 27-2056.5] *with violations that have been issued pursuant to section 27-2056.8, considering the number of such violations and data on the prevalence of elevated blood lead levels in certain geographic areas identified by the department of health and mental hygiene.*

§ 2. This local law takes effect 1 year after it becomes law.

PIERINA ANA SANCHEZ, *Chairperson*; ERIC DINOWITZ, OSWALD FELIZ, TIFFANY CABÁN, SHAUN ABREU, ALEXA AVILÉS, CHARLES BARRON, CRYSTAL HUDSON, DAVID M. CARR; 8-0-0; *Parental Leave*: Council Member Committee on Housing and Buildings, August 3, 2023. *Also Attending: The Public Advocate (Mr. Williams).*

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

Reports of the Committee on Land Use

Report for L.U. No. 239

Report of the Committee on Land Use in favor of approving Application number C 230041 ZMQ (Ocean Crest Rezoning) submitted by TCB Beach Channel Drive Limited Partnership, pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 31a, by changing from an R4-1 District to an R6A District, Borough of Queens, Community District 14, Council District 31.

The Committee on Land Use, to which the annexed Land Use item was referred on June 22, 2023 (Minutes, page 1947) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

QUEENS CB-14 – TWO APPLICATIONS RELATED TO OCEAN CREST REZONING

C 230041 ZMQ (L.U. No. 239)

City Planning Commission decision approving an application submitted by TCB Beach Channel Drive Limited Partnership, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 31a by changing from an R4-1 District to an R6A District property bounded by Ocean Crest Boulevard, a line 175 feet northeasterly of Beach 32nd Street, a line 100 feet southeasterly of Ocean Crest Boulevard, a line 250 feet southwesterly of Hartman Lane, Beach Channel Drive, and Beach 32nd Street, Borough of Queens, Community District 14, and subject to the conditions of CEQR Declaration E-702.

N 230042 ZRQ (L.U. No. 240)

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

INTENT

To rezone the project area from an R4-1 district to an R6A district and establish the project area as a Mandatory Inclusionary Housing (MIH) area utilizing Option 1 to facilitate the development of a mixed-use residential building at 29-32 Beach Channel Drive in the Bayswater neighborhood of Queens, Community District 14.

PUBLIC HEARING**DATE:** June 28, 2023**Witnesses in Favor:** Eleven**Witnesses Against:** None**SUBCOMMITTEE RECOMMENDATION****DATE:** August 3, 2023

The Subcommittee recommends that the Land Use Committee approve the decisions of the City Planning Commission on L.U. Nos. 239 and 240.

In Favor:

Riley
Moya
Louis
Abreu
Bottcher
Hanks
Schulman
Carr

Against:

None

Abstain:

None

COMMITTEE ACTION**DATE:** August 3, 2023

The Committee recommends that the Council approve the attached resolutions.

In Favor:

Salamanca
Moya
Rivera
Louis
Riley
Abreu
Brooks-Powers
Bottcher
Hanks
Mealy

Against:

None

Abstain:

None

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

Res. No. 733

Resolution approving the decision of the City Planning Commission on ULURP No. C 230041 ZMQ, a Zoning Map amendment (L.U. No. 239).

By Council Members Salamanca and Riley.

WHEREAS, TCB Beach Channel Drive Limited Partnership, 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. 31a, by changing from an R4-1 District to an R6A District, which in conjunction with the related action would facilitate the development of a mixed-use residential building at 29-32 Beach Channel Drive in the Bayswater neighborhood of Queens, Community District 14 (ULURP No. C 230041 ZMQ) (the "Application");

WHEREAS, the City Planning Commission filed with the Council on June 20, 2023 its decision dated May 24, 2023 (the "Decision") on the Application;

WHEREAS, the Application is related to application N 230042 ZRQ (L.U. No. 240), a zoning text amendment to establish a Mandatory Inclusionary Housing (MIH) area;

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on June 28, 2023;

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

WHEREAS, the Council has considered the relevant environmental issues, including the Negative Declaration issued January 30th, 2023 (CEQR No. 23DCP042Q), which includes an (E) designation to avoid the potential for significant adverse impacts related to air quality (E-702) (the "Negative Declaration").

RESOLVED:

The Council finds that the action described herein will have no significant impact on the environment as set forth in the (E) Designation (E-702) and Negative Declaration.

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, C 230041 ZMQ, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission.

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is hereby amended by changing the Zoning Map, Section No. 31a by changing from an R4-1 District to an R6A District property bounded by Ocean Crest Boulevard, a line 175 feet northeasterly of Beach 32nd Street, a line 100 feet southeasterly of Ocean Crest Boulevard, a line 250 feet southwesterly of Hartman Lane, Beach Channel Drive, and Beach 32nd Street, Borough of Queens, Community District 14 as shown on a diagram (for illustrative purposes only) dated January 30, 2023, and subject to the conditions of CEQR Declaration E-702.

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, CARLINA RIVERA, FARAH N. LOUIS, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, SHAUN ABREU, ERIK D. BOTTCHER, KAMILLAH HANKS, DARLENE MEALY; 10-0-0; *Absent*: Shekar Krishnan, Pierina Ana Sanchez, and the Minority Leader (Joseph C. Borelli); Committee on Land Use, August 3, 2023.

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

Report for L.U. No. 240

Report of the Committee on Land Use in favor of approving Application number N 230042 ZRQ (Ocean Crest Rezoning) submitted TCB Beach Channel Drive Limited Partnership, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of Queens, Community District 14, Council District 31.

The Committee on Land Use, to which the annexed Land Use item was referred on June 22, 2023 (Minutes, page 1947) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Land Use for L.U. No. 239 printed above in these Minutes)

Accordingly, this Committee recommends its adoption.

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

Res. No. 734

Resolution approving the decision of the City Planning Commission on Application No. N 230042 ZRQ, for an amendment of the text of the Zoning Resolution (L.U. No. 240).

By Council Members Salamanca and Riley.

WHEREAS, TCB Beach Channel Drive Limited Partnership, filed an application pursuant to Section 201 of the New York City Charter, for an amendment of the text of the Zoning Resolution of the City of New York, modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of Queens, Community District 14, which in conjunction with the related action would facilitate the development of a mixed-use residential building at 29-32 Beach Channel Drive in the Bayswater neighborhood of Queens, Community District 14, (ULURP No. N 230042 ZRQ), (the "Application");

WHEREAS, the City Planning Commission filed with the Council on June 20, 2023, its decision dated May 24, 2023 (the "Decision") on the Application;

WHEREAS, the Application is related to application C 230041 ZMQ (L.U. No. 239), a zoning map amendment to change an R4-1 zoning district to an R6A zoning district;

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on June 28, 2023;

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

WHEREAS, the Council has considered the relevant environmental issues, including the Negative Declaration issued January 30th, 2023 (CEQR No. 23DCP042Q), which includes an (E) designation to avoid the potential for significant adverse impacts related to air quality (E-702) (the “Negative Declaration”).

RESOLVED:

The Council finds that the action described herein will have no significant impact on the environment as set forth in the (E) Designation (E-702) and Negative Declaration.

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, N 230042 ZRQ, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission.

Matter underlined is new, to be added;

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

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

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

* * *

APPENDIX F

Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas

* * *

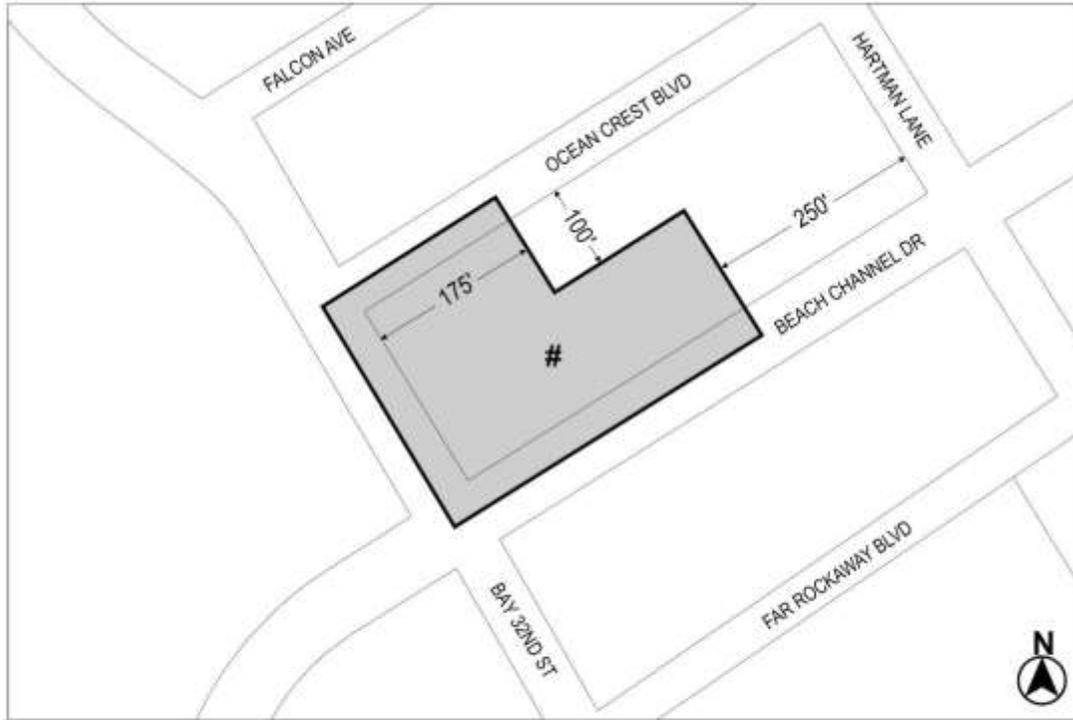
Queens

* * *

Queens Community District 14

* * *

Map # – [date of adoption]



 Mandatory Inclusionary Housing Program Area *see Section 23-154(d)(3)*

Area # — [date of adoption] MIH Program Option 1

Portion of Community District 14, Queens
* * *

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, CARLINA RIVERA, FARAH N. LOUIS, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, SHAUN ABREU, ERIK D. BOTTCHEER, KAMILLAH HANKS, DARLENE MEALY; 10-0-0; *Absent*: Shekar Krishnan, Pierina Ana Sanchez, and the Minority Leader (Joseph C. Borelli); Committee on Land Use, August 3, 2023.

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

Report for L.U. No. 241

Report of the Committee on Land Use in favor of approving Application number C 230001 ZMK (7120 New Utrecht Avenue Rezoning) submitted by 7120 New Utrecht, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 22d, eliminating from within an existing R5 District a C2-2 District and changing from an R5 District to a C4-4L District, Borough of Brooklyn, Community District 11, Council District 43.

The Committee on Land Use, to which the annexed Land Use item was referred on June 22, 2023 (Minutes, page 1948) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:**SUBJECT****BROOKLYN CB-11 – TWO APPLICATIONS RELATED TO 7120 NEW UTRECHT AVENUE REZONING****C 230001 ZMK (L.U. No. 241)**

City Planning Commission decision approving an application submitted by 7120 New Utrecht, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 22d:

1. eliminating from within an existing R5 District a C2-2 District bounded by 71st Street, New Utrecht Avenue, 72nd Street and a line 100 feet northwesterly of New Utrecht Avenue; and
2. changing from an R5 District to a C4-4L District property bounded by 71st Street, New Utrecht Avenue, 72nd Street, a line perpendicular to the northeasterly street line of 72nd Street distant 140 feet northwesterly (as measured along the street line) from the point of intersection of the northeasterly street line of 72nd Street and the northwesterly street line of New Utrecht Avenue, a line midway between 71st Street and 72nd Street, and a line perpendicular to the southwesterly street line of 71st Street distant 80 feet northwesterly (as measured along the street line) from the point of intersection of the southwesterly street line of 71st Street and the northwesterly street line of New Utrecht Avenue;

as shown on a diagram (for illustrative purposes only) dated January 30, 2023, and subject to the conditions of CEQR Declaration E-704.

N 230002 ZRK (L.U. No. 242)

City Planning Commission decision approving an application submitted by 7120 New Utrecht, LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area.

INTENT

To approve the amendment to rezone the project area from an R5/C2-2 zoning district to a C4-4L zoning district and amend the zoning text to designate the project area as a Mandatory Inclusionary Housing (MIH) area utilizing Options 1 and 2 to facilitate the development of a nine-story, 85,034-square-foot mixed-use building containing 100 dwelling units, approximately 30 of which would be permanently income-restricted, 651 square feet of commercial floor area at 7120 New Utrecht Avenue in Bensonhurst neighborhood of Brooklyn, Community District 11.

PUBLIC HEARING

DATE: June 28, 2023

Witnesses in Favor: One

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION**DATE:** July 20, 2023

The Subcommittee recommends that the Land Use Committee approve the decisions of the City Planning Commission on L.U. Nos. 241 and 242.

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

COMMITTEE ACTION**DATE:** July 20, 2023

The Committee recommends that the Council approve the attached resolutions.

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

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

Res. No. 735

Resolution approving the decision of the City Planning Commission on ULURP No. C 230001 ZMK, a Zoning Map amendment (L.U. No. 241).

By Council Members Salamanca and Riley.

WHEREAS, 7120 New Utrecht, 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. 22d, by eliminating from within an existing R5 District a C2-2 District and changing from an R5 District to a C4-4L District, which in conjunction with the related action would facilitate the development of a nine-story, 85,034-square-foot mixed-use building containing 100 dwelling units, approximately 30 of which would be permanently income-restricted, as well as 11,651 square feet of commercial floor area at 7120 New Utrecht Avenue in the Bensonhurst neighborhood of Brooklyn, Community District 11 (ULURP No. C 230001 ZMK) (the "Application");

WHEREAS, the City Planning Commission filed with the Council on June 20, 2023 its decision dated June 7, 2023 (the "Decision") on the Application;

WHEREAS, the Application is related to application N 230002 ZRK (L.U. No. 242), a zoning text amendment to designate a Mandatory Inclusionary Housing (MIH) area;

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on June 28, 2023;

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

WHEREAS, the Council has considered the relevant environmental issues, including the Negative Declaration issued January 30th, 2023 (CEQR No. 23DCP002K) (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 230001 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 hereby amended by changing the Zoning Map, Section No. 22d:

1. eliminating from within an existing R5 District a C2-2 District bounded by 71st Street, New Utrecht Avenue, 72nd Street and a line 100 feet northwesterly of New Utrecht Avenue; and
2. changing from an R5 District to a C4-4L District property bounded by 71st Street, New Utrecht Avenue, 72nd Street, a line perpendicular to the northeasterly street line of 72nd Street distant 140 feet northwesterly (as measured along the street line) from the point of intersection of the northeasterly street line of 72nd Street and the northwesterly street line of New Utrecht Avenue, a line midway between 71st Street and 72nd Street, and a line perpendicular to the southwesterly street line of 71st Street distant 80 feet northwesterly (as measured along the street line) from the point of intersection of the southwesterly street line of 71st Street and the northwesterly street line of New Utrecht Avenue;

as shown on a diagram (for illustrative purposes only) dated January 30, 2023, and subject to the conditions of CEQR Declaration E-704, Borough of Brooklyn, Community District 11.

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, CARLINA RIVERA, FARAH N. LOUIS, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, SHAUN ABREU, ERIK D. BOTTCHEER, SHEKAR KRISHNAN, PIERINA ANA SANCHEZ; 10-0-0; *Absent*: Kamillah Hanks, Darlene Mealy, and the Minority Leader (Joseph C. Borelli); Committee on Land Use, July 20, 2023.

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

Report for L.U. No. 242

Report of the Committee on Land Use in favor of approving Application number N 230002 ZRK (7120 New Utrecht Avenue Rezoning) submitted by 7120 New Utrecht, LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of Brooklyn, Community District 11, Council District 43.

The Committee on Land Use, to which the annexed Land Use item was referred on June 22, 2023 (Minutes, page 1948) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Land Use for L.U. No. 241 printed above in these Minutes)

Accordingly, this Committee recommends its adoption.

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

Res. No. 736

Resolution approving the decision of the City Planning Commission on Application No. N 230002 ZRK, for an amendment of the text of the Zoning Resolution (L.U. No. 242).

By Council Members Salamanca and Riley.

WHEREAS, 7120 New Utrecht, LLC, filed an application pursuant to Section 201 of the New York City Charter, for an amendment of the text of the Zoning Resolution of the City of New York, modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area, which in conjunction with the related action would facilitate the development of a nine-story, 85,034-square-foot mixed-use building containing 100 dwelling units, approximately 30 of which would be permanently income-restricted, 11,651 square feet of commercial floor area at 7120 New Utrecht Avenue in the Bensonhurst neighborhood of Brooklyn, Community District 11 (ULURP No. N 230002 ZRK), (the “Application”);

WHEREAS, the City Planning Commission filed with the Council on June 20, 2023, its decision dated June 7, 2023 (the “Decision”) on the Application;

WHEREAS, the Application is related to application C 230001 ZMK (L.U. No. 241), a zoning map amendment to change an R5/C2-2 zoning district to a C4-4L zoning district;

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on June 28, 2023;

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

WHEREAS, the Council has considered the relevant environmental issues, including the Negative Declaration issued January 30th, 2023 (CEQR No. 23DCP002K) (the “Negative Declaration”).

RESOLVED:

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

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, N 230002 ZRK, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission.

Matter underlined is new, to be added;

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

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

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

* * *

APPENDIX F

Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas

* * *

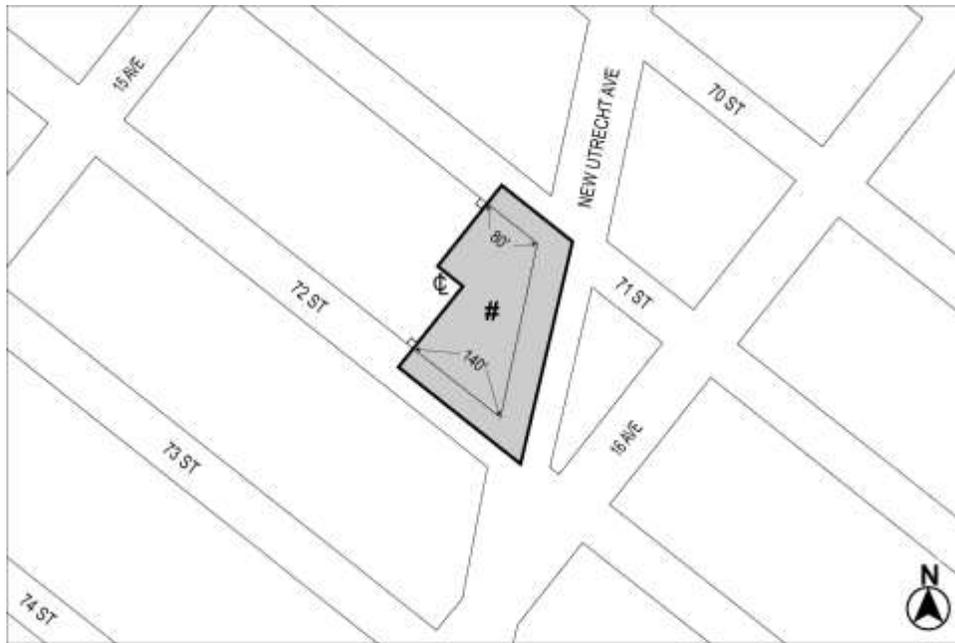
BROOKLYN

* * *

Brooklyn Community District 11

* * *

Map 3 – [date of adoption]



 Mandatory Inclusionary Housing Program Area *see Section 23-154(d)(3)*

Area # — [date of adoption] MIH Program Option 1 and Option 2

Portion of Community District 11, Brooklyn

* * *

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, CARLINA RIVERA, FARAH N. LOUIS, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, SHAUN ABREU, ERIK D. BOTTCHEER, SHEKAR KRISHNAN, PIERINA ANA SANCHEZ; 10-0-0; *Absent*: Kamillah Hanks, Darlene Mealy, and the Minority Leader (Joseph C. Borelli); Committee on Land Use, July 20, 2023.

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

Report for L.U. No. 243

Report of the Committee on Land Use in favor of approving, as modified, Application number C 210314 ZMK (1160 Flushing Avenue) submitted by 1160 Flushing Avenue, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 13b, changing from an M1-1 District to an M1-5 District, Borough of Brooklyn, Community District 4, Council District 34.

The Committee on Land Use, to which the annexed Land Use item was referred on July 13, 2023 (Minutes, page 2117), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Land Use for L.U. No. 243 & Res. No. 741 printed in the General Orders Calendars section of these Minutes)

Accordingly, this Committee recommends its adoption, as modified.

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, CARLINA RIVERA, FARAH N. LOUIS, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, SHAUN ABREU, ERIK D. BOTTCHEER, SHEKAR KRISHNAN, PIERINA ANA SANCHEZ; 10-0-0; *Absent*: Kamillah Hanks, Darlene Mealy, and the Minority Leader (Joseph C. Borelli); Committee on Land Use, July 20, 2023.

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. 244

Report of the Committee on Land Use in favor of approving Application number N 230068 ZRR (56 William Avenue) submitted by the Estate of Clement Marotte, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York modifying Appendix A of Article X, Chapter 7, concerning the boundaries of Designated Open Space, within the Special South Richmond Development District in the Borough of Staten Island, Community District 3, Council District 51.

The Committee on Land Use, to which the annexed Land Use item was referred on July 13, 2023 (Minutes, page 2117) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:**SUBJECT****STATEN ISLAND CB - 3****N 230068 ZRR**

City Planning Commission decision approving an application submitted by the Estate of Clement Marotte, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City New York modifying Appendix A of Article X, Chapter 7, concerning the boundaries of Designated Open Space, within the Special South Richmond Development District.

INTENT

To amend Section ZR 107-06 of the New York City Zoning Resolution in order to remove a portion of designated open space within the Special South Richmond Development District, which would facilitate the development of a two-family home at 56 William Avenue (Block 5282, Lot 40) in the Great Kills neighborhood of Staten Island, Community District 3.

PUBLIC HEARING**DATE:** July 10, 2023**Witnesses in Favor:** One**Witnesses Against:** None**SUBCOMMITTEE RECOMMENDATION****DATE:** July 20, 2023

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

In Favor:

Riley
Moya
Louis
Abreu
Bottcher
Schulman
Carr

Against:

None

Abstain:

None

COMMITTEE ACTION**DATE:** July 20, 2023

The Committee recommends that the Council approve the attached resolution.

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

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

Res. No. 737

Resolution approving the decision of the City Planning Commission on Application No. N 230068 ZRR, for an amendment of the text of the Zoning Resolution (L.U. No. 244).

By Council Members Salamanca and Riley.

WHEREAS, the Estate of Clement Marotte, filed an application pursuant to Section 201 of the New York City Charter, for an amendment of the text of the Zoning Resolution of the City of New York, modifying APPENDIX A of Article X, Chapter 7, concerning the boundaries of Designated Open Space, within the Special South Richmond Development District, which would facilitate the development of a two-family home at 56 William Avenue (Block 5282, Lot 40) in the Great Kills neighborhood of Staten Island, Community District 3 (ULURP No. N 230068 ZRR), (the "Application");

WHEREAS, the City Planning Commission filed with the Council on June 30, 2023, its decision dated June 28, 2023 (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 July 10, 2023;

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

WHEREAS, the Council has considered the relevant environmental issues, including the Negative Declaration issued February 27th, 2023 (CEQR No. 23DCP032R) (the "Negative Declaration").

RESOLVED:

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

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, N 230068 ZRR, 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 as follows:

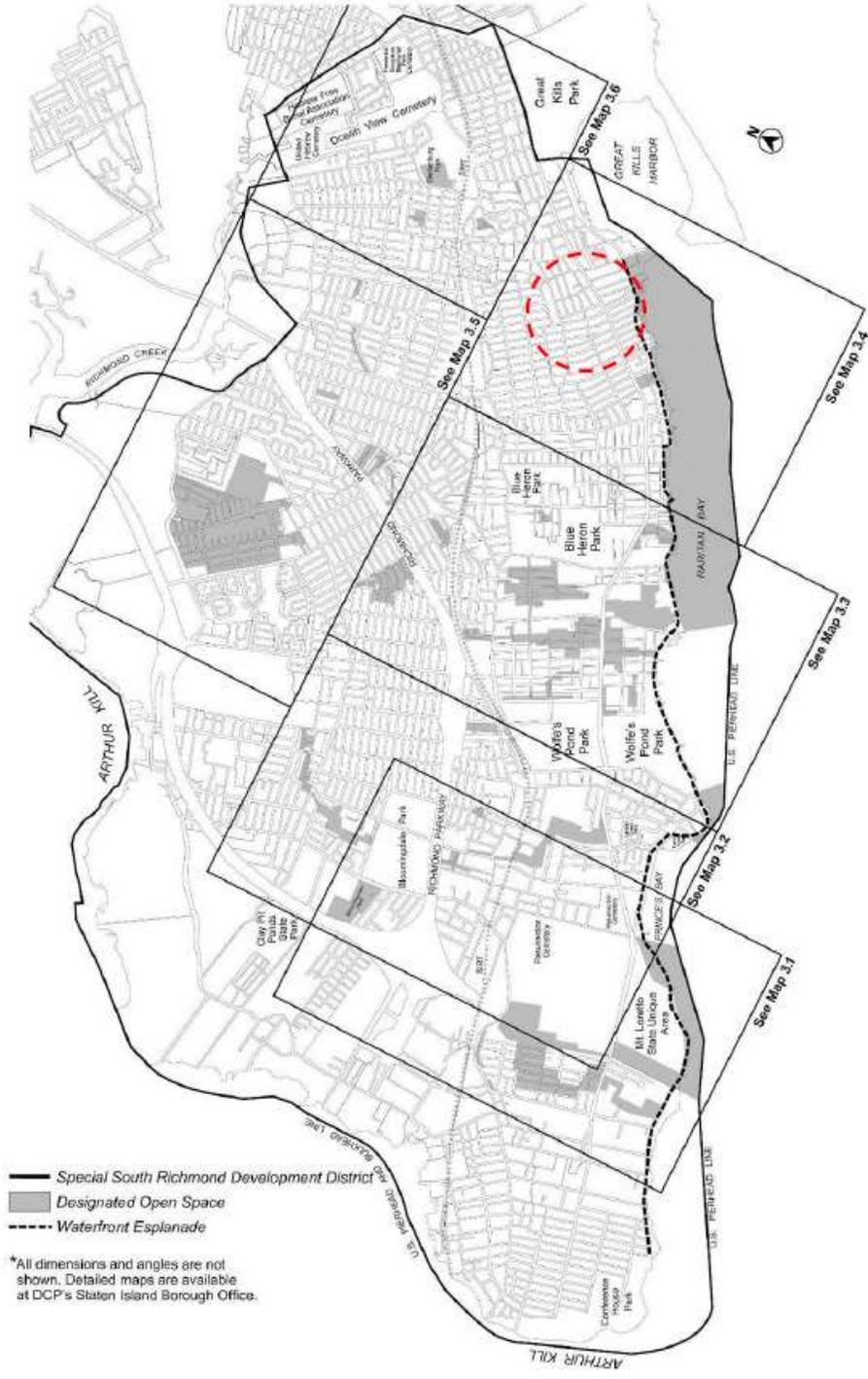
ARTICLE X
SPECIAL PURPOSE DISTRICT

Chapter 7
Special South Richmond Development District

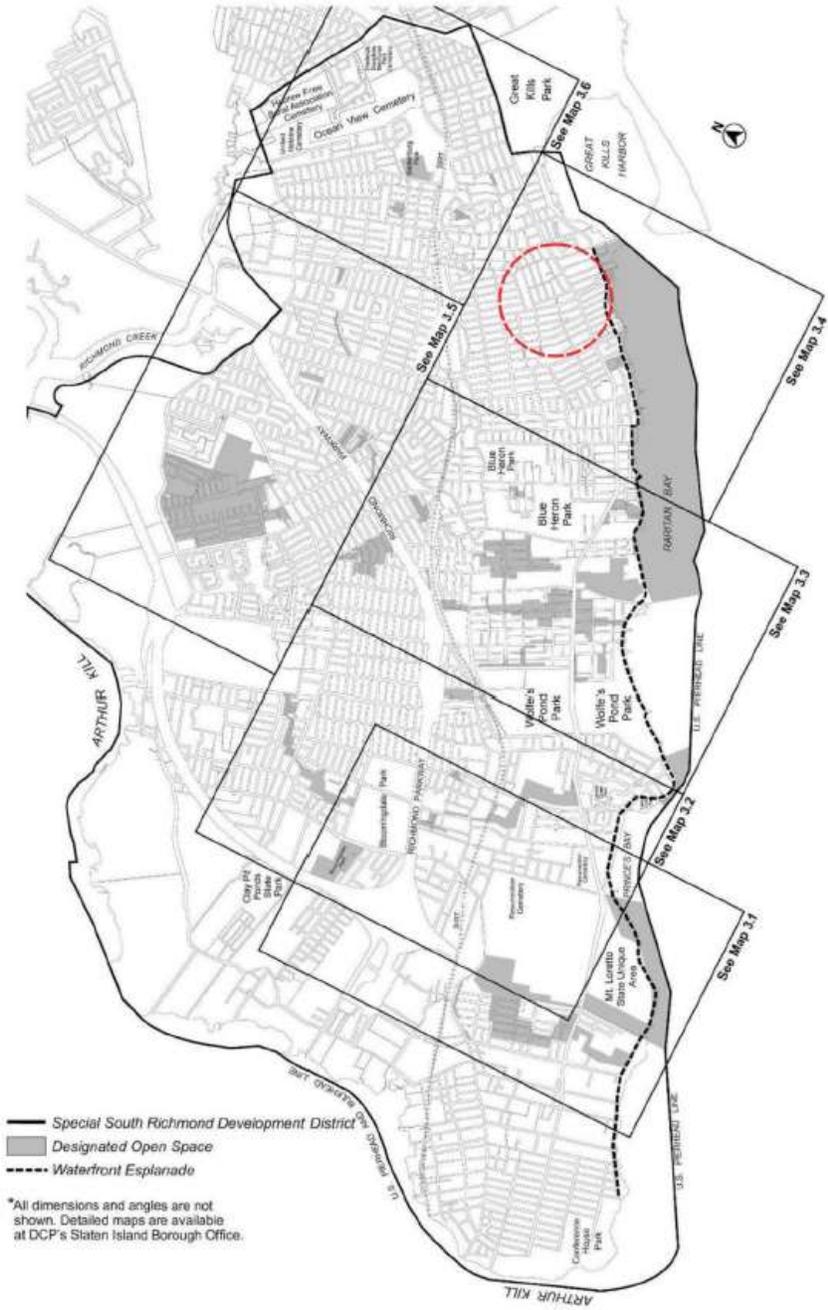
* * *

Appendix A
Special South Richmond Development Plan

[EXISTING MAP]

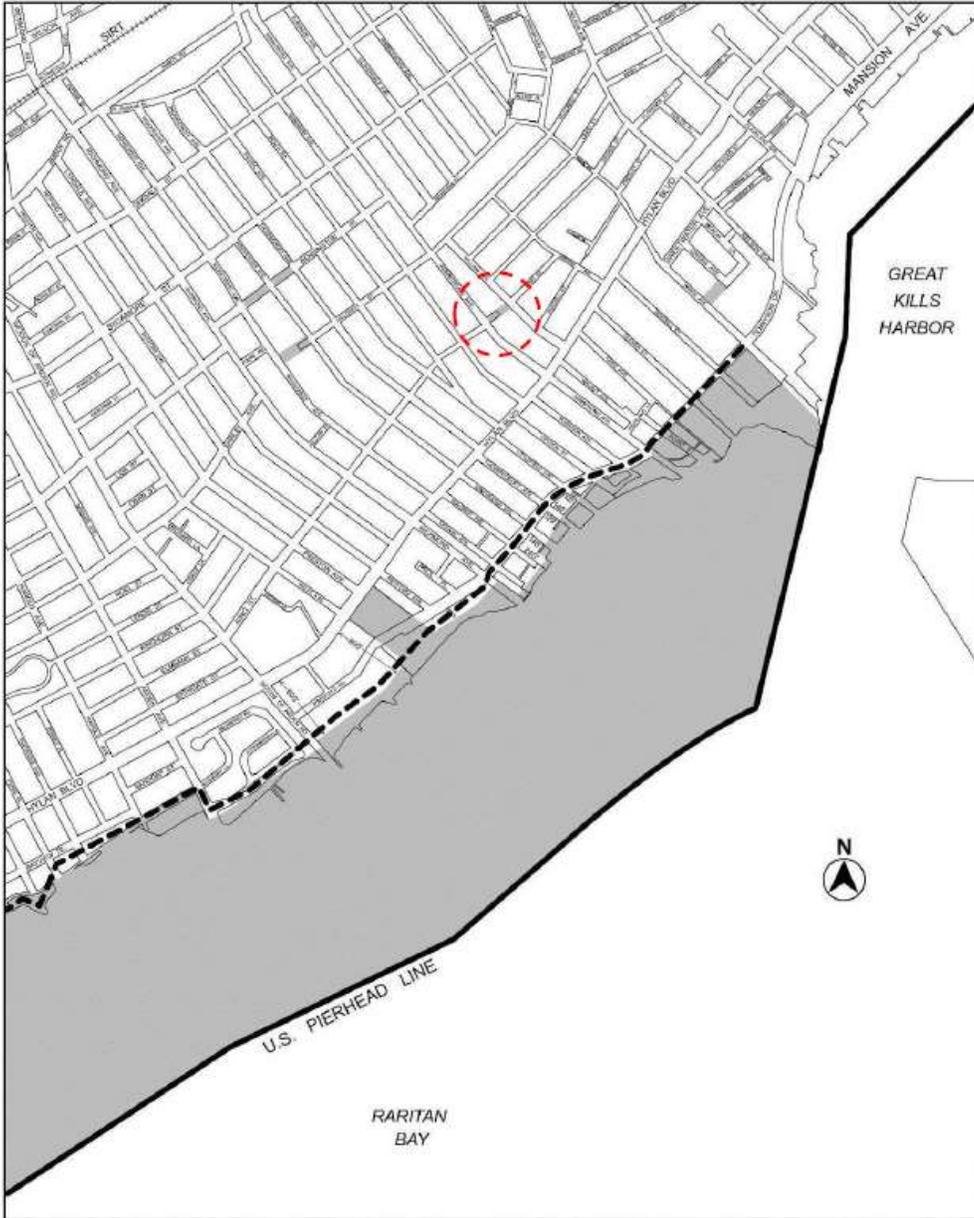


[PROPOSED MAP]

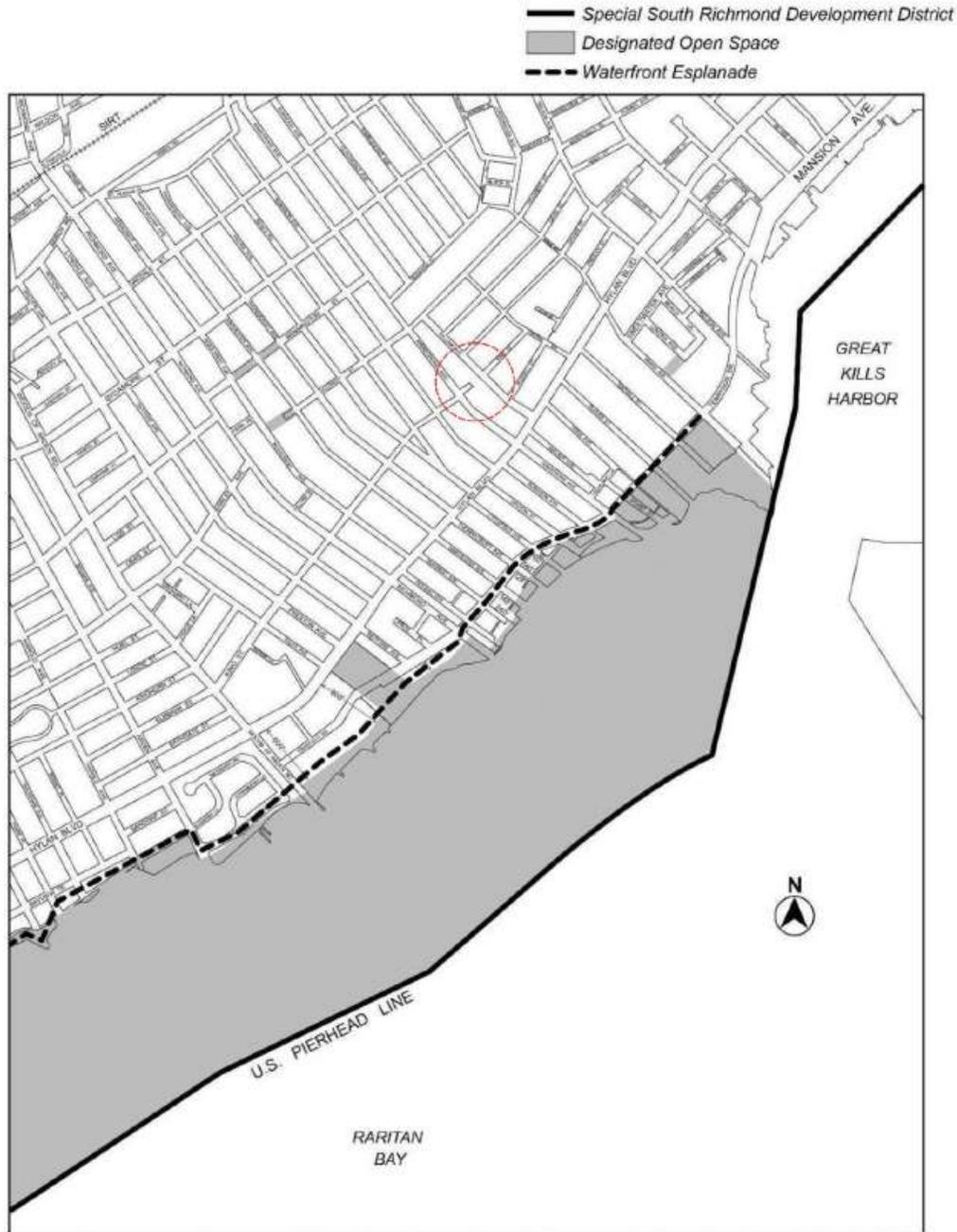


[EXISTING MAP]

- Special South Richmond Development District
- Designated Open Space
- - - Waterfront Esplanade



[PROPOSED MAP]



* * *

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, CARLINA RIVERA, FARAH N. LOUIS, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, SHAUN ABREU, ERIK D. BOTTCHEER, SHEKAR KRISHNAN, PIERINA ANA SANCHEZ; 10-0-0; *Absent*: Kamillah Hanks, Darlene Mealy, and the Minority Leader (Joseph C. Borelli); Committee on Land Use, July 20, 2023.

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

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

Report for L.U. No. 247

Report of the Committee on Land Use in favor of approving Application number N 230353 HKK (Linden Street Historic District, DL-531/LP-2665) submitted by the Landmarks Preservation Commission, pursuant to the provisions of Section 3020 of the Charter of the City of New York and Chapter 3 of Title 25 of the Administrative Code of the City of New York, for the historic district designation of the Linden Street Historic District, Borough of Brooklyn, Community District 4, Council District 34.

The Committee on Land Use, to which the annexed preconsidered Land Use item was referred on August 3, 2023 and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

BROOKLYN CB - 4

N 230353 HKK

Designation by the Landmarks Preservation Commission [DL-531/LP-2665] pursuant to Section 3020 of the New York City Charter and Chapter 3 of Title 25 of the Administrative Code of the City of New York of the Linden Street Historic District.

PUBLIC HEARING

DATE: August 1, 2023

Witnesses in Favor: Two

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: August 1, 2023

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

In Favor:

Louis
Feliz
De la Rosa
Marte
Nurse
Ung
Vernikov

Against:

None

Abstain:

None

COMMITTEE ACTION**DATE:** August 3, 2023

The Committee recommends that the Council approve the attached resolution.

In Favor:	Against:	Abstain:
Salamanca	None	None
Moya		
Rivera		
Louis		
Riley		
Abreu		
Brooks-Powers		
Bottcher		
Hanks		
Mealy		

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

Res. No. 738

Resolution affirming the designation by the Landmarks Preservation Commission of the Linden Street Historic District, Borough of Brooklyn, Designation List No. 531, LP-2665 (Preconsidered L.U. No. 247; N 230353 HKK).

By Council Members Salamanca and Louis.

WHEREAS, the Landmarks Preservation Commission filed with the Council on May 19, 2023 a copy of its designation report dated May 9, 2023 (the “Designation Report”), including the designation pursuant to Section 3020 of the City Charter and Chapter 3 of Title 25 of the Administrative Code of the City of New York of the Linden Street Historic District Landmark, Community District 4, Borough of Brooklyn, with the following district boundaries (the “Designation”):

The Proposed Linden Street Historic District consists of the 32 properties bounded by a line beginning at the northwest corner of Bushwick Avenue and Linden Street, continuing northwesterly along the southwestern curb line of Bushwick Avenue to a point on a line extending northeasterly from the northwestern property line of 55 Linden Street (aka 1020-1026 Bushwick Avenue), southwesterly along said line and the northwestern property lines of 55 Linden Street (aka 1020-1026 Bushwick Avenue) through 15 Linden Street; southeasterly along the southwestern property line of 15 Linden Street and a line extending southeasterly to the northwestern curb line of Linden Street; southwesterly along the northwestern curb line of Linden Street to a point on a line extending northwesterly from the southwestern property line of 14 Linden Street; southeasterly along said line and the southwestern property line of 14 Linden Street; northeasterly along the southeastern property lines of 14 through 34 Linden Street; northwesterly along the northeastern property line of 34 Linden Street and a line extending northwesterly to the northwestern curb line of Linden Street; northeasterly along the northwestern curb line of Linden Street to the place of beginning.

WHEREAS, the Designation is subject to review by the Council pursuant to Section 3020 of the New York City Charter;

WHEREAS, the New York City Planning Commission submitted to the Council on July 14, 2023 its report on the Designation dated July 12, 2023 (the “City Planning Commission Report”);

WHEREAS, upon due notice, the Council held a public hearing on the Designation on August 1, 2023; and

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

RESOLVED:

Pursuant to Section 3020 of the New York City Charter, and on the basis of the information and materials contained in the Designation Report and the City Planning Commission Report, the Council affirms the Designation.

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, CARLINA RIVERA, FARAH N. LOUIS, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, SHAUN ABREU, ERIK D. BOTTCHEER, KAMILLAH HANKS, DARLENE MEALY; 10-0-0; *Absent*: Shekar Krishnan, Pierina Ana Sanchez, and the Minority Leader (Joseph C. Borelli); Committee on Land Use, August 3, 2023.

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

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

Report for L.U. No. 248

Report of the Committee on Land Use in favor of approving Application number N 230362 HIM ((Former) Colored School No. 4, DL-532/LP-2659) submitted by the Landmarks Preservation Commission, pursuant to the provisions Section 3020 of the Charter of the City of New York and Chapter 3 of Title 25 of the Administrative Code of the City of New York, for the designation of the (Former) Colored School No. 4, located at 128 West 17th Street (Tax Map Block 792, Lot 53), Borough of Manhattan, Community District 4, Council District 3.

The Committee on Land Use, to which the annexed preconsidered Land Use item was referred on August 3, 2023 and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 4

N 230362 HIM

Designation by the Landmarks Preservation Commission [DL-532/LP-2659] pursuant to Section 3020 of the New York City Charter of the landmark designation of the (Former) Colored School No. 4 (Tax Map Block 792, Lot 53), as an historic landmark.

PUBLIC HEARING

DATE: August 1, 2023

Witnesses in Favor: Two

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: August 1, 2023

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

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

COMMITTEE ACTION

DATE: August 3, 2023

The Committee recommends that the Council approve the attached resolution.

In Favor:	Against:	Abstain:
Salamanca	None	None
Moya		
Rivera		
Louis		
Riley		
Abreu		
Brooks-Powers		
Bottcher		
Hanks		
Mealy		

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

Res. No. 739

Resolution affirming the designation by the Landmarks Preservation Commission of the (Former) Colored School No. 4 located at 128 West 17th Street (Tax Map Block 792, Lot 53), Borough of Manhattan, Designation List No. 532, LP-2659 (Preconsidered L.U. No. 248; N 230362 HIM).

By Council Members Salamanca and Louis.

WHEREAS, the Landmarks Preservation Commission filed with the Council on June 1, 2023 a copy of its designation report dated May 23, 2023 (the "Designation"), designating the (Former) Colored School No. 4 located at 128 West 17th Street, Community District 4, Borough of Manhattan, as a landmark and Tax Map Block 792, Lot 53, as its landmark site pursuant to Section 3020 of the New York City Charter;

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

WHEREAS, the City Planning Commission submitted to the Council on July 28, 2023, its report on the Designation dated July 26, 2023 (the "Report");

WHEREAS, upon due notice, the Council held a public hearing on the Designation on August 1, 2023; and

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

RESOLVED:

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

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, CARLINA RIVERA, FARAH N. LOUIS, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, SHAUN ABREU, ERIK D. BOTTCHEER, KAMILLAH HANKS, DARLENE MEALY; 10-0-0; *Absent*: Shekar Krishnan, Pierina Ana Sanchez, and the Minority Leader (Joseph C. Borelli); Committee on Land Use, August 3, 2023.

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

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

Report for L.U. No. 249

Report of the Committee on Land Use in favor of approving Application number G 230029 SCQ (Approximately 696-Seat Primary School Facility) pursuant to Section 1732 of the New York School Construction Authority Act, concerning the proposed site selection for a new, approximately 696-seat primary school facility, located at 120-08 Jamaica Avenue (Block 9330, Lots 1, 8, 10, and 12), Borough of Queens, Community District 9, Council District 29, Community School District 27.

The Committee on Land Use, to which the annexed preconsidered Land Use item was referred on August 3, 2023 and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT**QUEENS CB - 9****G 230029 SCQ**

Application pursuant to Section 1732 of the New York City School Construction Authority Act, concerning the proposed site selection for a new, approximately 696-seat primary school facility, located at 120-08 Jamaica Avenue (Block 9330, Lots 1, 8, 10, and 12), Borough of Queens, Community District 9, Council District 29, Community School District 27.

INTENT

To approve the site plan for the construction of a new, approximately 696-Seat Primary School facility to accommodate students in Community School District No. 27.

PUBLIC HEARING**DATE:** July 20, 2023**Witnesses in Favor:** Two**Witnesses Against:** None**SUBCOMMITTEE RECOMMENDATION****DATE:** July 20, 2023

The Subcommittee recommends that the Land Use Committee approve the Site Plan.

In Favor:

Louis
De La Rosa
Nurse
Ung
Vernikov

Against:

None

Abstain:

None

COMMITTEE ACTION**DATE:** July 20, 2023

The Committee recommends that the Council approve the attached resolution.

In Favor:

Salamanca
Moya
Rivera
Louis

Against:

None

Abstain:

None

Riley
 Abreu
 Brooks-Powers
 Bottcher
 Krishnan
 Sanchez

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

Res. No. 740

Resolution approving the site plan for a new, approximately 696-Seat Primary School Facility, located at 120-08 Jamaica Avenue (Block 9330, Lots 1, 8, 10, and 12), Community District 9, Borough of Queens (Non-ULURP No. G 230029 SCQ; Preconsidered L.U. No. 249).

By Council Members Salamanca and Louis.

WHEREAS, the New York City School Construction Authority submitted to the Council on July 18, 2023 a site plan pursuant to Section 1732 of the New York State Public Authorities Law for a new, approximately 696-Seat Primary School Facility, located at 120-08 Jamaica Avenue (Block 9330, Lots 1, 8, 10, and 12), Community District 9, Borough of Queens to accommodate students in Community School District No. 27 (the “Site Plan”);

WHEREAS, the Site Plan is subject to review and action by the Council pursuant to Section 1732 of the New York State Public Authorities Law;

WHEREAS, upon due notice, the Council held a public hearing on the Site Plan on July 20, 2023;

WHEREAS, the Council has considered the relevant environmental issues, including the Negative Declaration issued on July 10, 2023 (SEQR Project Number 23-022) (the “Negative Declaration”); and

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

RESOLVED:

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

Pursuant to Section 1732 of the Public Authorities Law, the Council approves the Site Plan.

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, CARLINA RIVERA, FARAH N. LOUIS, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, SHAUN ABREU, ERIK D. BOTTCHEER, SHEKAR KRISHNAN, PIERINA ANA SANCHEZ; 10-0-0; *Absent*: Kamillah Hanks, Darlene Mealy, and the Minority Leader (Joseph C. Borelli); Committee on Land Use, July 20, 2023.

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

Report on the Committee on Transportation and Infrastructure

Report for Int. No. 289-A

Report of the Committee on Transportation and Infrastructure in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to requiring the department of transportation to develop a map of bicycle infrastructure conditions.

The Committee on Transportation and Infrastructure, to which the annexed proposed amended local law was referred on April 28, 2022 (Minutes, page 831), respectfully

REPORTS:

On August 3, 2023, the Committee on Transportation and Infrastructure, chaired by Majority Whip Selvena N. Brooks-Powers, conducted a vote on Int. No. 289-A. Int. No. 289-A is sponsored by Council Member Carlina Rivera and is in relation to requiring the department of transportation to develop a map of bicycle infrastructure conditions. A previous version of Int. No. 289-A was heard on August 24, 2023 in an oversight hearing titled: “Bicycles, Micromobility, and Street Enforcement.” Those who testified at this hearing included representatives from the New York City Department of Transportation (DOT), New York Police Department (NYPD), the Metropolitan Transportation Authority (MTA), transportation and street safety advocates, and other interested stakeholders.

On August 3, 2023, the Committee on Transportation and Infrastructure passed Int. No. 289-A by a vote of 10 in the affirmative, zero in the negative, with zero abstentions.

BACKGROUND

Cycling in the City

Cycling in New York City (NYC or City) has rapidly expanded and improved since 1980 when the City first began collecting cycling ridership data.¹ This growth is, in part, due to a greater investment in cycling infrastructure by the City, enabling bike riding to become a viable form of transportation for both commuting and recreation. Between 2008 and 2019, the number of daily cyclists in the City increased by 116 percent.² In 2021, there were approximately 530,000 cycling trips in New York made on an average day.³ Today, approximately 888,000 adult New Yorkers regularly ride a bicycle at least several times each month.⁴

Along with greater investment in and commitment to cycling infrastructure, including the installation of 1,525 miles of bike lanes in the City, of which 644 miles are protected lanes (as of 2022)⁵, the introduction of bike sharing in the City has likely contributed to the expansion of cycling ridership. Introduced as Citi Bike in 2013, bike sharing in NYC has grown in popularity from 92,598 annual members in Fiscal Year 2014⁶ to 134,444 annual members, as of June 2023.⁷ Citi Bikes are retrieved by riders from one of 1,700-plus stations—similar to bike racks—across Manhattan, Brooklyn, Queens, Bronx, and Jersey City.⁸ The bicycles are held in docks at

¹ NYC DOT, *Cycling in the City, Cycling Trends in NYC*, September 2021, available at <https://www.nyc.gov/html/dot/downloads/pdf/cycling-in-the-city-2021.pdf>

² *Id.*

³ *Id.*

⁴ NYC, *DOT Fiscal 2023 Preliminary Mayor’s Management Report*, available at <https://www.nyc.gov/assets/operations/downloads/pdf/pmmr2023/dot.pdf>

⁵ NYC DOT, *Cycling in the City*, available at <https://www.nyc.gov/html/dot/html/bicyclists/cyclinginthecity.shtml>

⁶ NYC, *Fiscal 2017 Mayor’s Management Report*, available at https://www.nyc.gov/assets/operations/downloads/pdf/mmr2017/2017_mmr.pdf

⁷ Lyft, Citi Bike, *June 2023 Monthly Report*, available for download at <https://citibikenyc.com/system-data/operating-reports>

⁸ Lyft, Citi Bike, *The people on a quest to visit all 1,700-plus Citi Bike stations*, available at <https://www.lyft.com/rev/posts/quest-to-visit-all-citi-bike-stations>

such stations until unlocked by a rider, who must then return the bike to another dock in the system after a trip is complete. According to DOT's latest *Cycling in the City* report, "[Citi Bike] makes it more convenient for New Yorkers—even those who don't own a bicycle—to make short, point-to-point trips by bicycle and has become an integral part of New York's transportation network."⁹ As of the end of June 2023, there were 28,837 bikes in the fleet.¹⁰

In 2017, a new form of bike sharing, known as dockless bike share, was introduced in multiple cities across the nation.¹¹ This technology allowed for bikes within a bike share program to be picked up and dropped off at any location within a specified corridor, without the need for a traditional docking station. By the end of 2017, five major dockless bike share companies reported operating in approximately 25 cities and suburbs.¹² In July 2018, DOT launched its own pilot program for dockless bike share in the Rockaways in Queens, an area near Fordham University in the Bronx, on the North Shore of Staten Island, and in Coney Island, Brooklyn.¹³ After completion of the pilot, DOT planned to create a larger borough-wide dockless bike share project on Staten Island in 2020. After releasing a Request for Expressions of Interest (RFEI) in April 2019, Beryl was selected as the new operator; however, on April 6, 2021, the company announced that it would not launch the program due to the impacts of COVID-19.¹⁴

Micromobility

The Federal Highway Administration (FHWA) broadly classifies micromobility as “any small, low-speed, human- or electric-powered transportation device, including bicycles, scooters, electric-assist bicycles, electric scooters (e-scooters), and other small, lightweight, wheeled conveyances.”¹⁵ Other definitions of micromobility listed by the FHWA focus primarily on powered micromobility devices and characterize these devices as partially or fully motorized, low-speed (typically less than 30 miles per hour (mph)), and small size (typically less than 500 pounds and less than 3 feet wide).¹⁶ According to the National Association of City Transportation Officials, users have taken half a billion trips on shared micromobility systems since 2010, with 112 million trips in 2021 alone.¹⁷

Legalization of E-scooters and E-Bikes in the City

As a result of the rapid growth and adoption of micromobility transportation, in April 2020, New York State (NYS or State) acted to legalize certain e-bikes and e-scooters as part of the budget agreement for Fiscal Year 2021.¹⁸ The budget legislation was similar to a bill that had passed the NYS Legislature in 2019, but then was ultimately vetoed by then-Governor Andrew Cuomo. The law provided localities like NYC some ability to decide whether to allow and how to regulate such vehicles.¹⁹

The State budget language allowed for the creation of three classes of e-bikes: Class 1, pedal-assisted without throttle; Class 2, throttle-assisted with a maximum speed of 20 mph; and Class 3, throttle-powered with a maximum speed of 25 mph.²⁰ Under the State law, Class 3 e-bikes may only be operated in NYC, and cyclists

⁹ *Cycling in the City*, *supra* note 1, at 15.

¹⁰ Lyft, Citi Bike, *June 2023 Monthly Report*, available for download at <https://citibikenyc.com/system-data/operating-reports>

¹¹ NACTO, *Bike Share in the United States in 2017*, available at <https://nacto.org/wp-content/uploads/2018/05/NACTO-Bike-Share-2017.pdf>

¹² *Id.*

¹³ NYC DOT, *Five-Borough Bike Share: DOT Names Five Dockless Bike Share Companies Assigned to Four Neighborhoods for Pilot* available at <https://www.nyc.gov/html/dot/html/pr2018/pr18-039.shtml>

¹⁴ *Id.*

¹⁵ Federal Highway Administration, Jeff Price, Danielle Blackshear, Wesley Blount Jr., and Laura Sandt, *Micromobility: A Travel Mode Innovation* (Public Roads), Spring 2021, available at <https://highways.dot.gov/public-roads/spring-2021/02>

¹⁶ *Id.*

¹⁷ NACTO, *Half a Billion Trips: On Shared Micromobility Since 2010*, November 2022, available at https://nacto.org/wp-content/uploads/2022/12/2020-2021_shared_micro_snapshot_Dec7_2022.pdf

¹⁸ The Verge, Andrew J. Hawkins, *New York finally legalizes electric bikes and scooters*, April 2, 2020 available at <https://www.theverge.com/2020/4/2/21204232/new-york-legalizes-electric-bikes-scooters>

¹⁹ *Id.*

²⁰ L. 2020, c. 58, pt. XX.

riding Class 3 e-bikes are required to wear helmets.²¹ The State law allows for the operation of e-scooters incapable of exceeding 20 mph, but provides that scooters may not be operated at speeds in excess of 15 mph.²² E-scooters may not be used by riders under the age of 16, and riders between the ages of 16 and 18 are required to wear a helmet.²³

As per the NYS Department of Motor Vehicles (DMV), effective April 2020, State law allows people to operate e-bikes on some streets and highways within the State,²⁴ with the provisions that: these devices are only operated on highways with a posted speed limit of 30 mph or less; municipalities can further regulate the time, place and manner of operation of these devices; and these devices cannot operate on a sidewalk except as authorized by local law or ordinance.²⁵ In NYS, electric motorized devices cannot be registered with the DMV.

In July 2020, the City Council enacted Local Law 72²⁶ and Local Law 73,²⁷ amending the NYC Administrative Code to remove barriers to the use of certain e-bikes and e-scooters in the City that were authorized under NYS Law. These include Class 1, Class 2 and Class 3 e-bikes. The Administrative Code still prohibits the use of other types of e-bikes, e-scooters and other motorized devices that remain illegal under State law. For devices that remain illegal, fines that could be imposed pursuant to the Administrative Code have been reduced from \$500 to \$250, and impoundment may now only be used for prohibited devices that have been operated in a manner that endangers the safety of the operator or safety or property of another. In the past, the conversation around expanding legal micromobility²⁸ options in NYC had centered on e-bikes, which are used primarily by commercial cyclists.²⁹ In 2018 and 2019, the debate about legal operation of these transportation devices evolved to also include e-scooters and the adoption of e-bikes more broadly as a mode of transportation.³⁰

New York City's E-Scooter Pilot

In July 2020, the City Council enacted Local Law 74, requiring DOT to create a pilot program for shared e-scooters in the City.³¹ The law required DOT to issue a solicitation for such a pilot by October 15, 2020 with the goal of having shared e-scooter organizations offering shared e-scooter services to the public by March 1, 2021.³² The pilot required under Local Law 74 would run for no less than a year and no more than two years unless DOT terminated or suspended the program earlier than that timeframe.³³ Local Law 74 also required DOT to issue a report to the Speaker of the City Council detailing the progress of the shared e-scooter pilot.³⁴

After issuing a RFEI in October 2020, DOT selected three companies to operate the pilot: Lime, Bird, and Veo.³⁵ On August 17, 2021, DOT launched the first phase of its e-bike pilot in the East Bronx, which implemented a fleet size of up to 3,000 vehicles in the neighborhoods of Baychester, Eastchester, Edenwald, Olinville, Wakefield, Williamsbridge, Woodlawn, Allerton, Bronxdale, Indian Village, Morris Park, Pelham

²¹ *Id.*

²² *Id.*

²³ *Id.*

²⁴ NYS, DMV, Registration: Electric Scooters and Bicycles and Other Unregistered Vehicles, available at <https://dmv.ny.gov/registration/electric-scooters-and-bicycles-and-other-unregistered-vehicles#:~:text=Effective%20August%202020%20in%20New%20York%20State>

²⁵ *Id.*

²⁶ See NYC Local Law 72 of 2020, available at <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=3763645&GUID=1B9B8689-094C-46D1-8F0C-8BB71C99E149&Options=ID|Text|&Search=72>

²⁷ See NYC Local Law 73 of 2020, available at

<https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=3763646&GUID=5EEC4A3E-AF9D-4532-9E0E-2DE4333476F7&Options=ID|Text|&Search=73>

²⁸ *Micromobility* refers to the use of electronic scooters and bikes to travel shorter distances around cities, often to or from another mode of transportation (bus, train, or car). Users typically rent such a scooter or bike for a short period of time using an app. See: Dictionary, Tech and Science Dictionary, *Micromobility*, available at <https://www.dictionary.com/e/tech-science/micromobility/>

²⁹ CityLab, Vicky Gan, *The Murky Legality of E-Bikes*, February 17, 2016 available at <https://www.citylab.com/equity/2016/02/the-murky-legality-of-e-bikes/426969/>

³⁰ Bloomberg, Joshua Brustein and Nate Lanxon, *How Electric Scooters are Reshaping Cities*, September 7, 2018, available at <https://www.bloomberg.com/news/articles/2018-09-07/are-electric-scooters-the-future-of-urban-transport-quicktake>

³¹ See NYC Local Law 74 of 2020

³² *Id.*

³³ *Id.*

³⁴ *Id.*

³⁵ NYC DOT, *East Bronx Shared E-Scooter Pilot Final Report*, November 2022, available at <https://www.nyc.gov/html/dot/downloads/pdf/east-bronx-shared-e-scooter-pilot-report.pdf>

Gardens, Pelham Parkway, and Van Nest.³⁶ Ten months after the launch of the program, DOT initiated Phase 2 of the pilot on June 22, 2022, which doubled the fleet size of e-scooters to up to 6,000 vehicles and expanded the service into Parkchester, Soundview, Unionport, Castle Hill, Clason Point, Country Club, Edgewater Park, Schuylerville, and Throggs Neck.³⁷

In November 2022, DOT released the corresponding mandated report which evaluated the e-scooter pilot program. DOT found that e-scooters had been widely utilized in the pilot, with an average of 2,800 trips per day.³⁸ Overall, greater than 86,000 rider accounts completed over one million trips in twelve months.³⁹ According to the report, weekdays saw higher ridership numbers than weekends and warmer months saw significantly higher trips when compared to cooler months.⁴⁰ The report also found that ridership along commercial corridors and near MTA transit, including subway stations, bus, and ferry stops was high, indicating that shared e-scooters provided “last-mile” connections.⁴¹ Moreover, DOT concluded that the pilot had a robust safety record, with no reported fatalities and with most instances of crashes resulting in minor injuries or no injury.⁴² Citing the success of the pilot, in November 2022, DOT Commissioner Ydanis Rodriguez released a Request for Proposals (RFP) to expand micromobility, with the capacity to make the e-scooter pilot permanent.⁴³

In June 2023, DOT announced that that the program would move beyond its pilot phase and would be expanded to eastern Queens in 2024 to further improve residents’ mobility and transit connections.⁴⁴ DOT also announced that Bird, Lime, and Veo would participate in the expansion to eastern Queens.⁴⁵ The expansion will primarily include Tier 1 and Tier 2 priority investment areas spanning over 20 square miles, from Flushing and Auburndale to the north down to Rochdale Village and Springfield Gardens to the south.⁴⁶ Since the launch of the pilot in the East Bronx in August 2021, over two million trips have been recorded among 115,470 unique user accounts.⁴⁷

Mopeds and Revel

In addition to the operation of e-scooters and e-bikes, mopeds and motor scooters have also been utilized as micromobility options in New York. The NYS DMV defines “mopeds” or “motor scooters” as “limited-use motorcycles with two or three wheels.”⁴⁸ As such, the requirements to operate “mopeds” or “motor scooters” on the streets of New York are similar to the State requirements for operating a motorcycle: a valid driver’s license and vehicle registration.⁴⁹ Additionally, the DMV classifies mopeds into three classes of limited-use motorcycles with each class having a set of requirements that are determined by its top speed.⁵⁰ Mopeds that can travel over 30-40 mph fall under the Class A category.⁵¹ Mopeds that travel over 20-30 miles per hour are considered Class B.⁵² Finally, the Class C designation is for mopeds that travel less than 20 miles per hour.⁵³ Below is a chart of

³⁶ *Id.*

³⁷ *Id.*

³⁸ NYC, *NYC DOT Announces Micromobility Pilot in East Bronx Will Move Toward Becoming a Long-Term Program, as New Report Details Success*, available at <https://nycdotscootershare.info/>

³⁹ *Id.*

⁴⁰ *Id.*

⁴¹ NYC DOT, *East Bronx Shared E-Scooter Pilot Final Report*, November 2022, available at <https://www.nyc.gov/html/dot/downloads/pdf/east-bronx-shared-e-scooter-pilot-report.pdf>

⁴² *Id.*

⁴³ NYC, *NYC DOT Announces Micromobility Pilot in East Bronx Will Move Toward Becoming a Long-Term Program, as New Report Details Success*, available at <https://nycdotscootershare.info/>

⁴⁴ NYC, *NYC DOT Announces Queens Expansion of E-Scooter Sharing Program*, available at <https://www.nyc.gov/html/dot/html/pr2023/e-scooter-sharing-program-queens-expansion.shtml>

⁴⁵ *Id.*

⁴⁶ *Id.*

⁴⁷ *Id.*

⁴⁸ NYS, DMV, *Registration-Moped*, available at <https://dmv.ny.gov/registration/register-moped>

⁴⁹ *Id.*

⁵⁰ *Id.*

⁵¹ *Id.*

⁵² *Id.*

⁵³ *Id.*

the various classes of limited-use motorcycles and their corresponding requirements as listed on the website of the DMV:⁵⁴

Limited-use motorcycle NYS requirements

REQUIRED?	CLASS A, OVER 30-40 MPH	CLASS B, OVER 20-30 MPH	CLASS C, 20 MPH OR LESS
Driver license / permit	M/MJ ⁵⁵	Any license class	Any license class
Registration	Required	Required	Required
Headlight on when operating	Required	Required	Required
Helmet & eye protection	Required	Required	Recommended
May operate on	Any traffic lane	Right-hand lane or shoulder only (Except when making a left turn)	Right-hand lane or shoulder only (Except when making a left turn)
Insurance	Required	Required	Recommended ⁵⁶
Inspection	Required	Recommended	Recommended

[Chart describing legal requirements to operate Class A, Class B, and Class C limited-use motorcycles]

Mopeds have recently gained traction as an alternative mode of transportation due to their mobility and convenience. The company Revel, which launched operations in NYC in 2018,⁵⁷ provides an electric moped sharing service, with mopeds having a maximum speed of 30 mph.⁵⁸ Since mopeds are already allowed on public streets under NYS law, the company did not need any prior City approval to operate.⁵⁹

Initially, the sudden growth in popularity of mopeds in the City created a number of safety concerns. Some Revel riders had been accused of speeding and weaving in and out of traffic.⁶⁰ Others had been seen riding their mopeds in bike lanes or on sidewalks, running through red lights, or not wearing the required safety helmets.⁶¹

⁵⁴ *Id.* Note: The chart has been slightly modified from its original form for the purposes of this report.

⁵⁵ According to the NYS DMV in order to operate a motorcycle in NYS, you must have a motorcycle operator's license (Class M) or a motorcycle junior operator's license (Class MJ). See <https://dmv.ny.gov/driver-training/motorcycle-manual-motorcycle-licenses-ownership-special-rules>

⁵⁶ According to the NYS DMV, Class C mopeds used as a rental vehicle must be insured. See <https://dmv.ny.gov/registration/register-moped>

⁵⁷ Curbed, Amy Plitt, *Coming soon to NYC streets: Electric mopeds for rent*, July 30, 2018, available at <https://ny.curbed.com/2018/7/30/17628504/nyc-transportation-moped-ride-share-revel>

⁵⁸ Revel, *How Fast Does a Revel Moped Go*, available at <https://reveltransit.zendesk.com/hc/en-us/articles/360023696293-How-fast-does-a-Revel-moped-go>

⁵⁹ The New York Times, Aaron Randle, *Now Crowding New York's Streets: Rented Mopeds Going 30 M.P.H.*, August 9, 2019, available at <https://www.nytimes.com/2019/08/09/nyregion/mopeds-nyc.html>

⁶⁰ The New York Post, Post Staff Report, *"Electric scooters, mopeds causing more ER injuries in NYC,"* July 10, 2020, available at <https://nypost.com/2020/07/10/electric-scooters-mopeds-causing-more-er-injuries-in-nyc/>

⁶¹ CNN Business, Matt McFarland, *"Safety issues surge as Revel mopeds grow in popularity,"* July 22, 2020, available at <https://www.cnn.com/2020/07/22/tech/revel-moped-safety/index.html>

One local hospital in the Bronx reported seeing an uptick in the number of patients, both riders and pedestrians, visiting their emergency department due to accidents involving Revel scooters.

These concerns were further enhanced after one highly publicized accident involving a 26-year-old reporter for CBS News who was killed in July 2020, when she fell off a Revel rental moped while riding as a passenger, after the driver “swerved for an unknown reason.”⁶² It was reported that neither she nor the driver of the moped were wearing helmets at the time. Several days after this accident, Revel posted a message on their Twitter account stating that they had shut down their NYC service until further notice to review and strengthen their “rider accountability and safety measures.”⁶³ On August 27, 2020, the City issued a press release indicating that Revel was relaunching their service after it agreed to enhance its safety requirements by implementing a new Safety & Rider Accountability Protocol.⁶⁴ That protocol included a new mandatory safety training, steps to increase helmet compliance by requiring a riders to upload a photo of themselves wearing a helmet, and a new community reporting tool that allows the public to report dangerous driving.⁶⁵

City Action Plan on Micromobility

In March 2023, Mayor Eric Adams released *Charge Safe, Ride Safe: NYC’s Electric Micromobility Action Plan*.⁶⁶ The action plan addresses key issues related to electric micromobility, including: supporting New Yorkers’ transition to safe and legal e-micromobility; fire safety public education; regulation and enforcement; and promoting the growth of safe e-micromobility and cycling.⁶⁷ In terms of regulation and enforcement of e-micromobility, the mayoral administration is:

- Supporting local laws that would increase standards for devices and batteries sold in NYC;⁶⁸
- Advocating to the United States Consumer Product Safety Commission (CPSC) in an effort to reduce the negative impacts of products related to micromobility on consumers that lead to injury or death;⁶⁹
- Ensuring that there is ongoing Fire Department of New York (FDNY) and NYPD enforcement, which includes the FDNY identifying locations that are violating fire codes in relation to lithium-ion batteries, NYPD enforcement against stores selling unregistered, illegal mopeds and other illegal e-micromobility devices, and NYPD enforcement against the unsafe operation of micromobility devices;⁷⁰ and
- Ensuring fire-damaged batteries are safely disposed.⁷¹

In addition, the action plan lays out what the Administration is planning to do in the future in terms of regulation and enforcement, emphasizing: continued advocacy with the CPSC and the federal government; enhanced FDNY and NYPD enforcement against high-risk situations; review and reevaluation of existing NYC fire codes; and increased outreach and enforcement to combat the sale of illegal equipment.⁷²

⁶² CNN Business, Alicia Lee, “CBS reporter Nina Kapur, 26, dies after rental moped accident in New York,” Updated July 21, 2020, available at <https://www.cnn.com/2020/07/20/us/cbs2-reporter-nina-kapur-revel-moped-accident-trnd/index.html>

⁶³ See <https://twitter.com/gorevel/status/1288111979219976198?s=21>

⁶⁴ NYC DOT, “New York City Department of Transportation Announces Revel will Relaunch Today under a New and Strict Safety Protocol,” August 27, 2020, available at <https://www1.nyc.gov/html/dot/html/pr2020/pr20-035.shtml#:~:text=IMMEDIATE%20RELEASE%20Press%20Release%20%2320-035%20Thursday%2C%20August%2027%2C,Today%20under%20a%20New%20and%20Strict%20Safety%20Protocol>

⁶⁵ *Id.*

⁶⁶ NYC, *Charge Safe, Ride Safe: NYC’s Electric Micromobility Action Plan*, March 2023, available at <https://www.nyc.gov/assets/home/downloads/pdf/office-of-the-mayor/2023/micromobility-action-plan.pdf>

⁶⁷ *Id.*

⁶⁸ *Id.*

⁶⁹ *Id.*

⁷⁰ *Id.*

⁷¹ *Id.*

⁷² *Id.*

Street Enforcement

Vision Zero and Street Safety

Since 2014, NYC has instituted Vision Zero, a citywide initiative that operates to improve the safety of its streets throughout every neighborhood and in every borough.⁷³ First launched under former Mayor Bill de Blasio, the initiative includes: expanded enforcement against dangerous moving violations, such as speeding and failing to yield to pedestrians; new street designs and configurations; broad public outreach and communication; and a sweeping legislative agenda to increase penalties for dangerous drivers.⁷⁴ The main premise behind Vision Zero is the belief that deaths and serious injuries in traffic incidents are not inevitable “accidents,” but preventable crashes that can be reduced through engineering, enforcement, and education.⁷⁵ Traffic fatalities in NYC have fallen significantly since 1990, from 701 in 1990 to 381 in 2000 to an all-time low of 202 in 2018, with traffic deaths in NYC having fallen by a third when comparing 2018 with the year before Vision Zero began.⁷⁶

Although the data through 2018 is encouraging, the citywide initiative has received a number of criticisms, mainly due to the rapid increase in deaths occurring on City streets over the last several years. Notably, for a nearly two month period during the novel coronavirus (COVID-19) pandemic in 2020 there were zero pedestrian fatalities in NYC, largely attributed to the lack of congestion and lack of commuters in the City at that time.⁷⁷ However, the *New York Times* indicated in a January 2021 article that the total number of traffic fatalities in 2020 made it the deadliest year on record since Mayor de Blasio introduced Vision Zero, and the second straight year of increased road fatalities.⁷⁸

Safe streets advocates contended that a lack of targeted action by the de Blasio Administration was to blame for the increase in fatalities. They highlighted the reduced budgets for Vision Zero and the Green Wave program, the latter of which focused on safer streets for cyclists. They also highlighted the delayed implementation of reckless driver legislation passed by the City Council, and Mayor de Blasio’s failure to heed advice from his own expert transportation panel.⁷⁹ In Fiscal Year 2021, there were 275 traffic fatalities in the City,⁸⁰ the highest level since Vision Zero was launched in 2014.

In January 2023, DOT announced that for 2022 the City had experienced its first decline in traffic fatalities since 2019, with “among the fewest annual pedestrian deaths recorded in history.”⁸¹ According to DOT, overall traffic fatalities decreased 6.6 percent and pedestrian fatalities decreased by 6.3 percent.⁸² DOT noted that it worked with State lawmakers to expand the City’s school zone speed camera program to operate at all hours, year round, which has resulted in a 25 percent reduction in violations since the program’s expansion on August 1, 2022.⁸³ It also announced support for legislation that would lower the DWI blood-alcohol concentration (BAC) threshold from 0.08 percent to 0.05 percent, in an attempt to further reduce traffic fatalities.⁸⁴ However, safe street advocates have noted that though there had been improvements in 2022 when compared to 2021, total traffic fatalities remained at their second highest since 2014 at 255 deaths.⁸⁵ Moreover, advocates noted that a greater number of children had been killed in traffic crashes in 2022 than in any year since Vision Zero was

⁷³ NYC, Vision Zero, available at: <https://www1.nyc.gov/content/visionzero/pages/>

⁷⁴ *Id.*

⁷⁵ *Id.*

⁷⁶ NYC DOT & NYPD, *Vision Zero Accomplishments 2018*, at 4, available at <https://www.nyc.gov/html/dot/downloads/pdf/vz-accomplishments-core-outputs-2018.pdf>

⁷⁷ Gothamist, Jake Offenhartz, “Vision Zero Sputter as NYC Traffic Deaths Reach Highest Level of De Blasio Era,” Updated October 23, 2020, available at: <https://gothamist.com/news/vision-zero-sputters-nyc-traffic-deaths-reach-highest-level-de-blasio-era>

⁷⁸ The New York Times, Christina Goldbaum, “Why Emptier Streets Meant an Especially Deadly Year for Traffic Deaths,” Updated on January 1, 2021, available at: <https://www.nytimes.com/2021/01/01/nyregion/nyc-traffic-deaths.html>

⁷⁹ *Id.*

⁸⁰ NYC, *Vision Zero’s Fiscal 2023 Preliminary Mayors Management Report*, available at https://www.nyc.gov/assets/operations/downloads/pdf/pmmr2023/vision_zero.pdf

⁸¹ NYC DOT, Press Release, *Vision Zero: NYC Traffic Fatalities Dropped in 2022 for First Time in Three Years, Pedestrian Deaths Near Record Low*, January 6, 2023, available at <https://www.nyc.gov/html/dot/html/pr2023/vision-zero-fatalities-dropped-2022.shtml>

⁸² *Id.*

⁸³ *Id.*

⁸⁴ *Id.*

⁸⁵ StreetsBlogNYC, Gersh Kuntzman, *Vision Zero 2022: More Dead Kids, More Crashes in Known Danger Zones*, January 23, 2023, available at <https://nycstreetsblog.org/2023/01/23/vision-zero-2022-more-dead-kids-more-crashes-in-known-danger-zones/>

launched in 2014. According to Transportation Alternatives, 16 children under the age of 18 had been killed in 2022, an increase of seven when compared to the 11 in 2021.⁸⁶

Despite an increase in traffic fatalities in recent years, Vision Zero-related moving summonses issued by the NYPD have significantly declined. In Fiscal Year 2018 and 2019, 698,709 and 696,012 summonses were issued by NYPD, respectively, which corresponded with lower levels of traffic fatalities.⁸⁷ However, in Fiscal Year 2020, Vision Zero summonses declined by approximately 23 percent to 537,742.⁸⁸ In Fiscal Year 2021, Vision Zero-related moving summonses issued by NYPD declined again to 298,377, a decline of approximately 57 percent when compared with Fiscal Year 2019.⁸⁹ The Vision Zero Fiscal 2022 Mayor’s Management Report stated that this decline in Fiscal 2020 and Fiscal 2021 when compared to Fiscal 2019 “can be attributed to officers being out sick during the pandemic, as well as the increase in officers being assigned to monitor civil unrest which was largely spread across the city.”⁹⁰ But the overall trend has continued, and as of the end of Fiscal Year 2022, just 342,858 Vision Zero related moving summonses had been issued by NYPD, which is still a decline from the years preceding the pandemic.⁹¹

LEGISLATIVE ANALYSIS

Analysis of Int. No. 289-A

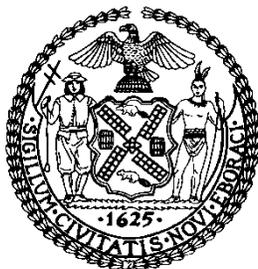
Int. No. 289-A, sponsored by Council Member Carlina Rivera, would require DOT to create and regularly update a searchable map that shows all of the City’s bike lanes. The map is required to note the location of all bicycle lanes that are obstructed for more than a day by construction pursuant to a permit; the location of temporary bike lanes required by section 19-159.3 of the NYC Administrative Code; information about the location of open streets, bicycle parking infrastructure, micromobility share programs, and stations; and information on how to report bicycle lane issues.

If enacted, Int. No. 289-A would take effect immediately, however the map itself will go live no later than February 1, 2025.

UPDATE

On August 3, 2023, the Committee on Transportation and Infrastructure passed Int. No. 289-A by a vote of 10 in the affirmative, zero in the negative, with zero abstentions.

(The following is the text of the Fiscal Impact Statement for Int. No. 289-A:)



**THE COUNCIL OF THE CITY OF NEW YORK
FINANCE DIVISION
TANISHA S. EDWARDS, ESQ., CHIEF FINANCIAL
OFFICER, AND DEPUTY CHIEF OF STAFF TO THE
SPEAKER
RICHARD LEE, DIRECTOR
FISCAL IMPACT STATEMENT**

PROPOSED INTRO. NO: 289-A

COMMITTEE: Transportation and Infrastructure

⁸⁶ *Id.*

⁸⁷ NYC, *Fiscal 2022 Mayor’s Management Report*, available at https://www.nyc.gov/assets/operations/downloads/pdf/mmr2022/2022_mmr.pdf

⁸⁸ *Id.*

⁸⁹ *Id.*

⁹⁰ *Id.*

⁹¹ *Id.*

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of transportation to develop a map of bicycle infrastructure conditions.

SPONSOR(S): By Council Members Rivera, Hudson, Sanchez, Stevens, Yeger, Restler, Avilés, Krishnan, Nurse, Bottcher, Ossé, Hanif, Gutiérrez, Cabán, Richardson Jordan, Brewer, Schulman, Powers and Marte.

SUMMARY OF LEGISLATION: This bill would require the Department of Transportation to create a searchable map that shows all of the City’s bike lanes with information about obstructions caused by street construction, maintenance, or repairs, and the location of temporary bicycle lanes. The map will also have information about the location of open streets, bicycle parking infrastructure, micro mobility share programs and stations, and information on how to report bicycle lane issues.

EFFECTIVE DATE: This bill would take effect immediately.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2025

FISCAL IMPACT STATEMENT:

	Effective FY24	FY Succeeding Effective FY25	Full Fiscal Impact FY25
Revenues (+)	\$0	\$0	\$0
Expenditures (-)	\$0	\$0	\$0
Net	\$0	\$0	\$0

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

IMPACT ON EXPENDITURES: It is anticipated that there would be no impact on expenditures resulting from the enactment of this legislation as DOT would use existing resources to fulfill its requirement.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: New York City Council Finance Division
New York City Department of Transportation

ESTIMATE PREPARED BY: Michael Sherman, Senior Financial Analyst

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

LEGISLATIVE HISTORY: The legislation was introduced to the full Council on April 28, 2022, as Intro. 289 and referred to the Committee on Transportation and Infrastructure (the Committee). A hearing was held by the Committee on April 24, 2023 and the bill was laid over. The legislation has been amended and the amended version, Proposed Intro. No. 289-A will be considered by the Committee on August 3, 2023. Upon a successful vote by the Committee, Proposed Intro. No. 289-A will be submitted to the full Council for a vote on August 3, 2023.

DATE PREPARED: August 2, 2023.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 289-A:)

Int. No. 289-A

By Council Members Rivera, Hudson, Sanchez, Stevens, Yeger, Restler, Avilés, Krishnan, Nurse, Bottcher, Ossé, Hanif, Gutiérrez, Cabán, Richardson Jordan, Brewer, Schulman, Powers, Marte, Velázquez, Louis, Hanks, Brooks-Powers, Farías and Won.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of transportation to develop a map of bicycle infrastructure conditions

Be it enacted by the Council as follows:

Section 1. Subchapter 1 of chapter 1 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-159.7 to read as follows:

§ 19-159.7 *Map of bicycle infrastructure conditions. a. Definition. For purposes of this section, the term “micromobility share program” means a program for the provision of devices for personal transportation for shared use within the city of New York under a contract with an operator that permits payment for the use of such devices, including but not limited to bike share, as that term is defined in section 19-193, or any similar program for the shared use of electric scooters, as that term is defined in section 114-e of the vehicle and traffic law.*

b. Beginning no later than February 1, 2025, the department shall make available on a website owned and operated by the department, and update as feasible when data becomes available, a searchable map of every bicycle lane in the city. Such map shall include:

- 1. A notation identifying each street with a bicycle lane that has an active permit for street construction, maintenance, or repair that may obstruct such bicycle lane, in whole or in part, for a period of 1 day or longer;*
- 2. The location of every temporary bicycle lane maintained pursuant to section 19-159.3;*
- 3. A notation identifying the different types of bicycle lanes, including protected bike lanes, conventional bike lanes, shared lanes, and off-street bicycle lanes;*
- 4. The location of any active street resurfacing project that may affect the surface of a bicycle lane;*
- 5. The location of all city-owned bicycle parking infrastructure;*
- 6. The location of stations for micromobility share programs and real time availability data for each such station, if feasible; and*
- 7. A notation identifying every open street designated pursuant to section 19-107.1.*

c. The website with the map required by this section shall include information on how to report bicycle lane issues to the 311 customer service center.

§ 2. This local law takes effect immediately.

SELVENA N. BROOKS-POWERS, *Chairperson*; FARAH N. LOUIS, CARLINA RIVERA, AMANDA FARIAS, MERCEDES NARCISSE, LINCOLN RESTLER, JULIE WON, ARI KAGAN, DAVID M. CARR, JOANN ARIOLA 10-0-0; *Absent*: Linda Lee, Nantasha M. Williams, and Kalman Yeger; Committee on Transportation and Infrastructure, August 3, 2023.

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

GENERAL ORDERS CALENDAR

Report for L.U. No. 243 & Res. No. 741

Report of the Committee on Land Use in favor of approving, as modified, Application number C 210314 ZMK (1160 Flushing Avenue) submitted by 1160 Flushing Avenue, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 13b, changing from an M1-1 District to an M1-5 District, Borough of Brooklyn, Community District 4, Council District 34.

The Committee on Land Use, to which the annexed Land Use item was referred on July 13, 2023 (Minutes, page 2117) and which same Land Use item was coupled with the resolution shown below and referred to the City Planning Commission, respectfully

REPORTS:

SUBJECT

BROOKLYN CB – 4

C 210314 ZMK

City Planning Commission decision approving an application submitted by 1160 Flushing Avenue LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 13b, changing from an M1-1 District to an M1-5 District property bounded by Flushing Avenue, Wyckoff Avenue, Jefferson Street and a line 250 feet northeasterly of Irving Avenue, Borough of Brooklyn, Community District 4, as shown on a diagram (for illustrative purposes only) dated February 13, 2023, and subject to the conditions of CEQR Declaration E-674.

INTENT

To approve the amendment to rezone the project area from an existing M1-2 zoning district to M1-5 to facilitate a new 189,559-square-foot development consisting of two separate buildings with 37,846 square feet of industrial use, 36,730 square feet of retail use, and 114,983 square feet of office floor area at 1160 Flushing Avenue in Bushwick, Community District 4, Brooklyn.

PUBLIC HEARING

DATE: July 10, 2023

Witnesses in Favor: Three

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: July 20, 2023

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

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

COMMITTEE ACTION

DATE: July 20, 2023

The Committee recommends that the Council approve the attached resolution.

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

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

Res. No. 741

Resolution approving with modifications the decision of the City Planning Commission on ULURP No. C 210314 ZMK, a Zoning Map amendment (L.U. No. 243).

By Council Members Salamanca and Riley.

WHEREAS, 1160 Flushing 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. 13b, by changing from an M1-1 District to an M1-5 District, which would facilitate a new 189,559 square foot development consisting of two separate buildings with 37,846 square feet of industrial use, 36,730 square feet of retail use, and 114,983 square feet of office floor area at 1160 Flushing Avenue in Bushwick, Brooklyn, Community District 4 (ULURP No. C 210314 ZMK) (the "Application");

WHEREAS, the City Planning Commission filed with the Council on June 30, 2023 its decision dated June 28, 2023 (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 July 10, 2023;

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 Positive Declaration issued May 23rd, 2022 (CEQR No. 21DCP199K) and a Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on June 16, 2023, in which a significant adverse impacts related to hazardous materials, air quality, and noise would be avoided through the placement of (E) designations (E-674) on the project sites. To ensure the implementation of the PCREs, the applicant will enter into a Restrictive Declaration at the time of the approval of land use-related actions and prior to issuance of any permits. The proposed project as analyzed in the FEIS identified significant adverse impacts with respect to transportation (vehicular and pedestrian) and the identified significant adverse impacts and proposed mitigation measures are summarized in Chapter 9 “Mitigation” of the FEIS and are included in the Restrictive Declaration.

RESOLVED:

Having considered the FEIS with respect to the Decision and Application, the Council finds that:

- (1) The FEIS meets the requirements of 6 N.Y.C.R.R. Part 617;
- (2) The environmental impacts disclosed in the FEIS were evaluated in relation to the social, economic, and other considerations associated with the action that are set forth in this report; and
- (3) Consistent with social, economic, and other essential considerations from among the reasonable alternatives available, the action is one which avoids or minimizes adverse environmental impacts to the maximum extent practicable; and
- (4) The adverse environmental impacts identified in the FEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval, pursuant to the restrictive declaration dated May 9, 2023, those project components related to the environment and mitigation measures that were identified as practicable.

The Decision, together with the FEIS constitute the written statement of facts, and of social, economic and other factors and standards that form the basis of this determination, pursuant to 6 N.Y.C.R.R. §617.11(d).

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 210314 ZMK, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission, with the following modifications.

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

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

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. 13b, changing from an M1-1 District to an M1-5 District property bounded by Flushing Avenue, a line 170 feet southwesterly of Wyckoff Avenue, Jefferson Street and a line 250 feet northeasterly of Irving Avenue, Borough of Brooklyn, Community District 4, ~~as shown on a diagram (for illustrative purposes only) dated February 13, 2023,~~ and subject to the conditions of CEQR Declaration E-674.

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, CARLINA RIVERA, FARAH N. LOUIS, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, SHAUN ABREU, ERIK D. BOTTCHEER, SHEKAR KRISHNAN, PIERINA ANA SANCHEZ; 10-0-0; *Absent*: Kamillah Hanks, Darlene Mealy, and Joseph C. Borelli; Committee on Land Use, July 20, 2023.

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

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>
JANINE DANN	150 Dreiser Loop, Apt 9G Bronx, New York 10475	12
DIYANA PINHASOV	69-16 173rd Street Queens, New York 11365	24
JENNIFER SANCHEZ	35-16 76th Street, Apt 609 Queens, New York 11372	25
REHANA RAJCOOMAR	104-41 126th Street Queens, New York 11419	28
SVELTANA SVERDLIK	61-45 98th Street, Apt 8J Queens, New York 11374	29
TONI ASHLEY HERNANDEZ	59-16-67th Ave, Apt 2L Queens, New York 11385	30
EDDIE MARK	2818 W 19th Street Brooklyn, New York 11224	47
ESTER HANA GLIKMAN	2812 E 26th Street Brooklyn, New York 11235	48

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

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

- | | |
|--------------------------------------|--|
| (1) Int 5-A - | Records of lead-based paint investigations. |
| (2) Int 6-A - | Remediation of lead-based paint in dwelling units in multiple dwellings. |
| (3) Int 31-C - | Granting licenses and revocable consents for sidewalk cafes and roadway cafes, relating to establishing a temporary outdoor dining program, in relation to the expiration of such program. |
| (4) Int 193-A - | Lead-based paint hazards in common areas of dwellings. |
| (5) Int 289-A - | Department of Transportation to develop a map of bicycle infrastructure conditions. |
| (6) Int 384-A - | Creation of an Office of the Homeowner Advocate within the Department of Housing Preservation and Development. |
| (7) Int 645-B - | Civil service examinations for justice-involved individuals. |
| (8) Int 689-A - | Elimination of permit and or filing fees for green building projects undertaken on one to three family homes. |
| (9) Int 750-A - | Proactive identification and inspection of multiple dwellings where children are at risk of lead poisoning. |
| (10) L.U. 239 & Res 733 - | App. C 230041 ZMQ (Ocean Crest Rezoning) , Borough of Queens, Community District 14, Council District 31. |
| (11) L.U. 240 & Res 734 - | App N 230042 ZRQ (Ocean Crest Rezoning) , Borough of Queens, Community District 14, Council District 31. |
| (12) L.U. 241 & Res 735 - | App. C 230001 ZMK (7120 New Utrecht Avenue Rezoning) , |

- Borough of Brooklyn, Community District 11, Council District 43.
- (13) L.U. 242 & Res 736 - App. N **230002 ZRK (7120 New Utrecht Avenue Rezoning)**, Borough of Brooklyn, Community District 11, Council District 43.
- (14) L.U. 243 & Res 741 - App. C **210314 ZMK (1160 Flushing Avenue)**, Borough of Brooklyn, Community District 4, Council District 34.
- (15) L.U. 244 & Res 737 - App. N **230068 ZRR (56 William Avenue)**, Borough of Staten Island, Community District 3, Council District 51.
- (16) **Preconsidered**
L.U. 247 & Res 738 - App. N **230353 HKK (Linden Street Historic District, DL-531/LP-2665)**, Borough of Brooklyn, Community District 4, Council District 34.
- (17) **Preconsidered**
L.U. 248 & Res 739 - App. N **230362 HIM ((Former) Colored School No. 4, DL-532/LP-2659)**, Borough of Manhattan, Community District 4, Council District 3.
- (18) **Preconsidered**
L.U. 249 & Res 740 - App. G **230029 SCQ (Approximately 696-Seat Primary School Facility)**, Borough of Queens, Community District 9, Council District 29, Community School District 27.
- (19) **Resolution approving various persons Commissioners of Deeds.**

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

Affirmative – Abreu, Ariola, Avilés, Ayala, Barron, Bottcher, Brannan, Brewer, Brooks-Powers, Cabán, Carr, De La Rosa, Dinowitz, Fariás, Feliz, Gennaro, Gutiérrez, Hanif, Hanks, Holden, Kagan, Louis, Marte, Mealy, Menin, Moya, Narcisse, Nurse, Ossé, Paladino, Restler, Richardson Jordan, Riley, Rivera, Salamanca, Sanchez, Schulman, Stevens, Ung, Velázquez, Vernikov, Won, Yeger, the Majority Leader (Council Member Powers) and the Speaker (Council Member Adams) - **45**.

The General Order vote recorded for this Stated Meeting was 45-0-0 as shown above with the exception of the votes for the following legislative items:

The following was the vote recorded for **Int. Nos. 5-A and 6-A**:

Affirmative – Abreu, Avilés, Ayala, Barron, Bottcher, Brannan, Brewer, Brooks-Powers, Cabán, De La Rosa, Dinowitz, Farías, Feliz, Gennaro, Gutiérrez, Hanif, Hanks, Louis, Marte, Mealy, Menin, Moya, Narcisse, Nurse, Ossé, Restler, Richardson Jordan, Riley, Rivera, Salamanca, Sanchez, Schulman, Stevens, Ung, Velázquez, Won, the Majority Leader (Council Member Powers) and the Speaker (Council Member Adams) - **38**.

Negative – Ariola, Carr, Holden, Kagan, Paladino, Vernikov, and Yeger - **7**.

The following was the vote recorded for **Int. No. 31-C**:

Affirmative – Abreu, Ariola, Avilés, Ayala, Brannan, Brewer, Brooks-Powers, Cabán, De La Rosa, Dinowitz, Farías, Feliz, Gennaro, Gutiérrez, Hanif, Hanks, Kagan, Louis, Menin, Moya, Narcisse, Nurse, Ossé, Richardson Jordan, Riley, Rivera, Salamanca, Sanchez, Schulman, Ung, Velázquez, Won, the Majority Leader (Council Member Powers) and the Speaker (Council Member Adams) - **34**.

Negative – Barron, Bottcher, Carr, Holden, Marte, Mealy, Paladino, Restler, Stevens, Vernikov, and Yeger - **11**.

The following was the vote recorded for **L.U. No. 241 & Res. No. 735 and L.U. No. 242 & Res. No. 736**:

Affirmative – Abreu, Ariola, Avilés, Ayala, Bottcher, Brannan, Brewer, Brooks-Powers, Cabán, Carr, De La Rosa, Dinowitz, Farías, Feliz, Gennaro, Gutiérrez, Hanif, Hanks, Holden, Kagan, Louis, Marte, Mealy, Menin, Moya, Narcisse, Nurse, Ossé, Paladino, Restler, Richardson Jordan, Riley, Rivera, Salamanca, Sanchez, Schulman, Stevens, Ung, Velázquez, Vernikov, Won, Yeger, the Majority Leader (Council Member Powers) and the Speaker (Council Member Adams) - **44**.

Negative – Barron – **1**.

*The following Introductions were sent to the Mayor for his consideration and approval:
Int. Nos. 5-A, 6-A, 31-C, 193-A, 289-A, 384-A, 645-B, 689-A, and 750-A.*

RESOLUTIONS

Presented for voice-vote

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

Report for voice-vote item Res. No. 237-A

Report of the Committee on Higher Education in favor of approving, as amended, a Resolution calling on the New York State Legislature to pass, and the Governor to sign, the Fair College Admissions Act (A.1423-A/S.1470-A), which would prohibit legacy admissions preferences at undergraduate institutions in New York State.

The Committee on Higher Education, to which the annexed amended resolution was referred on June 16, 2022 (Minutes, page 1515), respectfully

REPORTS:

On Thursday, August 3, 2023, the Committee on Higher Education, chaired by Council Member Eric Dinowitz, held a vote on Resolution Number (Res. No.) 237-A, sponsored by Council Member Dinowitz, calling on the New York State Legislature to pass, and the Governor to sign, the Fair College Admissions Act (A.1423-A/S.1470-A), which would prohibit legacy admissions preferences at undergraduate institutions in New York State. The Committee originally heard this legislation on June 30, 2022.

On August 3, 2023, the Committee on Higher Education passed this legislation by a vote of five in the affirmative, zero in the negative, and zero abstentions.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Res. No. 237-A:)

Res. No. 237-A

Resolution calling on the New York State Legislature to pass, and the Governor to sign, the Fair College Admissions Act (A.1423-A/S.1470-A), which would prohibit legacy admissions preferences at undergraduate institutions in New York State.

By Council Members Dinowitz, Hanif, Joseph, Sanchez, Velázquez, Louis and Ossé.

Whereas, “Legacy admissions preference” refers to a preference given by a higher education institution for certain applicants on the basis of their familial relationship to alumni/alumnae of that institution; and

Whereas, In his 2006 book *The Price of Admission*, Journalist Daniel Golden found that, often despite lesser academic credentials, 10 to 15 percent of students at the most selective higher education institutions had a parent who had also attended that institution; and

Whereas, Data from the 2007 National Longitudinal Survey of Freshmen showed that legacy students had Scholastic Aptitude Test (SAT) scores lower than the institutional SAT mean score and tended to earn lower grades in college compared to their non-legacy peers; and

Whereas, A primary justification often cited in favor of granting legacy preferences is that such policies have a positive impact on alumni/alumnae giving and that eliminating legacy preferences would decrease that essential source of funding for higher education; and

Whereas, A 2010 empirical analysis in *Affirmative Action for the Rich*, published by The Century Foundation, found that there was, in fact, no statistically significant evidence of a causal relationship between legacy preference policies and total alumni/alumnae giving at top colleges; and

Whereas, Critics of legacy preference policies claim that they are unfair, that they undermine diversity and fail to reward merit, and that they systematically and structurally benefit students who are overwhelmingly white and upper income; and

Whereas, In May 2021, Colorado became the first state to ban legacy admissions preferences when it did so for its public higher education institutions; and

Whereas, Education Reform Now has estimated that more than 50 colleges across New York State (NYS) consider legacy status in their admissions processes, including Columbia University, a top-tier university located in New York City; and

Whereas, The Fair College Admissions Act (A.1423-A/S.1470-A), sponsored by State Assembly Member Latrice Walker representing the 55th State Assembly District in Brooklyn and State Senator Andrew Gouardes representing the 26th State Senate District in Brooklyn, would amend the education law in relation to prohibiting legacy admissions preferences at undergraduate institutions in NYS; and

Whereas, According to the memorandum in support of S.1470-A, legacy admissions preferences at many elite higher education institutions in the United States (U.S.) essentially exclude NYS's lowest-income students, who are disproportionately first-generation college students and thus could not benefit from an admissions preference given to children of alumni/alumnae, even though students from low-income/working class backgrounds successfully complete degrees at highly selective NYS colleges at the same rate as students from high-income backgrounds; and

Whereas, According to the memorandum in support of S.1470-A, legacy admissions preferences “have resulted in legacy students being three times more likely to be accepted into a prestigious institution than a non-legacy student with a similar academic background”; and

Whereas, According to the memorandum in support of S.1470-A, almost all top 100 private colleges in the U.S. have legacy admissions preferences, and “there have been more white students admitted to top ten universities benefitting from legacy preference than students of color admitted under affirmative action”; and

Whereas, According to the memorandum in support of S.1470-A, data show that virtually no legacies attending elite colleges have come from low-income households; and

Whereas, According to the memorandum in support of S.1470-A, this bill would prevent colleges in NYS from including a question on their own application about where an applicant's parents went to college and even from looking at the answer to such a question on the Common Application, which is used by over 1,000 colleges in the admissions process; and

Whereas, According to A.1423-A/S.1470-A, a legacy admissions preference is “discriminatory in nature and disproportionately hurts students who come from working class and low-income families, have parents who did not earn a bachelor's degree, are undocumented, are immigrants, and are members of historically underrepresented minority groups formerly denied entry into specific higher education institutions”; and

Whereas, According to A.1423-A/S.1470-A, students who graduate from highly selective NYS colleges are far more likely to earn high salaries than those who graduate from less selective institutions, thus perpetuating both economic and social inequality; and

Whereas, According to A.1423-A/S.1470-A, prohibiting legacy admissions preferences would help to diversify the student bodies at highly selective colleges and would work toward educational, economic, and social equity for their students and graduates; and

Whereas, If passed, higher education institutions that violate the law would be fined 10 percent of the tuition and fees paid by full-time equivalent students in the prior year, and funds collected from those fines would be distributed through NYS's Tuition Assistance Program (TAP) to students from households earning \$80,000 per year or less; 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, the Fair College Admissions Act (A.1423-A/S.1470-A), which would prohibit legacy admissions preferences at undergraduate institutions in New York State.

ERIC DINOWITZ, *Chairperson*; OSWALD FELIZ, CHARLES BARRON, GALE A. BREWER, INNA VERNIKOV; 5-0-0; Committee on Higher Education, August 3, 2023.

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

The following 5 Council Members formally noted their intention to vote negative against this item:
Council Members Ariola, Carr, Holden, Paladino, and Yeger.

Adopted by the Council by voice-vote.

Report for voice-vote item Res. No. 694-A

Report of the Committee on Civil Service and Labor in favor of approving, as amended, a Resolution calling upon the Alliance of Motion Pictures and Television Producers to engage in good faith negotiations that will result in a fair contract for all Writers Guild of America members.

The Committee on Civil Service and Labor, to which the annexed *amended* resolution was referred on June 22, 2023 (Minutes, page 1897), respectfully

REPORTS:

I. INTRODUCTION

On August 1, 2023, the Committee on Civil Service and Labor, chaired by Council Member Carmen De La Rosa, heard and voted on Resolution Number 0694-A (Res. No. 694-A), sponsored by Council Member De La Rosa, calling on the Alliance of Motion Pictures and Television Producers (AMPTP) to engage in good faith negotiations that will result in a fair contract for all Writers Guild of America (WGA) members, as well as Resolution Number 0729-2023 (Res. No. 729), sponsored by Council Members Farías and De La Rosa, to express unwavering support of striking SAG-AFTRA members in their pursuit of a fair and just contract, which was heard Preconsidered. Witnesses invited to testify include representatives of the WGA, SAG-AFTRA, and other interested stakeholders. On August 1, 2023, the Committee on Civil Service and Labor passed Res. No. 694-A and Res. No. 729 (then Preconsidered Res. No. 729) with 9 votes in the affirmative, 0 votes in the negative, and 0 abstentions.

II. BACKGROUND

The Writers Guild of America (WGA) and the Screen Actors Guild – American Federation of Television and Radio Artists (SAG-AFTRA) are currently on strike to push for the Alliance of Motion Pictures and Television Producers (AMPTP) to negotiate a fair minimum basic agreement for union members. On April 18, 2023, 97.85 percent of WGA members voted to go on strike if they failed to reach an agreement by May 1, 2023, when their prior contract ended.¹ On May 2, 2023, when negotiations with the AMPTP failed, the WGA went on strike.² Shortly thereafter, on June 5, 2023, 98 percent of SAG-AFTRA members voted to go on strike in the event that their negotiations with the AMPTP failed; having reached no consensus after several discussions, SAG-AFTRA members went on strike on July 14, 2023.³ As a result of the strike, more than 175,000 union members are out of work. Furthermore, this number fails to capture the people who contribute to the

¹ WGA on Strike, *Stand With Writers*, wgacontract2023 (2023), available at <https://www.wgacontract2023.org/take-action/stand-with-writers>

² *Id.*

³ Alissa Wilkinson, *Hollywood's historic double strike, explained*. Vox, (July 13, 2023), available at <https://www.vox.com/culture/2023/7/13/23793828/sag-aftra-strike-wga-hollywood>. (“Wilkinson, *Hollywood's historic double strike, explained.*”)

entertainment business as electricians, caterers, set dressers, directors, or background actors, who are also affected by the work stoppage.⁴ The strike will end when the studios and unions agree on a new contract, and the majority of union members vote to ratify any such agreement.⁵

The WGA is an amalgamation of the Writers Guild of America, East (WGAE) and the Writers Guild of America West (WGAW), and represents 11,500 screenwriters nationwide.⁶ Although the WGAE is based in New York City and the WGAW is based in Los Angeles, the WGA negotiates contracts in unison, and will launch strike actions simultaneously.⁷ The screenwriters represented by the WGA contribute to motion pictures, television, cable, digital media, and broadcast news.⁸

SAG-AFTRA represents 160,000 members, including those who are media professionals, broadcast journalists, program hosts, background actors, singers, dancers, stunt performers, voiceover artists, and other entertainment workers.⁹ Their current president is Fran Drescher, an actor best known for her role as the titular character from *The Nanny*, a popular 90's sitcom.¹⁰

The AMPTP negotiates on behalf of major entertainment producers, including corporations such as Netflix, Disney, Amazon, Discovery-Warner, NBC Universal, Paramount, Sony, and Apple.¹¹ By extension, the AMPTP advocates for the interests of CEOs and other top officials of these corporations, including people such as Disney CEO Bob Iger, who recently signed a contract to run Disney through 2026 for roughly \$27 million a year.¹²

III. DEMANDS

Both the WGA and SAG-AFTRA have articulated similar base concerns surrounding declining pay, residual royalty payments for streaming shows, AI in the entertainment industry, and the extreme discrepancy between profits for entertainment moguls and profits for writers and performers who bring such revenue to fruition.¹³

A. WGA Concerns and Demands

The WGA negotiates contracts for their union members for three-year terms. The WGA's previous agreement went into effect on May 2, 2020, and expired May 1, 2023.

The WGA's previous collective bargaining agreement included the Minimum Basic Agreement (MBA), which established a minimum wage for television and film writers. The MBA only applied to television writers who wrote for broadcast television, not for those who wrote for streaming shows.¹⁴ In addition to this carve-out, coercive hiring practices have become commonplace, creating a gig economy within the union workforce.¹⁵ Studios frequently refuse to hire writers under the MBA for streaming comedy-variety shows, choosing instead

⁴ Alissa Wilkinson, *Hollywood's writers are on strike. Here's why that matters.*, Vox, (July 13, 2023), available at <https://www.vox.com/culture/23696617/writers-strike-wga-2023-explained-residuals-streaming-ai>. (“Wilkinson, *Hollywood's writers are on strike.*”)

⁵ Mia Galuppo, *All the Actors Strike Questions You Were Afraid to Ask*, The Hollywood Reporter, (July 20, 2023), available at <https://www.hollywoodreporter.com/business/business-news/sag-actors-strike-faq-questions-1235538870/>. (“Galuppo”)

⁶ Brooks Barnes, *Actors' Strike Won't Halt 39 Independent Projects, Union Says*, New York Times (July 18, 2023), available at <https://www.nytimes.com/2023/07/18/business/actors-strike-film-exemptions.html>. (“Barnes”)

⁷ Bob Hopkinson and Jason Gordon, *Writers Guild of America Calls Strike, Effective Tuesday, May 2*, Writers Guild of America West (May 1, 2023), available at <https://www.wga.org/news-events/news/press/writers-guild-of-america-calls-strike-effective-tuesday-may-2>. (“Hopkinson & Gordon”)

⁸ *Id.*

⁹ Galuppo.

¹⁰ *Id.*

¹¹ Hopkinson & Gordon.

¹² Wilkinson, *Hollywood's historic double strike, explained.*

¹³ Barnes.

¹⁴ Wilkinson, *Hollywood's writers are on strike.*

¹⁵ *Id.*

to negotiate rates individually; this leads to less pay for writers, despite the product and workload being equal to their broadcast-show writer counterparts.¹⁶

According to a bulletin that the WGA produced this spring ahead of negotiations, the average writer-producer pay has declined 4 percent over the past decade—a 23 percent decline when adjusted for inflation.¹⁷ Moreover, the median screenwriter pay has remained stagnant since 2018, which reflects a 14 percent decline when adjusted for inflation.¹⁸ This decrease in pay, particularly in light of increased costs of living, is in stark contrast to overall industry profits, which have increased from \$5 billion to \$30 billion between 2000 and 2021.¹⁹

Residuals are royalty payments that screenwriters can receive if they have a writing credit on a show that airs multiple times.²⁰ Historically, royalties have been a substantial part of a writer's income for broadcast television.²¹ In the new age of media streaming, screenwriters receive far less residual payments and are excluded from a bulk of the profits that streaming services, such as Netflix or Apple TV, generate.²²

New innovations in AI technology have created a host of novel issues for the entertainment industry. While many features are helpful as tools used for research purposes or to stimulate brainstorming efforts, there is a very real concern that AI programs like ChatGPT could, would, and are being used as a cheaper tool to replace the skills of screenwriters.²³

B. SAG-AFTRA Concerns and Demands

Many of the concerns expressed by the WGA have been echoed by SAG-AFTRA, particularly with respect to inadequate wages and insufficient residual payments from work on streaming shows.²⁴ Agitation from union members' declining pay is intensified when entertainment moguls' salaries are considered: the average pay for a top Hollywood executive was \$28 million in 2021, which was a 53 percent increase from 2018.²⁵

Only 12.7 percent of the 160,000 SAG-AFTRA members make the annual \$26,470 needed to qualify for union health insurance, thus leaving thousands uninsured.²⁶ Additionally, SAG actors only made a median salary of \$46,960 in 2021, which was far below the median U.S. income of \$70,784.^{27 28}

Union concerns regarding the increased capabilities of AI technology are particularly pronounced when it comes to new software that can be trained on actors' likenesses or voices, and then used to generate new performances (both on-screen and in voice-over roles).²⁹ Yet, despite these new programs that threaten actors' livelihoods, the AMPTP has refused to address union members' related apprehension. SAG-AFTRA leadership has proposed creating guidelines around acceptable uses of AI, protecting members against AI misuse, and imposing consent and fair-compensation requirements for any work done that is used to train AI systems to create new performances.³⁰ However, AMPTP negotiators have remained unresponsive to such proposals.³¹

In addition to all of the above concerns, most of which are shared with the WGA, the SAG-AFTRA negotiators have a unique request: limiting the use of self-tape auditions. Self-tape auditions are where an actor

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ *Id.*

²¹ *Id.*

²² *Id.*

²³ *Id.*

²⁴ Mia Sato, *An influencer's guide to the writers and actors strikes*, The Verge, (July 21, 2023), available at <https://www.theverge.com/23802895/sag-aftra-writers-guild-strikes-hollywood-influencer-rules>.

²⁵ Wilkinson, *Hollywood's historic double strike, explained*.

²⁶ Galuppo.

²⁷ *Id.*

²⁸ *Income in the United States: 2021*, Census.gov (September 13, 2022), available at <https://www.census.gov/library/publications/2022/demo/p60-276.html#:~:text=Real%20median%20household%20income%20was,and%20Table%20A%2D1>.

²⁹ Wilkinson, *Hollywood's historic double strike, explained*.

³⁰ *Id.*

³¹ *Id.*

films themselves performing a scene on their own time, uncompensated, and then sends the tape to producers.³² This practice is costly for performers, and imposes an unnecessary burden on their craft.³³

IV. EFFECTS ON NEW YORK CITY

The entertainment industry has a significant presence in New York City, providing employment to over 185,000 New Yorkers, and contributing 6.5 percent to the City's annual gross domestic product.³⁴ At a time when the cost of living in New York City has soared, with the Bureau of Labor Statistics reporting a 6 percent increase in consumer prices between January 2022 and January 2023, WGA and SAG-AFTRA members seek a fair living wage and adequate health care options.³⁵ In addition to thousands of people being out of work, strikes are costly to the local economy.³⁶

V. CONCLUSION

At the hearing, the Committee heard testimony regarding the concerns of the WGA and SAG-AFTRA members, to better understand the positions of the AMPTP that have contributed to the current impasse in negotiations.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Res. No. 694-A:)

Res. No. 694-A

Resolution calling upon the Alliance of Motion Pictures and Television Producers to engage in good faith negotiations that will result in a fair contract for all Writers Guild of America members.

By Council Members De La Rosa, Louis, Richardson Jordan, Farías, Brannan, Hanif, Restler, Hudson, Ung, Avilés, Brooks-Powers, Dinowitz, Velázquez, Sanchez, Brewer, Cabán, Nurse, Menin, Abreu, Marte, Schulman, Ossé, Rivera, Krishnan, Gennaro, Gutiérrez, Won, Hanks, Bottcher, Powers, Riley, Joseph, Williams and the Public Advocate (Mr. Williams).

Whereas, The Writers Guild of America, East (WGAE) and the Writers Guild of America West (WGAW), jointly referred to as the WGA, represent over 11,500 writers in film and television across the country, who are currently without a contract and on strike; and

Whereas, Despite many weeks at the bargaining table, the Alliance of Motion Pictures and Television Producers (AMPTP), which represents major companies including Disney, NBC Universal, Paramount, Netflix, Apple, and Amazon, rejected a range of reasonable WGA proposals essential to sustaining and stabilizing the industry; and

Whereas, Writers have had their earnings decline as much as 23%, inflation adjusted, in the last ten years while studio, network, and streaming profits soared; and

Whereas, Media companies have taken advantage of the industry's transition to global streaming by forcing writers to work for less money, over shorter periods, with few opportunities for advancement; and

³² Wilkinson, *Hollywood's historic double strike, explained*.

³³ *Id.*

³⁴ Doug Williams and Alecia Reid, *SAG-AFTRA strike expected to impact New York*, CBSNews.com, (July 13, 2023), available at <https://www.cbsnews.com/newyork/news/sag-aftra-actors-strike-new-york/>.

³⁵ Greg David, *New York Area Inflation Stuck at 6%*, The City, (Feb. 14, 2023), available at <https://www.thecity.nyc/economy/2023/2/14/23600299/new-york-inflation-office-occupancy>.

³⁶ Wilkinson, *Hollywood's writers are on strike*.

Whereas, As a result, writers are facing the greatest assault on their compensation and working conditions in a generation, while their employers collected almost \$30 billion in profits every year from 2017 to 2021; and

Whereas, Many tens of thousands of creative professionals work in the film and television industry in New York, and the City has a profound interest in maintaining the industry's workforce; and;

Whereas, Writers are the lifeblood of the entertainment industry, and without their skills and abilities the industry would have no product to produce, narratives to direct, or stories to share; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the Alliance of Motion Pictures and Television Producers to engage in good faith negotiations that will result in a fair contract for all Writers Guild of America members.

CARMEN N. De La ROSA, *Chairperson*; ERIK D. BOTTCHER, TIFFANY CABÁN, ERIC DINOWITZ, OSWALD FELIZ, KAMILLAH HANKS, RITA C. JOSEPH, FRANCISCO P. MOYA, SANDY NURSE; 9-0-0, *Medical*: Julie Menin; Committee on Civil Service and Labor, August 1, 2023.

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

Adopted unanimously by the Council by voice-vote.

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

Report for voice-vote item Res. No. 729

Report of the Committee on Civil Labor and Service in favor of approving a Resolution expressing unwavering support of striking SAG-AFTRA members in their pursuit of a fair and just contract.

The Committee on Civil Service and Labor, to which the annexed preconsidered resolution was referred on August 3, 2023, respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Civil Service and Labor for Res. No. 694-A printed above in this voice-vote Resolutions calendar section of these Minutes)

Accordingly, this Committee recommends its adoption.

(The following is the text of Res. No. 729:)

Preconsidered Res. No. 729

Resolution expressing unwavering support of striking SAG-AFTRA members in their pursuit of a fair and just contract.

By Council Members Farías, De La Rosa, Dinowitz, Sanchez, Brewer, Cabán, Velázquez, Nurse, Menin, Hanif, Krishnan, Louis, Bottcher, Brooks-Powers, Ossé, Powers and the Public Advocate (Mr. Williams).

Whereas, The Screen Actors Guild-American Federation of Television and Radio Artists (SAG-AFTRA) represents 32,000 actors, performers, broadcasters, recording artists, and other media professionals working in New York State's entertainment industry, who are currently on strike without a contract; and

Whereas, The film and television industry in New York City is a pivotal economic driver, generating substantial revenue and providing numerous job opportunities for local residents; and

Whereas, The success of the film and television industry in New York City is inextricably linked to the talent, dedication, and hard work of the SAG-AFTRA members; and

Whereas, SAG-AFTRA plays a crucial role to ensure equitable treatment of their members within the film and television industry; and

Whereas, SAG-AFTRA has been diligently negotiating a new contract with the Alliance of Motion Pictures and Television Producers (AMTP) to address the needs and concerns of its members, including increased minimum pay rates, increased streaming residuals, improved working conditions, and guarantees about how artificial intelligence will be used in productions; and

Whereas, SAG-AFTRA has stressed that new developments in the entertainment industry associated with the proliferation of streaming platforms and the use of generative AI should not be used to devalue actors who create productions; and

Whereas, The AMTP must engage in a good-faith dialogue with SAG-AFTRA because a fair resolution remains crucial to maintaining the livelihoods of the talented professionals within the industry; and

Whereas, SAG-AFTRA members play a vital role in the success and prosperity of the film and television industry in New York City; and

Whereas, The fundamental right of workers to organize, collectively bargain, and strike must be acknowledged and protected to ensure that workers are treated with dignity and respect; now, therefore, be it,

Resolved, That the Council of the City of New York expresses unwavering support of striking SAG-AFTRA members in their pursuit of a fair and just contract.

CARMEN N. De La ROSA, *Chairperson*; ERIK D. BOTTCHER, TIFFANY CABÁN, ERIC DINOWITZ, OSWALD FELIZ, KAMILLAH HANKS, RITA C. JOSEPH, FRANCISCO P. MOYA, SANDY NURSE; 9-0-0, *Medical*: Julie Menin; Committee on Civil Service and Labor, August 1, 2023.

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

Adopted unanimously by the Council by voice-vote.

INTRODUCTION AND READING OF BILLS

Res. No. 723

Resolution calling on the New York State Legislature to pass, and New York State voters to approve, S.2562/A.330, which would amend the State Constitution to lower the voting age for state and local elections to 16.

By Council Members Abreu, Hanif, Brewer, Richardson Jordan, Williams, Marte and Cabán.

Whereas, The New York State Constitution currently sets the minimum voting age for state and local elections at 18; and

Whereas, S.2562, introduced by Senator Brad Hoylman-Sigal and pending in the New York State Senate, and its companion bill A.330 introduced by Assembly Member Robert Carroll, seek to amend the New York State Constitution to lower the voting age to 16 for state and local elections; and

Whereas, 16- and 17-year olds bear many of the same responsibilities as adults; and

Whereas, 16- and 17-year olds can work and pay taxes; and

Whereas, Prosecutors may charge 16- and 17-year olds as adults if they commit a crime; and

Whereas, Without the right to vote 16- and 17-year olds lack a voice in government decisions that affect their lives, such as who oversees their schools and how their tax dollars are spent; and

Whereas, 16- and 17-year olds have demonstrated readiness for civic engagement through their zealous advocacy for issues that they care about from gun safety to the climate crisis; and

Whereas, According to an article in the George Washington Law Review, studies have shown that by the time an individual reaches the age of 16 they have developed the necessary cognitive abilities to engage in the same reasoned decision making necessary for voting as older adults; and

Whereas, Studies agree that voting is an acquired habit; and

Whereas, When young people begin to vote while still living at home they are more likely to make voting a lifelong habit; and

Whereas, In 2019 there were more than 440,000 New York City residents who were between the ages of 15 and 19; and

Whereas, Countries and localities that permit 16- and 17-year olds to vote have found high turnout among this age group; now, therefore, be it

Resolved, That the Council of the City of New York calls on the New York State Legislature to pass, and New York State voters to approve, S.2562/A.330, which would amend the State Constitution to lower the voting age for state and local elections to 16.

Referred to the Committee on Governmental Operations.

Res. No. 724

Resolution calling upon the New York State Legislature to pass, and the Governor to sign, A1361/S458, in relation to defining community significant projects and including such projects in the excelsior jobs program.

By Council Members Avilés and Louis.

Whereas, The New York City Housing Authority (NYCHA) is the largest public housing authority in North America, providing homes for approximately 535,686 authorized residents in over 177,569 apartments across 335 developments in public housing, Section 8 and PACT/RAD developments; and

Whereas, More than half of the affordable housing in New York City that is accessible to residents with incomes at or below 30% of the area median income is located within NYCHA developments; and

Whereas, Residents of NYCHA have spoken to the need for increased employment opportunities, and some have testified at City Council hearings that more residents should be trained or hired to perform necessary maintenance and repair work on NYCHA campuses; and

Whereas, Section 3 of the Housing and Urban Development (HUD) Act of 1968, as amended by the Housing and Community Development Act of 1992, sought to ensure that employment and economic opportunities generated by HUD financial assistance, such as training and contracting, were directed towards low- and very low-income persons, who are more likely to live in public housing, to the greatest extent feasible; and

Whereas, Section 3 workers are defined as those whose income for the previous calendar year is below the income limit threshold that is established by HUD, a worker that is employed by a Section 3 business, or a worker that has participated in the YouthBuild community-based pre-apprenticeship program for at risk youth that dropped out of high school between the ages of 16 to 24; and

Whereas, Any developers, owners, contractors, or subcontractors that receive HUD funding are required to make their best efforts to ensure either that twenty five percent of the total labor hours worked by all workers within that fiscal year are worked by Section 3 workers, or no less than 5 percent total labor hours worked by all workers employed in the fiscal year are worked by individuals that have resided in public housing for the past five years, are section 8 residents, or participants in the YouthBuild program; and

Whereas, In 2001, in an effort to bolster the Section 3 program, NYCHA created the Resident Employment Program, requiring that at least 15% of the total projected labor cost of capital and modernization contracts greater than \$500,000 be dedicated to hiring residents who live in public housing; and

Whereas, Despite these efforts, NYCHA's record of meeting their Section 3 goals remains mixed, with the percentage of Section 3 hires dropping from over 77% in 2016 to less than 22% in 2020; and

Whereas, The objective of the Excelsior Jobs Program is to incentivize local businesses to expand in New York, and new businesses to relocate to New York, while maintaining a stringent accountability framework in order to guarantee that businesses honor job and investment commitments; and

Whereas, Firms in the Excelsior Jobs Program can qualify for five fully refundable tax credits over a benefit period up to 10 years, provided they meet and maintain certain job and investment thresholds; and

Whereas, Under the Excelsior Jobs Program, eligible businesses can qualify for credits worth 6.85% of wages per net new job created, or up to 7.5% of wages per net new job for qualified green projects, 2% of qualified investments, or up to 5% for investments in qualified green projects, or childcare services, or 6% of net new childcare services expenditures for operating, sponsoring, or directly financially supporting a childcare services program; and

Whereas, A1361, sponsored by Assembly Member Latoya Joyner, and S458 sponsored by State Senator Luis Sepulveda, would add 'community significant projects' to the list of entities eligible to participate in the Excelsior Jobs Program, unlocking substantial financial incentives for qualifying businesses; and

Whereas, A1361/S458 would define community significant projects as those in which businesses are creating or retaining current jobs, with emphasis on employment and training of current public housing residents, including businesses that are currently located or expected to be located in existing leased space in a public housing development; and

Whereas, Businesses that make significant qualified capital investments to start a business, improve services and working conditions for an existing business located in a public housing space, and create at least five new net jobs, retain current jobs or make qualified capital investments to leased spaces in public housing developments, would also qualify as community significant projects; and

Whereas, A1361/S458 would also authorize the Commissioner of Economic Development to promulgate regulations determining additional eligibility criteria businesses must meet in order to be considered community significant projects, including those that incentivize child care providers, businesses that support the needs of the workforce residing in public housing, and those that support the social and health needs of residents in public housing; and

Whereas, These regulations would help ensure that public housing residents, and services or programs being offered to those residents by either the public housing authority or other onsite entities, are not displaced in order to locate or expand a business in a public housing development; and

Whereas, A1361/S458 would provide direct financial incentives to businesses that qualify as community significant projects for training, employing, and retaining NYCHA residents, increasing both economic opportunities and access to services for individuals living in public housing; therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to pass, and the Governor to sign, A1361/S458, in relation to defining community significant projects and including such projects in the excelsior jobs program.

Referred to the Committee on Public Housing.

Res. No. 725

Resolution calling on the New York City Housing Authority to require caretakers to obtain the Site Safety Training Card.

Council Members Avilés, Louis and Restler.

Whereas, New York City Housing Authority (NYCHA) provides affordable housing to low- and moderate-income families; and

Whereas, NYCHA serves 339,900 authorized residents in 162,143 apartments within 277 housing developments in their conventional public housing program; and

Whereas, NYCHA was appointed a federal monitor in part because of the persistent accumulation of trash and rodent infestations at NYCHA developments; and

Whereas, Caretakers are NYCHA employees, whose responsibilities include driving NYCHA's vehicles, helping to clean up debris, picking up materials and supplies and helping with snow removal; and

Whereas, For a caretaker to work at or enter a NYCHA construction site, a Site Safety Training Card (SST card), which certifies that the worker completed construction site safety training, would be required; and

Whereas, NYCHA's caretakers are not currently required to have SST cards; and

Whereas, NYCHA's Transformation Plan highlights the capital budget to be approximately \$4.5 billion for making systematic upgrades, infrastructure improvements and major modernizations at their developments; and

Whereas, As NYCHA continues to work on its capital program, NYCHA residents at these construction sites have complained about debris, dust accumulation, and the overall lack of cleanliness in the hallways and across their developments; and

Whereas, NYCHA residents should not be forced to live with such conditions; and

Whereas, According to the Electronic Library of Construction Occupational Safety and Health, anyone who breathes in silica dust, wood dust and toxic dust could cause damage to the lungs and airways; and

Whereas, NYCHA should provide caretakers with the necessary safety training to be able to access NYCHA construction sites to conduct daily cleaning and help to mitigate debris and dust accumulation from construction sites; now, therefore, be it

Resolved, That the Council of City of New York calls on the New York City Housing Authority to require caretakers to obtain the Site Safety Training Card.

Referred to the Committee on Public Housing.

Preconsidered Res. No. 726

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

By Council Member Brannan.

Whereas, On June 30, 2023, the Council of the City of New York (the “City Council”) adopted the expense budget for Fiscal Year 2024 with various programs and initiatives (the “Fiscal 2024 Expense Budget”); and

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

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

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2024 and Fiscal 2023 and Fiscal 2022 Expense Budgets by approving the new designation and changes in the designation of certain organizations receiving local, aging, youth, anti-poverty, boroughwide, and Speaker’s initiative discretionary funding, and by approving the new designation and changes in the designation of certain organizations to receive funding pursuant to certain initiatives in accordance therewith; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2024 and Fiscal 2023 and Fiscal 2022 Expense Budgets by approving new Description/Scope of Services for certain organizations receiving youth, aging, and local discretionary funding and certain organization receiving funding pursuant to certain initiatives; now, therefore, be it

Resolved, That the City Council approves the changes in the designation of certain organizations receiving local discretionary funding pursuant to the Fiscal 2024 Expense Budget, as set forth in Chart 1; and be it further

Resolved, That the City Council approves the changes in the designation of certain organizations receiving aging discretionary funding in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 2; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving youth discretionary funding in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 3; and be it further

Resolved, That the City Council approves the changes in the designation of certain organizations receiving funding pursuant to the Anti-Poverty Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 4; and be it further

Resolved, That the City Council approves the changes in the designation of certain organizations receiving funding pursuant to the Community Safety and Victim Services Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 5; and be it further

Resolved, That the City Council approves the new designations of certain organizations receiving funding pursuant to the Speaker’s Initiative to Address Citywide Needs in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 6; and be it further

Resolved, That the City Council approves the change in the designation of certain organizations receiving funding pursuant to the Boroughwide Needs Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 7; and be it further

Resolved, That the City Council approves the new designations and change in the designation of certain organizations receiving funding pursuant to the A Greener NYC Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 8; and be it further

Resolved, That the City Council approves the new designations and changes in the designation of certain organizations receiving funding pursuant to the Cultural After-School Adventure (CASA) Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 9; and be it further

Resolved, That the City Council approves the new designations and the changes in the designation of certain organizations receiving funding pursuant to the Cultural Immigrant Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 10; and be it further

Resolved, That the City Council approves the new designations and changes in the designation of certain organizations receiving funding pursuant to the Digital Inclusion and Literacy Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 11; and be it further

Resolved, That the City Council approves the new designations and changes in the designation of certain organizations receiving funding pursuant to the Neighborhood Development Grant Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 12; and be it further

Resolved, That the City Council approves the new designations and changes in the designation of certain organizations receiving funding pursuant to the NYC Cleanup Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 13; and be it further

Resolved, That the City Council approves the new designations and change in the designation of certain organizations receiving funding pursuant to the Parks Equity Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 14; and be it further

Resolved, That the City Council approves the new designations and changes in the designation of certain organizations receiving funding pursuant to the Support Our Older Adults Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 15; and be it further

Resolved, That the City Council approves the new designations and changes in the designation of certain organizations receiving funding pursuant to the Domestic Violence and Empowerment (DoVE) Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 16; and be it further

Resolved, That the City Council approves the new designations and change in the designation of certain organizations receiving funding pursuant to the Coalition of Theaters of Color Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 17; and be it further

Resolved, That the City Council approves the new designations of certain organizations receiving funding pursuant to the Chamber on the Go and Small Business Assistance Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 18; and be it further

Resolved, That the City Council approves the new designations of certain organization receiving funding pursuant to the Worker Cooperative Business Development Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 19; and be it further

Resolved, That the City Council approves the new designations of certain organizations receiving funding pursuant to the Access Health Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 20; and be it further

Resolved, That the City Council approves the new designation of a certain organization receiving funding pursuant to the Ending the Epidemic Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 21; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving funding pursuant to the Viral Hepatitis Prevention Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 22; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving funding pursuant to the Art a Catalyst for Change Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 23; and be it further

Resolved, That the City Council approves the new designations of certain organizations receiving funding pursuant to the Crisis Management System Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 24; and be it further

Resolved, That the City Council approves the new designation of a certain organization receiving funding pursuant to the Hate Crimes Prevention Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 25; and be it further

Resolved, That the City Council approves the new designations of certain organizations receiving funding pursuant to the Autism Awareness Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 26; and be it further

Resolved, That the City Council approves the new designation of a certain organization receiving funding pursuant to the Court-Involved Youth Mental Health Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 27; and be it further

Resolved, That the City Council approves the new designations of certain organizations receiving funding pursuant to the Developmental, Psychological and Behavioral Health Services Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 28; and be it further

Resolved, That the City Council approves the new designation of a certain organization receiving funding pursuant to the Geriatric Mental Health Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 29; and be it further

Resolved, That the City Council approves the new designations of certain organizations receiving funding pursuant to the Mental Health Services for Vulnerable Populations Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 30; and be it further

Resolved, That the City Council approves the new designation of a certain organization receiving funding pursuant to the Young Women’s Leadership Development Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 31; and be it further

Resolved, That the City Council approves the new designations of certain organizations receiving funding pursuant to the Diversity, Inclusion & Equity in Tech Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 32; and be it further

Resolved, That the City Council approves the changes in the designation of certain organizations receiving funding pursuant to the Stabilizing NYC Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 33; and be it further

Resolved, That the City Council approves the new designation of a certain organization receiving funding pursuant to the Elie Wiesel Holocaust Survivors Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 34; and be it further

Resolved, That the City Council approves the new designations of certain organizations receiving funding pursuant to the Elder Abuse Prevention Programs Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 35; and be it further

Resolved, That the City Council approves the new designations of certain organizations receiving funding pursuant to the Naturally Occurring Retirement Communities (NORCs) Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 36; and be it further

Resolved, That the City Council approves the new designations of certain organizations receiving funding pursuant to the Older Adult Clubs for Immigrant Populations Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 37; and be it further

Resolved, That the City Council approves the new designation of a certain organization receiving funding pursuant to the Opioid Prevention and Treatment Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 38; and be it further

Resolved, That the City Council approves the change in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 39; and be it further

Resolved, That the City Council approves the change in the designation of certain organizations receiving aging discretionary funding in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 40; and be it further

Resolved, That the City Council approves the change in the designation of certain organizations receiving funding pursuant to the Boroughwide Needs Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 41; and be it further

Resolved, That the City Council approves the change in the designation of certain organizations receiving funding pursuant to the NYC Cleanup Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 42; and be it further

Resolved, That the City Council amends the Purpose of Funds for certain organizations receiving funding in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 43; and be it further

Resolved, That the City Council amends the Purpose of Funds for certain organizations receiving funding in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 44; and be it further

Resolved, That the City Council amends the Purpose of Funds for certain organizations receiving funding in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 45.

Adopted by the Council (preconsidered and approved by the Committee on Finance; for text of the Exhibit Charts, please refer to the attachments section of [the Res. No. 726 of 2023 file](#) in the legislation section of the New York City Council website at <https://council.nyc.gov>).

Int. No. 1135

By Council Members Brewer, Ayala, Restler, Cabán and Louis.

A Local Law in relation to the establishment of a Wards Island affordable housing task force

Be it enacted by the Council as follows:

Section 1. Definitions. For purposes of this local law, the following terms have the following meanings:
City. The term “city” means the city of New York.

Task force. The term “task force” means the Wards Island affordable housing task force established by this local law.

§ 2. Task force established. There is hereby established a task force to be known as the Wards Island affordable housing task force.

§ 3. Duties. a. The task force shall study the feasibility of building affordable housing on Wards Island and shall make recommendations for legislation and policy in furtherance of that objective.

b. In studying the feasibility of building housing on Wards Island, the task force shall take into account the following factors:

1. Potential demand for housing on Wards Island;
2. The cost of building affordable housing on Wards Island and possible sources of funding;
3. Whether any restrictions on permissible land use on Wards Island would need to be modified or amended, and
4. How city services and amenities could be provided to potential residents of Wards Island.

§ 4. Membership. a. The task force shall be composed of the following members:

1. The commissioner of parks and recreation or such commissioner’s designee, who shall serve as chair;
2. The commissioner of health and mental hygiene, or such commissioner’s designee;
3. The chancellor of the city school district, or such chancellor’s designee;
4. The commissioner of environmental protection, or such commissioner’s designee;
5. The commissioner of housing preservation and development, or such commissioner’s designee;
6. Three members appointed by the mayor, including one member who shall represent tenant advocates, one member who shall represent affordable housing providers, and one member who shall represent populations at risk of homelessness; and
7. Three members appointed by the speaker of the city council, including one member who shall represent tenant advocates, one member who shall represent affordable housing providers, and one member who shall represent populations at risk of homelessness.

b. The mayor may invite officers and representatives of relevant federal, state and local agencies and authorities to participate in the work of the task force.

c. All appointments required by this section shall be made no later than 90 days after the effective date of this local law.

d. Each member of the task force shall serve at the pleasure of the officer who appointed the member. In the event of a vacancy on the task force, a successor shall be appointed in the same manner as the original appointment for the remainder of the unexpired term. All members of the task force shall serve without compensation.

§ 5. Meetings. a. The chair shall convene the first meeting of the task force no later than 30 days after the last member has been appointed, except that where not all members of the task force have been appointed within the time specified in section four, the chair shall convene the first meeting of the task force within 10 days of the appointment of a quorum.

b. The task force may invite experts and stakeholders to attend its meetings and to provide testimony and information relevant to its duties.

c. The task force shall meet no less than once each quarter to carry out the duties described in section three.

d. The meeting requirement of subdivision c shall be suspended when the task force submits its report as required by section six.

§ 6. Report. a. No later than 270 days after the effective date of this local law, the task force shall submit a report to the mayor and the speaker of the council setting forth its findings and recommendations for legislation and policy relating to affordable housing on Wards Island. The report shall include a summary of information the task force considered in formulating its recommendations.

b. The commissioner of parks and recreation shall publish the task force's report electronically on the website of the department of parks and recreation no later than 10 days after its submission to the mayor and the speaker of the council.

§ 7. Agency support. Each agency affected by this local law shall provide appropriate staff and resources to support the work of such agency related to the task force.

§ 8. Termination. The task force shall terminate 180 days after the date on which it submits its report, as required by section six.

§ 9. Effective date. This local law takes effect immediately.

Referred to the Committee on Housing and Buildings.

Int. No. 1136

By Council Members Brooks-Powers, Louis and Hanif.

A Local Law in relation to a study on structural loadbearing capacity of parking garages

Be it enacted by the Council as follows:

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

Department. The term "department" means the department of buildings.

Parking garage. The term "parking garage" means a structure or portion of a structure, other than a private garage or carport, used for the parking or storage of motor vehicles.

b. Loadbearing capacity study. The department, in collaboration with any other office or agency, shall study and report on the structural loadbearing capacity of parking garages, for the purpose of evaluating the efficacy of existing loadbearing capacity limits. No later than 180 days after the effective date of this local law, the department shall submit to the mayor and the speaker of the council, and shall post conspicuously on the department's website, a report on the findings of this study, including any recommendations based on such findings. Such study and report shall include an assessment of the impact of the following factors on a parking garage's loadbearing capacity:

1. The age of the material components of the parking garage;
2. The effect of exposure to environmental conditions, such as extreme temperature, fire, frost, and moisture;
3. A parking garage's history of maintenance and repairs;
4. The condition of the materials in the parking garage, for example, loose concrete in danger of falling, ceiling slab cracks, missing concrete covering steel beams, and defective concrete;
5. How often the parking garage is at or exceeds capacity;
6. The size of the parking garage, including the thickness and the height of the walls and supporting structures;
7. The density of the material of the parking garage as it relates to its compressive strength, resistance to forces, bending, and vibration;
8. The structural design of the parking garage, for example, the shape of the structure or if the garage is braced;
9. The impact of increasing weights of individual vehicles, particularly electric vehicles, as well as charging stations and equipment; and
10. Any other information relevant to assessing the loadbearing capacity and safety of parking garages.

§ 2. This local law takes effect immediately.

Referred to the Committee on Housing and Buildings.

Int. No. 1137

By Council Members Brooks-Powers, Louis and Hanif.

A Local Law to amend the administrative code of the city of New York, in relation to weight limits for parking structures

Be it enacted by the Council as follows:

Section 1. Subdivision b of section 20-324 of the administrative code of the city of New York is amended to read as follows:

b. Each such licensee shall post conspicuously at the public entrance to the garage or parking lot a sign composed of letters and figures of such size, height, width, spacing, color and description as shall be prescribed by the rules and regulations of the commissioner. Such sign shall set forth the schedule of rates charged, the hours during which such garage or parking lot will remain open for business, [and] the maximum capacity *by number of motor vehicles* of such garage or parking lot, *and, for any garage, the maximum permissible weight limit which may be permitted on each level of the garage, as determined according to section 28-323.10.*

§ 2. Section 20-327 of the administrative code of the city of New York is amended to read as follows:

a. No motor vehicle shall be accepted by a licensee for parking, or storage, in excess of the *maximum capacity by number of motor vehicles* of the garage or parking lot, as shown in the license. Whenever the maximum capacity *by number of motor vehicles* of a garage or parking lot has been reached, the licensee shall post, at the public entrance thereof, a sign, composed of letters of such size, height, width, spacing, color and description as shall be prescribed by the rules and regulations of the commissioner, stating that such maximum capacity by number has been reached.

b. *A motor vehicle shall not be accepted by a licensee for parking, or storage, if no level within the parking garage is available on which parking or storing such vehicle would not exceed the maximum permissible weight limit for that level, as calculated according to section 28-323.10. Whenever no additional motor vehicles may be parked or stored on any level of a garage without the maximum permissible weight limit being exceeded on any such level, the licensee shall post, at the public entrance thereof, a sign, composed of letters of such size, height, width, spacing, color, and description as shall be prescribed by the rules and regulations of the commissioner, stating that the maximum capacity by weight has been reached.*

c. Vehicles shall be stored or parked on the licensed premises in such manner as shall be prescribed by the rules and regulations of the commissioner, for the purpose of safeguarding persons and property and permitting adequate inspection of the premises.

§ 3. Article 323 of chapter 3 of title 28 of the administrative code of the city of New York is amended by adding new sections 28-323.10 and 28-323.10.1 to read as follows:

§ 28-323.10 Maximum permissible weight capacity. No motor vehicle shall be parked or stored on a level of a parking structure when such parking or storage would cause the collective weight of vehicles on that level to exceed the maximum permissible weight limit for that level, as calculated by an approved agency on behalf of the owner, according to Table 1607.1 of the New York city building code and any rules of the department applicable to such parking structure.

§ 28-323.10.1 Weight sensors in parking structures. Each parking structure owner shall install a motor vehicle scale or weigh station at each entrance to such parking structure, in accordance with technical specifications to be prescribed by the rules and regulations of the commissioner. To determine whether a motor vehicle may be parked or stored in accordance with section 28-323.10, each motor vehicle shall be weighed on the scale or

weigh station before the parking structure owner or owner's authorized agent may accept that motor vehicle for parking or storage.

§ 12. This local law takes effect one year after it becomes law.

Referred to the Committee on Housing and Buildings.

Int. No. 1138

By Council Members Brooks-Powers, Louis, Brewer and Cabán.

.A Local Law to amend the administrative code of the city of New York, in relation to sign language public service announcements for persons who are deaf or hard of hearing on LinkNYC kiosks

Be it enacted by the Council as follows:

Section 1. Chapter 4 of title 23 of the administrative code of the city of New York is amended by adding a new section 23-409 to read follows:

§ 23-409 *American Sign Language Advertisements. No less than five percent of all programming administered on behalf of the city on payphone kiosks, installed pursuant to a payphone franchise agreement, shall be for the purposes of public service announcements specifically providing information for the benefit of persons who are deaf or hard of hearing. Such public service announcements shall include information communicated in American sign language with accompanying closed captions on the availability of 911 text message transmission capability, as described in section 10-173, shall also include information on the availability of video relay services on payphone kiosks, and may also include:*

1. *General public service announcements including a translation into American sign language;*
2. *Public service announcements including a translation into international sign or other sign languages, based on the sign language used in a community in which a kiosk is located;*
3. *Commercial advertisements including a translation into American sign language;*
4. *Commercial advertisements including a translation into international sign or other sign languages; and*
5. *Information on accessing, and the availability of, agency resources and services specific to persons who are deaf or hard of hearing.*

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

Referred to the Committee on Technology.

Res. No. 727

Resolution calling on the New York State Legislature to pass, and the Governor to sign, S.6350-B/A.6873-B, the "Freedom to Read Act," to require the Commissioner of the New York State Education Department, school districts, and school library systems to develop policies to ensure that school libraries and library staff are empowered to curate and develop collections that provide students with access to the widest array of developmentally appropriate materials available.

By Council Members Cabán, Abreu, Louis, Hanif and Marte.

Whereas, According to the American Library Association (ALA), in 2022, libraries faced a record number of 1,269 attempts to ban or restrict library books and resources in the United States (U.S.), an alarming increase from 156 attempts in 2020 and 729 attempts in 2021; and

Whereas, Those attempts involved 2,571 unique book titles, an increase from 223 unique book titles in 2020 and 1,858 unique book titles in 2021; and

Whereas, Book bans and restrictions in 2022 particularly affected public schools and their libraries; and

Whereas, According to PEN America, an organization promoting free expression, during the first half of the 2022-2023 school year, there were 1,477 instances of individual books banned in schools across the U.S., representing 874 unique book titles, an increase of 28 percent from the period between January 2022 and June 2022; and

Whereas, PEN America documented that between July 2022 and December 2022, instances of individual book bans occurred in 66 school districts in 21 U.S. states, encompassing 13 districts in Florida, 12 districts in Missouri, 7 districts in Texas, 5 districts in South Carolina, and 5 districts in Michigan; and

Whereas, Between July 2022 and December 2022, PEN America recorded 438 book bans in Texas, 357 book bans in Florida, 315 book bans in Missouri, and over 100 book bans each in Utah and South Carolina; and

Whereas, According to PEN America, between January 2022 and April 2022, 4 school districts in New York State banned certain books either pending investigation or in libraries and classrooms, including the Connetquot Central School District, the Marlboro Central School District, the Wappingers Central School District, and the Yorktown Central School District; and

Whereas, Per PEN America's Index of School Book Bans, the book titles that were banned in 2022 by some school districts in New York State are "Gender Queer: A Memoir" by M. Kobabe, "Dear Martin" by N. Stone, "The Poet X" by E. Acevedo, "All Boys Aren't Blue" by G. M. Johnson, "Beyond Magenta: Transgender Teens Speak Out" by S. Kuklin, "Jack of Hearts (and other parts)" by L. C. Rosen, "Lawn Boy" by J. Evison, "Looking for Alaska" by J. Green, "Out of Darkness" by A. H. Pérez, "The Bluest Eye" by T. Morrison, and "The Hate U Give" by A. Thomas; and

Whereas, ALA research documents that 90 percent of all book titles targeted for censorship in 2022 in the U.S. were challenged as part of attempts to ban multiple book titles; and

Whereas, In particular, 12 percent of targeted book titles were in cases involving between 2 and 9 challenged titles, 38 percent were in cases involving between 10 and 99 challenged titles, and 40 percent were in cases involving 100 or more challenged titles; and

Whereas, ALA documented that in 2022, the top 13 most challenged book titles in the U.S. were targeted for featuring LGBTQIA+ characters and themes, as well as story plots involving sexual and physical violence, race, racism, and substance abuse; and

Whereas, PEN America's research indicates that during the first half of the 2022-2023 school year, 30 percent of the unique book titles banned across the U.S. were about race, racism, or featured characters of color, 26 percent of the banned book titles had LGBTQIA+ characters or themes, 44 percent of the banned titles portrayed violence and abuse, 38 percent of the banned titles discussed topics of health and well-being, and 30 percent of the banned titles covered death and grief; and

Whereas, ALA stresses that the book challenges across the U.S. and the list of the Top 13 Most Challenged Books of 2022 evidence a growing, well-organized, conservative political movement whose goals include removing books addressing race, history, gender identity, sexuality, and reproductive health from American public and school libraries, because they do not meet the movement's approval; and

Whereas, ALA's 2022 data reveal that 30 percent of the reported book challenges in the U.S. were initiated by parents, 17 percent were initiated by political and religious groups, 15 percent were initiated by school boards and school administration, and 3 percent were initiated by elected officials; and

Whereas, ALA emphasized that in 2022, legislators and elected officials in 12 U.S. states, including Florida, Utah, and Missouri, initiated legislation to amend state criminal obscenity statutes to permit criminal prosecution of librarians and educators for distributing materials falsely claimed to be illegal and inappropriate for minors; and

Whereas, PEN America noted that during the first half of the 2022-2023 school year, numerous U.S. states, including Tennessee and Florida, enacted "wholesale bans" in which entire classrooms and school libraries have been suspended, closed, or emptied of books, either permanently or temporarily, largely because teachers and librarians in several states were directed to catalog entire collections for public scrutiny within short timeframes under a threat of punishment from new, vague laws; and

Whereas, A 2022 survey commissioned by ALA found that 71 percent of American voters across the political spectrum oppose efforts to have books removed from their local libraries; and

Whereas, Per ALA's 2022 survey, 92 percent of American voters believe that school libraries play an important role in communities and schools; and

Whereas, Also per ALA's 2022 survey, 74 percent of American parents of public school students expressed a high degree of confidence in school librarians to make good decisions about which books to make available to children; and

Whereas, According to ALA's 2022 survey results, majorities of American parents of public school students affirmed that various types of books representing a wide array of viewpoints should be available in school libraries on an age-appropriate basis; and

Whereas, Specifically, per ALA's 2022 survey, 84 percent of American parents of public school students endorsed works about U.S. history focusing on the role of slavery and racism in shaping America today, 68 percent of parents endorsed novels portraying police violence against Black people, 65 percent of parents endorsed fiction and non-fiction books about LGBTQIA+ people, and 57 percent of parents endorsed works of fiction featuring sexually explicit content and scenes of sexual violence; and

Whereas, The existence and functioning of a modern, pluralist, diverse democracy depends on informed, thoughtful, and engaged citizens; and

Whereas, Schools and school libraries play a crucial role in American democracy by providing to students a critical foundation of knowledge and important access to a wide array of lived experiences and perspectives through books and other materials; and

Whereas, With the stated aim of ensuring that students in New York State have access to a broad range of materials to enrich their minds, broaden their perspectives, and explore challenging ideas as valuable to students' development as learners, as community members, and as citizens, State Senator Rachel May introduced S.6350-B in the New York State Senate, and Assembly Member Daniel J. O'Donnell introduced companion bill A.6873-A in the New York State Assembly, known as the "Freedom to Read Act;" and

Whereas, S.6350-B/A.6873-A would require the Commissioner of the New York State Education Department, school districts, and school library systems to develop policies to ensure that school libraries and library staff are empowered to curate and develop collections that provide students with access to the widest array of developmentally appropriate materials available; now, therefore, be it

Resolved, That the Council of the City of New York calls on the New York State Legislature to pass, and the Governor to sign, S.6350-B/A.6873-A, the "Freedom to Read Act," to require the Commissioner of the New York State Education Department, school districts, and school library systems to develop policies to ensure that school libraries and library staff are empowered to curate and develop collections that provide students with access to the widest array of developmentally appropriate materials available.

Referred to the Committee on Education.

Int. No. 1139

By Council Members Farías and Louis.

A Local Law to amend the administrative code of the city of New York, in relation to advertising on the interior of for-hire vehicles

Be it enacted by the Council as follows:

Section 1. Chapter 5 of title 19 of the administrative code of the city of New York is amended by adding a new section § 19-525.1 to read as follows:

§ 19-525.1 Interior advertising in for-hire vehicles. a. A for-hire vehicle may display digital advertising on one electronic tablet attached to the interior of such for-hire vehicle. Such a tablet shall include features allowing a person to turn off its display and mute or vary the volume of any sound emanating from it.

b. The commission shall promulgate such rules and regulations as are necessary to carry out the provisions of this section, including but not limited to the type and content of any advertising permitted pursuant to this section and the characteristics of the electronic tablet on which such advertising is displayed, provided that the commission shall not require a permit to display any advertising permitted pursuant to this section.

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

Referred to the Committee on Transportation and Infrastructure.

Int. No. 1140

By Council Members Farías, Abreu and Louis.

A Local Law to amend the administrative code of the city of New York, in relation to increased penalties for department of buildings violations issued to parking structures

Be it enacted by the Council as follows:

Section 1. Section 28-202.1 of the administrative code of the city of New York, as amended by local law number 126 for the year 2021, is amended to add new exceptions 13 and 13.1 through 13.9 to read as follows:

13. For any violation involving a parking structure, as defined in section 28-323.2:

13.1. The minimum civil penalty for a violation of section 28-204.4 shall be \$2,500.

13.2. The minimum civil penalty for an immediately hazardous violation of section 28-207.4.4 shall be \$5,000.

13.3. The minimum civil penalty for an immediately hazardous violation of section 28-211.1 shall be \$20,000.

13.4. The minimum civil penalty for a violation of section 28-217.1.1 shall be \$1,600.

13.5. The minimum civil penalty for a violation of section 28-217.1.6 shall be \$5,000.

13.6. The minimum civil penalty for an immediately hazardous violation of section 28-301.1 shall be \$2,500 for a first violation and \$5,000 for a second violation, in addition to any separate daily or monthly penalty imposed pursuant to exception 13.1 or 13.2 of this section.

13.7. The minimum civil penalty for an immediately hazardous violation of section 28-302.1 shall be \$5,000 for a first violation and \$7,500 for a second violation, in addition to any separate daily or monthly penalty imposed pursuant to exception 13.1 or 13.2 of this section.

13.8. The minimum civil penalty for an immediately hazardous violation of section 28-302.3 shall be \$5,000.

13.9. The minimum civil penalty for a violation of section 28-302.4 shall be \$5,000.

§ 2. This local law takes effect immediately.

Referred to the Committee on Housing and Buildings.

Res. No. 728

Resolution calling on the New York State Legislature to pass, and the Governor to sign, legislation that would create a linkage fee for large scale residential or commercial projects, and create a trust that would receive this fee to fund job training, education and employment programs.

By Council Members Farías, Louis and Brewer.

Whereas, On June 22, 2023, the Center for New York City Affairs (CNYCA), a policy research institute at The New School, reported that 99 percent of the jobs lost during the pandemic have been recovered; and

Whereas, Not all of these jobs have returned to the same industries as before and there has been a notable shift in the type of industries that are experiencing growth; and

Whereas, According to CNYCA, some industries such as warehousing, delivery services, homecare, healthcare, and remote-work industries, like technology, finance and insurance, and professional services, have experienced job growth while industries like retail and jewelry have struggled to recover; and

Whereas, As the types of jobs available in New York City shift to new fields, the City will need to adapt to provide job seekers with the necessary skill sets and licenses to qualify for these new employment opportunities; and

Whereas, According to New York City Employment Training Coalition, the largest city-based workforce development association, New York City relies heavily on not-for-profit workforce development providers to connect New Yorkers to jobs, services and training to secure long-term employment; and

Whereas, New York State could help ensure that New Yorkers are equipped with the skills they need to succeed in these emerging industries; and

Whereas, A linkage fee is a fee that is charged by the local government on certain real estate developments, with the purpose of generating local funding to address the additional needs that arise, such as job training programs, as a result of such development; and

Whereas, The New York State Legislature should pass legislation that would create a linkage fee to raise funds to offset the impacts of any residential or commercial construction that exceeds 100,000 square feet in a community; and

Whereas, This fee should be paid to a newly created trust that would be overseen by three trustees, an appointee by the Council, an appointee by the Mayor, and an appointee by the designated City office or agency of the mayor; and

Whereas, The trust should award its funds for the purposes of supporting job training, education and employment programs that would benefit the community living within a 2 mile radius of the job site; and

Whereas, This bill could be an important step to fostering inclusive growth and ensuring New York City residents benefit from economic development opportunities; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to pass, and the Governor to sign, legislation that would create a linkage fee for large scale residential or commercial projects, and create a trust that would receive this fee to fund job training, education and employment programs.

Referred to the Committee on Economic Development.

Preconsidered Res. No. 729

Resolution expressing unwavering support of striking SAG-AFTRA members in their pursuit of a fair and just contract.

By Council Members Farías, De La Rosa, Dinowitz, Sanchez, Brewer, Cabán, Velázquez, Nurse, Menin, Hanif, Krishnan, Louis, Bottcher, Brooks-Powers, Ossé, Powers and the Public Advocate (Mr. Williams).

Whereas, The Screen Actors Guild-American Federation of Television and Radio Artists (SAG-AFTRA) represents 32,000 actors, performers, broadcasters, recording artists, and other media professionals working in New York State’s entertainment industry, who are currently on strike without a contract; and

Whereas, The film and television industry in New York City is a pivotal economic driver, generating substantial revenue and providing numerous job opportunities for local residents; and

Whereas, The success of the film and television industry in New York City is inextricably linked to the talent, dedication, and hard work of the SAG-AFTRA members; and

Whereas, SAG-AFTRA plays a crucial role to ensure equitable treatment of their members within the film and television industry; and

Whereas, SAG-AFTRA has been diligently negotiating a new contract with the Alliance of Motion Pictures and Television Producers (AMTP) to address the needs and concerns of its members, including increased minimum pay rates, increased streaming residuals, improved working conditions, and guarantees about how artificial intelligence will be used in productions; and

Whereas, SAG-AFTRA has stressed that new developments in the entertainment industry associated with the proliferation of streaming platforms and the use of generative AI should not be used to devalue actors who create productions; and

Whereas, The AMTP must engage in a good-faith dialogue with SAG-AFTRA because a fair resolution remains crucial to maintaining the livelihoods of the talented professionals within the industry; and

Whereas, SAG-AFTRA members play a vital role in the success and prosperity of the film and television industry in New York City; and

Whereas, The fundamental right of workers to organize, collectively bargain, and strike must be acknowledged and protected to ensure that workers are treated with dignity and respect; now, therefore, be it,

Resolved, That the Council of the City of New York expresses unwavering support of striking SAG-AFTRA members in their pursuit of a fair and just contract.

Adopted by the Council by voice-vote (preconsidered and approved by the Committee on Civil Service and Labor).

Int. No. 1141

By Council Members Feliz, Marte, Nurse, Abreu, Louis and Hanif.

A Local Law to amend the administrative code of the city of New York, in relation to the creation of a boilerplate annual checklist for parking garage inspections prior to initial annual condition inspections

Be it enacted by the Council as follows:

Section 1. Section 28-323.2 of the administrative code of the city of New York, as added by local law number 126 for the year 2021, is amended by adding a new definition of “boilerplate annual observation checklist” in alphabetical order to read as follows:

BOILERPLATE ANNUAL OBSERVATION CHECKLIST. A document developed by the department and published on the department website containing essential baseline items to be inspected prior to the initial condition assessment by a parking structure owner. The baseline items shall include, but need not be limited to, the age and location of the structure, whether vehicles are stored on the roof, and whether there are any outstanding violations for structural issues.

§ 2. Article 323 of chapter 3 of title 28 of the administrative code of the city of New York is amended by adding a new section 28-323.4.1 to read as follows:

§ 28-323.4.1 Owner inspection prior to initial condition assessment. The owner or an owner's authorized agent of any new or existing parking structure which is not scheduled to have an initial condition assessment before January 1, 2025 shall use the boilerplate annual observation checklist to inspect such parking structure within 1 year of the creation and publishing of the boilerplate annual checklist by the department.

§ 3. Section 28-323.7 of the administrative code of the city of New York is amended by adding a new item 3 to read as follows:

3. Whenever the owner or owner's authorized agent observes an unsafe condition during an inspection conducted prior to the initial condition assessment pursuant to section 28-323.4.1, the owner shall notify the department immediately and undertake repairs in accordance with section 28-323.8.

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

Referred to the Committee on Housing and Buildings.

Int. No. 1142

By Council Members Feliz, Hanks, Farías, Narcisse, Louis, Abreu, Restler and Ung.

A Local Law to amend the administrative code of the city of New York, in relation to police department tow pound capacity

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 14-194 to read as follows:

§ 14-194 Tow facility capacity. a. Definitions. For the purposes of this section, the following terms have the following meanings:

Towing capacity. The term "towing capacity" means the total number of vehicles that can be stored by the department at any given time.

Tow pound facility. The term "tow pound facility" means real property where the department can store vehicles that have been impounded for violations of traffic laws, rules or regulations.

Vehicle. The term "vehicle" means a vehicle as defined in section 159 of the vehicle and traffic law.

b. The department shall operate tow pound facilities with towing capacity sufficient to meet the department's enforcement needs. Such towing capacity shall reflect the rate of violations that are subject to towing, and the rate of vehicle impoundment necessary to deter illegal conduct.

c. Reporting. No later than January 30, 2025, and no later than 30 after the end of each calendar year, the department shall issue a public report on tow facility capacity and the department's utilization of vehicle towing in response to violations of traffic laws, rules, and regulations. Such report shall include, but need not be limited to: (i) the towing capacity of each tow pound facility operated by the department and the average number of vehicles stored at each such location during the prior calendar year; (ii) the number of violations issued by the department for which a vehicle could be subject to towing by the department during the prior calendar year, disaggregated by police precinct; and (iii) the number of vehicles towed by the department during the prior calendar year, disaggregated by police precinct.

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

Referred to the Committee on Public Safety.

Int. No. 1143

By Council Members Gennaro and Brewer.

A Local Law to amend the administrative code of the city of New York, in relation to increasing civil penalties for operating a bicycle, bicycle with electric assist, or electric scooter on the sidewalk*Be it enacted by the Council as follows:*

Section 1. Subdivision b of section 19-176 of the administrative code of the city of New York, as added by local law number 6 for the year 1996 and amended by local law number 14 for the year 2002, is amended to read as follows:

b. No person shall ride a bicycle upon any sidewalk unless permitted by an official sign. A person who violates this subdivision may be issued a notice of violation and shall be liable for a civil penalty of not more than one hundred *and seventy* dollars which may be recovered in a proceeding before the environmental control board.

§ 2. Subdivision c of section 19-176 of the administrative code of the city of New York, as added by local law number 6 for the year 1996 and amended by local law 14 for the year 2002, is amended to read as follows:

c. A person who violates subdivision b of this section in a manner that endangers any other person or property shall be guilty of a misdemeanor, punishable by a fine of more than one hundred dollars or imprisonment for not more than twenty days or both such fine and imprisonment. Such person shall also be liable for a civil penalty of not less than one hundred *and seventy* dollars nor more than [three] *five* hundred *and ten* dollars, except where a hearing officer has determined that [where] there was physical contact between the rider and another person, an additional civil penalty of not less than one hundred *and seventy* dollars nor more than [two] *three* hundred *and forty* dollars may be imposed. Such civil penalties may be recovered in a proceeding before the environmental control board. Enforcement agents shall indicate on the summons or notice of violation issued pursuant to this subdivision whether physical contact was made between the rider and another person. Any person who violates any provision of this subdivision more than once within a six month period shall be subject to the imposition of civil penalties in an amount that is double what would otherwise have been imposed for the commission of a first violation. It shall be an affirmative defense that physical contact between a rider and another person was in no way the fault of the rider.

§ 3. This local law takes effect immediately.

Referred to the Committee on Transportation and Infrastructure.

Res. No. 730

Resolution supporting the mission and growth of the Climate Museum.

By Council Members Gennaro, Hanif and Cabán.

Whereas, According to the National Aeronautics and Space Administration, Earth's climate is changing at a rate not seen in the past 10,000 years: the global temperature is increasing, oceans are warming, sea levels are rising, ice and snow levels are decreasing, and the frequency of extreme weather events is increasing; and

Whereas, The main cause of climate change is the increasing levels of greenhouse gases (GHG) in Earth's atmosphere; and

Whereas, According to the U.S. Environmental Protection Agency, human activities over the last 150 years have been the principal cause of the increase in GHGs in the atmosphere, and the primary source of GHG emissions in the U.S. is from the burning of fossil fuels; and

Whereas, The United Nation's Intergovernmental Panel on Climate Change has stated that people living within cities now face higher risks of heat stress, reduced air quality because of wildfires, lack of water, food shortages, and other impacts caused by climate change, and that it expects the impacts of climate change to intensify with additional warming; and

Whereas, According to the New York City Department of Environmental Protection, climate change is affecting the City of New York (City), with changes in temperature, precipitation, sea level rise, and extreme weather events, and the effects of climate change will be distributed unevenly across City neighborhoods as a result of land use, economic status, age, and exposure; and

Whereas, The City has set a policy to reduce its GHG emissions and achieve carbon neutrality by the year 2050; and

Whereas, Contending with the climate crisis at scale requires a transformation of public culture, including reducing consumption, increasing utilization of public transportation, and retrofitting buildings to be more energy efficient ; and

Whereas, In order to proactively address climate change, New Yorkers must be educated on the effects of climate change, the scientific link between human activities and climate change, and possible solutions to the crisis; and

Whereas, The Climate Museum, which is dedicated to climate issues and solutions to the crisis, was established in the City in 2015 as the first museum of its kind in the U.S.; and

Whereas, The Climate Museum’s mission is to inspire action on the climate crisis with programming across the arts and sciences that deepens understanding, builds connections, and advances just solutions; and

Whereas, The Climate Museum mobilizes the power of arts and cultural programming with the aim of accelerating a shift toward climate dialogue and action; and

Whereas, According to the Climate Museum, the museum will position the City as a leader and launchpad for state-of-the-art climate programs that welcome local, national, and global communities; and

Whereas, Since 2018, the Climate Museum has presented 8 exhibitions and more than 300 events; engaged more than 350 high school students in leadership, advocacy, and arts programs; and welcomed more than a hundred thousand visitors; and

Whereas, The Climate Museum’s dedication to addressing the climate crisis and its work towards educating New Yorkers on the effects and solutions to climate change will have a positive impact on the environment and the City of New York; now, therefore, be it

Resolved, That the Council of the City of New York supports the mission and growth of The Climate Museum.

Referred to the Committee on Environmental Protection, Resiliency and Waterfronts.

Int. No. 1144

By Council Members Gutiérrez, Avilés, Restler, Hanif and Cabán.

A Local Law to amend the administrative code of the city of New York, in relation to requiring building owners to provide information on elected officials to tenants in multiple dwellings

Be it enacted by the Council as follows:

Section 1. Sections 26-3001 to 26-3020 of the administrative code of the city of New York, as added by local law number 45 for the year 2022, are redesignated sections 26-3301 to 26-3320, respectively.

§ 2. Title 26 of the administrative code of the city of New York is amended by adding a new chapter 36 to read as follows:

CHAPTER 36
INFORMATION ON ELECTED OFFICIALS FOR RESIDENTIAL TENANTS

§ 26-3601 Definitions. As used in this section, the following terms have the following meanings:

Building owner. The term “building owner” means an owner as defined in paragraph 45 of subdivision a of section 27-2004.

Covered elected officials. The term “covered elected officials” means the mayor, comptroller, public advocate, borough presidents, and members of the council, state senate, state assembly, and members of congress that represent residents of the city.

Multiple dwelling. The term “multiple dwelling” has the same meaning as set forth in paragraph 7 of subdivision a of section 27-2004, but does not include residential quarters for members or personnel of any hospital staff.

Tenant. The term “tenant” means any lawful occupant of a dwelling unit in a multiple dwelling.

§ 26-3602 *Information on covered elected officials.* The department of housing preservation and development shall make available to each building owner in the city a notice to facilitate building owner compliance with section 26-3603. The notice shall include a link to the department’s website where a person can obtain accurate, up-to-date information about covered elected officials, including the names, addresses, and telephone numbers of the government offices of all covered elected officials, and, upon entering an address, can identify the covered elected officials who represent the districts in which such address is situated. The notice shall be made available in a downloadable format on the department’s website in English and the designated citywide languages, as defined in section 23-1101. The department shall update the notice as necessary.

§ 26-3603 *Dissemination of information on covered elected officials.* Every building owner shall provide to tenants the notice required by section 26-3602 in English and the designated citywide languages at the time of signing a lease or a lease renewal and upon request by a tenant.

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

Referred to the Committee on Housing and Buildings.

Res. No. 731

Resolution calling on the State to pass, and the Governor to sign, Senate Bill S2424, a bill that would include sporting events within the definition of places of public entertainment and amusement for purposes of prohibiting wrongful ejection or refusal of admission.

By Council Members Gutiérrez, Louis, Hanif and Cabán.

Whereas, Madison Square Garden (“MSG”) is one of several entertainment venues owned and operated by Madison Square Garden Entertainment (“MSG Entertainment”), and is host to several events, including professional sports games, concerts, and other cultural and sporting events; and

Whereas, Facial recognition technology (“FRT”) is a form of biometric identification technology which identifies a person based on their face’s physiological characteristics; and

Whereas, Section 40-B of the New York State Civil Rights Law is a law that forbids the wrongful refusal of admission to, and ejection from, places of public entertainment and amusement for those over the age of 21 who present a valid ticket of admission; and

Whereas, According to news reports, MSG Entertainment has been enforcing an internal policy established in 2022 that forbids attorneys employed at firms involved in active litigation with MSG Entertainment from attending any events held at venues owned by MSG Entertainment; and

Whereas, MSG Entertainment has reportedly enforced this policy through the use of FRT, utilizing pictures of attorneys scraped from headshots on law firm websites, and has, according to news reports, prevented at least four attorneys from attending concerts and sports games without those lawyers needing to present identification; and

Whereas, Some of those attorneys were reportedly not directly involved in any representation involving a lawsuit against MSG Entertainment, but instead just happened to be employed at the same law firm where such representation was being given by other attorneys; and

Whereas, Civil rights advocates, elected officials, and attorney associations have expressed concern around what they claim is the policy’s “retaliatory behavior,” and in particular its enforcement through FRT, with this use case of FRT prompting a letter from the New York State Attorney General to MSG Entertainment to raise concerns around how the policy was potentially violating New York Civil Rights Law; and

Whereas, MSG Entertainment released multiple official statements which stated that their “adverse attorney policy” was due to the “inherently adversarial environment[s]” created by active litigation, and “the need to protect against improper disclosure and discovery”, but have lifted the policy selectively for lawyers related to active litigation involving MSG Entertainment’s potential sale of its majority stake in Tao Group Hospitality; and

Whereas, MSG Entertainment has not provided a justification for this use of FRT, or MSG’s uneven application of its own policy, that was grounded in any security concern; and

Whereas, In March 2023, the Appellate Division of the First Department overturned a lower court’s preliminary injunction blocking MSG Entertainment from enforcing their policy, holding that the civil rights law limits the remedies available to claimants to monetary compensation only, but that the civil rights law would require MSG Entertainment to admit all persons who arrive for a theatrical performance or a concert; and

Whereas, While MSG Entertainment operates multi-purpose venues that can be used to host a variety of entertainments, both the preliminary injunction and the ruling overturning the injunction excluded ‘sporting events’ from their decisions due to that not being one of the enumerated purposes protected under civil rights law; and

Whereas, Section 40-b of the New York State Civil Rights Law was originally passed to prevent theaters from barring critics from attending their shows, and does not presently include sporting events within the definition of “places of public entertainment and amusement”; and

Whereas, This phrasing seemingly allows for MSG Entertainment and other similar private entities to arbitrarily deny entry to parties they deem unsuitable; and

Whereas, New York State Senate Bill S2424, sponsored by State Senator Brad Hoylman-Sigal, would include sporting events within the definition of “places of public entertainment and amusement” within Section 40-b of the New York States Civil Rights Law, thus limiting the ability of private entities to wrongfully refuse admission to sporting events; now therefore be it,

Resolved, That the Council of the City of New York calls on the State to pass, and the Governor to sign, Senate Bill S2424, a bill that would include sporting events within the definition of places of public entertainment and amusement for purposes of prohibiting wrongful ejection or refusal of admission.

Referred to the Committee on Civil and Human Rights.

Int. No. 1145

By Council Members Hanif, Ayala, Brewer, Richardson Jordan and Cabán.

A Local Law to amend the New York city charter, in relation to reporting on emergency congregate housing

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 18-a to read as follows:

§ 18-a Report on emergency congregate housing for asylum seekers. a. Definitions. For purposes of this section, the term “emergency congregate housing” means any location operated by an agency or provider under contract or similar agreement with an agency, including large-scale locations known as humanitarian emergency response and relief centers, where individuals and families reside for more than 96 hours and such individuals and families sleep in a congregate setting with shared facilities, including but not limited to, sleeping quarters and bathrooms.

b. On or before November 1, 2023, and weekly thereafter, the mayor or the mayor’s designee shall provide to the council and post on the city’s website a report on all emergency congregate housing locations. The report shall include a table in which each separate row references a location used for emergency congregate housing.

Each such row shall include the following information, as well as any additional information the commissioner deems appropriate, set forth in separate columns:

- 1. The address and primary function of the location;*
 - 2. The capacity of emergency congregate housing at the location;*
 - 3. Demographic information of the individuals residing in emergency congregate housing at the location;*
 - 4. The number of families residing in emergency congregate housing at the location and, for each, the number of family members and the age of each family member;*
 - 5. The average length of stay in emergency congregate housing at the location, disaggregated by the average length of stay for families and the average length of stay for individuals who are not residing in emergency congregate housing with a family;*
 - 6. The number of individuals discharged from emergency congregate housing at the location, and, for each individual discharged to a known location, the type of location to which the individual is discharged;*
 - 7. The number of individuals involuntarily discharged from emergency congregate housing at each location;*
 - 8. The 5 most common reasons for involuntary discharge from emergency congregate housing at the location; and*
 - 9. Whether the emergency congregate housing at the location meets the standards set forth in parts 491 and 900 of title 18 of the New York codes, rules and regulations, regarding shelter operations, or any successor provisions, and, if it does not, the specific standards that the emergency congregate housing has failed to meet.*
- c. For any emergency congregate housing location that is identified as not meeting standards pursuant to paragraph 9 of subdivision b of this section, the mayor or the mayor's designee shall submit to the council a plan, including a timeline, to bring the emergency congregate housing into compliance. Such plan shall be submitted no more than 2 weeks after the emergency congregate housing is first identified as failing to meet standards. The mayor or the mayor's designee shall submit to the council a monthly written update detailing the steps that have been taken to bring the emergency congregate housing location into compliance.*
- d. No information that is otherwise required to be reported pursuant to this section shall be reported in a manner that would violate any applicable law relating to the privacy of individual information.*

§ 2. This local law takes effect immediately.

Referred to the Committee on General Welfare.

Int. No. 1146

By Council Member Holden (by request of the Queens Borough President).

A Local Law to amend the administrative code of the city of New York, in relation to prohibiting the use of plywood to secure vacant buildings

Be it enacted by the Council as follows:

Section 1. Section 28-216.1.2 of the administrative code of the city of New York, as amended by local law number 126 for the year 2021, is amended to read as follows:

§ 28-216.1.2. Vacant buildings. Any vacant building not continuously guarded or not sealed and kept secure against unauthorized entry shall have all openings sealed in a manner approved by the commissioner, [and it] *but the use of plywood shall be prohibited in sealing such openings. It shall be the duty of the owner thereof promptly to make any repairs that may be necessary for the purpose of keeping such building sealed and secure.*

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

Referred to the Committee on Housing and Buildings.

Int. No. 1147

By Council Members Holden and Louis (by request of the Queens Borough President).

A Local Law to amend the administrative code of the city of New York, in relation to requiring owners of vacant residential properties undergoing foreclosure to post bonds for maintenance purposes

Be it enacted by the Council as follows:

Section 1. The chapter heading of chapter 2 of title 11 of the administrative code of the city of New York is amended to read as follows:

CHAPTER 2
REAL PROPERTY ASSESSMENT, TAXATION [AND], CHARGES, AND MAINTENANCE BONDS

§ 2. Chapter 2 of title 11 of the administrative code of the city of New York is amended by adding a new subchapter 3 to read as follows:

SUBCHAPTER 3

MAINTENANCE BOND FOR VACANT RESIDENTIAL PROPERTIES UNDERGOING FORECLOSURE

§ 11-279 *Maintenance bond required.* a. An owner of a vacant residential property against which a foreclosure action has commenced shall provide to the commissioner of finance a bond in the form of cash or a letter of credit acceptable to such commissioner, in the sum of \$5,000, to secure the continued maintenance of such property free of any violations as provided for by the housing maintenance code, the New York city building code, and chapter 1 of title 16, during the entire time the vacancy exists during the course of such action as determined by the commissioner of buildings and the commissioner of finance. Such owner shall provide such bond and such owner's mailing address, and such owner may provide such owner's bank account direct deposit information, to the commissioner of finance within 45 days after the commencement of such action.

b. When such action is settled, is discontinued, is dismissed, or otherwise concludes, the commissioner of finance shall return any unused portion of the bond sum provided by such owner pursuant to subdivision a of this section to such owner upon the request of such owner. Such owner shall make such request in writing to the department of finance after such action's settlement, discontinuance, dismissal, or other conclusion and shall indicate in such request whether the department of finance should send such unused portion to such owner's mailing address or to such owner's bank account.

c. During the entire time the vacancy exists during the course of such action as determined by the commissioner of buildings and commissioner of finance pursuant to subdivision a of this section, if the commissioner of housing preservation and development determines that any such property is being maintained in violation of the housing maintenance code, the commissioner of buildings determines that any such property is being maintained in violation of the New York city building code, or the commissioner of sanitation determines that any such property is being maintained in violation of chapter 1 of title 16, then, in addition to or in lieu of any other available enforcement remedy, the commissioner of finance shall use the bond sum provided by such owner pursuant to subdivision a of this section to pay the costs of actions necessary to eliminate such violation.

d. In the event that the commissioner of finance uses a bond sum as set forth in subdivision c of this section, such commissioner shall send a written demand to such owner for restoration of such sum to the full amount referenced in subdivision a of this section, directed to such owner's mailing address provided by such owner pursuant to subdivision a of this section, within 30 days after the use of such sum. Such owner shall restore such sum to the full amount referenced in subdivision a of this section within 30 days after the date of such written demand.

e. In the event that the commissioner of finance determines that such owner has not provided a bond as required by subdivision a of this section, then, in addition to or in lieu of any other available enforcement remedy, the commissioner of finance shall send a written demand for provision of such bond directed to such owner's last known address. Such owner shall provide such bond within 30 days after the date of such written demand.

In the event the commissioner of finance determines that such owner has not restored a bond sum as required by subdivision d of this section, then, in addition to or in lieu of any other available enforcement remedy, the commissioner of finance shall send a second written demand for restoration of such sum, directed to such owner's mailing address provided by such owner pursuant to subdivision a of this section. Such owner shall restore such sum within 30 days after the date of the second written demand.

f. In the event that such owner does not provide a bond within 30 days after the date of a written demand pursuant to subdivision e of this section or does not restore a bond sum within 30 days after the date of a second written demand pursuant to such subdivision, then such owner shall be subject to a civil penalty of \$200 per day after the thirtieth day, with each day of failure to timely provide such bond or restore such sum constituting a separate additional offense.

g. This section only applies to owners of vacant residential property undergoing foreclosures that commence after the effective date of the local law that added this section.

§ 3. This local law takes effect 120 days after it becomes law, except that the commissioner of finance, commissioner of buildings, commissioner of housing preservation and development, and commissioner of sanitation shall take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

Referred to the Committee on Housing and Buildings.

Int. No. 1148

By Council Members Hudson and Hanif.

A Local Law to amend the administrative code of the city of New York, in relation to increasing the frequency of parking structure inspections

Be it enacted by the Council as follows:

Section 1. Section 28-232.3 of the administrative code of the city of New York, as added by local law number 126 for the year 2021, is amended to read as follows:

§ 28-323.3 Condition assessment. A condition assessment of a parking structure shall be conducted at periodic intervals as set forth by rule of the commissioner, provided that such a condition assessment *for each parking structure* shall be conducted at least once [every six years] *by January 1, 2028,* and after each notification of an unsafe condition. *After January 1, 2028, a condition assessment of each parking structure shall be conducted at least once every four years.* All condition assessments shall be conducted on behalf of the building owner by an approved agency.

§ 2. Section 28-323.9.1 of the administrative code of the city of New York, as added by local law number 126 for the year 2021, is amended to read as follows:

§ 28-323.9.1 Safe with repair and/or engineering monitoring assessment requirements. When the results of an initial assessment indicate a parking structure is safe with repair and/or engineering monitoring, the parking structure shall be subsequently assessed no more than [three] *two* years from the date of the initial assessment and an amended report filed with the department.

§ 3. This local law takes effect immediately.

Referred to the Committee on Housing and Buildings.

Int. No. 1149

By Council Member Kagan.

A Local Law to amend the administrative code of the city of New York, in relation to requiring street sweepers to operate with an adequate supply of water*Be it enacted by the Council as follows:*

Section 1. Section 16-112 of the administrative code of the city of New York is amended to read as follows:

§ 16-112 Flushing or washing streets; water. [Whenever] *a. For purposes of this section, the term “street sweeper” means a vehicle under the jurisdiction of the department that is equipped with a mechanical broom and a water spray system to clean streets.*

b. Unless the commissioner of environmental protection [shall determine that there is a sufficient supply of water for the purpose, such] has declared a water shortage emergency or made other determinations relating to the inadequacy of the water supply pursuant to section 1403 of the charter, the commissioner [may permit the commissioner to] shall use as much water as [may be] is necessary for the flushing or washing of the public streets, including by ensuring that all street sweepers in operation have an adequate supply of water for such purposes.

§ 2. This local law takes effect immediately.

Referred to the Committee on Sanitation and Solid Waste Management.

Int. No. 1150

By Council Members Marte, Restler, Hanif and Ossé.

A Local Law in relation to establishing a New York city freedom trail task force*Be it enacted by the Council as follows:*

Section 1. Freedom trail task force. a. Definitions. For purposes of this local law, the following terms have the following meanings:

City. The term “city” means the city of New York.

Freedom trail. The term “freedom trail” means a walkable tour of historical sites in the city associated with the abolitionist movement and Underground Railroad, including sites that have been marked and sites that remain unmarked, that are linked through unifying signage, programs, or maps.

Task force. The term “task force” means the New York city freedom trail task force established by this local law.

§ 2. Task force established. There is hereby established a task force to be known as the New York city freedom trail task force.

§ 3. Duties. The task force shall study and report on the feasibility of creating two freedom trails in the city: a freedom trail in lower Manhattan and a citywide freedom trail. The task force shall make recommendations for historical sites in lower Manhattan and citywide to be featured on such freedom trails, as well as for legislation and policy in furtherance of that objective. Those recommendations shall take into account the potential educational and cultural value of the freedom trails to persons in the city, the projected costs of implementing any recommended programs, anticipated effects on stakeholders, and any other considerations the task force deems relevant.

§ 4. Membership. a. The task force shall be composed of the following members:

1. The commissioner of cultural affairs or such commissioner’s designee, who shall serve as chair;
2. The commissioner of transportation or such commissioner’s designee;
3. The commissioner of parks and recreation or such commissioner’s designee;
4. The commissioner of small business services or such commissioner’s designee;

5. The chair of the landmarks preservation commission or such chair's designee;
6. Five members appointed by the mayor; and
7. Three members appointed by the speaker of the council.

b. Appointed members shall include academic or historical scholars and representatives of institutions, organizations, corporations, or associations that are organized or operated primarily for historical, cultural, educational, religious, or charitable purposes.

c. The mayor may invite officers and representatives of relevant federal, state, and local agencies and authorities to participate in the work of the task force.

d. All appointments required by this section shall be made no later than 90 days after the effective date of this local law.

e. Each member of the task force shall serve at the pleasure of the officer who appointed the member. In the event of a vacancy on the task force, a successor shall be appointed in the same manner as the original appointment. All members of the task force shall serve without compensation.

§ 5. Meetings. a. The chair shall convene the first meeting of the task force no later than 30 days after the last member has been appointed, except that where not all members of the task force have been appointed within the time specified in section four, the chair shall convene the first meeting of the task force within 14 days of the appointment of a quorum.

b. The task force may invite experts and stakeholders to attend its meetings and to provide testimony and information relevant to its duties.

c. The task force shall meet no less than once each quarter to carry out the duties described in section three. The task force shall hold at least two public meetings prior to submission of the report, as required by section six, to solicit public comment on the establishment of the freedom trails.

d. The meeting requirement of subdivision c shall be suspended when the task force submits its report as required by section six.

§ 6. Report. a. No later than 1 year after the effective date of this local law, the task force shall submit a report to the mayor and the speaker of the council setting forth its recommendations for legislation and policy relating to the freedom trails, including the task force's recommendations for the feasibility of establishing the freedom trails. The report shall include a summary of information the task force considered in formulating its recommendations. In formulating its recommendation the task force shall consider the following:

1. The feasibility of establishing the freedom trails;
2. Potential sites along the freedom trails;
3. Methods or systems that would be necessary to link the sites along the freedom trails;
4. The extent of coordination among relevant city agencies and organizations that would be necessary to the implementation and operation of the freedom trails; and
5. Outreach and educational materials and efforts, including technological tools, that would be necessary to support the operation of the freedom trails.

b. The commissioner of cultural affairs shall publish the task force's report electronically on the website of the department of cultural affairs no later than 14 days after its submission to the mayor and the speaker of the council.

§ 7. Agency support. Each agency affected by this local law shall provide appropriate staff and resources to support the work of such agency related to the task force.

§ 8. Termination. The task force shall terminate 180 days after the date on which it submits its report, as required by section six.

§ 9. Effective date. This local law takes effect immediately.

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

Int. No. 1151

By Council Members Menin, Restler, Brooks-Powers, Rivera, Won, Narcisse, Hanks, Louis, Hanif, Brewer, Marte, Cabán and Ung.

A Local Law to amend the administrative code of the city of New York, in relation to the installation of solar-powered crosswalks

Be it enacted by the Council as follows:

Section 1. Subchapter 3 of chapter 1 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-188.3 to read as follows:

§ 19-188.3 Solar-powered crosswalks. a. Definitions. For the purpose of this section, the following terms have the following meanings:

Crosswalk. The term “crosswalk” means that part of a roadway, whether marked or unmarked, which is included within the extension of the sidewalk lines between opposite sides of the roadway at an intersection.

Traffic control device. The term “traffic control device” means a sign, signal, marking or device not inconsistent with the vehicle and traffic law that is placed or erected by authority of a public body or official having jurisdiction for the purpose of regulating, warning or guiding traffic.

b. The department shall install at least 100 illuminated, solar-powered traffic control devices at crosswalks annually for the first 5 years following the effective date of the local law that added this section, for a total of at least 500 illuminated, solar-powered traffic control devices.

c. The department shall conduct a study regarding the efficacy of using illuminated, solar-powered traffic control devices at crosswalks. Such study shall examine, at minimum, the utility of solar-powered traffic control devices, including a comparison of their effectiveness in deterring violations of vehicle and traffic laws, rules and regulations with the effectiveness of traffic control signs at crosswalks that are not illuminated in deterring the same, identify any logistical challenges in siting such devices, and make recommendations regarding their expanded use. The department shall post on its website and submit to the speaker of the council a report of such study that contains its findings and recommendations no later than 2 years after the effective date of the local law that added this section.

§ 2. This local law takes effect immediately.

Referred to the Committee on Transportation and Infrastructure.

Res. No. 732

Resolution recognizing June 6 annually as D-Day Remembrance Day in the City of New York in honor of the courage and sacrifice of the Allied soldiers on the Normandy beaches in France.

By Council Members Menin, Holden, Hanif, Brewer and Ung.

Whereas, In the early hours of June 6, 1944, Operation Overlord began when American and British paratroopers were dropped from more than 1,200 aircraft into Normandy behind German lines on a day that would from that time forward be known as D-Day; and

Whereas, The largest naval attack ever mounted began at 5:30 a.m. when American and British battleships, cruisers, and destroyers shelled German defensive positions at the Normandy beaches for 40 minutes; and

Whereas, Sunrise saw landing vessels depositing more than 150,000 American, British, Canadian, and Free French soldiers onto five beaches along 50 miles of the Normandy coast, which was heavily defended by German soldiers and artillery; and

Whereas, American troops secured Utah Beach with paratroopers dropped behind enemy lines inland and soldiers landing on the beach about a mile off course under the command of Brigadier General Theodore Roosevelt, Jr.; and

Whereas, American troops secured Omaha Beach in the bloodiest battle of D-Day when only two of 29 amphibious tanks launched at sea actually reached the shore and thousands of soldiers met with fatal German gunfire from fortified positions above the beach; and

Whereas, Omaha Beach became a much revered and celebrated Allied victory, thanks to Army Rangers, who managed to scale the bluffs at Pointe du Hoc to disable the heavy artillery that rained bullets down on American soldiers fighting their way up the bluffs from the beach; and

Whereas, British air strikes and warships weakened German forces and allowed the British to take control of Gold Beach, the middle of the five beaches, before British soldiers pushed on to take back the village of Arromanches; and

Whereas, After Juno Beach was the site of devastatingly heavy Canadian casualties for the first hour of the battle, Canadian soldiers fought their way off the beach and then successfully progressed inland farther than either the American or British troops that day; and

Whereas, After British and Canadian airborne troops landed behind enemy lines on the eastern front just after midnight to take control of key bridges, British troops landed on Sword Beach at 7:25 a.m. and met strong German resistance in the villages, but managed to hold the beach by day's end; and

Whereas, Many Allied forces entered France after D-Day, including American soldiers' Operation Cobra, which concluded the Normandy campaign inland, and Operation Dragoon, which saw Americans land on France's Mediterranean coast in August; and

Whereas, On August 25, French and American forces finally liberated Paris, following more than four years of Nazi occupation; and

Whereas, Speaking at Pointe du Hoc atop the "unforgiving cliffs" on the 50th anniversary of D-Day, President William J. Clinton said that "we stand on sacred soil" where "a miracle of liberation began" when "democracy's forces landed to end the enslavement of Europe"; and

Whereas, President Clinton called the soldiers who landed on the beaches "the tip of [a] spear the free world had spent years sharpening, a spear they began on this morning in 1944 to plunge into the heart of the Nazi empire"; and

Whereas, President Clinton recounted how the Army Rangers' "mission was to scale these cliffs and destroy the howitzers at the top that threatened every Allied soldier and ship within miles," how they "fired grappling hooks onto the cliff tops," how they "waded to shore" and "began to climb up on ropes slick with sea and sand, up, as the Germans shot down and tried to cut [the] lines, up sometimes holding to the cliffs with nothing but the knives [they] had and [their] own bare hands"; and

Whereas, President Clinton concluded that "the mission of freedom goes on," "the battle continues," and the " 'longest day' is not yet over"; and

Whereas, Speaking in Normandy on the 65th anniversary of D-Day, President Barack Obama noted that the odds of D-Day's success had not been good, given the many ways that Adolf Hitler had ordered the Atlantic Wall fortified against an invasion, with heavy artillery on the cliffs, flooded lowlands, mines on the shore and in the water, and more; and

Whereas, President Obama continued that, in spite of those odds, victory was won and that, D-Day was a moment that led to all the Allied achievements which followed, or as President Lyndon B. Johnson once said, "history and fate [met] at a single time in a single place to shape a turning point in man's unending search for freedom"; and

Whereas, President Obama concluded that "as we faced down the hardships and struggles of our time and arrive at that hour for which we were born, we cannot help but draw strength from those moments in history when the best among us were somehow able to swallow their fears and secure a beachhead on an unforgiving shore"; and

Whereas, In Proclamation 9319, President Obama declared June 6, 2014, as D-Day National Remembrance Day, and noted that "D-Day dealt a significant blow to an ideology fueled by hate" and that it "allowed America and our allies to secure a foothold in France, open a path to Berlin, and liberate a continent from the grip of tyranny"; and

Whereas, President Obama in his proclamation called "upon all Americans to observe this day with programs, ceremonies, and activities that honor those who fought and died so men and women they had never met might know what it is to be free"; and

Whereas, The rows and rows of graves marked by white crosses and Stars of David of 9,386 Americans, most of whom died on the Normandy beaches and in the ensuing campaign, are forever honored at the Normandy American Cemetery and Memorial in Colleville-sur-Mer, on the site of the temporary cemetery established by the U.S. First Army on June 8, 1944; and

Whereas, June 6, 2024, marks the 80th anniversary of D-Day and all that it came to mean to free nations in Europe; now, therefore, be it

Resolved, That the Council of the City of New York recognizes June 6 annually as D-Day Remembrance Day in the City of New York in honor of the courage and sacrifice of the Allied soldiers on the Normandy beaches in France.

Referred to the Committee on Veterans.

Int. No. 1152

By Council Members Nurse, Cabán, Farías, Hanif, Richardson Jordan and Marte.

A Local Law to amend the New York city charter, in relation to requiring the office of urban agriculture to create and implement a plan to convert unused industrial areas to urban agriculture sites

Be it enacted by the Council as follows:

Section 1. Subdivision c of section 20-a of the New York city charter is amended by adding a new paragraph 7 to read as follows:

7. *No later than January 1, 2026, create a plan, in cooperation with relevant agencies and stakeholders, including but not limited to the office of food policy, the office of urban agriculture, the economic development corporation, the department of consumer and worker protection, the department of small business services, and urban agriculture community organizations, to be utilized in converting unused and underutilized industrial areas in each borough into means of ensuring local food resiliency. The plan shall include a preamble that addresses the long-term benefits of food resiliency, including but not limited to public health, community resilience, and employment opportunities. The plan shall address, but need not be limited to, the following issues related to food resiliency: (i) identifying city-owned, economic development corporation-owned or privately owned industrial areas in each of the five boroughs that are unused or underutilized and facilitating or funding means to convert the sites to hydroponic farming, urban farming, aquaponics, rooftop farming, food production, food distribution, food storage or food hubs, (ii) implementing means of ensuring industrial areas repurposed for food resiliency efforts are protected from environmental dangers, including but not limited to natural disasters, rising sea levels or pollutants, (iii) creating programs that incentivize local community organizations and minority- and women-owned businesses that assist in the creation or daily operation of converted sites, including programs that support the long-term affordability of operating such converted sites, (iv) for sites that are converted to a food production purpose, developing partnerships with local food networks to ensure distribution to low-income communities within New York city, (v) for sites that are converted to a food storage purpose, developing partnerships with farms located within New York state. For purposes of this paragraph, the term “economic development corporation” includes any successor local development corporation or other not-for-profit corporation, a majority of whose members are appointed by the mayor, that contracts with the city to provide or administer economic development benefits on behalf of the city and expends city capital appropriations in connection therewith.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Economic Development.

Int. No. 1153

By Council Members Nurse, Hanif, Ossé, Restler, Cabán, Ayala and Richardson Jordan.

A Local Law to amend the administrative code of the city of New York, in relation to requiring monthly reports on removals of individuals experiencing homelessness and the outcomes for those individuals

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 21 the administrative code of the city of New York is amended by adding a new section 21-152 to read as follows:

§ 21-152 *Reports on removals of individuals experiencing homelessness. a. Definitions. For purposes of this section, the following terms have the following meanings:*

Agency removal. The term “agency removal” means a removal by or on behalf of any agency or agencies or a removal where an agency representative was present, except that such term does not include a police-directed removal.

Police-directed removal. The term “police-directed removal” means a removal by an employee of the police department without coordination with another agency or entity.

Removal. The term “removal” means an action or directive which results in an individual perceived as experiencing homelessness temporarily or permanently leaving a location, including the clearing of personal property such as a sleeping bag, shelter, tarp, tent, bed, cardboard, metal sheeting, furniture, or other such objects.

Robot. The term “robot” means an artificial object or system that senses, processes and acts, to at least some degree, and is operated either autonomously by computers or by an individual remotely. The term does not include unmanned aerial vehicles.

Shelter. The term “shelter” means a building, or individual units within a building, used by the department or by a provider under contract or similar agreement with the department to provide temporary emergency housing.

b. No later than 1 month after the effective date of the local law that added this section, and monthly thereafter, the commissioner, in consultation with the police commissioner, the commissioner of sanitation, and the commissioner of parks and recreation, shall submit to the speaker of the council, the public advocate, and the mayor and publish on the department’s website, in a machine readable format, a report on removals. The report shall include a table in which each row references a unique occurrence of a removal. Each such row shall include the following information and any additional information the commissioner deems appropriate, set forth in separate columns:

- 1. A unique identification number for such removal;*
- 2. Whether the removal was an agency removal or a police-directed removal;*
- 3. The council district where the removal occurred;*
- 4. Whether or not there has been a sweep at that location previously;*
- 5. The source of initiation for the removal, including but not limited to requests by an agency, office, organization, or 311 report;*
- 6. The date and time of the start of the removal;*
- 7. The agencies and divisions within agencies with personnel present for the removal;*
- 8. The non-government entities present for the removal;*
- 9. The number of agency personnel present and total hours spent on the removal by personnel, disaggregated by agency;*
- 10. The number of individuals perceived as experiencing homelessness affected by the removal; and*
- 11. The total cost of the removal, as calculated by the sum of the cost for all agencies present, where the cost for each agency is the average yearly salary of the personnel present divided by the average number of hours personnel work in a year multiplied by the number of personnel present at the removal multiplied by the total hours spent by such personnel at the removal, the average overtime hourly pay of the personnel present multiplied by the number of hours of overtime worked by such personnel at the removal, and the estimated cost of any specialized equipment used at the removal, including unmanned aerial vehicles and robots, as calculated*

by sum of the total ownership costs and operating costs to the agency for the equipment divided by the average annual hours of equipment usage multiplied by the number of hours used by personnel at the removal.

c. No later than 1 month after the effective date of the local law that added this section, and monthly thereafter, the commissioner shall submit to the speaker of the council, the public advocate, and the mayor and publish on the department's website, in a machine readable format, a report on the outcomes for individuals experiencing homelessness who were subject to an agency removal or police-directed removal. Such report shall include a table in which each row references a unique occurrence of a removal. Each such row shall include the following information, as well as any additional information the commissioner deems appropriate, set forth in separate columns:

- (1) A reference to the unique removal identification number as reported in subdivision b of this section;
- (2) The council district where the removal occurred;
- (3) The number of individuals affected by the removal;
- (4) The number of individuals affected by the removal who were offered housing vouchers;
- (5) The number of individuals affected by the removal who were offered housing voucher applications;
- (6) The number of individuals affected by the removal who were offered direct permanent housing placements;
- (7) The number of individuals affected by the removal who were offered supportive housing;
- (8) Any housing services not listed in paragraphs 4 to 7 of this subdivision offered to an individual affected by the removal;
- (9) The number of individuals affected by the removal who were detained involuntarily and brought to a hospital for a mental health evaluation, if any; and
- (10) The number of individuals affected by the removal who were arrested, if any.

d. The reports required by subdivisions b and c of this section shall include a data dictionary.

e. Except as otherwise expressly provided in this section, no report required by subdivision b or c of this section shall contain personally identifiable information.

f. No information that is otherwise required to be reported pursuant to this section shall be reported in a manner that would violate any applicable provision of federal, state, or local law relating to the privacy of information.

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

Referred to the Committee on General Welfare.

Int. No. 1154

By Council Members Nurse, Farías, Joseph, Louis, Restler, Hanif, Richardson Jordan, Marte and Cabán.

A Local Law to amend the New York city charter, in relation to a long-term citywide bathroom strategy

Be it enacted by the Council as follows:

Section 1. Chapter 8 of the New York city charter is amended by adding a new section 207 to read as follows:

§ 207. *Citywide bathroom strategy. a. Definitions. For the purposes of this section, the following terms have the following meanings:*

Accessible. The term "accessible" means a facility that complies with the Americans with Disabilities Act, chapter 126 of title 42 of the United States code, and any standards or regulations promulgated thereunder, and any additional applicable federal, state, and local laws relating to accessibility for persons with disabilities.

Departments. The term "departments" means the department of city planning, the office of operations established pursuant to section 15, the department of parks and recreation, the department of transportation, the department of citywide administrative services, the department of small business services, the department of design and construction, the department of environmental protection, and the office of management and budget.

Public bathroom. The term "public bathroom" means a bathroom facility open to the public as a matter of law or policy, containing one or more toilets and one or more washbasins, including those located on land

owned by the city, those operated or maintained by an agency, and those owned, operated, or maintained by a private entity for public use.

Target ratio. The term “target ratio” means 1 toilet per 2,000 city residents, where such toilet is located in a public bathroom.

Underserved area. The term “underserved area” means an area of the city that has insufficient access to public bathrooms, whether because of a lack of public bathrooms or limited opening hours of existing public bathrooms, relative to localized needs, as determined by population density, estimated daily foot traffic, public transportation routes, equity concerns in relation to gender, ethnicity and race, physical and mental health, age, disability, socioeconomic status, and other relevant factors as determined by the departments.

b. Not later than the September 1, 2024 and every fourth year thereafter, the chief public realm officer as established pursuant to executive order number 27 of 2023, as amended, or any successor office or officer, the department of city planning, and the office of operations established pursuant to section 15 shall coordinate with the department of parks and recreation, the department of transportation, the department of citywide administrative services, the department of small business services, the department of design and construction, the department of environmental protection, the office of management and budget, and the department of sanitation to file with the mayor, the speaker of the council, the public advocate, the borough presidents, and the community boards a joint strategic planning report for establishing and maintaining a citywide public bathroom network. In developing the strategic planning report, the departments shall also consult with a contracted entity as defined in section 22-821 of the administrative code. The report shall include, but need not be limited to, the following components:

1. A statement of a joint strategic planning policy for the departments with respect to the expansion and maintenance of the public bathroom network to reach the city’s target ratio, which shall take into consideration, among other things:

(a) Relevant city strategies and plans including the 10-year capital strategy, the 4-year capital plan, the strategic policy statements provided for in section 17, and plans approved pursuant to section 197-a;

(b) The distribution of existing and planned public bathrooms, including in relation to underserved areas; and

(c) The opening hours, accessibility, conditions, design features, and public awareness of existing public bathrooms, including in relation to underserved areas;

2. A proposed 10-year capital strategy that would enable the city to meet the target ratio by January 1, 2035, and to maintain the target ratio after that date, taking into account the city’s projected population growth;

3. Recommendations for legislative or policy changes that would enable the city to meet and maintain the target ratio, taking into account cost and time efficiencies, equity considerations, and interagency coordination needs;

4. Recommendations for types of sites or facilities, whether publicly or privately owned, that could be adapted, acquired, or leased by the city, or regulations or policies that could be amended, consistent with the considerations enumerated in paragraph 1 of this subdivision, to allow for the building, retrofitting, or opening of bathroom facilities to the public in sufficient quantity to meet the target ratio by January 1, 2035, including an estimate of the number of public bathrooms that each type of site or facility could be expected to yield citywide. The recommendations need not include specific site proposals, but must take into consideration, at a minimum, the following types of sites or facilities and any anticipated implementation challenges with respect to each type:

(a) Existing and planned bathrooms in city-owned or operated buildings that could be converted to public use, or the potential to acquire new city facilities that have publicly accessible bathroom facilities;

(b) Existing and planned bathroom facilities located on privately owned properties that could be converted to public use through public-private partnerships or programs;

(c) Potential sites for bathroom construction identified pursuant to local law number 114 for the year 2022, as may be amended from time to time, taking into account any challenges identified pursuant to paragraphs 4 and 5 of subdivision b of section 1 of that local law, and other potential sites for bathroom construction on publicly owned or funded properties or facilities that are or could be made accessible to the public, such as parking structures, storage facilities, or other public infrastructure that the departments deem suitable;

(d) Existing and planned bathrooms, or potential bathroom sites, in or near commercial or other privately owned or managed spaces, where such spaces are open to public use, including but not limited to privately

owned public spaces as defined in section 25-114 of the administrative code, business improvement districts as defined in chapter 4 of the administrative code, public plazas as defined in section 19-157 of the administrative code, and other such spaces that the departments deem suitable;

(e) Existing, planned, or potential developments managed by a contracted entity, as defined in section 22-821 of the administrative code, that could accommodate public bathrooms;

(f) Any other types of sites or facilities that the departments deem suitable pursuant to current law and policy or any recommended changes thereto;

5. One or more design models for a modular bathroom facility that complies with city zoning and construction requirements across a variety of site-specific needs, including for accessibility and cost feasibility, as well as recommendations for when and how the approval and installation of such facilities may be streamlined;

6. A map of existing and planned public bathroom facilities, to be posted on the websites of the departments of city planning, transportation, citywide administrative services, and small business services, and to include the following information for each facility:

(a) Current, seasonal, or planned hours of operation;

(b) The extent to which the facility and toilet stalls are accessible;

(c) The agency or other entity responsible or to be responsible for maintenance;

(d) Where relevant, the date by which each planned bathroom facility is to be opened to the public; and

(e) For city-run facilities, and to the extent such information may be reasonably obtained, for privately run facilities, other features of the facility, such as changing tables, lockers, showers, access to gender neutral facilities, and proximity to bicycle parking; and

7. Proposals for implementing the coordinated planning policy, including but not limited to, amendment of the zoning resolution, development of plans, and coordination with private entities or additional agencies.

§ 2. This local law takes effect immediately.

Referred to the Committee on Governmental Operations.

Int. No. 1155

By the Public Advocate (Mr. Williams) and Council Members Dinowitz, Louis, Hanif, Brewer and Richardson Jordan.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the 311 customer service center to accept requests for service and complaints using video call functionality

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 23-311 to read as follows:

§ 23-311 *Service requests or complaints; video functions.* a. The commissioner of information technology and telecommunications shall ensure that any website or mobile device application used by the 311 customer service center for the intake of 311 requests from the public is capable of video call functionality in connection with all requests for service and complaints.

b. Any video call taken pursuant to this section shall have the ability to be displayed with communication access real-time translation or similar captioning in English and, upon request and if technically feasible, each of the designated citywide languages as defined in section 23-1101. At all times the 311 customer service center shall have at least 3 call takers fluent in American Sign Language available for such video calls.

c. If the 311 customer service center records a video call in which a request for service or complaint was made, the department shall make such recording or a transcript thereof available to inspectors or other appropriate employees or contractors of relevant agencies. Such recordings or transcripts shall be kept in accordance with any applicable data retention policies of the department of information technology and telecommunications.

d. This section shall not be construed to require the 311 customer service center to record a video call in which a request for service or complaint is made, nor to prohibit such center from accepting a request for service or complaint by means other than a video call, at the requestor’s or complainant’s option.

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

Referred to the Committee on Technology.

Int. No. 1156

By Council Members Restler, Brewer, Louis, Hanif, Richardson Jordan, Marte and Krishnan.

A Local Law to amend the administrative code of the city of New York, in relation to prohibiting ice cream trucks from using generators or engines powered by carbon-based fuel to provide electricity for food equipment

Be it enacted by the Council as follows:

Section 1. Subchapter 7 of chapter 1 of title 24 of the administrative code of the city of New York is amended by adding a new section 24-163.13 to read as follows:

§ 24-163.13 *Ice cream trucks. a. Definitions. For the purposes of this section, the following terms have the following meanings:*

Food equipment. The term “food equipment” means an ice cream truck’s freezer, refrigeration unit, soft serve machine, and any other equipment necessary to serve food from an ice cream truck.

Ice cream truck. The term “ice cream truck” means any vehicle from which ice cream and other frozen desserts are sold or offered for sale to the public.

b. No ice cream truck operating in the city may use a generator or engine that is powered by any carbon-based fuel to provide electrical power for food equipment.

§ 2. This local law takes effect 3 years after it becomes law.

Referred to the Committee on Environmental Protection, Resiliency and Waterfronts.

Int. No. 1157

By Council Members Riley, Louis, Restler and Krishnan.

A Local Law in relation to renaming a park in the Borough of the Bronx, Marcus Garvey Square, and to amend the official map of the city of New York accordingly

Be it enacted by the Council as follows:

Section 1. The following park name, in the Borough of the Bronx, is hereby renamed as hereafter indicated.

New Name	Present Name	Limits
Marcus Garvey Square	Williamsbridge Square	An existing park located on White Plains Road, between East 212 Street and Magenta Street.

§2. The official map of the city of New York shall be amended in accordance with the provisions of section

one of this local law.

§3. This local law shall take effect immediately.

Referred to the Committee on Parks and Recreation.

Int. No. 1158

By Council Members Riley, Louis, Hanif and Brewer.

A Local Law to amend the administrative code of the city of New York, in relation to accessibility for the deaf, hard of hearing, or deaf-blind community in the implementation of text-to-911

Be it enacted by the Council as follows:

Section 1. Subdivision (b) of section 10-174 of the administrative code of the city of New York, as added by local law number 78 of 2016, is amended to read as follows:

(b) By no later than six months after the end of each fiscal year, the commissioner, in consultation with the police commissioner and fire commissioner, shall issue to the mayor and the council, and make publicly available online, a report on the implementation of next generation 911 within the 911 emergency assistance system. Such report shall contain (i) a description of the current implementation plan, including planned next steps, (ii) a description of steps taken towards implementation since the prior report, (iii) a description of the feasibility of implementing a 911 text message transmission capability before full implementation of next generation 911, (iv) *a description of any outreach efforts to hire or retain experts on accessibility for the deaf, hard of hearing, or deaf-blind community*, (v) *information on any deaf, hard of hearing, or deaf-blind accessibility subject matter experts hired or retained to assist in implementing next generation 911*, (vi) *a description of the public education plans for informing persons who are deaf, hard of hearing, or deaf-blind on the availability of next generation 911, including 911 text message transmission capability* and [(iv)] (vii) any other information the commissioner deems relevant.

§ 2. This local law takes effect immediately and is deemed repealed six months after the final report required by subdivision c of section 10-174 of the administrative code of the city of New York.

Referred to the Committee on Technology.

Preconsidered L.U. No. 247

By Council Member Salamanca:

Application number N 230353 HKK (Linden Street Historic District, DL-531/LP-2665) submitted by the Landmarks Preservation Commission, pursuant to the provisions of Section 3020 of the Charter of the City of New York and Chapter 3 of Title 25 of the Administrative Code of the City of New York, for the historic district designation of the Linden Street Historic District, Borough of Brooklyn, Community District 4, Council District 34.

Adopted by the Council (preconsidered and approved by the Committee on Land Use and the Subcommittee on Landmarks, Public Sitings and Dispositions).

Preconsidered L.U. No. 248

By Council Member Salamanca:

Application number N 230362 HIM ((Former) Colored School No. 4, DL-532/LP-2659) submitted by the Landmarks Preservation Commission, pursuant to the provisions Section 3020 of the Charter of the City of New York and Chapter 3 of Title 25 of the Administrative Code of the City of New York, for the designation of the (Former) Colored School No. 4, located at 128 West 17th Street (Tax Map Block 792, Lot 53), Borough of Manhattan, Community District 4, Council District 3.

Adopted by the Council (preconsidered and approved by the Committee on Land Use and the Subcommittee on Landmarks, Public Sitings and Dispositions).

Preconsidered L.U. No. 249

By Council Member Salamanca:

Application number G 230029 SCQ (Approximately 696-Seat Primary School Facility) pursuant to Section 1732 of the New York School Construction Authority Act, concerning the proposed site selection for a new, approximately 696-seat primary school facility, located at 120-08 Jamaica Avenue (Block 9330, Lots 1, 8, 10, and 12), Borough of Queens, Community District 9, Council District 29, Community School District 27.

Adopted by the Council (preconsidered and approved by the Committee on Land Use and the Subcommittee on Landmarks, Public Sitings and Dispositions).

L.U. No. 250

By Council Member Salamanca:

Application number C 220334 ZMX (893 Eagle Avenue Rezoning) submitted by the Housing Options and Geriatric Association Resources, Inc., pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 6c, changing from an R6 District to a R7-2 District, Borough of the Bronx, Community District 3, Council District 17.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 251

By Council Member Salamanca:

Application number N 220335 ZRX (893 Eagle Avenue Rezoning) submitted by Housing Options and Geriatric Association Resources, Inc. (H.O.G.A.R., Inc.), pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of the Bronx, Community District 3, Council District 17.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 252

By Council Member Salamanca:

Application number C 220336 ZSX (893 Eagle Avenue Rezoning) submitted by the Housing Options and Geriatric Association Resources, Inc., pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-903 of the Zoning Resolution to modify the requirements of 24-111 (Maximum Floor Area Ratio for Certain Community Facility Uses) to permit the allowable community facility floor area ratio of Section 24-11 (Maximum Floor Area Ratio and Percentage of Lot Coverage) to apply to a non-profit institution with sleeping accommodations, in connection with a proposed 11-story building on property located at 893 Eagle Avenue (Block 2620, Lots 49, 50, 52 & 56), in an R7-2* District, Borough of the Bronx, Community District 3, Council District 17.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 253

By Council Member Salamanca:

Application number C 230117 ZMK (1233 57th Street Rezoning) submitted by 1233-57 St., LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 22c, by changing from an R5 District to an R6A District, Borough of Brooklyn, Community District 12, Council District 44.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 254

By Council Member Salamanca:

Application number N 230118 ZRK (1233 57th Street Rezoning) submitted by 1233-57 St., LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of Brooklyn, Community District 12, Council District 44.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

[NEW YORK CITY COUNCIL](#)

A N N O U N C E M E N T S

Thursday, August 10, 2023

[Subcommittee on Zoning & Franchises](#) Kevin C. Riley, Chairperson
See Land Use Calendar
Committee Room – 250 Broadway, 14th Floor.....11:00 a.m.

[Committee on General Welfare](#) jointly with the Diana I. Ayala, Chairperson
[Committee on Immigration](#) Shahana K. Hanif, Chairperson
Oversight – The Mayor's 60-day Shelter Stay Limit for Adult Migrants.
Council Chambers – City Hall.....1:00 p.m.

Thursday, August 17, 2023

[Committee on Transportation and Infrastructure](#) Selvena N. Brooks-Powers, Chairperson
Oversight – Congestion Pricing and the MTA’s Fiscal Future.
Council Chambers – City Hall.....10:00 a.m.

Monday, August 28, 2023

[Subcommittee on Zoning & Franchises](#) Kevin C. Riley, Chairperson
See Land Use Calendar
Committee Room – 250 Broadway, 14th Floor.....1:00 p.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 – 250 Broadway, 14th Floor.....3:30 p.m.

Wednesday, September 6, 2023

[Committee on Consumer and Worker Protection](#) Marjorie Velázquez, Chairperson
Int 995 - By Council Members Menin, Velázquez, Powers, Ung, Bottcher, Riley, Feliz, Ayala, Farías, Marte, Dinowitz, Gennaro, Joseph, Brannan, Louis, Hudson, Schulman, Williams, Moya, Brooks-Powers, Salamanca, Ossé, Lee, Richardson Jordan, Hanks, Narcisse, Krishnan, Holden, Restler, Sanchez, Ariola, Vernikov, Carr, Paladino and Kagan - **A Local Law** to amend the administrative code of the city of New York, in relation to the creation of a public awareness campaign on the dangers of purchasing cannabis or cannabis products from unlicensed cannabis retailers.
Int 1010 - By Council Members Brewer, Louis, Yeger, Farías, Hanif, Hudson, Ung, Lee, Holden, Brooks-Powers, Feliz, Ossé, Bottcher, Powers, Williams, Krishnan, Avilés, Ariola and Carr - **A Local Law** to amend the administrative code of the city of New York, in relation to adding a 311 complaint category for unlicensed cannabis retailers.
Council Chambers – City Hall.....10:00 a.m.

Thursday, September 7, 2023

Committee on Mental Health, Disabilities & Addiction

Linda Lee, Chairperson

Int 946 - By Council Members Hudson, Lee, Yeger, Louis, Richardson Jordan, Abreu, Farías, De La Rosa, Schulman, Holden, Riley, Ung, Marte, Narcisse, Dinowitz, Ossé, Barron, Avilés, Nurse, Won, Cabán, Krishnan, Joseph, Hanks, Menin, Moya, Gutiérrez, Brannan, Sanchez, Brooks-Powers, Gennaro, Williams, Brewer, Velázquez, Hanif, Powers, Bottcher, Paladino and Kagan - **A Local Law** to amend the administrative code of the city of New York, in relation to creating a mental health coordinator to inform city employees about mental health support and services.

Council Chambers – City Hall.....10:00 a.m.

Tuesday, September 12, 2023

Committee on Housing and Buildings

Pierina Ana Sanchez, Chairperson

Oversight – Affordable Housing Development Pipeline.

Int 362 - By Council Members Salamanca, Louis, Hanif, Ayala, Restler, Abreu, Richardson Jordan, Sanchez and Riley - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring the department of housing preservation and development to report on the disposition of city property for affordable housing development.

Int 1031 - By The Speaker (Council Member Adams) and Council Members Sanchez, Salamanca, Riley, Louis, Ayala, Powers, Abreu, Avilés, Bottcher, Cabán, De La Rosa, Dinowitz, Farías, Feliz, Gennaro, Gutiérrez, Hanif, Hudson, Joseph, Krishnan, Mealy, Menin, Moya, Narcisse, Nurse, Ossé, Restler, Rivera, Stevens, Ung, Velázquez, Williams, Won and Brewer - **A Local Law** to amend the New York city charter, in relation to a fair housing plan, and to repeal local law number 133 for the year 2018, in relation to affordable housing plans.

Council Chambers – City Hall.....1:00 p.m.

Committee on Transportation and Infrastructure

Selvena N. Brooks-Powers, Chairperson

Int 885 - By Council Members Narcisse, Yeger, Riley, Dinowitz, Hanks, Williams, De La Rosa, Brooks-Powers, Feliz, Menin, Velázquez, Stevens, Powers, Louis, Farías, Joseph, Barron, Richardson Jordan, Cabán, Brannan, Ung, Moya, Sanchez, Ossé, Ayala, Avilés, Abreu, Holden, Salamanca, Nurse, Hudson, Schulman, Brewer, Gutiérrez, Gennaro, Won, Marte, Vernikov, Borelli, Ariola, Paladino, Carr, Kagan and the Public Advocate (Mr. Williams) - **A Local Law** to amend the administrative code of the city of New York, in relation to the automatic waiver of certain additional penalties for a parking violation if a vehicle owner responds to a notice of violation between forty-five and ninety days of its issuance.

Committee Room – City Hall.....1:00 p.m.

Thursday, September 14, 2023

Stated Council Meeting

Council Chambers – City Hall.....Agenda – 1:30 p.m.

The following comments were among the remarks made by the Speaker (Council Member Adams) during the Communication from the Speaker segment of this meeting:

The Speaker (Council Member Adams) asked for a moment to remember the life of a New Yorker who died while on the job: Bernard Gonzalez Perez, 63, who was a supermarket worker in Council Member Abreu's district, died on July 11, 2023 a few days after being beaten while sweeping the sidewalk.

The Speaker (Council Member Adams) also acknowledged the deaths of the following individuals: Police Officer Alexis Martinez, 26, lost his life on August 2, 2023 in the Soundview neighborhood of the Bronx; Isa Sanchez Tello, 44, a pregnant mother of three children, died on July 4, 2023 from injuries suffered in an apartment fire which had taken place a few days before in Council Member Vernikov's district; Mildred Montesino, 59, a mother and grandmother who raised her two children and six grandchildren in Brooklyn, died in a house fire on July 22, 2023 in Majority Whip Brooks-Powers' district; and John Castic, 27, who was found dead in the Newtown Creek on August 1, 2023 in Council Member Gutierrez's district – his death came more than a month after the body of 27-year old Karl Clemente was found in the same creek after he was last seen leaving the Brooklyn Mirage club.

The Speaker (Council Member Adams) acknowledged the death of 28-year old O'Shea Sibley. Mr. Sibley was killed on July 29, 2023 after dancing at a Brooklyn gas station. She noted that Mr. Sibley and his friends had been targeted for being gay and for openly expressing themselves in a public space. She added that this violent incident could not be detached from the climate of discriminatory and hateful rhetoric experienced by the LGBTQIA+ communities throughout the city and the nation. The Speaker (Council Member Adams) urged that everyone must work together to ensure that all are safe in the expression of their full identities without the fear or threat of violence.

On behalf of the Council, the Speaker (Council Member Adams) offered her thoughts and condolences to the families of the deceased individuals mentioned in the paragraphs above.

* * *

Whereupon on motion of the Speaker (Council Member Adams), the Majority Leader and Acting President Pro Tempore (Council Member Powers) adjourned these proceedings to meet again for the Stated Meeting of Thursday, September 14, 2023.

MICHAEL M. McSWEENEY, City Clerk
Clerk of the Council

Editor's Note: For the transcript of these proceedings, please refer to the respective attachment section of items introduced or adopted at this Stated Meeting of August 3, 2023 on the New York City Council website at <https://council.nyc.gov>.

Editor's Local Law Note: Int. Nos. 229-A, 878-A, 893-A, and 894-A were re-adopted by the Council at this July 13, 2023 Stated Meeting and were all thereby enacted into law by the Council's override of the Mayor's vetoes of June 23, 2023. Int. Nos. 229-A, 878-A, 893-A, and 894-A were subsequently assigned as, respectively, Local Law Nos. 99 to 102 of 2023.

Int. Nos. 7-A, 227-A, 561-B, 706-A, 1001-B, 1006-A, 1051-B, and Preconsidered Int. No. 1102-A, adopted at the June 22, 2023 Stated Meeting, were returned unsigned by the Mayor on July 25, 2023. These items had become law on July 23, 2023 due to the lack of Mayoral action within the Charter-prescribed thirty day time period. These bills were assigned subsequently as Local Laws Nos. 103 to 110 of 2023, respectively,

